



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 Robert James Potts

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

- a) The identity of the deceased is Robert James Potts;
- b) Mr Potts died as a result of injuries sustained in a motor cycle crash;
- c) The cause of Mr Potts' death was blunt trauma of chest; and
- d) Mr Potts died on 27 October 2017 at Pieman Road, 1.1 kilometres west of the Huskisson River Bridge, Tasmania.

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

- An opinion of the forensic pathologist who conducted the autopsy;
- The results of toxicological analysis of samples taken at autopsy;
- Tasmania Police Report of Death for the Coroner;
- A report from a Transport Inspector;
- An affidavit of Ms Sally Potts, Mr Potts' partner;
- A report (in affidavit form) of a specialist Tasmania Police Crash Investigator (with peer review certification);
- Relevant police and witness affidavits;
- Medical records and reports; and
- Forensic and photographic evidence.

Background

Mr Potts, from Surrey Hills in New South Wales, arrived in Tasmania on 24 October 2017 with his partner, Sally. The purpose of the trip was for Ms Potts to compete in the Masters Games Hockey Tournament and for the couple to have a holiday. Mr Potts started riding motorcycles later in his life but had somewhere between 10 and 20 years' experience riding motorcycles on roads at the time of his death.

The evidence suggests that generally speaking his health was good.

Circumstances of Crash

On 26 October 2017, Mr Potts left Hobart with three friends; Mr Paul Keir, Mr Robert Klein and Mr John Peter. Each of the men were riding their own motorcycles. Mr Potts was riding his own red 2011 Honda VFR 800 motorcycle, registered in New South Wales. He had owned that motorcycle for somewhere between five and six years.

The trip was a regular event for the four friends.

The men rode as a group from Hobart to Queenstown where they stayed overnight.

The following day, 27 October 2017, the group departed Queenstown at about 9.30am and rode to Rosebery where they stopped for breakfast before continuing on to Zeehan by the Murchison Highway. The men rode out of Zeehan onto Heemskirk Road, which took them to the Reece Dam where they stopped for a short break. At the Reece Dam, Heemskirk Road changes name to Pieman Road. Pieman Road is owned and maintained by Hydro Tasmania¹. The four men continued along the road passing a section of road works before they arrived at another roadwork sign 35.8 km east of the Reece Dam.

At about 12.15pm the group were approaching the Huskisson River Bridge from the west. Before reaching the bridge, they passed a sign 'Traffic Hazard Ahead'. The sign was attached to a guidepost, immediately before a sharp left hand curve. Mr Keir was leading, followed by Mr Potts. Mr Keir negotiated the curve without incident. Mr Potts entered the curve behind him. As he did so, Mr Potts rode into a strip of loose pebbles in the centre of his lane. He lost control of his motorcycle in the pebbles, applied the brakes (predominately the front brake), skidded, and fell from the motorcycle.

His companions rushed to his aid. Mr Peter, who was immediately behind Mr Potts, and had to take evasive action to avoid hitting him or his motorcycle, stopped, got off his bike and checked on Mr Potts. He later told investigators that he "...could hear [Mr Potts] gasping for breath and gurgling"². He said Mr Potts was non-responsive.

The men opened Mr Potts' visor on his helmet, placed him in the recovery position, and called '000' for assistance. Ambulance Tasmania records³ indicate that that call was received at 12.25pm. A volunteer Ambulance Tasmania crew was dispatched immediately and arrived at the crash site at 1.08pm but nothing could be done for Mr Potts and he was declared deceased at the scene. Police arrived shortly after the ambulance crew, followed by special traffic crash investigation and forensic officers.

¹ Letter Hydro Tasmania to Senior Constable S Mason 13 December 2017

² Affidavit of John Malcom Peter sworn 23 November 2017

³ Ambulance Tasmania Patient Care report printed 11 December 2017

Investigation

Police commenced their investigation at the scene. Mr Potts' body and motorcycle were photographed *in situ*. The road was photographed, carefully examined, measured and marked. Mr Potts' body was formally identified at the scene and then transported to the Royal Hobart Hospital by mortuary ambulance. His motorcycle was impounded for later inspection.

