



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Michael John Clark

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

- a) The identity of the deceased is Michael John Clark.
- b) Mr Clark was born on 2 March 1960 and was 59 years of age at his death. His wife, with whom he had two children, passed away in 2021 (after Mr Clark's death). Mr Clark lived in Dover and had done so for his entire life. He obtained his driver's licence at 17 years of age and, at the time of his death, he was employed by the Department of State Growth as a school bus driver, employment he had held for 20 years. He was a volunteer firefighter with the Dover Fire Brigade.

At 3.10pm on Monday 27 January 2020, Mr Clark was driving his Toyota Aurion sedan south on the Huon Highway (adjacent to residence number 6880) in Dover towards his home. The highway at that point comprises one lane in each direction. Mr Clark was driving in his correct (left) lane at a speed less than the posted speed limit of 100 km/h and at a speed not excessive for the road conditions. He was wearing a seatbelt and was not affected by alcohol or drugs.

At the same time, Friedrich Kurt Burkhardt was driving a Fiat Ducato motorhome in the opposite direction to that of Mr Clark. Mr Burkhardt was a German national visiting Tasmania on a tourist Visa. Mr Burkhardt's vehicle crossed into the incorrect lane in front of Mr Clark's vehicle and crashed into it. In the crash, Mr Clark sustained fatal injuries. I am satisfied upon the evidence that Mr Clark could not have avoided the crash and that the sole cause of his death was that Mr Burkhardt drove onto the incorrect side of the road in front of him.

- c) Mr Clark's cause of death was multiple injuries of chest and abdomen.

- d) Mr Clark died on 27 January 2020 at Dover, Tasmania.

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

- The Police Report of Death for the Coroner;
- Affidavits confirming life extinct and identification;
- Affidavit of the forensic pathologist regarding cause of death;
- Toxicology report of Forensic Science Service Tasmania;
- Tasmanian Health Service and Dover Medical Centre records for Mr Clark;
- Affidavit of Janice Clark, wife of Mr Clark;
- Affidavit of witnesses to circumstances surrounding Mr Clark's death – Jillian Bellamy, Colin Carver, Nevin Shakespeare, Samuel Higgins and Brendan Mitchell;
- Affidavits of eight attending and investigating police officers, including Forensic Services officers and Crash Investigation officers, together with body worn camera footage and photographs;
- Affidavit of the Transport Inspector regarding the condition of both vehicles;
- Blood test results of Friedrich Burkhardt;
- Tasmania Police information reports, vehicle registration records and drivers licence information;
- Crash History Data report of Department of State Growth;
- Bureau of Meteorology weather information;
- Magistrates Court of Tasmania and associated documentation regarding the charge, hearing and sentencing of Friedrich Burkhardt.

Comments and Recommendations

On 4 November 2022, Mr Burkhardt was convicted in the Magistrates Court of Tasmania of causing the death of Mr Clark by negligent driving contrary to Section 32 (2A) of the *Traffic Act 1925*. On 22 November 2022 he was sentenced to three months imprisonment, wholly suspended for a period of 12 months on the condition that he not commit another crime punishable by imprisonment during that period. His driver's licence was cancelled for a period of 12 months and he was fined the sum of \$1200.

Mr Burkhardt did not, and perhaps could not, provide an account of why he drove onto the incorrect side of the road in front of Mr Clark's vehicle. He was not affected by alcohol or drugs. The evidence would tend to indicate that he mistakenly reverted to driving on the

right-hand side of the road as he was required to do in his home country. Unfortunately, his negligence resulted in the tragic death of Mr Clark, who was driving lawfully on the highway.

I extend my appreciation to investigating officer, Constable Jared Gowen, for his thorough investigation and report.

The circumstances of Mr Clark's death are not such as to require me to make any recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of Mr Clark.

Dated: 26 April 2023 at Hobart in the State of Tasmania.

Olivia McTaggart

Coroner