



CORONERS COURT OF NEW SOUTH WALES

- Citation:** **INQUEST INTO THE DEATH OF JOHN SAYERS**
- Hearing dates:** 21 April 2008
- Date of report:** 22 April 2008
- Place of report:** Glebe
- Findings of:** Deputy State Coroner H.C.B. Dillon
- Findings:**
- (i) That the deceased John Michael Sayers died on 22 January 2007 at Tunks Park, Northbridge;
 - (ii). That the cause of his death was multiple injuries due to a fall from a height; and
 - (iii). That the manner of his death was suicide by jumping off the Northbridge Suspension Bridge.
- Recommendations:**
- (i) That a safety barrier, designed to prevent or significantly impede jumping from the Northbridge Suspension Bridge, be erected by the RTA as soon

as is practicably possible taking into account the relevant planning issues.

- (ii) That any such safety barrier be designed to take into account the bridge's significant heritage and architectural values and to harmonise with them.

File number: 138/07

Representation: Ms Wendy Langley (Counsel Assisting)

Mr P. Eagle (Crown Solicitor's Office instructing)

Mr S. Robinson (representing Commissioner of Police)

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INTRODUCTION

- 1 On 22 January 2007, Mr John Sayers, a man 37 years old, fell approximately 50 metres to his death from the Northbridge Suspension Bridge. The facts in the case, although distressing, are uncontroversial. An inquest has been required by s.13A of the *Coroners Act 1980*, however, because Mr Sayers's death occurred in the course of a police operation, namely, an urgent attempt to reach him and, if possible, prevent him harming himself.
- 2 For reasons that I will come to below, however, the police were unable to avert his death. A civilian bystander who had attempted to prevent Mr Sayers from jumping off the bridge, and the police who had travelled urgently to reach him, however, were reduced to helplessness by Mr Sayers's determination to jump. There was no significant delay by police in attending the urgent call to the bridge. No criticism has been made of police by Mr Sayers's family or any other party. Quite the reverse.
- 3 It is clear that the police officers immediately involved in the incident were not only beyond reproach in their attitudes and conduct but are to be commended for their professionalism and the care with which they approached a traumatic incident.
- 4 Mr Thomas Bermingham, the civilian pedestrian who sought to save Mr Sayers' life, revealed himself as a man of compassion and humanity. He is also to be highly commended. He and the police received the thanks of Mr Peter Sayers, John Sayers's brother, at the inquest.
- 5 The Northbridge Suspension Bridge has been the site of numbers of suicide attempts, successful suicides and base-jumping incidents over many years. The bridge stands over a well-patronised park and sporting fields. I propose, therefore, at the conclusion of my findings, to make a small number of recommendations with a view to increasing the safety of the bridge and the park.

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John Sayers

6 At the time of his death, Mr Sayers was 37 years old, had been out of work for a few months, but had had a career starting in the Army and later in businesses. He was living with Ms Belinda Hill in Glenwood, a north-western suburb of Sydney. Mr Sayers had, according to his brother, Mr Peter Sayers, suffered from depression, on and off, for a long period of time. He had had a number of relationships with women, including a marriage, but all had been troubled. The evidence shows that he had considered and talked about committing suicide over a period of some years and that he had apparently made some previous attempts on his own life. How serious those attempts had really been is difficult to say.

7 The evidence of Ms Hill also supports such a finding. On the morning of the day of his death, he had had a conversation with Ms Hill in which she had told him that their relationship was over and which she had asked him to move out of their house. Later that day she discovered a number of empty blister packs for various medications. Toxicology tests after Mr Sayers's death show that he had ingested quantities of pseudoephedrine, analgesics and anti-depressant medication. This may have been an attempt at self-harm. Together with his medical records, this evidence suggests that Mr Sayers was almost certainly depressed at the time of his death.

What happened on 22 January 2007 ?

8 Ms Hill left for work on the morning of 22 January after speaking to Mr Sayers. When she returned to the house at lunchtime, worried about him, she found that he had gone, taking his wallet but leaving his mobile telephone and his cigarettes behind. Mr Sayers's movements between the time she left for work and the time he was seen on the Northbridge Suspension Bridge are unknown.

9 The bridge is a considerable distance from Glenwood. Mr Peter Sayers offered the hypothesis that John Sayers had had an attachment to the bridge because, when he had been in a previous relationship, it had been a happy place for him and his then partner to walk.

