



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings have been de-identified in relation to the names of the parties by direction of the Coroner)

I, Simon Cooper, Coroner, having investigated the death of MA

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

- a) The identity of the deceased is MA;
- b) MA died as a result of a motorcycle crash;
- c) The cause of MA's death was multiple injuries;
- d) MA died in June 2017 in southern Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into MA's death. The evidence comprises an opinion of the forensic pathologist who conducted the autopsy; relevant police and witness affidavits; medical records and reports; and forensic and photographic evidence.

Just 17 years of age MA died when the motorcycle he was riding collided with a truck. MA had owned the motorcycle for no more than 3 weeks prior to the fatal crash. The motorcycle - a 200 cc Suzuki - was built and manufactured for off road use only. It was neither registered nor insured. The front headlight of the motorcycle was not operating at the time of the crash (around 7.10pm on Sunday, 25 June 2017). The night was dark and there was no visible moonlight. MA was wearing dark clothing.

A subsequent crash investigation carried out by a very experienced Tasmania Police road traffic crash investigator determined, and I accept, that at the time of

the happening of the crash MA's speed was at least 92 km/h in an area where the applicable speed limit was 50 km/h.

The motorcycle MA was riding collided with the rear driver's side of the tray of a truck. There was no evidence found in the subsequent investigation to suggest that MA took any form of evasive action whatsoever prior to impacting with the truck.

I am satisfied on all of the evidence that the driver of the truck was in no way to blame for the happening of the crash.

MA suffered massive and unsurvivable injuries as a consequence of the crash. Despite the best efforts of a nearby resident and volunteers from the Risdon Vale Brigade of the Tasmanian Fire Service to perform CPR ambulance paramedics were unable to revive MA and he was declared deceased at the scene.

After formal identification an autopsy was carried out by Dr Donald McGillivray Ritchey an experienced forensic pathologist. Dr Ritchey found that MA had suffered multiple severe traumatic injuries of his head, chest and abdomen and expressed the opinion that his death would have been effectively instantaneous. I accept Dr Ritchey's opinion. Samples taken at autopsy did not reveal the presence of any alcohol or illicit drugs in MA's body at the time of the crash.

I note that the driver of the truck submitted to testing pursuant to the *Road Safety (Alcohol and Drugs) Act 1970*. The results of that testing determined that he had no alcohol or illicit drugs in his body at the time of the happening of the crash.

Both vehicles involved in the fatal accident were subsequently examined by a Transport Inspector. Some minor defects were identified in the truck but I am satisfied that none of those defects caused or contributed to the happening of the crash.

The Transport Inspector found that MA's motorcycle was in a poorly maintained condition. He observed that the motorcycle was not manufactured to be ridden on public streets and the rear tyre was marked "not for highway use".

I am satisfied that unfortunately MA died as a result of inattention on his part whilst riding a motorcycle not suitable for use on a road at excessive speed. Neither drugs nor alcohol played any role in the happening of the crash.

Comments and Recommendations

I extend my appreciation to investigating officer now retired Sergeant Rod Carrick for his investigation and report.

The circumstances of MA'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 MA's family and loved ones on their loss.

Dated 13 May 2019 at Hobart , Tasmania.

Simon Cooper

Coroner