



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 Andrew Shaun McKenna

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

- a) The identity of the deceased is Andrew Shaun McKenna;
- b) Mr McKenna died as a result of injuries sustained by him as rider in a single vehicle motor cycle crash. At the time of the crash, he was disqualified from riding a motorcycle on public streets and significantly affected by alcohol and cannabis;
- c) The cause of Mr McKenna's death was head, chest, pelvis and limb injuries; and
- d) Mr McKenna died on 29 November 2020 at Augusta Road, Lenah Valley, Tasmania.

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

- Police Report of Death for the Coroner;
- Affidavits establishing identity and life extinct;
- Report – Dr Andrew Reid, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Medical records – Glenorchy Medical Centre, Royal Hobart Hospital;
- Report – Dr Elida Assenheimer;
- Affidavits – Delena Garrett, sworn 16 December 2020 and 27 May 2021;
- Affidavit – Joel Lorkin, sworn 22 February 2021;
- Affidavit – Peter McKenna, sworn 28 December 2020;
- Affidavit – Kane Faltusz-Cashion, sworn 22 January 2021;
- Affidavit – Rodney Wright, sworn 9 December 2020;
- Affidavit – Constable Matthew Smith, sworn 1 December 2020 (and body worn camera footage);
- Affidavit – Constable Heath Rathbone (unsworn);

- Affidavit – Melissa Bartulovic, Crime Scene Examiner, Forensic Services, Tasmania Police (rank not stated), sworn 9 March 2021 (and photographs);
- Crash Investigation Services – Collision Analysis Report – Constable Jared Gowen, December 2020;
- Affidavit – Transport Inspector Jason Hardy, sworn 5 December 2020; and
- Records – Ambulance Tasmania; CCTV footage and police information holdings.

Mr McKenna was given a direction to leave the Salamanca area by police at about 5:00 am on 29 November 2020. Approximately an hour later, he crashed his motor cycle on Augusta Road and suffered catastrophic injuries which caused his death at the scene.

Despite the attendance of paramedics Mr McKenna could not be revived.

The injuries he sustained were unsurvivable. They included severe brain damage and multiple pulmonary lacerations, a pneumothorax, peri-vertebral haematoma, fractured ribs and a fracture of the pelvis. The head injury was likely to have been the principal operative cause of his death.

At the time of the crash, Mr McKenna was heavily affected by both alcohol and cannabis. In addition, he was not permitted to be riding the motorcycle at all, having been disqualified by a court order a few months earlier.

There is no evidence that any other person was involved in the accident which caused Mr McKenna's death.

The motorcycle he was riding was well maintained and in a roadworthy condition. Mechanical defect or road surface neither caused nor contributed to the happening of the crash. The weather conditions were overcast with some drizzle although I do not consider weather caused or contributed to the happening of the crash. Rather, the crash occurred because Mr McKenna lost control of the motorcycle after he crossed into the wrong lane, hit the gutter and then was flung from the motor cycle colliding with the Hydro pole.

Although there is evidence that Mr McKenna had at least one documented incident of a suicide attempt in the past, and he appears agitated and upset in the body worn camera footage which captured his interaction with police in Salamanca an hour or so before his death, there is insufficient evidence to enable a conclusion that his death was the result of suicide.

Comments and Recommendations

The circumstances of Mr McKenna'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 McKenna.

Dated: 8 May 2023 at Hobart in the State of Tasmania.

Simon Cooper

Coroner