



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 Roy William Rogers

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

- a) The identity of the deceased is Roy William Rogers (Mr Rogers);
- b) Mr Rogers died as a result of injuries sustained when he crashed his bicycle;
- c) Mr Rogers cause of death was a cervical spine fracture sustained in the crash;
- d) Mr Rogers died on 11 February 2022 at Upper Burnie, Tasmania.

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

- The Police Report of Death for the Coroner;
- Affidavits as to identity;
- Affidavit of the forensic pathologist Dr Andrew Reid;
- Affidavit of the forensic scientist Mr Neil McLachlan–Troup of Forensic Science Service Tasmania;
- Records obtained from Ambulance Tasmania (AT);
- Medical records obtained from the Tasmanian Health Service (THS);
- Affidavit of Ms Elizabeth Rogers;
- Affidavit of Ms Tanya Boon;
- Affidavit of Mr Petrus Boon;
- Affidavit of Constable Elizabeth Osborn;
- Affidavit of Constable Gemma Day;
- Affidavit of Constable Robert Oberrauter;
- Affidavit of Senior Constable Sven Mason;
- Affidavit of Sgt Katrina Chivers;
- Affidavit of Mr Caleb Davies; and

- Photographs and forensic evidence.

Introduction

This investigation concerns a fatal bicycle crash which occurred on 11 February 2022 on a public pathway (the path) between Federal Street, Upper Burnie and Brooklyn Road, South Burnie. The crash occurred sometime between 3:00pm when Mr Rogers left his sister-in-law's residence in Federal Street and when he was found at 5:00pm.

The path commences at the end of Federal Street, 5.7 m from the road, and it descends quite steeply before levelling out at the bottom. The first section of the path is constructed of concrete and is 1.95 m wide. There is a metal handrail at the right hand side of the path which is 940 mm high. That railing is 7.6 m from the end of Federal Street and it extends downhill for 64.3 m. The gradient of the path through the concrete area is 24.3% or 13.6°. The concrete path is in good condition.

At the end of the railing the path changes to a bitumen construction. It is approximately 1.8 m wide. To the left is a grass verge measuring approximately 1150 mm wide and to the right there is a grass verge which measures approximately 2 m wide. Wire strain fences line both verges. From fence to fence is a distance of 4.6 m. The pathway through the accident scene is uneven, cracked, has weeds growing through the cracks, leaf coverage and there is moss growing on the surface together with water run-off.

The view looking down the path towards Brooklyn Road is open and unobstructed. From the end of the railing, the path descends on a straight section for 142 m. There is a small bridge with handrails on either side as the path curves to the left at the end of the straight. There is a slight undulation before it finishes at Brooklyn Road. The total length of the path is 291.5 m.

The bicycle came to rest next to a hydro pole which is situated prior to the small bridge. The weather was fine, clear and sunny. The pathway was in shade and sections of it through the scene were wet with water run-off.

Background

Mr Rogers was 60 years of age (date of birth 11 August 1961), single and he resided at Hillcrest in Tasmania at the date of his death. He grew up in the Burnie area and was one of 14 children to his parents. His mother died at the age of 32 from pneumonia and his father died when he was in his 70s.

Mr Rogers left school after year eight and worked in a number of manual jobs. He was employed with the Hydro Electric Commission, as it then was, at Tullah, he worked as a panel beater and

spray painter, at the Burnie Civic Centre and for Highland Trail Rides. He also performed mine and mill work.

He had two children to his long-term partner with whom he was with from the age of 26 and then he was in a subsequent relationship which produced another child. In 2012 Mr Rogers was living with another woman and her two grandchildren. At that point they had been together for four years.

Ms Rogers says her brother-in-law's main motor transport was his bicycle or he walked. She says he was a confident rider. She says on the date of his death he had a white helmet but she did not see him wearing it.

Circumstances Leading to Death

Mr Rogers visited his sister-in-law in the afternoon of 11 February 2022. He visited her regularly. He spent some time with her before leaving between 3:00pm and 3:15pm. On his departure Mr Rogers told his sister-in-law he was going to somebody's place in Brooklyn to complete some landscaping. After finishing that job he was then going to meet up with some friends.

He left Ms Rogers' home and rode his bicycle down the street for approximately 350 m before entering the path. He has then attempted to negotiate the first section of the path which has the metal railing situated on the right-hand side. Ms Boon who was out with her children discovered Mr Rogers on the right-hand side of the path situated on the grass verge. He was lying perpendicular to the path with his feet very close to the wire fence on that side of the path and his head just off the bitumen surface of the path. Ms Boon says Mr Rogers was lying on his left side with his backbone facing her, in a foetal position with his face facing the ground. His right arm was twisted awkwardly on an angle. She immediately telephoned 000.

Investigation

AT received the call to attend this accident at 5:15pm. Officers were at the scene 5 minutes later. Mr Rogers was examined and it was determined he was deceased.

Tasmania police received the initial call about this matter at 5:03pm and officers from the Burnie uniform division were tasked to attend at 5:12pm, arriving at 5:22pm. Sergeant Chivers from Forensic Services arrived at 5:50pm.

