



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Harry McMaster Tickell Waugh**

TITLE OF COURT: Coroner's Court

JURISDICTION: Brisbane

FILE NO(s): 2013/3952

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FINDINGS OF: Christine Clements, Brisbane Coroner

CATCHWORDS: CORONERS: Inquest – Death of a three year old due to reversing vehicle, rural situation, limitation of reverse camera view, use of child car restraints recommended in off road situations

REPRESENTATION:

Counsel Assisting:	Dr A Marinac, Office of the State Coroner
Mrs Georgina Waugh Robertson:	Mr Alan MacSporran QC, i/b Fox & Thomas Business Lawyers
Mr Russell Tickell and Mrs Rebecca Tickell:	Mr Adrian Braithwaite of Counsel, i/b Gilshenan & Luton Legal Practice

Introduction

Harry McMaster Tickell Waugh was born on 9 September 2010 at Toowoomba, Queensland. He died on a rural property at Orkadilla Station, Winneba Road, Morven in Queensland on 4 November 2013. He was three years of age at the time of his death. Harry died after being run over by a reversing Landcruiser station wagon which caused traumatic head injuries including fractures and crushing injury.

Harry's parents are Georgina Margot Waugh Robertson, and Russell Craig Tickell. They were previously a couple but had separated prior to Harry's birth. By the time of Harry's death, Russell Tickell was married to Rebecca Rolfe. Georgina Waugh subsequently married James Robertson.

Harry lived with his mother Georgina in a cottage on Georgina's parents' rural property, 'Bybera'. Harry also spent time with his father Russell and his wife Rebecca and their extended family.

It was evident that Harry was a much loved child who brought joy to his parents and their respective partners and extended families. His death was a shocking tragedy which has devastated the extended family units.

Inquest

An inquest was convened to make findings required by the *Coroners Act 2003* establishing who, how, when, where and what caused the person to die. Additionally, issues identified included–

1. Whether children should be restrained when in moving motor vehicles which are not on roads
2. The extent to which drivers should rely on reversing cameras to establish that there are no persons behind their vehicle
3. Issues relating to the general safety of children in the vicinity of reversing motor vehicles.

It is important to state that the coroner must not include in the findings any statement that a person is, or may be–

- (a) guilty of an offence; or
- (b) civilly liable for something.¹

The coroner may however, whenever appropriate, comment on anything connected with a death that relates to–

- (a) public health or safety; or
- (b) the administration of justice; or
- (c) ways to prevent deaths from happening in similar circumstances in the future.

¹ s45(5)

The coroner must not include in the comments any statement that a person is, or may be–

- (a) guilty of an offence; or
- (b) civilly liable for something.²

The incident

Harry had been staying with Russell and Rebecca Tickell at Orkadilla for several days. He was due to return to his mother Georgina Robertson on 4 November 2013. Due to Russell's arrangements for a job carting machinery it was Rebecca who was to drive Harry back to St George to his mother. Rebecca had to refuel the vehicle prior to the trip and it was immediately after this that the incident occurred.

Rebecca was directed at the inquest to provide her answers to questions concerning what occurred the day Harry died. This was in accordance with her right to refuse to give oral evidence that could tend to incriminate her. Pursuant to s. 39 of the Coroners Act she was directed to give evidence, including the adoption of her previously sworn statement provided to the investigating police officer.

Rebecca confirmed –

'The car was parked out in front of the house and Harry was in his car seat in the back seat but he wasn't strapped in, he could undo the straps anyway. I drove over to the fuel tank to fill the car up with diesel, the tank is a mobile fuel tank on wheels. I intended on going over to mum's house, which is less than a kilometre away on Orkadilla, after I filled the car to have a coffee with her before I left so Harry could say goodbye to her.'

Rebecca confirmed that Harry spent a lot of time in and around vehicles whilst on the Orkadilla property. She confirmed that this included bulldozers, utilities, tractors and that, unless the vehicle was travelling off the property onto public roads, he would often not be wearing a seat belt or using the child restraint seat. When travelling around the property itself in the Landcruiser he may not be in the child restraint seat unless they were travelling a long distance on the property. She also confirmed that to her knowledge Harry could undo the child restraint. If this occurred they would stop the car immediately and put it back on. She said therefore she thought Harry understood that he was expected to stay in the car seat.

However, she could not say what Harry thought when sometimes he was placed in the car seat restraint and sometimes he was not secured.

