



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (without inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, have investigated the death of Troy Dale Lucas

Without holding an inquest

Find that:

- (a) The identity of the deceased is Troy Dale Lucas;
- (b) Mr Lucas died in the circumstances described in this finding;
- (c) Mr Lucas died as a result of multiple injuries sustained in a motorcycle crash;
- (d) Mr Lucas died on 22 May 2012 at Royal Alfred Hospital, Melbourne;
- (e) Mr Lucas was born in Wynyard, Tasmania on 20 August 1970 and was aged 41 years at the time of his death, he was in a de facto relationship and his occupation at the date of death was diesel fitter; and
- (f) Jacqueline Antoinette Roberts-Thompson, the driver of the other vehicle in the crash, contributed to Mr Lucas' death.

Background:

Troy Dale Lucas was aged 41 years at the date of his death. He lived at 22 Club Drive, Shearwater in Tasmania. He was the father of four children. He was employed at Sea Road Logistics in Wright Street, East Devonport as a fitter and turner. He was a diesel fitter by trade and worked in this industry for the majority of his career.

Mr Lucas had been in a de facto relationship with Sandra Meech for approximately 2 years at the time of his death. They met on the North West Coast of Tasmania before they both moved and lived together in Western Australia where Mr Lucas was employed at Karratha as a diesel fitter repairing machinery. They both moved back to Tasmania together to live in March 2012. At the time of his death, Mr Lucas had been employed as a diesel fitter for about 7 weeks at his new place of employment.

Mr Lucas held a Western Australian driver's licence. The licence was for heavy combined vehicles and motorcycles. According to his brother, Bradley Lucas, he had ridden motorcycles since he was a child and was a good, safe rider.

Mr Lucas died at the Royal Alfred Hospital on 22 May 2012 after being treated for injuries sustained in a motorcycle crash with a car. The driver of the car was Jacqueline Antoinette Roberts-Thompson.

Mrs Roberts-Thompson lived at 15 Bovill Street, East Devonport. She was employed at the Mersey Community Hospital as a registered nurse.

Circumstances surrounding the death:

The following findings are made as a result of a detailed investigation, including scene examination and analysis of the evidence, by police crash investigators.

The crash occurred at 4.55pm on Tuesday 15 May 2012 on Brooke Street at East Devonport, one kilometre from the Port Sorell Road roundabout and 144 metres east from the Pardoe Waste Water Treatment Plant. The speed limit for the section of road was 80kmh. The road markings at the scene comprised a solid continuous single white centre line followed by a single broken white centre line (for west bound traffic). The collision occurred on a curve in the road.

Before the crash Mr Lucas was travelling east on his motorcycle. At some point along Brooke Street he caught up to a slow moving red Subaru wagon being driven by Bethany Callister, who was travelling below the speed limit. He overtook that vehicle and had moved back into the east bound lane.

Before the crash Mrs Roberts-Thompson was travelling west in her Toyota Corolla Hatchback ("the Toyota") on her way home from work. She was travelling at a speed between 60 – 70kmh. She travelled towards a blind left curve in the road and noticed a white vehicle she believed was parked on the side of the road. She only momentarily glanced at the vehicle when she observed the motorcycle "right there".

The crash investigator's evidence indicates that Mr Lucas observed the Toyota approaching on the wrong side of the road. He used his back brake which caused his rear wheel to skid 4.3 metres before momentarily releasing the brake and reapplying, skidding a further 15.9 metres. At about this point the front brake has also been applied. Both wheels on the motorcycle skidded a further 24.3 metres to impact with the front of the Toyota. Impact occurred in the east bound lane, 820mm from the centre line.

Mrs Roberts-Thompson appears to have had no time to take any evasive action. The evidence indicates that she did not apply her brakes or attempt to move her vehicle out of the way of the motorcycle. Upon impact, her vehicle continued to travel a further 30.1 metres where it stopped in the centre of the road with its right side wheels still in the east bound lane.

Upon impact with the Toyota, Mr Lucas was thrown over the handlebars and into the windscreen. His helmet and upper body impacted with the windscreen, tearing it from its lining and creating a large dent in the roof and causing it to compact down into the cabin area of the vehicle. The helmet visor was torn off and fell into the interior of the vehicle where it was later located on the centre console resting on the gear lever.

As the Toyota continued west, at a greatly reduced speed, Mr Lucas fell from the bonnet and onto the roadway with his head to the west, his left leg facing east, and his right leg at right angles to his body facing south. His motorcycle fell onto its left side and slid along the road for a short distance, coming to rest on the northern side of the road. The point of impact was 1.4km from the junction of Brooke Street and Bovill Street.

At the time of the crash the weather was fine. The sky was clear with no cloud cover. The temperature was 13 degrees. The road surface was dry and in good condition. There was no street lighting at the scene.

For west bound traffic approaching a left curve the view for drivers around the curve is obstructed by the grass covered embankment. The view ahead and around the curve does not open up until approximately 53.8 metres east from the point of impact. The same can be said for motorists travelling east. The view through the curve is obscured by the embankment until drivers have travelled well into the curve or at about the beginning of the continuous centre line, being 24.5 metres west from the point of impact. The solid white centre line extends through the curve.

The crash investigator's analysis determined that the Toyota was travelling at a minimum speed of 62kmh at the time of the collision. The Suzuki motorcycle was travelling at a minimum speed of 85.73kmh at the time the collision occurred. This speed is also consistent with that stated by the witnesses. I accept this evidence as to speed of both vehicles.