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- 10 In any event, he was seen by Mr Thomas Bermingham and a number of other witnesses on the bridge at about 6.10 pm that day. Mr Bermingham was on foot walking across the bridge on the eastern footpath. He saw Mr Sayers looking over the bridge wall towards the southern pylon of the bridge. As he walked past, Mr Sayers asked Mr Bermingham to call the police. Mr Bermingham at first did not understand Mr Sayers's purpose. He looked over the bridge wall but could not see anything untoward. Mr Sayers then told Mr Bermingham that he was going to jump and asked him to call the police and to give them his wallet. His wallet contained identifying details. Mr Bermingham then called the 000 emergency number and asked for police assistance.
- 11 Police radio records show that the call was received at about 6.14pm. A police vehicle (North Shore 35) was despatched urgently. The vehicle, occupied by Senior Constable Marc Osborn and Constable Joshua Arnold, arrived on the bridge at 6.18 or 6.19pm.
- 12 While waiting for the police to arrive, Mr Bermingham tried to engage Mr Sayers in conversation to distract him. Despite his best efforts, Mr Bermingham was unable to do so. In meantime, the police were on their way. Sen Con Osborne, the driver, turned off the vehicle's siren as they approached the bridge so as not to startle Mr Sayers. As they neared him, Mr Sayers was standing, facing away from the police vehicle. Sen Con Osborne stopped the vehicle about a metre behind Mr Sayers.
- 13 As the police alighted from the vehicle, Mr Sayers turned and looked at them, leapt onto the top of the ledge, pivoted himself over the edge, and, as Mr Bermingham made a despairing attempt to hold his leg, rolled himself over the edge. Mr Bermingham is a relatively small man in his early 50s, smaller and older than Mr Sayers, and was unable to retain his hold. Constable Arnold yelled, "Stop" but this was too late to have any effect on Mr Sayers. In the few seconds this took, Mr Sayers appears to have thrown his wallet towards the police.
- 14 As Mr Sayers fell, Sen Con Osborne looked over the edge of the bridge. He saw Mr Sayers hit a gravel track around the path near a woman who was running away from the site with a black dog. He observed in his oral evidence that he had not been able to speak to her and suggested that she was "probably still running". He also noticed that there were several young people near the point where Mr Sayers had landed. Mr Bermingham also saw them and called out to them to warn them to stay away from Mr Sayers. Both Sen Con Osborne

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and Mr Bermingham were concerned about the possibility of the people being psychologically disturbed by the sight of Mr Sayers's body. Sen Con Osborne also observed that there were significant numbers of touch football players in the park to the east of the bridge: about 200 he estimated.

- 15 A post-mortem examination of Mr Sayers's body was carried out. Unsurprisingly, the direct cause of death was found to be "multiple injuries due to a fall from a height". I agree with the findings of the forensic pathologist, Associate Professor Johan Duflou. No pre-existing injuries or diseases were discovered.

The bridge: a fatal attraction

- 16 The Northbridge Suspension Bridge, as it is known to most Sydneysiders, or the "Long Gully Bridge (Northbridge)", as it is known to the Roads and Traffic Authority of New South Wales ("RTA") was built in its original form in 1892 as a cable suspension bridge and rebuilt as a concrete arch bridge in 1937-39. When it was first built it was regarded as one of the engineering marvels of its time and a tourist attraction. The bridge is described in the RTA Heritage and Conservation Register as having "a distinctive structure, both graceful and impressive, and situated in a highly attractive setting. The design of the arch demonstrates creativity in its response to a highly individual technical problem and in its aesthetic sympathy with the original towers of the suspension bridge." It is also said by the Register to be "unique in NSW in appearance, and as a solution to a unique problem."¹
- 17 The bridge has stone or concrete walls along each footpath approximately 150cm high. It does not, however, have any safety barriers above the walls despite the fact that it is situated above parklands.
- 18 Aesthetically pleasing and historically significant as the bridge is, it is also something of a magnet for suicide attempts, successful suicide jumps and base-jumping, potentially imperilling not only the lives of the would-be or successful suicides and base-jumpers but also of those below in the park and even those trying to prevent their jumps.

¹ <http://www.rta.nsw.gov.au/cgi-bin/index.cgi?action=heritage.show&id=4309506> viewed 21 April 2008.

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19 Police records provided to the Coroners Court show that police attended the bridge:

- on 23 October 1995 when a man threatened to jump;
- on 19 September 1997 when they successfully negotiated with a man threatening to jump;
- on 19 December 1997 when a mentally ill man, apparently undergoing a psychotic episode was spoken to and taken from the bridge;
- on 19 February 1998 when a man jumped from the bridge killing himself;
- on 3 September 1999 when two base-jumpers used it as a platform;
- on 5 September 1999 when another base-jumper leapt off the bridge;
- on 14 September 2001 when another suicide took place off the bridge;
- on 28 April 2002 when another base-jumper took off from the bridge;
- on 27 December 2003 when a mentally ill man threatened to jump off;
- on 30 January 2004 when yet another base jump was made from the bridge;
- on 12 September 2004 when a man mentally ill and possibly drug-affected killed himself by jumping off the bridge;
- on 25 January when another successful suicide off the bridge took place;
- on 22 January 2007 when Mr Sayers jumped;
- and on 19 October 2007, when yet another man apparently committed suicide by jumping off the bridge.