Rebecca confirmed that on the day he died she had not placed him in the child restraint when she left the house. She said they were only going a

² s 46(1) & (3)

short distance to her mother's home and normally they would not strap him in for that distance. She said he would also unbuckle himself. The distance to her mother's house was less than one kilometre.

She described the road surface between the two houses as having a bend in it and five drains. This meant that you had to drive slowly otherwise the rise and fall in the road would cause bumps.

Rebecca confirmed that she first proceeded to the fuel tank which was only some 50 metres away from the house. She got out of the car but left the vehicle running in the park position. She said it was a hot day and she left the ignition on to keep the air conditioner running to keep Harry cool.

Although Harry was not secured in his child restraint seat, the car was in park and she thought the child locks on the vehicle doors in the back of the car were in the lock position.

She said this was always the case when they had Harry to stay with them. They made sure that the child locks were on when they picked Harry up for a visit.

On this occasion Harry had been with them for a few days, possibly four. During that period only Russell and Rebecca had driven the vehicle. However, on the Saturday they had attended a funeral and had an adult rear seat passenger in the vehicle. It was possible the child lock on the door had been flicked off and she confirmed that she did not check the lock on 4 November 2013. She assumed it was still on.

She could not give any other reason why she had not checked other than her assumption.

When she arrived at the fuel tank she asked Harry if he wanted to get out and he said no. She said she remembered she then told him to stay in the car because she was going to fill the car up with fuel.

To do so she had to turn a lever on and then wind the bowser which made a noise. This was in addition to the sound of the engine running with the air conditioner operating.

To operate the fuel bowser you had to step up onto a bar which was at about waist height and balance yourself there. She could not say whether she could see across the vehicle and observe whether or not a car door opened on the other side.

She estimated it took about four minutes to fill the vehicle with fuel.

She said nothing suggested to her that Harry had got out of the vehicle during this period. As far as she was aware he was still inside the vehicle

when she put the cap back on, replaced the pump and replaced the fuel cap.

After this was completed she confirmed that she did not use any form of phone, radio or any other communication before returning to the vehicle.

She confirmed she assumed that Harry was still sitting in the back seat of the car. She did not visibly check this to be the case. She said possibly she would normally have done so, but had not done so on this occasion.

The car was already running and she put the gear into reverse which activated the automatic rear view camera. She looked into the camera and did not see anything unusual. She described seeing 'dirt'. She agreed that she used the reversing camera but was unaware of any limitations on the view this provided the driver.

She could not remember whether or not she had checked side or rear vision mirrors.

She said it was not necessary for her to walk around the vehicle to get back into the car. She was on the driver's side already and got straight into the vehicle before placing the car into reverse gear.

She said she moved off and then felt something under the wheel. She remembered getting out of the car and seeing Harry.

Until that time she had not realised that Harry was not in the car.

She confirmed she had reversed slowly but had not looked over her shoulder prior to commencing to reverse. She had relied solely on the camera.

She conceded that had she looked over her shoulder she would have realised that Harry was not in the car. (The child seat was positioned on the left hand rear side of the vehicle.)

When she realised that the vehicle had struck Harry she ran to her house and phoned her mother. Although there was a mobile phone in the vehicle it did not usually have service. She rang her mother and told her to call triple zero. She could not remember much after that.

On further questioning, Rebecca explained that she did not think Harry would leave the vehicle as he had not done so before when he had been in her care. This was despite not being in his child restraint seat. She acknowledged that she made the assumption he would remain there. She said this was because he was playing and he had not left the car before whilst in her care. She did not think he could leave the vehicle, again based on her assumption that the child locks were in place.

Nor had she known Harry to climb through the seats and leave via the front doors which did not have child lock restraints on them. She assumed he was safe in the back seat.

She agreed he was an active child and that he was capable of moving from the back to the front seat.

She explained that the reason she had asked whether Harry wanted to get out of the car was because she had seen Russell's dog at the pump. She thought Harry might like to pat the dog, named Moe. However, he didn't want to. She said she could not explain how or why Harry had exited the vehicle even though it was a possibility that it may have been to do with the dog.

She also conceded that she could not recall visibly looking into the car to check on Harry while she was refuelling it. She could not really answer the question whether or not she could see into the vehicle through the tinted windows but acknowledged that she had not attempted to do so, again assuming that Harry would remain in the vehicle.

