



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Andrew Quentin Turner

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

- a) The identity of the deceased is Andrew Quentin Turner (Mr Turner);
- b) Mr Turner died from injuries sustained as a rider in a motorcycle collision;
- c) Mr Turner's cause of death was multiple blunt traumatic injuries; and
- d) Mr Turner died on 14 August 2021 at Rocherlea in Tasmania.

In making the above findings, I have had regard to the evidence gained in the investigation into Mr Turner's death which evidence includes:

- Tasmania Police Report of Death for the Coroner;
- Affidavits as to identity and life extinct;
- Affidavit of the forensic pathologist Dr Donald Ritchey;
- Affidavit of the forensic scientist Mr Neil McLachlan-Troup of Forensic Science Service Tasmania;
- Affidavit of Mr Paul MacLaine;
- Affidavits of Mr Gian Gudge;
- Affidavit of Ms Rebecca Lee;
- Affidavit of Mrs Tanya Turner;
- Affidavit of Mr Mitchell Turner;
- Affidavit of Constable Nicholas Burt;
- Affidavit of First-Class Constable Nigel Housego;
- Affidavit of Senior Constable Caroline McGregor;
- Affidavit of First-Class Constable Marcus Williams;
- Handwritten sketch plan of accident scene;
- Footage of the collision; and

- Forensic and photographic evidence.

Introduction

In the evening of Saturday, 14 August 2021 Mr Turner rode a blue 2001 Suzuki GSXR 1000 motorcycle (the motorcycle), Tasmanian registration RY 419 on Lemonwood Street, Rocherlea in Tasmania. As he rode west down that street towards his home at number 37 he has entered the front yard and collided with a Nissan Patrol wagon Tasmanian registration H50JR which was parked in the driveway. That vehicle was owned by Mr Turner's son, Mitchell Turner.

There is a prescribed speed limit of 50 km/h on Lemonwood Street which travels east to west from Reservoir Road and it runs parallel to Lilydale Road. It is constructed of a fine aggregate bitumen mix which was in good condition with no visible surface defects. It is a cul-de-sac approximately 310 m in length with number 37 located at the westernmost location in the street. The end of the cul-de-sac where the collision occurred is approximately 24.9 m wide with a downhill gradient travelling west of -4.7%. There are houses and a footpath on the southern edge of the street which has concrete curbed edges but no road markings. There is a grassed unfenced recreation area/paddock on the northern edge. Number 37 is the northernmost dwelling at the end of the street, with a home on the southern side and the grassed area on the northern side.

The weather at the time of the collision was fine and the road surface was dry. The temperature was approximately 11°C.

Background

Mr Turner was aged 45 years (date of birth 28 March 1976), he was married to his wife of 23 years, Tanya, and the couple had five adult children together who ranged from 21 years to 29 years of age.

Mr Turner's parents were Geoffrey and Susan Turner and he has two younger brothers. He was a healthy child.

Mr Turner attended Ravenswood primary and high schools and lived in Ravenswood until he moved from that suburb when he was 16 or 17 years of age. He left school at 15 years and worked as a fruit picker. He then moved to Victoria and worked as a labourer. In 1995, at the age of 19, he moved back to Launceston at which time he met his future wife Tanya who he married in 1998.

Mr Turner worked as a labourer at CMA Recycling in Rocherlea for many years and he worked at Hudson Civil Products. In or about 2016 or 2017 he started to get sick. He suffered from headaches and dizziness. The doctors could not determine what was wrong with him. He started taking some time off work and ended ceasing work in about 2019 after which he was in receipt of a New Start allowance. Mrs Turner says in her affidavit from what she could see his health “seemed pretty alright”.

Mrs Turner says her husband has driven cars and has ridden dirt bikes for as long as she has known him. She says he had a normal car licence but no motorbike licence. In early 2021 he owned a black-and-white dirt bike which he rode on weekends. Mrs Turner was told by Mr Turner’s father that Mr Turner used to ride motorbikes in the bush when he was younger. She also used to see him ride his motorbike in the paddock next to their property. She had never, until this evening, seen him ride a motorbike on a road.

Circumstances Leading to Death

Mrs Turner says on 14 August 2021 her husband got up at about 10:30 am having consumed a couple of stubbies of beer watching TV the night before. He had fallen asleep on the couch and she told him at 2 am to go to bed. After getting up he spent the day pottering around watching TV and fixing his son’s car. After lunch her niece, Ms Lee, texted her and said she was coming around with her boyfriend Mr Gudge.

