



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Rod Chandler, Coroner, having investigated the death of Michael Geraddus Pel and Tracie Anne Pel.

Find That:

- a) The identities of the deceased are Michael Geraddus Pel and Tracie Anne Pel. They were husband and wife;
- b) Mr Pel was born in Devonport on 21 September 1965 and was aged 49 years. Mrs Pel was born on 27 August 1965 and was also aged 49 years;
- c) Both Mr and Mrs Pel died at Lilydale on 8 February 2015;
- d) The cause of Mr Pel's death was multiple severe neck and chest injuries received as the rider of a motorcycle involved in a collision with a round silage bale. The cause of Mrs Pel's death was chest and abdominal injuries received as a motorcycle passenger involved in the same collision.

Background:

Mr and Mrs Pel married in 1987. They resided at 260 Peel Street in Summerhill and had two sons, now both adults. Mr Pel was employed as a council works manager. His wife was a medical practice manager.

Mr Pel was an experienced motorcycle rider having ridden since childhood. He was the owner of a Suzuki VZR 1800 motorcycle and it was the practice of he and his wife to regularly take recreational rides, most particularly during summer.

Circumstances Surrounding the Death:

On Sunday 8 February 2015 Mr and Mrs Pel took a ride on the Suzuki to Bridport. After lunch they began the return journey to their home. Mr Pel was the rider and his wife the pillion passenger. At about 3.00pm they were travelling south on the Lilydale Road approximately 500 metres south of the Lilydale township. At this time a Western Star truck was being driven by Gerald Alfred Davis in a northerly direction

towards Lilydale. It was towing a Samjack trailer. Both the truck and the trailer were fully laden with round bales of silage, each wrapped in plastic and weighing approximately 500 kg. Two of these bales fell from the trailer onto the southbound lane and into the immediate path of the Suzuki. A collision ensued between the Suzuki and one of the silage bales causing both Mr and Mrs Pel to suffer fatal injuries.

Post Mortem Examinations:

These were carried out by State Forensic Pathologist, Dr Christopher Lawrence. In his opinion the cause of Mr Pel's death was neck and chest injuries suffered in the collision. In his further opinion the cause of Mrs Pel's death was chest and abdominal injuries, also suffered in the collision. I accept these opinions.

Investigation:

The circumstances of the collision have been investigated by Tasmania Police, principally by Senior Constable Michael Rybka, of its Crash Investigation Service. That investigation has established the matters that follow:

- The bales on the trailer were stacked two bales high. They were restrained by a single ratchet webbing strap which ran over the top of the upper bale.
- All the bales on both the truck and the trailer were loaded by Mr Davis.
- The Heavy Vehicle National Law requires compliance with a Load Restraint Guide. Section E, Part 6 of that Guide relates to the loading and restraint of hay bales for transportation. It sets out the correct method whereby bales should be restrained by use of webbing straps to restrict all forward, rearward, side and upward movement. The Guide also provides for use of chain-bracing to prevent any load shift or movement.
- The means of restraining the silage bales employed by Mr Davis did not comply with the Guide, most particularly because they did not restrict forward and rearward movement.
- Approximately 19.8 metres north of Lilydale Road's junction with Mountain Road was a defect in the bitumen surface. The investigating officer described that defect in these terms: *"The defect appears to be a trench that has been cut in the road for services (water, power etc.). It is approximately 900 mm wide and has been sealed over with bitumen. This has created a small dip of approximately 4 cm (maximum depth) in the road which stretches across both traffic lanes...While not an immediate traffic hazard, vehicles travelling north towards Lilydale experience a small 'bump' on exiting the sweeping curve at the junction with Mountain Road. The 'bump' is more noticeable when heavy vehicles cross the area."*

- The area where the falling silage bales first impacted the road surface is about 7.2 metres north of the defect.
- It is likely that as a result of negotiating the defect two bales stacked upon each other and located on the right front of the trailer have become dislodged and then fell onto the southbound lane and into the immediate path of the Suzuki.
- Each of the bales was approximately 1600mm in width. They completely obstructed the southbound lane.
- Mr Pel reacted quickly by applying the Suzuki brakes and swerving to the left. However, a collision with the bales could not be avoided.
- The collision occurred within a 70 km/h speed zone. Both the truck and the Suzuki were travelling at a speed within this limit.
- Neither alcohol nor illicit drugs was a factor relevant to the collision.
- There were not any defects in the Suzuki, the truck or the trailer which caused or contributed to the collision.
- The weather was fine and the road surface dry.

Proceedings in the Magistrates Court:

On 4 December 2015 Mr Davis pleaded guilty at the Magistrates Court in Launceston to 13 charges arising from the collision. The more serious of the charges concerned breaches of the Heavy Vehicle National Law and related to the inadequate securing of the silage bales. Mr Davis was fined a total of \$12,000.00, ordered to pay costs of \$62.16 and disqualified from driving for a period of 4 months.

Findings, Comments and Recommendations:

It is obvious that the tragic deaths of both Mr and Mrs Pel was a direct consequence of the failure on the part of Mr Davis to properly secure the bales of silage thus enabling two of the bales to fall from the trailer and to cause the collision with the Suzuki. I am satisfied that at all times Mr Pel was riding the Suzuki in a safe and proper manner and no act on his part contributed to the collision to any degree.

This is the second incident in recent times where a road traffic fatality has resulted because of the failure to properly secure a load. (The other involved the death of Ms Christine Bone. See findings of Coroner Fairley made December 2016). Both these incidents should serve as a reminder to all drivers of the importance of ensuring that any load, whether it be on a domestic trailer or a heavy vehicle, is securely restrained and where it is appropriate that the methods of restraint set out in the Load Restraint Guide are utilised. That Guide can be accessed at www.transport.tas.gov.au.

I am advised that drivers of heavy vehicles in Tasmania do not receive any formal training or instruction upon load restraint. It leads me to **recommend** that Transport

Tasmania (Department of State Growth), give consideration to incorporating in its licencing test for drivers of heavy vehicles suitable questions relating to the Load Restraint Guide and appropriate loading methods.

It is my suspicion that many licenced drivers in Tasmania are unaware of the Load Restraint Guide and the safe means of restraining loads which it prescribes. It is therefore my further **recommendation** that Transport Tasmania give consideration to producing a pamphlet setting out in simple form the requirements of the Load Restraint Guide. That pamphlet could then be sent out with all licence renewal notices.

I have decided not to hold a public inquest into these deaths because my investigation has sufficiently disclosed the identity of both deceased, the date, place, causes of death, relevant circumstances concerning how their deaths occurred and the particulars needed to register their deaths under the *Births, Deaths and Marriages Registration Act 1999*. I do not consider that the holding of a public inquest would elicit any significant information further to that disclosed by the investigation overseen by me. The circumstances of the deaths do not require me to make any further comment or to make any recommendations.

I wish to acknowledge the excellent work of Senior Constable Rybka in investigating and reporting upon these deaths. His work has been of considerable assistance to me.

I convey my sincere condolences to Mr and Mrs Pel's families and loved ones.

Dated: 18 day of September 2017 at Hobart in the State of Tasmania.

Rod Chandler
Coroner