



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings have been de-identified in relation to the name of the deceased, family, friends and others by direction of the Coroner pursuant to S.57(1)(c) of the Coroners Act 1995)

I, Simon Cooper, Coroner, having investigated the death of Mr K

Find That:

- (a) The identity of the deceased is Mr K;
- (b) Mr K died in the circumstances described in this finding;
- (c) Mr K died as a result of multiple blunt traumatic injuries sustained in a motorcycle crash;
- (d) Mr K died in June 2015 at Brooker Highway in southern Tasmania; and
- (e) Mr K was 18 years of age at the time of his death; he was single and a student.

Background:

Mr K was born in Tasmania in 1997. At the time of his death he was a single man with neither dependants nor a partner. During the working week he lived in a unit in southern Tasmania. Most weekends he returned to his parents' residence. He was a student at the time of his death attending two separate colleges.

His mother says that when he was growing up he was a healthy child. A teacher at one of the colleges he attended described him as respectful with a gentle sense of humour.

At the time of his death Mr K was the holder of a Tasmanian L1 novice driver licence. He had made two unsuccessful attempts to obtain his P1 car licence.

In May 2015 Mr K passed the mandated pre-learner motorcycle training course. On 19 May 2015 a novice L1 motorcycle licence was issued to him. In common with other licences of that type it was subjected to conditions that he display an L plate at the rear of the motorcycle; he not drive with any alcohol in his blood at any time; and he not exceed 80 km an hour. In addition, he was not permitted to carry a pillion passenger and was only permitted to ride a LAMS approved motorcycle. LAMS is the acronym for Learner Approved Motor Cycle Scheme. It is a government initiative designed to identify motorcycles that are suitable for learner motorcycle riders to utilise. In summary, the scheme is aimed at improving the safety of motorcycle

riders. It attempts to achieve this by restricting the power to weight ratio and engine capacity of motorcycles.

Circumstances Surrounding the Death:

I make the following findings of fact on the basis of material obtained in the course of the coronial investigation into Mr K's death.

At about 5.40pm in the evening of Mr K's death, soon after obtaining his L1 motorcycle licence, Mr K was riding his red 650 cc Hyosung motorcycle, registered number A 65 IP, in a northerly direction on the Brooker Highway towards Chigwell. Mr K had a pillion passenger on the rear of the motorcycle. Under the conditions of his licence Mr K was of course not permitted to carry a pillion passenger. I am satisfied that the motorcycle complied with all LAMS requirements, apart from being fitted with an after-market electronic fuel adjustment kit which had no bearing on the happening of the crash.

Both young men were wearing appropriate motorcycle clothing including approved helmets.

Mr K was travelling in the right hand of two north bound lanes. The headlight on his motorcycle was operational. The relevant speed limit was 80 km/h. Evidence subsequently obtained indicates that Mr K was travelling at or about this speed. Just south of the roundabout at the junction of Howard Road and Brooker Highway, Mr K passed a silver Ford sedan travelling in the left lane. The driver of that vehicle, Ms P, says that when she was passed by Mr K she was travelling at a speed between 60 and 70 km per hour.

Just past the roundabout is the junction of the Brooker Highway and Goodwood Road (near the Elwick racecourse). The traffic control lights facing Mr K were green. He proceeded through the junction remaining in the right-hand eastern most lane.

A second set of traffic control lights faced Mr K at the junction of the Brooker Highway and Elwick Road. Evidence subsequently obtained as part of the coronial investigation into Mr K's death indicate that those lights changed to red at a point when Mr K's motorcycle was approximately 106 m south of the stop line at the junction. A green Ford sedan, ahead of Mr K's motorcycle but in the centre lane, stopped at the stop line on the Brooker Highway, at that intersection.

At the same time a blue Suzuki Swift Hatch was stationary on Elwick Road at the junction of the Brooker Highway. Red traffic control lights were facing the driver of that Suzuki. There are two dedicated traffic lanes at that junction to enable traffic to turn right from Elwick Road onto the Brooker Highway so as to be able to travel south on that highway in the general direction of Hobart. The driver of the Suzuki had been stationary behind the stop line in the northern most (or left hand) of the two turning lanes. The headlights on his vehicle were illuminated.