Between 5:45 and 6:00 pm Mr Gudge arrived at Mr and Mrs Turner’s home on the motorcycle. He parked it near their letterbox. Ms Lee turned up in an Uber about ten minutes later. Thereafter Mr Gudge went to the pub on his motorcycle and returned with four bottles of Moscato and premixed cans of wild turkey. Mr and Mrs Turner’s two sons and a friend were also present at the property in a back shed drinking beer.

Mrs Turner set up a speaker and played music and both she and Ms Lee were singing in the kitchen. Mr Turner was in the lounge room drinking beer. He and Mr Gudge then went outside for a smoke at which time Mr Gudge showed Mr Turner his motorcycle. She then observed Mr Turner go to his shed and thereafter he came back wearing his yellow, red and orange motorcycle helmet and red and black gloves. She saw Mr Turner get on the motorcycle and start it up. She observed him ride it from their home to near to the other end of Lemonwood Street. The lights of the motorcycle were on. She believes when he first rode away he rode carefully to start with. He then turned around and headed towards their home in or about the middle of the roadway. As he came into the driveway he looked like he was trying to slow

down but he had not slowed down. He rode through the gate and the front of the motorcycle hit the back passenger side of the Nissan Patrol which was parked in the driveway and facing towards their home. She says Mr Turner was travelling at about 10 to 20 km/h at the moment of collision. Mrs Turner says it looked as though her husband jumped off the motorcycle and did not hit the Nissan. He fell on the ground on the lawn beside the passenger-side of that vehicle.

Mrs Turner went to her husband's aid. He was on his back and his feet were facing the front fence and his head was pointed towards their home. He still had his helmet on. Her sons came out and assisted while Mrs Turner called out to their neighbour who came and spoke to Mr Turner. An ambulance was called.

Mrs Turner says Mr Turner told the ambulance officers he could not breathe. They asked him if he had been drinking and she told them he had consumed 3 or 4 stubbies of beer. She gave them the medication he had been taking for his headaches and his asthma puffer. The ambulance officers transferred Mr Turner into the ambulance and Mrs Turner went inside to wait. She says about ten minutes later she was informed he had passed away.

Mrs Turner thinks her husband was trying to test out the motorcycle and that is why he crashed. She did not believe he was drunk and she did not think he had consumed a lot of alcohol on that day. She confirmed she filmed Mr Turner while he was riding the bike but she deleted that film the next day. She provided her phone to Tasmania Police and was happy for attempts to be made to recover the film if possible. Footage was retrieved and Mrs Turner can be heard yelling "*slow down slow down*". First-Class Constable Housego having watched that footage says he believes Mr Turner looked unsteady on the motorcycle and he was walking it as he attempts to ride away from the driveway.

Investigation

Constable Burt says he and Constable Stephenson were tasked with two other officers to attend this collision at 7:30 pm. On arrival he observed personnel from Ambulance Tasmania already present. At that time Mr Turner was being transferred to the ambulance. He observed the motorcycle resting on its stand facing the roadway but behind the Nissan patrol. He observed scratches and dirt on the front of the motorcycle and a clump of dirt and grass stuck under the exhaust pipe. The driveway was well lit as there was a streetlight positioned directly in front of Mr Turner's address on the footpath. He observed wheel marks from a motorcycle

leading from the street onto the driveway immediately behind the Nissan. He spoke to Mrs Turner and Ms Lee and they identified Mr Turner.

He then returned to the street and was advised ambulance officers were performing CPR on Mr Turner as he had ceased breathing. Constable Stephenson and Constable Burt assisted the ambulance officers by performing CPR so the officers could focus on providing Mr Turner with other treatment. Constable Burt says Mr Turner was not able to be revived.

Further police attended including First Class Constable Housego of Northern Crash Investigation Services at 8:11 pm and Senior Constable Caroline McGregor of Northern Forensic Services at 8:15 pm. An examination of the scene was conducted and photographs were taken. Mr Turner was removed from the scene by the mortuary ambulance. Both the motorcycle and the Nissan Patrol were seized.

First-Class Constable Housego observed tyre scuffs and light motorcycle scrapes on the roadway and driveway area of the residence. He observed damage to the rear left indicator area of the Nissan Patrol and the motorcycle lying on the driveway behind the Patrol. He was informed it had been moved to that position by an unknown person from the position it had come to rest after the collision. The motorcycle was then moved onto the foot path in front of Mr Turner's home. He marked the scene with yellow paint and with the assistance of Constable O'Neill completed a sketch plan with relevant measurements. At his direction Senior Constable McGregor took photographs.