The observations of the specialist crash investigators at the scene was that Pieman Road is a single carriageway which is sealed and, in the main, in good condition. The posted speed limit is 100 km/h.

At the crash site the road is a steep descending slope with a gradient of between 7.9 – 11.6% with a sharp left hand curve⁴. The observations of the investigators were that the weather was clear and sunny. This accords with the evidence of Mr Keir and Mr Peter in their affidavits⁵. I am satisfied that weather conditions did not cause or contribute to the happening of the crash.

Crash investigators identified that in the curve was a strip of loose pebbles which was measured at 18 metres in length. Its width was between 200 mm and 600 mm. The gravel appeared to consist of small stones or pebbles, which seemed to have washed out of a culvert near the side of the road. Senior Constable Mason, one of the investigators, observed that the strip of gravel was difficult to see "...due to the mottled light on the road"⁶. It was clear from observations at the scene that Mr Potts had lost control of his motorcycle and commenced to skid, when he rode onto the beginning of the strip of gravel.

The skid marks caused by the crash allowed investigators to calculate Mr Potts' speed, at the moment he lost control of his motorcycle, to be between 65 and 72 km/h. I note the evidence was that a speed advisory sign of 35 km/h was posted before the curve and that Mr Potts must have ridden past that sign.

In addition, the evidence was that the company responsible for maintaining the road – Stornoway – had placed a 'Traffic Hazard Ahead' sign approximately 100 metres before the start of the gravel. The sign was non-specific in that it did not identify the nature of the hazard. Nonetheless, it was clearly visible and gave warning that a hazard was ahead.

The evidence was that Mr Potts was wearing appropriate protective attire including full-length motorcycle riding trousers and jacket, leather boots and gloves and a full-face Australian standard compliant helmet.

⁴ Affidavit of Senior Constable Sven Mason sworn 27 December 2017, p 5.

⁵ Affidavit of Paul Simon Keir, sworn 22 November 2017 and affidavit of John Malcom Peter, *supra*.

⁶ Affidavit of Senior Constable Mason, *supra*, page 6.

Mr Potts' motorcycle was subsequently examined by a transport inspector. That inspector provided a report in affidavit form. In summary, the inspector found that prior to, and at the time of the crash, the motorcycle would have been classified as unroadworthy due to a non-compliant front tyre. The tyre was non-compliant because it did not have sufficient depth tread. I note that other evidence, including that of the witness Mr Peter and the crash investigator, indicates that the motorcycle's front wheel was the first to skid.

Forensic Pathology Evidence

Mr Potts' body was the subject of a post-mortem carried out by an experienced forensic pathologist. The forensic pathologist, Dr Ritchey, expressed the opinion that the cause of Mr Potts' death was blunt trauma of the chest. At autopsy, he found multiple severe injuries of the left side of Mr Potts' chest including multiple rib fractures one of which had caused a laceration of his left lung. In addition, Dr Ritchey noted that Mr Potts had suffered copious internal bleeding into the left side of his chest. I accept Dr Ritchey's opinion as to the cause of death.

Samples taken at autopsy were subsequently analysed at the laboratory of Forensic Science Service Tasmania. No alcohol or illicit drugs were found to have been present in those samples. I am satisfied that neither drugs nor alcohol caused or contributed to the happening of the fatal crash.

Conclusion

I have already indicated that weather conditions, the absence of appropriate motorcycle riding attire and alcohol and / or drugs did not cause or contribute to Mr Potts' fatal crash.

I am also satisfied that there is no evidence, at all, to suggest the involvement of any other person in Mr Potts' death.

I am satisfied that several factors contributed to the happening of the crash which claimed Mr Potts' life. These included the condition of the road with a strip of gravel presented as a hazard (albeit one marked as a hazard by the placement in an appropriate spot of a warning sign), potentially Mr Potts travelling at an excessive speed for the corner and having a tyre on his motorcycle that lacked appropriate tread depth.

Fundamentally, it appears the crash occurred because unlike the lead rider in the group, Mr Potts either did not see, or if he did, failed to appreciate the danger posed by the gravel on the road in the corner.

Comments and Recommendations

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

The circumstances of Mr Robert Potts' 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 Potts.

Dated 28 January 2020 at Hobart in the State of Tasmania.

Simon Cooper
Coroner