She assumed he was playing with a silver box which she thought looked like a tool box. She said they did not carry dangerous tools in the vehicle.

To re-enter the vehicle she had to squeeze herself into the driver's seat on the same side as the bowser, as the short hose meant that the vehicle was positioned quite close to the bowser. She would have been looking forward along the car when she re-entered.

She again confirmed she had not checked the rear vision mirror to confirm Harry was in the car, nor had she spoken to him or called out to him before commencing to reverse the vehicle. She confirmed she had not heard him when she returned to the car. She said he often played quietly.

It was only a matter of seconds before she felt the sensation of something under a tyre. There was no light showing on the dash to indicate any of the doors were open.

She could not recall whether or not she checked the side mirrors but differentiated her likely behaviour had she been in town rather than on the property.

Her answers with respect to what she had done after she realised she had run over Harry indicated the level of her distress. She did not move Harry, but immediately ran to get help. Her memory was very limited about what happened from there. She thought her mother would be best to make the call for emergency services as this would be quicker and her mother would then be able to see to Harry as she was a nurse. She returned close to Harry but did not touch him. She waited for her mother

and could not remember how her mother arrived. Nor did she have much recollection of speaking with the police officer who subsequently arrived at the scene, Sergeant Thornton. She thought she provided a statement about three weeks later but could not remember details.

She knew who Sergeant Thornton was but had not had direct contact with him previously.

The investigation

Sergeant Gerard Thornton was based at Morven Police Station where he had worked for nine and a half years. He confirmed it was a small rural community with a population of 300 in the division and about 120 people living in the town. He knew most of the people living in the area including the Rolfe and Tickell families. On 4 November he received a phone call from Kathy Rolfe at about 8.10am. She told there had been a terrible accident and that Rebecca Rolfe had run over the little boy, Harry, who was dead. He knew that she was a registered nurse and he accepted the information that Harry was deceased. He attended immediately with another police officer. It was however Sergeant Thornton who managed the scene and investigated the circumstances as his accompanying officer became extremely distressed shortly after arrival.

Sergeant Thornton went to the wrong house initially, (Kathy Rolfe's house), before going to the second house where he found Kathy Rolfe and her daughter, Rebecca. They were sitting on the ground outside and he described Rebecca in an upright foetal position. Sergeant Thornton said Rebecca was extremely distressed and her mother was trying to comfort her. It was impossible to have any conversation with her. She was incoherent with grief and he could not understand her. He could not converse with her or understand her at all, 'let alone take a sample of her breath'. He said he did consider the issue of a breath sample but could not pursue this in the circumstances. He said he was very close to her when he initially tried to speak with her and did not detect any odour of alcohol or any indicia to suggest she was affected by alcohol.

Sergeant Thornton obtained very brief particulars about the little boy, Harry, and he then moved to where Harry was, beneath a sheet.

The ambulance officers were already in attendance and he confirmed with Officer Sandra Gordon that there was no sign of life and Harry was deceased. He removed the sheet and observed Harry who had suffered head injuries. He saw dusty marks on the side of Harry's shorts, the left side of his back and shoulder area. He then went to the vehicle and checked the doors and the positions of the child locks before returning to Rebecca and Kathy Rolfe to find out information about how to contact Harry's mother, Georgina. He was told to check Rebecca's mobile phone in the car, and he ran back to do so, but could not find details. The second officer also checked but could not find information.

He said the police phone only worked while it was in the cradle in the police vehicle. He said it was within fifteen minutes of attending the scene and making a preliminary assessment that he rang the Sergeant at Charleville and asked him to follow up with the notification to Georgina. He had found out by this time that Georgina worked at the Augathella Hospital. There were several phone calls to and from Charleville indicating they had been unsuccessful in reaching the two police officers based at Dirranbandi as they were on their way back to the station and were out of range.

He did not seek out further information from the Tickell or Rolfe families about how else to contact Georgina as he had asked the senior officer in Charleville to follow this up. He turned his attention to the investigation at the scene and relied on the police officers working through Charleville to contact Georgina.

Sergeant Thornton acknowledged that the delay that occurred before Sergeant McLean, who was from the Dirranbandi police, notified Georgina caused her additional distress. He said it should not have happened but it was beyond his control where he was working essentially alone, without radio in a remote location. He could not remain in the police vehicle to make or monitor calls at a time when he was actively investigating the circumstances leading to Harry's death.

