



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of LP

Find, pursuant to Section 28(1) of the Coroners Act 1995, that:

- a) The identity of the deceased is LP;
- b) LP died from injuries sustained when, whilst riding a bicycle, he was run over and crushed by a garbage truck;
- c) The cause of LP's death was head and chest injuries; and
- d) LP died, aged 4 years, on 27 January 2021 at Bishops Drive, Newnham, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into LP's death. The evidence includes:

- Police Report of Death for the Coroner;
- Affidavits establishing identity and life extinct;
- Report – Dr Christopher Lawrence, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Affidavit – Mr Wayne Rice, Senior Safety and Compliance Officer – National Heavy Vehicle Regulator;
- Affidavits of witnesses including attending and investigating police officers;
- WorkSafe Tasmania investigation file;
- Interview and statements of the driver of the garbage truck; and
- Forensic and photographic evidence.

LP died, just outside his home, when he was run over by a garbage truck. He had only just been to school to pick up his new uniform; he was due to start in a few days.

At the time of his death he was riding a small bicycle on the road and the footpath in and around the garbage truck.

I am satisfied on the evidence compiled by the investigators that the driver of the truck did not see and could not have seen LP before he was run over.

Alcohol, drugs, speed, and inattention did not cause or contribute to the happening of the crash.

The truck was mechanically sound. Neither road nor weather conditions caused or contributed in any way to LP's death.

LP was not wearing a bicycle helmet. However, a helmet would not have saved him.

Comments and Recommendations

The circumstances of LP's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I wish to acknowledge the professionalism of the first responders. I also thank First Class Constable Nigel Housego for his extremely thorough investigation and report.

I convey my sincere condolences to the family and loved ones of LP. His death is an unspeakable tragedy.

Dated: 26 May 2022 at Hobart in the State of Tasmania.

Simon Cooper
Coroner