The forensic pathologist Dr Donald Ritchey conducted a post-mortem examination on 17 August 2021. He noted the results of a post-mortem CT scan together with the results of toxicology testing which was conducted on a blood sample which was taken from Mr Turner. He says the autopsy revealed minimal evidence of injury externally. This consisted only of an abraded contusion of the right thigh. The CT imaging revealed multiple severe internal injuries including displaced rib fractures causing lung lacerations, lung collapse, haemopericardium¹, a right clavicle fracture and a comminuted fracture of the right scapula. He concluded that the cause of death was multiple blunt traumatic injuries sustained in a motorcycle crash. I accept Dr Ritchey's opinion.

¹ Haemopericardium is a condition that affects the cardiovascular system. It usually begins with blood accumulating in the pericardial sac posterior to the heart, and eventually expands to surround the entire heart. The fluid build-up then causes pressure within the pericardial sac to increase. This pressure which is called cardiac tamponade can be fatal.

Testing conducted by Mr McLachlan-Troup returned a reading of 0.194 g of alcohol in 100 mL of blood. Mr Turner therefore had significantly more alcohol than the 3 to 4 stubbies of beer which were estimated. In addition cannabis was detected which indicated the possible recent use of this drug. Its use causes cognitive, perceptual and behavioural changes including impaired coordination, reaction times and judgement. It may result in altered vision, sleepiness, reduced coordination and balance. It has marked effects on driving ability most notably reaction times and hand/eye coordination. It affects distance perception and its use can lead to disorientation. The blood alcohol concentration alone had the potential to significantly impair driving performance and increase relative crash risk. It has been shown that the relative risk of a driver with a blood alcohol concentration of 0.180 g of alcohol in 100 mL of blood being involved in a crash is approximately 50 times that of a driver with no blood alcohol concentration. A higher blood alcohol concentration would be associated, as in this case, with an even greater relative risk of being involved in a crash. I accept Mr McLachlan-Troup's opinions.

Police enquiries revealed Mr Turner held a Tasmanian car licence however that licence had been suspended on 6 May 2021 due to the non-payment of fines. It had a 0 blood alcohol condition. His police record shows that he had a number of traffic convictions and five breaches of the *Road Safety (Alcohol and Drugs) Act 1970* together with one conviction for driving while disqualified.

The motorcycle was registered until the 3 November 2021 to Mr Gudge who purchased it on 13 March 2020. Mr Gudge says he put new tyres on the motorcycle on 3 February 2021 and it had a full service on that date. He usually rode the motorcycle at track events at Symmons Plains the last occasion being 23 July 2021. On 16 August 2021 the motorcycle was inspected by Mr MacLaine who is a transport safety and investigation officer. He is a qualified diesel mechanic with 42 years' experience in the motor vehicle industry and he has been a transport safety and investigation officer for 28 years during which time he has conducted numerous roadworthiness examinations on vehicles involved in both serious and fatal crashes. Mr MacLaine found damage to the motorcycle consistent with the mechanism of collision described above. He also found the motorcycle had two defects. First the exhaust system failed to display required information and second the engine speed did not return to the normal idle position upon release of the throttle control. That is the right hand grip control failed to return immediately to low when it was released. He considers this may have been a factor in the collision. There were other items on the motorcycle and the Patrol which were non-compliant but these were minor and had no effect on the collision. Vehicle defect notices were issued to both vehicles. I accept his opinions.

Mr Gudge and Ms Lee said Mr Turner rode the motorcycle quite carefully although Ms Lee was very concerned about Mr Turner riding this motorcycle because she knew how fast it was. Ms Lee did not see the collision however Mr Gudge says the motorcycle collided with the Nissan at approximately 20 km/h. Mr Gudge says on the return journey he believes Mr Turner changed gears down too fast. He went from third straight down to first gear which caused the back wheel to compression lock and then Mr Gudge saw his back wheel skipping. He then thinks Mr Turner panicked because he put his feet down and pulled the clutch in and kept rolling for a distance of about 20 m before he entered the driveway.