From the damage to both vehicles the investigating officers determined that the front wheel, headlight and helmet damage all lined up, indicating the vehicles collided head-on.

Inspection of the motorcycle by a transport inspector found that it would have been classified as "unroadworthy" due to the rear brake pad friction material being worn to a thickness below the manufacturer's recommended wear limits. However, in the inspector's opinion this fault did not cause or contribute to the collision. I also note that the motorcycle was serviced earlier in the year by Mr Lucas and his brother. They changed the oil and filters and replaced both tyres.

The transport inspector found the Toyota to have been in a roadworthy condition prior to the collision. Inspection did not reveal any fault that could have caused or contributed to the collision.

I accept the opinion of the transport inspector that the motorcycle and the Toyota had no defects that contributed to the crash.

A sample of Mrs Roberts-Thompson's blood was taken for analysis. She returned a nil blood alcohol reading and had no illicit drugs in her blood.

In her interview with police, Mrs Roberts-Thompson stated the following;

- She had lived in Bovill Street since April 2009 and travelled via Brooke Street to work and home daily.
- She saw a white car parked on the side of the road in Brooke Street and glanced at it momentarily.
- She came around a bend and all of a sudden saw the motorcycle.

- She did not think she had any time to do anything, “he was right there, only a few metres away, coming straight at me”.
- She could give no explanation for being on the incorrect side of the road at the time of the collision.
- She was unaware that she was on the wrong side of the road.
- She did not recall the sun being a factor. It was not blinding. She was not wearing sunglasses and the driver’s sun visor was not down.
- She thought the motorcycle was in her lane when they collided.
- She believes she was travelling at about 70kmh.
- She was not using her mobile phone.

The following evidence allows me to find that that Mrs Roberts-Thompson was travelling on the incorrect side of the road at the time of impact:

- The skid marks left by the motorcycle were in the east bound lane from start to finish.
- At the end of the skid marks was a large gouge in the east bound lane, 820mm from the centre line, indicating the point of impact.
- A large trail of oil from the Toyota commenced in the east bound lane at the point of impact and finished under the vehicle.
- Damage to the front of the Toyota caused by (a) the front tyre of the motorcycle impacting the registration plate, (b) the headlight of the motorcycle impacting the centre of the bonnet, and (c) the helmet worn by Mr Lucas impacting the upper windscreen and roof of the Toyota all indicates that the whole vehicle was on the incorrect side of the road at impact.

In the week following the crash attending police officers recorded the position of the sun at the same time as the crash. They found that the sun at 4.50pm – 5.00pm was blinding for any west bound drivers on Brooke Street. This test was done again on 28 July 2012 with the same result.

After the crash Mr Lucas was taken by ambulance to the North West Regional Hospital in Burnie. Mr Lucas was placed in an induced coma and, the following day, airlifted to the Alfred Hospital in Melbourne for further treatment. There were multiple injuries including several damage injuries to the right leg and a T3 wedge fracture leading to paralysis. He developed an ischaemic right leg which was amputated. Infection continued into the right pelvic region which was also removed on 17 May. He further deteriorated and was deemed to have un-survivable injuries. He passed away at 3.24pm on 22 May 2014. He then became an organ donor.

On 24 May 2012 Dr Paul Bedford, forensic pathologist, performed an examination of Mr Lucas, concluding that “multiple injuries sustained in a motorbike incident have been treated with a number of operations, however the severity of injuries with superimposed infection has led to death”. I accept Dr Bedford’s conclusion as to cause of death. Toxicology testing revealed no alcohol or illicit drugs in Mr Lucas’ blood.

Mrs Roberts-Thompson was charged with negligent driving causing death. The particulars of the charge were as follows:

- Crossed the solid white centre line and drove on the incorrect side of the road.
- Failed to drive to the left of the dividing centre line.
- Failed to drive as near as practicable to the far left side of the road.
- Failed to keep left of oncoming vehicles.

- Failed to keep a proper lookout.
- Failed to manoeuvre her vehicle to avoid a collision.
- Failed to take reasonable precautions when travelling towards the setting sun in that she failed to wear sunglasses and/or have her sun visor down.

On 3 March 2014 Mrs Roberts-Thompson pleaded guilty to the charge. Magistrate Michael Brett, in sentencing, ordered that she be disqualified from driving for four months, and pay a fine of \$800. His Honour commented that her negligence could be categorised as “momentary inadvertence”. Whilst noting the tragic consequences, he took into account the remorse shown by Mrs Roberts-Thompson in respect of her involvement in the crash that caused the death of Mr Lucas.

I find, based upon a thorough investigation, that Mrs Roberts-Thompson contributed to the death of Mr Lucas.

It is difficult to determine the reasons for Mrs Roberts-Thompson driving onto the incorrect side of the road. She was travelling around a left curve with little visibility. It seems that the blinding sun affected her vision, although she did not initially believe that to be the case. It also appears that she had a lapse in attention when seeing a parked car that may have disoriented her on the roadway and caused her to travel onto the incorrect side into the path of Mr Lucas’ motorcycle. I agree with the comment of Magistrate Brett that this lapse by Mrs Roberts-Thompson was one of “momentary inadvertence”.

Whilst Mr Lucas was travelling slightly faster than the speed limit, I am satisfied that he would have not been able to avoid the crash.

Comments & recommendations:

The circumstances of Mr Lucas’ death do not require me to make any recommendations or comments pursuant to section 28 of the *Coroners Act* 1995.

In concluding, I convey my sincere condolences to Mr Lucas’ family.

Dated: 20th February 2015 at Hobart in the state of Tasmania.

Olivia McTaggart
CORONER