20 It is self-evident that these records are but a sample of all the jumps and potential jumps off the bridge. The records provided to the court only go back to 1995. They may be incomplete. Sen Con Osborne, who has worked in the North Shore Area Command for five years, said that he had personally attended three or four suicides from the bridge and he was

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aware of about a dozen incidents, including base-jumping, which had occurred during his posting there. How many suicides and attempted suicides have taken place at the bridge since 1892 is beyond the capacity of the court to determine.

21 Counsel assisting and the Crown Solicitor's Office obtained information from the RTA that it estimates that the design and installation of a safety barrier to prevent suicide jumps may cost up to \$1million. That estimate, given in a letter of 18 March 2008 to the Crown Solicitor's Office by the RTA's Deputy General Counsel, Mr Michael Najem, was based, among other things, on the fact that the bridge is a heritage-listed structure. To install a safety fence would require the RTA to comply with planning rules relating to heritage conservation as well as general planning rules.

22 Mr Najem's letter also stated that the RTA was unaware of the bridge being used as a site for suicide jumps. He also told the Crown Solicitor's Office that the North Sydney Council bore some responsibility for "traffic and safety matters".

23 In a letter to the Crown Solicitor's Office dated 28 February 2008, Mr Greg Cooper, Director of Engineering and Property Services for North Sydney Council, stated that the RTA had "care, control and management" of the bridge while the council had "care, control and management" of Tunks Park beneath it.

24 The strong impression one gains from the correspondence is that neither the RTA nor North Sydney Council had much or, indeed, any awareness of the potential hazard posed by the lack of safety barriers on the bridge. In saying that, I imply no criticism of the RTA or the Council. Unless the issue – well-known to general duties police in the area – had been brought to their attention, there is no particular reason why should they should have known. One of the purposes of this report is now to do so.

25 It might be argued that a person is determined to do away with him- or herself will find a way. That is probably true. That is not an argument, however, against taking action to improve the safety of the bridge.

26 First, the death of almost all human beings has a ripple effect. It is true, as the poet John Donne once wrote, that "no man is an island". The death of Mr Sayers affects not only him but his family, his friends, the police officers who tried to prevent his death and who then

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took charge of investigating it, the ambulance officers who attended his body, Mr Bermingham who bravely tried to prevent Mr Sayers jumping, the woman who ran away in horror as he landed close to her, the people in the park and no doubt many others. This death may not have been prevented but, had Mr Sayers been unable to jump off the bridge so easily and had gone elsewhere, it may have had less impact on others.

27 Second, it is perfectly conceivable that Mr Sayers might have landed on an innocent bystander in the park, causing death or grievous injury to that person. Base-jumpers sometimes accidentally kill themselves by taking large risks. They too might land on innocent bystanders. We cannot hope for a risk-free world and it is probably unwise even to wish for such a place. But reasonably preventable tragedies ought to be prevented.

28 Third, Mr Sayers, and no doubt others who have committed suicide off the bridge, was almost certainly mentally ill and was therefore capable of being treated. Had his jump been impeded for long enough, the police would almost certainly have detained Mr Sayers and taken him to a psychiatric hospital for assessment and treatment. He may still be alive today. As we have noted above, there can be no certainty about that, but the possibility remains.

29 For these reasons I propose to recommend that safety barriers, designed to harmonise with the elegant structure of the bridge, be erected as soon as is reasonably practicable.

Findings:

30 On the evidence I am satisfied on the balance of probabilities that the following findings should be made as a result of this inquest:

- (i) That the deceased John Michael Sayers died on 22 January 2007 at Tunks Park, Northbridge;
- (ii). That the cause of his death was multiple injuries due to a fall from a height; and
- (iii). That the manner of his death was suicide by jumping off the Northbridge Suspension Bridge.

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Recommendations:

31 I make the following recommendations:

- (i) That a safety barrier designed to prevent or significantly impede jumping from the Northbridge Suspension Bridge be erected by the RTA as soon as is practicably possible taking into account the relevant planning issues;
- (ii) That any such safety barrier erected be designed to take into account the bridge's significant heritage and architectural values and to harmonise with them.

Hugh Dillon
Deputy State Coroner