



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Alexander John Badcock

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

- a) The identity of the deceased is Alexander John Badcock (Mr Badcock);
- b) Mr Badcock died from injuries sustained in a motorcycle crash;
- c) Mr Badcock's cause of death was blunt trauma to the chest; and
- d) Mr Badcock died on 1 May 2021 at Waverley, Tasmania.

Introduction

This investigation concerns a motorcycle crash which occurred at approximately 9:40 PM on 1 May 2021 at 93 Tasman Highway Waverley. At that time Mr Badcock was riding his Honda CBR 1000RR motorcycle, registration number A716X, on the Tasman Highway at Waverley towards Newstead. Mr Badcock failed to negotiate a left hand bend and collided with a building situated on the northern edge of the roadway. He died at the scene as result of injuries sustained in the crash. At the time of the crash there was a light fog and the road surface was dry. The roadway was constructed of bitumen, it was in good condition and had no visible surface defects. There was nothing on the roadway surface that caused or contributed to the crash. The speed limit at this location is 60 km/h and westbound vehicles, which was the direction of travel for Mr Badcock, drive past a 45 km/h warning sign just prior to entering the left hand bend.

In making the findings in this case I have had regard to the evidence obtained in the comprehensive investigation into Mr Badcock's death. The evidence includes:

- Police Report of Death for the Coroner;
- Affidavits as to identity and life extinct;
- Affidavit of the forensic pathologist Dr Donald Ritchey;

- Affidavit of the forensic scientist Mr Neil McLachlan – Troup of Forensic Science Service Tasmania;
- Affidavit of Mr Paul MacLaine;
- Affidavit of Mr Daniel McWaide;
- Affidavit of Ms Janelle Moylan;
- Affidavit of Mr Troy Thomas;
- Affidavit of Mr Michael Ainslie;
- Affidavit of Ms Jan Badcock;
- Affidavit of Sergeant Gavin Chugg;
- Affidavit of Senior Constable Peter McCarron;
- Affidavit of First-Class Constable Nigel Housego;
- Affidavit of Senior Constable Tracy Lincoln;
- Mr Badcock's medical records obtained from his general practitioner;
- Report of the coronial medical consultant Dr Anthony Bell MB BS MD FRACP FCICM; and
- Photographs and forensic evidence.

Background

Mr Badcock was 29 years of age (date of birth 11 May 1991), single, he had no children and he resided with his mother at the date of his death. Mr Badcock was the youngest of 3 children to Mr Milton and Mrs Jan Badcock. Mr Badcock's father passed away when Mr Badcock was 14 years of age. He first went to Exeter Primary School before moving to Riverside Primary School and then onto Riverside High School. Mr Badcock then enrolled at Launceston College but did not finish his course at that institution because he travelled to England with his mother.

On his return from England Mr Badcock worked at a steel manufacturer in Launceston as a labourer. He also used to buy and sell cars after having the cars done up. After working at the steel manufacturer he worked as a disability support worker. In addition Mr Badcock worked at Whistler in Canada for one ski season and he travelled to Japan every year including 3 Christmases in a row.

By way of hobbies he was always keen on motorbikes and in addition he swam, played soccer, tennis, basketball and golf. He represented Tasmania in soccer as a young boy. He had many friends. Mrs Badcock says her son obtained his motorbike learners licence when he was 16 years of age. He had prior to that ridden motorbikes at the back of their home and on a farm which the family owned but which was sold after his father passed away. In addition he participated in track days at Symmons Plains on at least 4 occasions. He had

purchased the motorcycle involved in this crash but then sold it before buying it back 12 to 18 months later. He had bought it back about 12 months prior to the crash.

Mrs Badcock says her son was a big boy and he was on a diet. He was also prescribed medication for anxiety. A few months prior to the crash he commenced having heart palpitations and he had been diagnosed with sleep apnoea. He had been provided with a CPAP machine about 3 months prior to the crash.

Mrs Badcock says her son had a routine. He would ordinarily watch Japanese movies and then cook his food and then play games on his computer. He would ordinarily go to bed at about 11:00 PM. This is what he did on the evening of 30 April 2021. On the morning of the crash he got up at about 10:00 AM, made a smoothie for breakfast and then he went downstairs to his room where he was likely either on his phone and/or watching movies. When Mrs Badcock went to work at approximately 1:00 PM her son was still downstairs.