Crash investigation officers attended and took some measurements. The scene was inspected and the bicycle was found upside down with the handlebars and front tyre on the ground closest to Mr Rogers and the rear tyre up on the barb wire of the fence away from him. A rubber handgrip cover

believed to have come from the right-handle bar of the bicycle was located in grass to the right-hand side of the power pole near the barbed wire fence. A white bicycle helmet was observed in the paddock south and adjacent to the bicycle. It was sitting the correct way up with the head strap fastened. It did not appear to have sustained any significant damage. The helmet was 4 m from the bicycle and 9.2 m from Mr Rogers. West of Mr Rogers on the grass was a pair of sunglasses. They were located .96 m from his right knee. Between the glasses and the bitumen, a gouge was observed in the grass which was 37 cm long and 1.1 m from Mr Rogers' right shoulder. West of Mr Rogers was a cream brim hat which was on the grass verge on the southern side of the track by the barbed wire fence. It was approximately 10.3 m from Mr Rogers. West of the hat was a white plastic "Clark" brand plastic ring which matched that observed on the left hand side handlebar of the bike and was believed to have come off the bike. This item was 4.17 m west of the hat. There did not appear to be any obstructions on the bitumen or grass leading up to the area where Mr Rogers was located. Shortly after the start of the bitumen there was a build-up of water and what looked like moss on the northern side of the path however this did not run length of the path and the south side of the track was clear.

Senior Constable Mason located on the railing a short blue transfer of paint which measured about 5 cm in length. He had in his possession a clamp from the end of the right side handlebar of the bicycle. There was blue anodised paint on the clamp which appeared to match that on the railing. The paint mark was 56 m from the start of the railing and 8.3 m from the end of the railing. From the blue paint transfer mark to the power pole was a distance of 82 m. A rubber handlebar grip was located in the grass behind the power pole and the clamp was located on the right-hand side of the path 14.47 m uphill from Mr Rogers. Mr Rogers was identified and transported to the mortuary.

Dr Reid carried out an autopsy on 16 February 2022. Dr Reid found a mid cervical spine fracture with associated injury to the adjacent soft tissue, haemorrhage and fracture of the left posterior laryngeal (thyroid) cartilage with soft tissue injury and haemorrhage. Mr Rogers had coronary atherosclerosis, chronic bronchitis and emphysema with tobacco smoking related changes. There was no evidence of myocardial infarction. Dr Reid noted from the toxicology analysis the active constituent of cannabis was detected. The concentration was within the range reported to be associated with recent use; that is within hours. Dr Reid says this substance did not cause or contribute to death however there is a possibility that adverse central nervous system effects contributed to the circumstances in which the cause of death arose; that is Mr Rogers may well have been experiencing impaired coordination, reaction time and judgement. This may have affected his ability to safely ride his bicycle down the path. I accept Dr Reid's opinion.

The bicycle was examined by Mr Davies who is a transport safety and investigation officer with the Department of State Growth. He is a qualified light vehicle mechanic with 9 years' experience in the motor vehicle trade. He conducted his examination on 5 May 2022 and determined as a result of that examination the Giant brand mountain bicycle was, prior to and at the time of the crash, mechanically sound. His inspection did reveal the handle bar grip would become easily detached due to a loose retaining clamp and he suggests this could have caused or contributed to the crash. I accept his opinion.

Senior Constable Mason believes if Mr Rogers was wearing his helmet in all likelihood it would have been placed on his cowboy hat and in those circumstances he believes it would have been located in close proximity to that hat and not in the paddock where it was found. Senior Constable Mason therefore believes the helmet was hanging from the handlebars and was flung to its final rest position at the time of the crash; i.e. it was not being worn.

On 9 May 2022 Senior Constable Mason and Sergeant Chivers tested the bicycle at the Burnie police station. Senior Constable Mason pushed the bike down the ramp which leads into the basement. This area has a gradient of 18.2% or 10.3°. As he pushed the bicycle he slid the rubber handgrip off the right side handlebar. Initially Senior Constable Mason was going to ride the bicycle however with the handgrip coming off too easily it became too dangerous to attempt to ride it. He pushed the bicycle down the ramp twice easily sliding the handgrip off and putting it back on a number of times. The railing along the top section of the pathway was 940 mm high. With the assistance of another officer Senior Constable Mason had that officer hold the bicycle on an angle so that the right side handlebar was at 940 mm. This put the bicycle on a lean of 18.5° which is relatively slight and well within the capability of a rider to control the bicycle.

Senior Constable Mason says he was not able to conduct a speed analysis because of the nature of the crash and the lack of evidence at the scene. However a colleague, Constable Oberrauter, who is an experienced road and mountain bike rider had regularly cycled that path and uploaded his trip information into a GPS tracking application which logs and records cycling, running, walking, gym data and the like. It records speed, pace per kilometre, elevation, distance and other measurements. From looking at past trips down the path Senior Constable Mason determined his speed at the start of the track was 25 km/h, at the end of the railing it was 40 km/h and at the bottom of the hill he had travelled at 50 km/h. While Senior Constable Mason says there is no evidence Mr Rogers was travelling at those speeds he says these speeds are indicative of the speeds which can be travelled by a cyclist down that path.

As a result of the evidence gathered at the scene and his testing of the bicycle Senior Constable Mason believes Mr Rogers has attempted to negotiate the first section of the path and that after

riding 56 m alongside the railing he may have lent the bicycle too far to the right and the end clamp on the handlebar has come into contact with the railing. This caused the clamp to come off the handlebar. As Mr Rogers has continued riding downhill Senior Constable Mason suggests the rubber handgrip on the right hand side handlebar slid off and this might have been enough to cause Mr Rogers to fall forward or at least become unsteady on his bicycle resulting in him crashing and fracturing his cervical spine. There is evidence that the sliding of the rubber handgrip on the right hand side handlebar can interfere with the operation of the handbrake which is also attached to that handlebar.

While Senior Constable Mason's hypothesis is a reasonable one there is not sufficient evidence for me to find the crash occurred in those circumstances. I am however satisfied that as Mr Rogers attempted to ride down the path he has lost control of his bicycle and crashed which has resulted in him sustaining the fatal injuries referred to above.

Comments and Recommendations

The circumstances of Mr Rogers' 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 Rogers.

Dated: 7 December 2023 at Hobart in the State of Tasmania.

Robert Webster

Coroner