



# MAGISTRATES COURT *of* TASMANIA



## CORONIAL DIVISION

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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Duncan Fairley, Coroner, having investigated the death of Rosalind MacDonald Maxwell Freestone-Barks.

#### **Find That:**

- a) The identity of the deceased is Rosalind MacDonald Maxwell Freestone-Barks;
- b) Mrs Freestone-Barks died in the circumstances set out below;
- c) Mrs Freestone-Barks died as a result of multiple significant injuries sustained in a motorcycle crash;
- d) Mrs Freestone-Barks died on 6 March 2016 at the Bass Highway, Travellers Rest near Launceston;
- e) Mrs Freestone-Barks was born in Shardlow, England on 2 December 1958 and was aged 57 years; and
- f) Mrs Freestone-Barks was married at the date of her death.

#### **Background:**

Rosalind MacDonald Maxwell Freestone-Barks was born in Shardlow, England on 2 December 1958, the 5<sup>th</sup> of 9 children to Douglas and Beryl Bryce. At 19 years of age she married David Paul Freestone-Barks at Long Eaton, Derbyshire. There were 2 children to the union, Rachel and Sarah.

The Freestone-Barks family immigrated to Australia on 25 February 1989. After approximately 5 years the family settled at Cooranbong, New South Wales where Mrs Freestone-Barks continued to reside until the date of her death.

In or about 2012 David Freestone-Barks obtained his motorcycle licence. Approximately 2 years after her husband Mrs Freestone-Barks also obtained her motorcycle learners licence. Mrs Freestone-Barks completed the required training and was by all accounts a reasonably experienced rider for one who had held her licence for only a brief period. As at the date of her death Mrs Freestone-Barks had held her full motorcycle licence for 6 months. Both Mrs Freestone-Barks and her husband became members of the Ulysses Motorcycle Club and were active participants in club events.

#### **Circumstances Surrounding the Death:**

During late February 2016 Mrs Freestone-Barks and her husband set out to Tasmania in order to take part in the Ulysses Motorcycle Club national AGM in Launceston. Mrs Freestone-Barks rode her 2015 model Honda CBR 500R, a motorcycle on which she had already logged approximately 12,000 kilometres. The couple arrived in Devonport with their motorcycles via the Spirit of Tasmania ferry on 1 March 2016 and proceeded to the Ulysses Motorcycle Club camp site.

After a number of days, during which they engaged in various club related activities, Mr & Mrs Freestone-Barks decided to ride to Cradle Mountain on their own. The pair set out after breakfast on 6 March 2016, having slept normally the evening before. Mrs Freestone-Barks was wearing an Australian Standards approved full face helmet together with adequate protective clothing and footwear. They made their way to Cradle Mountain in conditions which Mr Freestone-Barks described as perfect for riding. After taking lunch and walking in the area of Dove Lake the couple commenced the return journey to Launceston shortly before 3pm.

As the couple travelled towards Launceston on the Bass Highway, in the region of Travellers Rest, Mr Freestone-Barks was riding in front of his wife. Both

riders were proceeding at between 100 km/h and 110 km/h. At a point 1 kilometre west of Pateena Road, Mrs Freestone-Barks was required to negotiate a sweeping left-hand bend in the highway. Witness accounts indicate that Mrs Freestone-Barks failed to follow the line of the carriageway and her motorcycle crossed the sealed verge before impacting with the Armco railing. Mrs Freestone-Barks was thrown from her motorcycle and along the top of the railing.

Tasmanian Ambulance Service personnel arrived on scene at 5:29pm. Due to the extent and severity of Mrs Freestone-Barks' injuries there was no attempt at resuscitation and she was pronounced deceased by paramedics at 5:30pm.

An autopsy was performed by Dr Terry Brain (Pathologist) at the Launceston General Hospital on 7 March 2016. Dr Brain determined that the cause of death was "*significant multiple unsurvivable injuries secondary to a motorbike accident*". Further, that death would have been instantaneous. I accept that opinion. Analysis of blood samples taken from Mrs Freestone-Barks during the post-mortem examination confirm that neither alcohol nor illicit drugs played any part in the incident.

I have had regard to the evidence gained during the comprehensive investigation into Mrs Freestone-Barks' death. In addition to an opinion from the Pathologist the evidence comprises a detailed report from the crash investigator, Constable Nigel Housego; relevant police and witness affidavits; medical records and reports; and additional forensic evidence.

On the evidence available I am able to conclude that there were no defects in the road surface or found within the Honda CBR 500R motorcycle itself which might have contributed to the crash. The weather and general riding conditions were excellent. Mrs Freestone-Barks was in good health and had not consumed any alcohol or other illicit substances.

Constable Housego observed that Mrs Freestone-Barks was wearing a black textile protective jacket and black kevlar style motorcycle jeans. She was also

wearing a neck warmer. The recorded temperature as at 3.00pm on 6 March 2016 was 26.4 degrees. Mrs Freestone-Barks and her husband had ridden a significant distance on challenging roads and, despite taking a number of rest stops, it is likely that by the time the pair reached Travellers Rest she was feeling the effects of the activity, both mentally and physically.

While the evidence does not allow me to state such a finding with complete certainty it is highly likely that fatigue was the major or most significant contributing factor in the collision.

**Comments and Recommendations:**

In the circumstances there is no need for me to make any further comment or recommendations. I extend my thanks to Constable Housego for his comprehensive investigation and report.

In concluding, I convey my sincere condolences to the family of Mrs Freestone-Barks.

**Dated:** 25 September 2017 at Launceston Coroners Court in the State of Tasmania.

**Duncan Fairley**

**CORONER**

