



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 Wesley Ian Burkhardt

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

- a) The identity of the deceased is Wesley Ian Burkhardt;
- b) Mr Burkhardt died as a result of injuries sustained by him in a collision between the motorcycle he was riding and a truck;
- c) The cause of Mr Burkhardt's death was exsanguination (acute blood loss);
and
- d) Mr Burkhardt died on 20 February 2017 on the Esk Highway approximately 430 metres west of that road's intersection with Mount Foster Road, near Fingal, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Burkhardt's death. The evidence comprises an opinion of the forensic pathologist who conducted the autopsy; the results of toxicological analysis of samples taken at autopsy; a detailed report from Tasmania Police Northern Crash Investigation Services; relevant police and witness affidavits; medical records and reports; and forensic and photographic evidence.

On the afternoon of Monday 20 February 2017, Mr Burkhardt was riding a Harley Davidson motorcycle on the Esk Highway in a general westerly direction from Fingal towards Avoca. He was being followed closely by his father who was riding another Harley Davidson motorcycle. Mr Burkhardt failed to negotiate a sweeping left hand curve in the road and crossed double continuous white lines travelling into the oncoming traffic lane.

At the same time, Mr Andrew Mitchell was driving a white TasNetworks Isuzu flatbed truck east on the highway towards Fingal. Mr Burkhardt's motorcycle collided with the truck resulting in Mr Burkhardt being thrown from his motorcycle onto the roadway. He

was airlifted by the Westpac police rescue helicopter from the scene to the Royal Hobart Hospital in a critical condition and died on his arrival at the hospital.

After formal identification of his body, an autopsy was carried out by Dr Donald McGillivray Ritchey, an experienced forensic pathologist. Dr Ritchey found that Mr Burkhardt had suffered from multiple traumatic injuries sustained in the motorcycle crash and the cause of his death was exsanguination (acute blood loss). Samples taken at autopsy by Dr Ritchey were subsequently analysed at the laboratory of Forensic Science Service Tasmania. 0.8 mg/L of Methylamphetamine (an illicit drug) was found to have been present in Mr Burkhardt's body at the time of the crash.

Methylamphetamine is an illegal, extremely potent central nervous system stimulant which results in behavioural and physiological effects. Scientific research has demonstrated that methylamphetamine use can result in erratic driving behaviours including drifting in and out of lanes, weaving, speeding and drifting off the road. The drug adversely affects driving ability as a consequence of impaired perception, judgement, attention and psycho motor function. It hardly needs be said that no one should ride a motorcycle with methylamphetamine in their body.

The crash in which Mr Burkhardt sustained his fatal injuries was comprehensively investigated by officers from Tasmania Police Northern Crash Investigation Services. The officer in charge of that investigation, Senior Constable Michael Rybka, expressed the opinion that the cause of the crash was nothing to do with the road environment but occurred as a result of Mr Burkhardt failing to negotiate the left hand curve in the road travelling directly into the side of the oncoming truck. I accept this opinion.

The evidence is that neither the motorbike nor the truck suffered from any mechanical deficiency which caused or contributed to the happening of the crash. The driver of the truck underwent the usual post-crash testing for the presence of alcohol and drugs in his blood. Unlike Mr Burkhardt, neither drugs nor alcohol were found to have been present in his body at the time of the crash.

There is no evidence to support that mobile phone use caused or contributed to the happening of the crash. Neither vehicle was found to be speeding. I am satisfied that nothing about the weather conditions (which were fine and clear) caused or contributed to the happening of the crash.

The clothing that Mr Burkhardt was wearing at the time of his crash was appropriate. His helmet complied with the applicable Australian Standard.

In summary, I am satisfied that the crash which caused Mr Burkhardt's death occurred when the motorcycle he was riding, with methylamphetamine in his blood, failed to negotiate a bend in a highway and travelled into the path of a truck travelling in the opposite direction. There was nothing in the circumstances that the truck driver could have done to avoid the happening of the crash.

Comments and Recommendations

I extend my appreciation to investigating officer, Senior Constable Rybka, for his investigation and report.

The circumstances of Mr Burkhardt'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 condolences to the family of Mr Burkhardt.

Dated 12 June 2018 at Hobart in Tasmania.

Simon Cooper
Coroner