He confirmed that although his initial consideration of the information indicated Harry's death had been due to accident, he always assumed a death was suspicious until this had been ruled out. He also acknowledged that a more thorough and comprehensive investigation and report to the coroner would have been helpful to Harry's mother, particularly in the circumstances where his death had occurred elsewhere.

Sergeant Thornton's examination at the scene noted that the child lock on the rear passenger side of the vehicle was activated and in working condition. The child lock on the rear driver's side was not activated although it was in working condition.

He noticed the windows were tinted but you could see through them and he considered the tint to be 'legal'. He commenced taking photographs to record the scene, and Harry, prior to the arrival of specialist officers some two hours later. These photos were important because they recorded dust markings on Harry's clothing that were no longer present when Harry was observed by the pathologist. (Understandably, ambulance officers subsequently made an attempt to clean Harry prior to his father's arrival at the scene in a gesture of kindness to try to reduce the anguish, and to afford Harry dignity as soon as was possible after forensic recording was made. Sergeant Thornton was unaware of this at the time.)

He formed the view that Harry had exited from the vehicle and was crouching or in a position on the ground at the left hand rear side of the vehicle when it reversed over him. He had observed marks which he attributed to Harry's fingers on the dusty surface of the vehicle. He observed what he interpreted to be two small finger marks low down on the passenger's side front door. There was no dust on these marks which led him to consider these to be fresh marks.

On the rear passenger's side he saw a small scuff mark on the lower inner corner of the tail light lens, continuing onto the top part of the bumper bar immediately under the tail light. The rear passenger's side mud flap had a substantial recent scuff mark down the centre of the flap.

Sergeant Thornton prepared a diagram of the initial and final position of the vehicle, including the position in which Harry was found. This recorded a distance of some 5.9 metres over which the vehicle had been reversed. He assumed the vehicle's rear and front wheels had passed over Harry. He interpreted the dusty marks on Harry's clothes to be 'most likely' tyre tracks.

He acknowledged that injuries he observed on Harry's legs and arms were bruises and lacerations, and there was no sign of 'breaks'. Nor had the paramedic referred to or suggested any breaks to the limbs. He did not observe anything which suggested to him that Harry had been dragged.

On the basis of his investigations and observations he considered it probable that Harry exited through the front passenger door and walked to the rear of the vehicle. He referred to some soot on Harry's left hand which he associated with the exhaust. (He had not however noticed any marks on the exhaust and did not notice soot on Harry's hand at the time.) He thought Harry might have sat there with the tool box containing the cordless screw driver when the car began to reverse.

As part of his investigation Sergeant Thornton stood up on the bar at the fuel bowser and placed the spout into the vehicle. He confirmed from this position he could not see into the vehicle to where the car seat was. This was due to the acute angle. He later confirmed that if a door opened on the other side of the vehicle and you were looking across the vehicle in that direction at the time, he would expect it would be possible to see the door open.

He was broadly familiar with the type of fuel bowser and said it made minimal noise in operation, and if the car was stopped, (here the engine was said to be running) he would expect a conversation could be heard.

In Sergeant Thornton's experience he had observed that safety restraints were not customarily used in motor vehicles on rural properties generally.

Until after Harry's death he considered if he had been asked whether it was advisable to restrain a child in a motor vehicle in a paddock, he would have considered his answer to be no. In twenty-eight years in his role as a police officer he had never come across an incident such as occurred to Harry.

Sergeant Thornton sat in the particular vehicle and checked the rear vision available via the camera. He confirmed he discovered the camera provided a restricted rear view. Subsequent tests to evaluate the extent of the restriction of range of view from the camera utilised a child who was some 11 centimetres taller than Harry. That child was visible when standing at a distance of 1.4 metres behind the rear tyre. At 1.1 metres distance, the child was only visible if leaning outward. Any closer than 90 centimetres and the child could not be seen at all.

Sergeant Thornton was asked questions about the independence of his investigation and he acknowledged this was a primary responsibility which was made difficult by circumstances in small rural communities.

He explained the conclusion he had reached was that the vehicle had reversed over Harry who was in line with the vehicle tracks and that this was consistent with scuff marks on the mud flap and tail light lens. He acknowledged he had not measured marks and considered there was no possibility of matching finger 'prints' in such a dusty environment. He considered there was nothing else to contradict his understanding of what was likely to have happened.