First-Class Constable Housego located a motorcycle tyre skid mark 18.4 m long which he determined was produced by the rear tyre of the motorcycle when it was locked due to rear wheel braking. He says rear wheel skids are longer and generally curved or snaking in shape whereas front wheel skids are short and straight due to the motorcycle falling over when the front brake is locked in the tyre skid. This skid mark approached the driveway of Mr and Mrs Turner's home and it ended on the driveway to the home where the foot path crosses the driveway. Using this measurement and working out the coefficient of friction and then using the uniform acceleration equation First-Class Constable Housego calculated the motorcycle was travelling at a minimum speed of between 48 km/h and 55 km/h before Mr Turner locked up the rear brake which resulted in the skid mark. During the skid the right rear of the motorcycle has slightly rotated counter clockwise causing the front of the motorcycle to face slightly left. It has then crossed the curbing at the commencement of the driveway at which time the rear brake was released, it has travelled along the driveway for 8.5 m before colliding with the left rear corner of the Nissan Patrol.

First-Class Constable Housego is of the opinion this crash is due to the actions of Mr Turner. No other person has contributed to it. Road conditions did not contribute to the collision. He notes Mr Turner has never held any form of motorcycle licence or passed any test to indicate he was competent to ride a motorcycle on a public street and therefore he should not have been riding the motorcycle on this evening. Mr Gudge believes Mr Turner was licensed to ride this motorcycle and there is no evidence to the contrary which impugns that belief. Mr Gudge also says Mr Turner had not been consuming alcohol that evening but there is evidence to the contrary from Ms Lee and Mrs Turner. First-Class Constable Housego disagrees with Mr Gudge as to his view that Mr Turner panicked and put his feet down because footage shows Mr Turner with his feet up on the motorcycle. In addition it is not possible for Mr Turner to activate the rear brake, which is a foot break, with his feet on the ground. First-Class Constable Housego concludes as follows:

“I am of the opinion that Mr Turner was not riding the Suzuki with any form of competency. As he rode away from the house, he almost collided with the concrete curbing on the northern edge of Lemonwood Street. He is resting his right foot on the brake pedal as he was accelerating, causing the brake light to come on. He did not perform a U-turn at the end of Lemonwood Street, he turned right into Reservoir Road and drove south, returning to Lemonwood Street a short time later. (There is a round-about on Reservoir Road, south of Lemonwood Street, that Mr Turner has most likely used to turn the motorcycle around). Mr Turner is then seen riding the motorcycle back down Lemonwood Street at a speed in excess of 50 km/h.

Mr Turner can then be heard revving the engine of the motorcycle, in an action that would suggest he was changing down gears. Mrs Turner can be heard yelling out to Mr Turner to slow down as he was approaching the driveway at an excessive speed. Mr Turner has subsequently activated and locked the Suzuki’s rear brake. He has then skidded the rear tyre 18.4 m before entering the driveway and colliding with the parked Nissan Patrol.

As outlined in Analyse Motorcycle Collisions Student Workbook (2016, page 68)²:

“The inexperienced or untrained rider will often do one of two things: lock up the rear wheel of the motorcycle and intentionally lay it on its side or, take no evasive action to avoid the crash. In most single vehicle crashes the one factor that stands out is excessive speed for the conditions and thereby loss of control.”

It is my opinion that a high level of alcohol and drug intoxication and inexperience on a motorcycle of this kind, has caused Mr Turner to approach the driveway of 37 Lemonwood Drive [sic] at an excessive speed and apply the rear brake only. He lived in the street and would have a good knowledge of the approach to his driveway. You can see the entrance to 37 Lemonwood Street as you turn into the street, allowing Mr Turner to have plenty of time to slow the motorcycle prior to entering the driveway.”

I accept First-Class Constable Housego’s opinion which he is well qualified to give.

Comments and Recommendations

This case serves as yet another sad reminder that the excessive consumption of alcohol, together with the consumption of illicit drugs and excessive speed can, as it did in this case,

² Crash Analysis and Training Consultants Pty Ltd Student Workbook, "Analyse Motorcycle Collisions", Section 2 "Analyse the Rider of a Motorcycle", Rider History, page 68 Rider History paragraph 3.

have tragic consequences. In addition it appears Mr Turner, despite riding dirt bikes in the bush and in paddocks for many years, had never been licensed to ride a motorcycle on a public street. He simply should not have been riding this motorcycle on this evening. His decision to do so was obviously influenced by the alcohol and cannabis he had consumed.

The circumstances of Mr Turner'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 convey my sincere condolences to the family and loved ones of Mr Turner.

Dated: 20 July 2023 at Hobart in the State of Tasmania.

Robert Webster

Coroner