Circumstances Surrounding the Crash

At 7:00 PM on 1 May 2021 Mr Badcock arrived at the home of a friend, Michael Ainslie, who lived in Waverley. Mr Badcock arrived on his motorcycle. Mr Ainslie and his wife were holding a birthday party for about 20 to 25 people and at which Mr Badcock was only seen to consume a small amount of alcohol.

Just prior to leaving the party Mr Ainslie offered Mr Badcock a bed for the night because he could see a fog was starting to settle. Mr Badcock declined his invitation and was observed riding his motorcycle away from Mr Ainslie's home towards the Tasman Highway. He was observed to be riding slowly and in a normal manner.

Mr Badcock was then seen riding his motorcycle on the Tasman Highway towards Newstead. He was observed by Mr McWaide approaching a left hand bend and he described Mr Badcock to be travelling at no more than 60 km/h, on the correct side of the road and riding normally. He then lost sight of the motorcycle as it entered the corner but subsequently he and his partner, Ms Moylan, heard sliding, excessive revving and then a loud crash. They both ran to the scene and observed the motorcycle lying on its side in the driveway of an abandoned service station¹ between where the shop and the fuel pumps were. Emergency services were contacted. Mr Badcock was then observed lying on the ground near a doorway to the service station.

Mr McWaide realised the key to the motorcycle was still in the ignition and the bike was running. Fuel was leaking from the motorcycle. He turned the ignition off. A few minutes

¹ Situated at 93 Tasman Highway, Waverley.

later Mr Thomas, who had heard the crash from his home, drove to the scene. He also called emergency services. On his arrival he observed a female, who I infer was Ms Moylan, comforting Mr Badcock. Police then arrived very soon after and commenced CPR. One of the police officers and Mr Thomas took turns in administering CPR. A short time later paramedics from Ambulance Tasmania (AT) arrived.

Investigation

Sergeant Chugg responded to a call to attend this crash at approximately 9:40 PM. He arrived at 9:53 PM and observed 3 constables and members of AT providing assistance to Mr Badcock who was subsequently identified. The scene was managed and preserved. Mr Badcock had been moved from the doorway so there was room to administer treatment. His helmet was also removed for that same purpose. The motorcycle was not moved. Traffic was diverted around the scene which prevented all traffic apart from emergency services vehicles and personnel from entering. Sergeant Chugg arranged for officers from forensics and accident investigation to attend. Mr Badcock was removed from the scene by mortuary ambulance and the motorcycle and helmet were taken to the police garage.

Dr Ritchey conducted a post-mortem examination on 4 May 2021. The autopsy revealed a normally developed but morbidly obese man (189.6 kg) with severe trauma of the chest. As a result of his examination Dr Ritchey says the cause of death was blunt trauma to the chest. Mr Badcock also had sustained injuries to the left side of his face surrounding the left eye and a fracture of the spinous process at C7. I accept Dr Ritchey's opinion.

Mr MacLaine is a Transport Safety and Investigation officer employed by the Department of State Growth. He has been employed in that capacity for 27 years and during that time he has conducted numerous roadworthiness examinations of motor vehicles involved in both serious and fatal crashes. He is a qualified diesel mechanic with 41 years' experience in the motor vehicle industry. On 10 May 2021 Mr MacLaine inspected the motorcycle involved in this crash. He did not locate any defects with the motorcycle which may have contributed to the crash. He considers the motorcycle to have been in a roadworthy condition prior to and at the point of impact. He did however locate a warning label attached to the frame of the motorcycle which could impact the safety, stability and handling of it. The label said: *"The total weight of accessories and luggage added to rider's and passenger's weight should not exceed 180 KG (397 lbs), which is the maximum load capacity."* I accept the opinion of Mr MacLaine.

First-Class Constable Housego is a crash analyst attached to the Crash Investigation Section of Tasmania Police. He spoke to Senior Constable McCarron the day after the crash. Senior Constable McCarron attended the scene of the crash the evening before and he marked the scene with yellow paint and completed a sketch plan which included relevant measurements.