The traffic control lights facing traffic in Elwick Road (including the driver of the

Suzuki) turned green. At the same time the lights facing north bound traffic on Brooker Highway (including Mr K) turned red. The driver of the Suzuki moved his vehicle forward to enter the junction. He was only travelling at a low speed, in first gear. He crossed the western most north bound lane and neared the centre of the junction. His view of traffic approaching from the south on the Brooker Highway was obscured by the presence of a stationary vehicle.

Mr K was still travelling at a speed of about 80 km/h as he approached the red traffic control light facing him. Twenty eight metres from the stop line he applied his rear wheel brake. This caused the rear wheel of the motorcycle to skid. Whilst in the skid the motorcycle fell onto its left hand side and the motorcycle, Mr K, and his passenger, slid north along the road surface across the stop line into the junction. The motorcycle and the two young men impacted the front driver's side corner and the driver's side door on the Suzuki Swift. The driver of the Suzuki had travelled less than 15 metres at the time of impact and his speed was subsequently calculated to be no more than 20 km/h. I am satisfied that he had no time to react in which to take any form of effective evasive action so as to avoid the crash with Mr K's motorcycle.

Traffic at the time of the crash was light. The road surface was in good order and dry. Nothing about the weather conditions or the road surface caused or contributed to the happening of the crash.

Several passing drivers stopped and afforded assistance at the scene. Police and emergency services were called. Mr K, his passenger and the driver of the Suzuki were all taken by ambulance to the Royal Hobart Hospital. Sadly, shortly after his admission to the hospital, Mr K was declared dead. I am satisfied that the treatment he received at the accident scene, in the course of transportation by ambulance to the hospital and at the hospital prior to his death was appropriate and proper in all of the circumstances.

After formal identification an autopsy was carried out on Mr K's body by Dr Donald McGillivray Ritchey, forensic pathologist. Dr Ritchey expressed the opinion, which I accept, that the cause of Mr K's death was multiple blunt traumatic injuries. Samples taken at autopsy were subsequently analysed at the laboratory of Forensic Science Service Tasmania. Nothing of any significance was identified as a result of that analysis. Specifically, no drugs (legal or illegal) and no alcohol were detected as being present in those samples.

The driver of the Suzuki was also tested for the presence of alcohol and /or drugs in his body at the time of the crash. No alcohol or illicit drugs were detected in his body. A sub-therapeutic level of paracetamol was detected as being present, but I am satisfied that drug did not impair, at all, his driving performance. I note it was a condition of his driver's licence that he wear visual aids whilst driving. I am satisfied on the evidence that he was wearing appropriate glasses at the time of the crash.

The vehicles involved in the crash were impounded and examined by a Transport Inspector. In summary, the opinion of the Transport Inspector was that both the motorcycle and the Suzuki Swift were, prior to the accident, maintained in

roadworthy conditions. Neither vehicle was found to have any mechanical defect which caused or contributed to the crash.

I am satisfied that Mr K died in the circumstances set out in this finding. It is clear that there was a delay in his perception of, and response to, the traffic light facing him turning red. I cannot determine why it was that he failed to perceive and respond to the light changing. Certainly excessive speed, drugs and alcohol played no part in the happening of the crash. Neither did a mechanical defect in either vehicle involved nor any defect in the road design or construction. Weather conditions seemed to have played no role either. I am well satisfied that the driver of the Suzuki is in no way responsible for the happening of the crash.

Taking all matters into account it is likely, in my view, that the crash which claimed Mr K's life was due to his lack of experience in riding motorcycles, possibly compounded by the fact that he was carrying a pillion passenger when he was not authorised so to do. I note that he had been in possession of his L1 motorcycle licence for around one month.

Comments and Recommendations:

The *Coroners Act* 1995, section 28 (3), empowers a Coroner to make comments on any matter associated with the death. With that provision in mind I remind the public in general, and novice learner drivers and motorcyclists in particular, of the necessity to comply with *any* condition imposed on their licence.

I thank Sergeant Rodney Carrick for his thorough and highly professional investigation of this very sad matter.

In concluding, I convey my condolences to the family of Mr K.

Dated: 4 January 2016 at Hobart in the state of Tasmania.

Simon Cooper
Coroner