



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings had been partially de-identified at the request of family and by direction of the Coroner)

I, Olivia McTaggart, Coroner, having investigated the death of JC

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

- a) The identity of the deceased is JC;
- b) JC died as a result of burns from a single vehicle crash whilst riding a motorcycle on Elphinstone Road, Mount Stuart, in Tasmania;
- c) The cause of JC's death was thermal burns;
- d) JC died on 6 September 2015 at the Royal Hobart Hospital in Tasmania; and
- e) JC was born in New South Wales and was aged 24 years at the time of his death.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into JC's death. The evidence comprises a fire investigation report by Tasmania Fire Service investigators, an opinion of the State Forensic Pathologist as to cause of death, an opinion from the police crash investigator, relevant police and witness affidavits, medical records and reports, and forensic evidence.

On 6 September 2015 JC was with his friends, Dylan Bygrave and Anthony Heath-Darcy, at his residence at Abermere Avenue, Mount Stuart. At approximately 2.00pm JC left on Mr Heath-Darcy's Yamaha 650cc motorcycle intending to take it for a short ride around the block. JC was wearing a motorcycle helmet, motorcycle gloves and appropriate clothing and footwear.

A short distance after exiting Abermere Avenue, JC lost control of the motorcycle on Elphinstone Road, on the exit of a slight right-hand downhill curve on Elphinstone Road. JC failed to negotiate the curve, causing the left side of the motorcycle to scrape the gutter on the northern side of the road before colliding with a power pole on the footpath.

Two witnesses, Cindy Hill and David Higgins, were sitting in a vehicle in the driveway of their home in Elphinstone Road. They witnessed JC on the motorcycle travelling down the road. Ms Hill believed that he may have been travelling faster than most people would travel on that section of road. They observed that JC failed to follow the curvature of the road and hit a power pole. They saw him being thrown from the motorcycle and land in front of the power pole. It did not appear to Ms Hill that JC had attempted to swerve or navigate the corner or reduce his speed as he approached the corner.

Ms Hill and Mr Higgins immediately ran towards JC to assist him. They observed flames emanating from the seat area of the motorcycle and saw that JC was burning. Ms Hill attempted to put the flames out using her clothing. She called for help from members of the public, and then spoke with emergency services on the phone. Mr Higgins grabbed hold of JC and dragged him away from the vicinity of the motorcycle into the driveway of a nearby house. Another resident, Richard Gardner, a doctor, brought a bucket of water and trickled the water over JC. Ambulance personnel arrived at the scene and were briefed by Dr Gardner. Tasmania Fire Service personnel also attended and extinguished the motorcycle.

Mr Bygrave and Mr Heath-Darcy, who were still at JC's residence, became concerned when JC had not returned. Upon hearing sirens close by, Mr Bygrave took his own motorcycle and went to look for JC. As soon as Mr Bygrave travelled onto Elphinstone Road he could see a motorcycle lying on the ground. He observed JC lying on the ground just past the motorcycle. By that time the paramedics had arrived, and were treating JC at the scene.

JC was conveyed to hospital. He had suffered severe burns requiring extensive intervention. His prognosis was assessed as incompatible with life and he was therefore palliated. Life support was ceased soon after and JC passed away at 6.35pm.

An autopsy was conducted by State Forensic Pathologist, Dr Christopher Lawrence. He observed significant thermal burns to JC's body. There were also fractures of the left upper arm and the right clavicle. Toxicology performed on blood taken from JC on admission to the Emergency Department showed a low level of alcohol, and moderate elevated carbon monoxide consistent with smoke inhalation. Dr Lawrence formed the view that JC died as a result of thermal burns sustained in the crash. I accept Dr Lawrence's opinion of cause of death.

A determination on the roadworthiness of the motorcycle could not be fully completed due to the fire damage. However, Mr Bygrave had ridden the motorcycle prior to JC riding it, at which time it was operating well.

Tasmania Fire Service investigators concluded that the origin of the fire was on the left hand side of the motorcycle and that the fire was caused due to the impact of the motorcycle with the power pole. The impact caused the motorcycle's fuel tap to break off, resulting in the fuel freely flowing out of the tank and making contact with the hot exterior of the engine, causing instantaneous combustion to occur.

The ignited fuel made contact with JC's clothing. Due to the fact that his clothing was flammable and that he had not been in a position to extinguish himself (due to impact injuries) it continued to burn until extinguished by witnesses.

The investigation revealed no evidence of any electrical, chemical, mechanical or natural ignition sources, or any information or evidence suggesting that the cause of the fire was deliberate.

The crash investigators assessing the glass fragments from the motorcycle at the scene determined that the motorcycle struck the pole at 50 km/h.

There is no indication upon the evidence that JC was contemplating suicide. Mr Bygrave and Mr Heath-Darcy were with JC just prior to the accident and they stated that he was happy, in good spirits and was excited to take the motorcycle for a ride. JC's mother described him as a happy, motivated and healthy man with plans for his future. JC's father stated that he loved his job and was looking to start his own business. JC was due to travel to Thailand the following Thursday, and was excited about the trip.

According to JC's family and friends he was competent on motorcycles and had been riding for approximately seven years.

I am satisfied that there are no suspicious circumstances surrounding the crash. I find that, as concluded by the Tasmania Fire Service investigation, the fire was of an accidental causation that resulted from the motorcycle hitting the power pole. I am also satisfied that no other vehicles were involved in the crash as confirmed by Ms Hill and Mr Higgins.

I am not able, unfortunately, to determine the reason why JC lost control of the motorcycle, except to find that the crash was unintentional and resulted from a driving error on his part. He had not ridden the motorcycle previously and may have been unfamiliar with the handling of it. The evidence does not indicate that he was travelling at a high speed, although it is possible that his speed may have been too fast for the curve and for his familiarity with the motorcycle. Although a small amount of alcohol was detected in his blood, I am satisfied on the evidence that he did not

consume alcohol in the hours before the crash and that his blood alcohol level was more likely to arise from consumption the previous evening. It is difficult to determine whether his driving was affected by this quantity of alcohol. However, I am satisfied that alcohol consumption did not play a major part in the crash.

I commend the brave actions of Mr David Higgins and Ms Cindy Hill who attempted to save JC whilst he was burning. In the process of assisting him, Mr Higgins sustained significant burns to his left hand.

I extend my appreciation to the police, fire and transport officers for their considerable assistance in this investigation. I also thank Constable Sarah Morris for her investigation and thorough report.

The circumstances surrounding this matter do not require me to make any comments or recommendations pursuant to section 28 of *Coroners Act* 1995.

In concluding, I convey my sincere condolences to the family and loved ones of JC.

Dated: 27 March 2017 Hobart in the state of Tasmania.

Olivia McTaggart
Coroner