He conceded he had not tested;

- the degree of force required to open and then close the front passenger door, especially in the manner suggested by two fingers
- whether a closing door could be heard above the noise of the engine running and the pump operating
- whether an opening or closing door on the passenger side of the vehicle could be seen from the platform on which a person would stand to operate the bowser.

The last issue of what could be seen while filling the vehicle was not tested, but it can be inferred that it would depend on which direction the person was looking and with which hand the winder mechanism of the bowser pump was being operated. (image 62, photo page 57.) It appears on the basis of the photo, quite likely that if the person was also monitoring whether the vehicle had been filled, that attention would be along the driver's side of the vehicle towards the rear and downwards. In this position the person's back would be toward the front of the vehicle.

Sergeant Thornton had not directly asked Rebecca which hand she used to operate the bowser winder. He had not subsequently taken her back to the scene.

Due to Rebecca's condition at the time he did not ask her any questions about the mechanism by which Harry sustained fatal injury.

Sergeant Thornton disclosed he returned to Orkadilla on the night of 4 November 2013. This was at the request of Rebecca's father, David Rolfe who said that Russell and Rebecca were absolutely distraught and he requested the visit. Sergeant Thornton did so, by way of offering some comfort rather than in any investigative role.

He acknowledged that in the course of that visit he said words to the effect that it was an accident and that this happens once a week somewhere in Australia.

Counsel for Harry's mother suggested to the officer that it was inappropriate and contrary to his role as the independent investigator to express this view at all, and especially prior to the completion of the investigation.

Sergeant Thornton maintained he had exercised his responsibility to investigate Harry's death in an independent manner throughout. He was simply responding to the request to attend because of the level of distress. He said nothing had changed his mind from that day until now that Harry's death was an accident.

He said when he saw Harry's mother Georgina the next day he told her that Harry had been run over by the reversing vehicle and that it was an accident.

He denied saying she would have to wait for the police report.

Sergeant Thornton had not considered the possibility that Harry was between the two wheels on the passenger side when the vehicle began to reverse. All he could say was that this was possible. He could not say whether looking in the side mirror would have provided a view of Harry if he was in such a position.

The statement that was prepared for the coroner from Rebecca Tickell was formed via an initial draft sent by e mail to her and then edited and amended by her. There had been an initial phone conversation on 25 November and the document was signed on 27 November.

He acknowledged this was not an ideal method of obtaining information. Again he said that Rebecca's mother had told him Rebecca was lying in bed, not talking to anyone and not in a fit state to communicate. He

considered it would have been most inappropriate to pursue the statement earlier until she was in a fit state to provide information.

He confirmed there was no evidence to suggest the circumstances of Harry's death were anything but accidental.

Overall it is considered that Sergeant Thornton investigated Harry's death in an independent and comprehensive manner. It was unfortunate that there was significant delay before other police officers were able to contact Georgina and inform her of her son's death. This was beyond his control and he had made timely and appropriate arrangements for other officers to contact Georgina.

It was unfortunate that actions taken solely on the basis of human kindness by ambulance officers who cleaned Harry before his father arrived might have caused distress or concern to other family members remote from the scene at the time.

In hindsight Sergeant Thornton recognises that there were some other investigations he could have made to explore the possibilities of:

- how Harry exited the vehicle
- whether an opening door could be seen or heard from across the vehicle while it was being refuelled
- the possibility that Harry was situated to the passenger's side or beneath the vehicle on that side when the vehicle commenced reversing
- whether the side mirrors gave a view down to ground level from the driver's seat.

Autopsy

The autopsy was authorised to include external and partial internal examination including abdomen, chest and head to the extent necessary to establish the cause of death. Histology and toxicology testing was also undertaken.

Examination was undertaken by the forensic pathologist Dr Roger Guard.³

Dr Guard concluded Harry died due to ;

- 1 Massive cerebral trauma due to
- 2 Multiple fractures of the skull due to
- 3 Crush injury to the skull from
- 4 Motor vehicle accident

³ Subsequently deceased

Independent expert forensic review

Dr Robert Hoskins is an experienced expert medical practitioner who was formerly the senior physician and Director for ten years of the Clinical Forensic Medicine Unit. He was requested by Harry's mother's legal representative to review the information and provide his expert opinion as to the manner in which Harry died.

He provided an extremely thorough and independent review of all the medical and forensic evidence pertaining to Harry's death after reviewing all the information available, including the police investigation and the autopsy report.

