



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 Mr Adrian John Cross

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

- a) The identity of the deceased is Mr Adrian John Cross;
- b) Mr Cross died as a result of injuries sustained by him when as a cyclist he was involved in a crash with a truck;
- c) The cause of Mr Cross' death was multiple injuries; and
- d) Mr Cross died on 8 February 2018 on the Bass Highway at Somerset, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Cross' death. The evidence comprises an opinion of the forensic pathologist who conducted the autopsy; the results of toxicological analysis of samples taken at autopsy from Mr Cross' body as well as from the driver of the truck after the crash; relevant police and witness affidavits; medical records and reports; and forensic and photographic evidence.

Mr Cross, who was 49 years of age at the time of his death, was a regular cyclist in and around the Burnie area. He died as a result of massive injuries sustained by him when at about 7:16 am on Thursday, 8 February 2018 the bicycle he was riding collided with a garbage truck at the junction of McKays Road and the Bass Highway at Somerset.

The evidence is that at the time of the crash it was raining and the roads were wet. The weather conditions appear to have been dark and gloomy. Most vehicles, including the garbage truck, had their head lights on.

Mr Gregory Culbert, the driver of the garbage truck, drove north along McKays Road and stopped when he reached the Bass Highway. He told investigators that he stopped for a period of time (witnesses confirm that this was so and gave estimates of time varying between 5 and 30 seconds) at the junction, checked both ways for traffic and

then, when he believed it safe to do so, moved out into the Bass Highway. As he did so Mr Cross, who was riding on the sealed shoulder of the Bass Highway in a westerly direction, crashed into the truck. This account was confirmed by several witnesses, some of whom could not say whether the truck ran into the cyclist or the cyclist ran into the truck. Mr Culbert immediately stopped. He immediately told onlookers that he had not seen the cyclist before the crash. Two other witnesses also travelling in a westerly direction on the Bass Highway later told investigators that they did not see Mr Cross either.

Mr Culbert subsequently confirmed when interviewed by Tasmania Police that he had looked when stationary at the intersection of McKays Road and Bass Highway in an easterly direction but did not see Mr Cross.

Mr Cross' body was removed from the scene and transported to the mortuary at the Royal Hobart Hospital. An autopsy was carried out by the State Forensic Pathologist, Dr Christopher Hamilton Lawrence. Dr Lawrence expressed the opinion, which I accept, that the cause of Mr Cross' death was multiple injuries. Dr Lawrence said that Mr Cross had sustained crush injuries of the head, chest and abdomen and some other possible injuries on the chest suggesting he had been run over. The injuries were massive and un-survivable.

Subsequent investigation showed that Mr Cross did not have a light on the front of his bicycle. He was wearing dark clothing and a black bicycle helmet. The bicycle itself was dark in colour. Other evidence indicates that Mr Cross was listening to his mobile phone (probably to music but it is impossible to be certain about this) at the time of the collision. He appears to have maintained a straight line and ridden into the side of the truck, making no efforts to brake or take any evasive action at all. Finally, as noted above, at least two other witnesses did not see Mr Cross at all prior to the happening of the crash.

The results of toxicological analysis of samples taken from Mr Cross' body at autopsy, as well as Mr Culbert after the crash, conclusively show that neither alcohol nor drugs were involved in the happening of the crash. I observe that whilst Mr Cross appears to have been using his mobile phone (and may have been distracted by it), Mr Culbert was not.

The garbage truck was subsequently examined by a transport Inspector who provided a report. The report indicates that no mechanical deficiency on the part of the truck caused or contributed to the happening of the crash. I also note that the evidence is that

the truck is 10.5 metres long, nearly 4 metres high, white in colour with large red lettering. The truck is clearly visible and would have been so to Mr Cross at the time of his fatal crash.

As part of the investigation Tasmania Police crash investigators carried out a reconstruction of the circumstances of the collision. Their estimate was that at the time of the happening of the crash Mr Cross was travelling somewhere between 20 and 25 km an hour or in the order of 7 metres per second. The crash investigators estimated that Mr Cross would have been visible as he travelled the last 200 metres prior to the collision for somewhere between 28.8 and 36 seconds. In the same way Mr Culbert's truck would have been visible to Mr Cross over the same distance for the same period of time. The evidence does not suggest that Mr Culbert's ability to have seen Mr Cross was obscured in any way. The opposite is also true – nothing seems to have obscured Mr Cross' view of Mr Culbert's truck. Nothing about the road surface itself caused or contributed to the happening of the crash. The road was appropriately sealed, marked and signed. The evidence satisfies me however that the weather conditions at the time of the crash made visibility difficult.

I am satisfied that Mr Cross met his death in the circumstances outlined in this finding.

Comments and Recommendations

I extend my appreciation to investigating officer Senior Constable Sven Mason for his investigation and report.

The circumstances of Mr Cross' 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 Cross.

Dated 29 August 2018 at Hobart, Tasmania.

Simon Cooper
Coroner