



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Finn Ruben Leo Bühler,

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

- a) The identity of the deceased is Finn Ruben Leo Bühler;
- b) Mr Bühler died as a result of injuries sustained in a single motor vehicle collision;
- c) The cause of death is traumatic head injury; and
- d) Mr Bühler died on 8 December 2019 at Glenfern, Tasmania.

Introduction

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

- Tasmania Police Report of Death;
- Opinion of the forensic pathologist regarding cause of death;
- Collision Analysis Report by Crash Investigator, Constable Jared Gowen;
- Affidavit of Inge Jahn, Mr Bühler's mother;
- Affidavit of Graham McLean, owner of Base Camp Tasmania;
- Affidavit of Rosemary Grundy, acquaintance of Mr Bühler;
- Affidavit of Blair Chisholm, motorist;
- Affidavit of Quentin Walker, motorist;
- Affidavit of Paul Wells, a qualified transport inspector;
- Affidavit of Constable Gavin Cashion, who cautioned Mr Bühler for speeding the day before his death;
- Affidavits of three attending and investigating police officers; and
- Forensic and photographic evidence.

Background

Finn Ruben Leo Bühler was born on 27 March 2000 at Filderstadt, Germany. At the time of his death, he was 19 years of age, lived at Herrenberg, Germany with his parents before travelling to Australia. He was not married and had no children. Mr Bühler was in good health.

Mr Bühler was born to Inge Jahn and Jan-Dieter Bühler and he has three siblings. He grew up in Germany and completed an apprenticeship as a carpenter in August 2019 at a carpentry business. He continued to work at the business for three weeks after completing his apprenticeship, before leaving Germany to travel to Australia. It was Mr Bühler's intention to travel and work as a carpenter in Australia for a year. Mr Bühler held a 'working holiday' visa, valid from 18 August 2019 to 18 August 2020.

Upon arriving in Tasmania in August 2019, he purchased a red Mazda 323 sedan, registration number EO7633. Mr Bühler had obtained his German drivers' licence on 23 April 2019 and was issued with an international driver's licence on 11 October 2019.

Circumstances Surrounding the Death

On Friday, 6 December 2019, Mr Bühler booked and paid for accommodation at 'Base Camp Tasmania' ("the lodge") located in a bush setting at Glenfern, 49 kilometres from Hobart in a general westerly direction. He stayed at the accommodation for two booked nights as the sole occupant of the dormitory.

At 1.45pm on Saturday, 7 December 2019 (the day before his death), Mr Bühler was intercepted by police officers while driving his vehicle on Gordon River Road, National Park, after being detected on mobile radar for exceeding the posted speed limit on a tight curve. He was given a caution by the officer, who warned him of the dangers of excessive speed on such roads.

Mr Bühler was last seen alive by Rosemary Grundy, who was another guest at the lodge. At 9.50am on 8 December 2019, Mr Bühler informed Ms Grundy that he was leaving the lodge in an hour's time to buy a tent but was waiting for his washing in the dryer. Ms Grundy subsequently left the lodge at 10.07am.

At a time after 10.07am, Mr Bühler left the lodge in his vehicle. He travelled in a north-easterly direction along Glenfern Road for approximately 2.4 kilometres before his vehicle slid from the road surface, off the left side of the road and down an embankment. The vehicle collided with a tree which crushed the roof to near dashboard height.

The crash scene was situated to the east of the property at 637 Glenfern Road, 6.1 kilometres south of the intersection with Glenora Road. The road surface at the crash location is gravel. It has no marked lanes, sealed shoulders or safety barriers. It is intermittently lined with reflective marker posts.

At 11.30am, Mr Blair Chisholm was driving along Glenfern Road when he observed Mr Bühler's vehicle down the embankment. He stopped and approached the vehicle. Mr Chisholm stated that the exhaust pipe of the vehicle was still hot to touch at that time. After checking that the vehicle was stable, he climbed up on the side of the vehicle and observed Mr Bühler in the driver's seat, appearing very pale. It was Mr Chisholm's belief that Mr Bühler was deceased.

At 11.45am, another motorist, Mr Quentin Walker, stopped at the scene and spoke with Mr Chisholm. After observing the vehicle, he travelled in his vehicle along Glenfern Road until he reached an area of sufficient telephone coverage to call for emergency services.

Ambulance paramedics arrived at the scene and, after finding no signs of life, declared Mr Bühler deceased.

Mr Bühler's vehicle was recovered to the road by a heavy haulage tow truck and the roof was removed to allow for the extrication of his body. Inside the vehicle, Mr Bühler was seated in the driver's seat and was the sole occupant. His head was leaning to the right, resting on his right shoulder. He had been wearing his seatbelt at the time of his death.

An examination of Mr Bühler's vehicle was undertaken by Mr Paul Wells, a qualified transport inspector, on 10 December 2019. The vehicle was found to have been in an appropriately maintained condition, with a minor non-compliance issue that would not have contributed to or affected the outcome of the incident. I accept his opinion.

Toxicology testing showed no alcohol or drugs in Mr Bühler's body at the time of the crash. An autopsy was carried out by Dr Jane Vuletic, forensic pathologist, who determined that Mr Bühler died as a consequence of severe traumatic head injury. I am satisfied, based upon the autopsy evidence and Ms Jahn's affidavit, that Mr Bühler did not have any medical event that contributed to the loss of control of his vehicle.

The attending crash investigator, Constable Jared Gowen, noted in his report that the road at the time of his examination had a very low frictional resistance. He also calculated the right hand curve in the road had a critical curve speed of 45.9km/h. Mr Bühler approached the right hand curve at an approximate speed of 46km/h at the time his vehicle lost control. Although this speed does not exceed the speed limit for the road of 80km/h, it did exceed the critical curve speed for the corner and it was excessive for the road conditions. Constable Gowen concluded that Mr Bühler died as a result of his vehicle exceeding the critical curve speed, side-slipping off the road, rolling to the left down a bank and colliding with a tree. I accept his opinion.

Comments and Recommendations

Glenfern Road to the south of the intersection with Mount Lloyd Road is narrow and windy, with blind corners, steep drops from the road edge and has a loose gravel surface. It is subject to changes in weather conditions, including snow and ice. As noted above, the road surface has very low frictional resistance. The Department of State Growth data indicates that there have been three crashes on this section of road between 2015 and 2019, all resulting in either injury or property damage. Mr Graham McLean, owner of Base Camp Tasmania, reported that in the 17 years he has operated the business, he has been aware of eight crashes on the gravel section of Glenfern Road, some of which have involved vehicles sliding over the road edge into the gully.

The responsibility for this road lies with the Derwent Valley Council. The Council has recently installed a sign at the beginning of the gravel road section of Glenfern Road warning of the gravel road and changing conditions and cautioning motorists to “drive carefully”. It has indicated that advisory signs recommending a particular speed are not appropriate due to the unpredictable surface of a gravel road.

I cannot, on the available evidence, assess whether the erection of this single sign is a sufficient response to the risks to motorists who travel on the road. I agree with Constable Gowen’s opinion that an assessment of the road should be undertaken by infrastructure professionals (if this has not already occurred) to determine whether other safety measures should be implemented.

I **recommend** that the Derwent Valley Council instigate a full expert assessment of the risks to motorists travelling on the gravel section of Glenfern Road and of reasonable measures to reduce those risks.

I extend my appreciation to investigating officer, Constable Gowen, for his thorough and helpful investigation and report.

I convey my sincere condolences to the family and loved ones of Finn Ruben Leo Bühler.

Dated: 22 January 2021 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart
Coroner