Overall, Dr Hoskins considered the autopsy was adequate for the described purpose and he made no challenge to the conclusions reached by Dr Guard.

Dr Hoskins noted in his review that following the head injury Harry would have been unable to feel anything from that point on. Loss of consciousness would have been immediate and he would have died between seconds or minutes later. The head injury was non survivable and there was no possibility that cardio pulmonary resuscitation would have made any difference.

Dr Hoskins noted additional injuries to Harry's right arm and forearm, pressure marks above and below the left knee, bruising to the back of the head, bruising to the back of the left shoulder and bruising to the left lower chest. In Dr Hoskins' expert opinion he considered these injuries were more consistent with Harry's body having been rolled or dragged against prominences on the underside of the vehicle leading finally to his head being overrun by the front left tyre.

At the inquest he was asked to consider the proposition advanced by Sergeant Thornton that Harry had been run over by first the rear and then the front tyre of the vehicle as it was reversed.

He was asked to comment on the possibility that Harry was:

- somewhere at the rear of the vehicle before the vehicle reversed, or
- alongside the left-hand side of the vehicle and went underneath the vehicle between the left hand side tyres of the vehicle before the vehicle reversed.

Dr Hoskins said if Harry's head had been run over by the rear and then the front tyre of the vehicle, it was very difficult to explain the injuries to Harry's legs, arm, back and side. He considered it was possible that Harry might have been at the rear of the vehicle in a low position but possibly more to the centre before the vehicle reversed. This caused him to be rolled underneath the vehicle sustaining the injuries to his right arm,

left knee, back of shoulder and lower chest before the left front tyre passed over his head.

Equally as likely, Harry might have been in a position at the left-hand passenger side of the vehicle and went underneath the vehicle between the tyres, possibly in relation to the tool kit, or the dog that was present. When the vehicle reversed, the initial rolling injuries occurred before the front left tyre caused the fatal head injuries.

Dr Hoskins' experience qualified him to comment on the initial police report of Harry's death contained in the Form 1 report. He was familiar with the 'sorts of things police will write, as an initial explanation, regarding the cause of a fatality and well ahead of any comprehensive and informed investigation'. He considered such writings were an attempt to 'brief up' in a way that is as helpful as possible. They are written with good intention but in every instance lack the investigative basis or sufficient facts to draw anything more than presumptive conclusions.

In contrast he considered Sergeant Thornton's subsequent statement conveyed a considerable level of knowledge, investigative awareness and common sense at the more thorough end of the spectrum particularly his attempts to understand precisely what happened.

Dr Hoskins also noted Sergeant Thornton's keen empathetic awareness of the sensitivities of the various people with whom he dealt. Collectively, Dr Hoskins considered the overall material provided was both exhaustive and conducted to a very good standard.

In particular Dr Hoskins noted the significance of the test examination of the reverse image camera which showed there was a significant restriction to the range of the camera's view to the rear of the vehicle. The pictures showed that Harry could have been in a position of risk behind the vehicle but not visible in the camera image displayed on the driver's dashboard.

Importantly Dr Hoskins was able to provide an independent and clear assessment of all the information to reassure Harry's mother that the evidence was consistent with the account of what had occurred and the general conclusion of accident reached by the investigating police officer.

Conclusion and findings

The identity of the deceased was Harry McMaster Tickell Waugh.

Harry died after suffering fatal head injuries when he was run over by a landcruiser driven by Rebecca Tickell. He had been seated in a child seat in the rear passenger left hand area, but was not restrained in that seat when Rebecca exited the vehicle to refuel it at a bowser on the rural

property, Orkadilla. There was a distance of about 50 metres that had been travelled from Rebecca's home to the fuel bowser.

Rebecca invited Harry to get out from the vehicle as there was a dog there, but Harry declined. She then told him to stay in the car while she refuelled the vehicle. She was aware Harry was active and could undo the child restraint anyway. She had not experienced Harry getting out of the vehicle by moving from the rear of the vehicle into the front of the vehicle on any previous occasion.

Rebecca left the vehicle running with the air conditioner operating due to the temperature, but placed the vehicle in the park position.

Rebecca assumed the child locks were on in the rear seat doors at the time but had not checked prior to this trip. In fact, the rear left hand side child lock on the passenger door was in the locked position, but the rear right hand side child lock on the passenger door was not in the locked position. There were no child locks on the driver's seat door or the front passenger seat door.