The scene was photographed by Senior Constable Tracy Lincoln at Senior Constable McCarron's direction. On 3 May 2021 First-Class Constable Housego examined the motorcycle and attended the scene and confirmed the sketch plan was consistent with evidence at the scene. First-Class Constable Housego took further measurements and recorded those on the sketch plan. On 14 August 2021 First-Class Constable Housego conducted testing on the corner on which the crash occurred. The road was dry and weather overcast. He rode a police BMW 1250 motorcycle 5 times around the corner and determined he could safely ride around the corner at 60 km/h. To enable him to negotiate the corner at a higher speed would require him to place significant lean angles on the motorcycle increasing the risk of a fall or loss of control. At 50 km/h he could safely ride around the very inside radius of the corner. Using observations of the site and marks left by the motorcycle at the scene he conducted a speed and time/distance analysis on this crash. He determined the motorcycle had been travelling at a minimum of between 52 and 63 km/h before Mr Badcock locked up the rear brake which caused the rear tyre skid, which was observed at the scene and measured, to be left on the roadway. What First-Class Constable Housego could not account for in this analysis is the loss of speed that occurred in the collision with the building. In addition he determined that when the front of the Honda was approximately between 13.47 and 18.48 m before crossing the centre line of the roadway, Mr Badcock has commenced to perceive a hazard and then taken action to avoid it. In this instance the hazard has been the approaching left-hand corner, with a 45 km/h warning sign erected prior to the corner, and the action to avoid it has been to apply heavy rear wheel braking. Given these analyses First-Class Constable Housego says there is no evidence indicating any other person has contributed to the crash. The evidence suggests to him Mr Badcock was travelling at a speed which he felt would not enable him to safely make the left-hand turn. Therefore Mr Badcock made the decision to brake heavily and lock the rear tyre which has caused him to continue straight ahead across the eastbound lane, resulting in the fatal collision with the building at 93 Tasman Highway on the northern side of the road. In addition it was determined both the front and rear motor cycle tyres each had 10 psi less inflation than what was recommended by the manufacturer. First-Class Constable Housego was aware, from previous investigations, this may contribute to reduced vehicle braking and cornering performance and excess weight would only compound this problem. First-Class Constable Housego believes inattention led to Mr Badcock approaching the left hand bend at excessive speed. A possible cause of his inattentiveness may have been that he was listening to something on his phone via his earphones which can be seen in the photographs as threaded under his clothing and around his head. Finally it was also noted the visor on Mr Badcock's helmet was in poor condition and it was unlikely he would have been riding with it down. If he did he would have had very limited view of the roadway ahead and a crash would have been imminent. First-Class Constable Housego says riding with the visor up would have

been unlikely to have caused an issue in this case however this would be a different matter at highway speeds where bugs or other road debris strike the unprotected eyes of a rider. I accept First-Class Constable Housego's opinions in this matter. He is well qualified to provide them.

Mrs Badcock has raised concerns with respect to the prescription of duloxetine. She believes her son had only been prescribed this medication the week prior to his death and that his general practitioner had changed her son's antidepressant medication without any time interval between weaning him off the previous medication and replacing it with the new medication. She queried whether this contributed to the crash. The first thing to say about this is Mr Neil McLachlan-Troup has said this medication is a selective serotonin and noradrenaline reuptake inhibitor (SNRI). Testing of the blood sample found this medication in Mr Badcock's blood at a therapeutic level.² He says while no studies have been specifically conducted into the effects of this medication on driving, there is evidence to indicate that selective serotonin reuptake inhibitors (SSRIs) and SNRIs have no harmful effects on driving ability.

Given Mrs Badcock's query I also arranged for the coronial medical consultant Dr Anthony Bell to examine Mr Badcock's medical records. The records reveal:

- 3 November 2020 Mr Badcock thought oxazepam (alepam) had made little difference to his anxiety symptoms.
- 16 November 2020 Mr Badcock was weaned off oxazepam and commenced on duloxetine at 30 mg daily.
- 25 January 2021 the duloxetine dose was increased to 60 mg daily.
- 25 February 2021 Mr Badcock was not a lot better. This consultation took place by telephone.

Dr Bell goes on to say SNRIs are used to treat depressive disorders, unipolar major depression or persistent depressive disorder and anxiety disorders (generalised anxiety disorder, panic disorder or social anxiety disorder). The starting dose for duloxetine is usually 30 to 60 mg daily with the usual daily dose being 60 mg. The usual treatment course is 30 mg for one week then increased to 60 mg. Having considered the records Dr Bell says the prescription of this medication in this case appears to be of a good standard. I accept his opinion.

² In addition testing for the presence of alcohol was negative.

Comments and Recommendations

I thank First-Class Constable Housego for his thorough investigation and detailed report.

The circumstances of Mr Badcock'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 Badcock.

Dated: 9 May 2023 at Hobart in the State of Tasmania.

Robert Webster
Coroner