Rebecca was standing on the driver's side of the vehicle balancing on a waist high bar to operate the winder mechanism on the bowser and fill the vehicle. She was aware Harry was playing in the car, possibly with a small silver tool box. She did not see or hear Harry exit the car while she filled the car.

Harry did exit the car, most likely by moving from the rear of the car to the front of the car and then out the front passenger door. He took the small silver tool box with him which held a cordless screw driver/drill set. It is most likely that Harry was then playing with the tool set very close to the rear or passenger side of the vehicle or both.

Rebecca's attention was occupied with the task of refuelling the vehicle whilst balancing on a waist high bar. When she returned to the vehicle she assumed that Harry was still seated in the child restraint seat in the rear left hand position.

Rebecca did not speak with Harry, look over her shoulder or in the rear vision mirror to see Harry. Nor did she secure him into the child seat by the straps and buckles. She looked at the dashboard rear view camera before reversing as the vision she observed showed only dirt. She could not remember whether or not she looked into either side mirror.

There was no audible alarm system connected to the vehicle which could have alerted Rebecca to the presence of something behind the reversing vehicle.

She reversed slowly and felt something under a tyre but could not say which one. She stopped the vehicle immediately knowing there was a

dog in the vicinity but still being unaware that Harry was not in the vehicle. The vehicle had moved a distance of 5.9 metres.

Rebecca discovered that it was Harry who had been run over by the vehicle and was at the front towards the left hand side of the vehicle. She saw that he had severe head injuries and ran to her home to call her mother to call the ambulance and for her to attend, as she was a nurse.

Harry was deceased at the scene.

Immediately prior to the vehicle reversing, Harry could have been in two possible positions. The first was very close to the rear of the vehicle, within 90 centimetres, and therefore Harry was unable to be seen in the rear camera. Alternatively, Harry was on the passenger side of the vehicle and entered beneath the vehicle between the front and rear tyres, possibly playing with the tool kit or to see the dog. It is uncertain what side mirror vision was possible in such a position, but Harry might not have been visible in such a position. From either position, when the vehicle reversed, Harry was caught underneath the vehicle and rolled over sustaining injury before suffering the fatal injury when the front tyre passed over his head.

Accepting the evidence of Dr Hoskins about the likely mechanism by which these other injuries occurred, and where he was found, it is concluded that the rear tyre did not pass over Harry's head.

Harry died on 4 November 2013.

He died at 'Orkadilla', 1317 Winneba Road, Morven in Queensland.

Harry died due to head injuries.

(Massive cerebral trauma, due to multiple fractures of the skull, due to crush injury to the skull from motor vehicle accident.)

Section 46 Comments

Harry's death was preventable. The circumstances leading to his death have been referred to the Director of Prosecutions and reviewed. No criminal charges have been brought.

Tragically a number of young children have been killed when run over by vehicles in close proximity to their homes, often by family members.

Between 2010 and 2014 Australia wide coronial data has documented that 34 children under ten have died in such circumstances. Eight of these children were in rural environments, and two were in Queensland.

Since evidence was heard in this inquest, another small child has died in Queensland after being hit by a reversing vehicle.

While these figures indicate more children die in urban environments, they have not been adjusted taking into account population differences. In 2012 the Queensland Injury Prevention Council issued a forum report titled 'Putting the brakes on Low Speed Vehicle Run Over: an opportunity to act'. This report was comprehensive and should inform any future legislative review and safety and education measures.

It is recommended that the legislative requirement to restrain children in age appropriate child restraints be extended to include all circumstances where the child is in a motor vehicle which is moving, irrespective of whether or not the vehicle is on a road.

Rear vision cameras have undoubtedly improved the vision and safety of children in proximity to reversing vehicles. But evidence from this investigation and inquest revealed that there can be circumstances in which a driver might be misled by the image on a reverse view camera that a small child was *not* in close proximity to the rear of the vehicle.

It is recommended that appropriate authorities issue safety warnings and education to inform drivers that rear vision mirrors may not provide a full range view behind vehicles. Caution should still be exercised and drivers should not be overly reliant on these cameras.

The addition of audible reverse alarms would also improve safety for small children.

Dashboard indicators that child locks in rear seats were on/off would also assist and could be considered in the design of new vehicles.

Harry's death was a shocking tragedy. He was a much loved child and it is hoped that his family and friends can recover from their profound grief.

I close the inquest.

Christine Clements
Brisbane Coroner
Brisbane
January 2015