



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 Nathan John Hardie

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

- a) The identity of the deceased is Nathan John Hardie (Mr Hardie);
- b) Mr Hardie died from injuries sustained when a motorised bicycle he was riding collided with a truck which was parked on the side of the road;
- c) Mr Hardie's cause of death was multiple injuries to his head, trunk and a limb; and
- d) Mr Hardie died on 25 May 2021 at the Royal Hobart Hospital (RHH), Hobart, Tasmania.

Introduction

This investigation involves an accident that occurred on North Caroline Street East Devonport on 30 April 2021 and approximately 7:20 PM. At that time Mr Hardie was riding a motorised bicycle in a southerly direction on North Caroline Street but on the incorrect side of the road. He swerved to avoid an oncoming vehicle and shortly thereafter he collided with the rear of a Freightliner semitrailer which was unoccupied and parked on the side of the roadway. At the time of the crash the road was dry, the weather was clear and it was dark.

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

- Tasmania Police Report of Death for the Coroner;
- Affidavits as to identity and life extinct;
- Report of the forensic pathologist Dr Andrew Reid;
- Affidavit of the forensic scientist Mr Neil McLachlan – Troup of Forensic Science Service Tasmania;
- Ambulance Tasmania (AT) electronic patient care record;

- Records obtained from the Tasmanian Health Service (THS);
- Affidavit of Ms Ashley Hardie;
- Affidavit of Mr Aden McDermott;
- Affidavit of Ms Nicola Reeves –Hall;
- Affidavit of Constable Joshua Skinn;
- Affidavit of Mr Alan Fitzpatrick;
- Affidavit of Mr Bruce Christensen;
- Affidavit of Mr Lee Canning;
- Affidavit of Mr John Whittlesea;
- Affidavit of Senior Constable Sven Mason;
- Affidavit of Constable Lindsay Needham;
- Affidavit of Mr Peter Daw, Tasmania police (rank not stated);
- Tasmania Police traffic crash report; and
- Forensic and photographic evidence.

Background

Mr Hardie was aged 41 years (DOB 15 June 1979), single and he was unemployed at the date of his death. His parents were Mrs Maree and Mr Anthony Hardie and he had a sister Tamika Hardie. Mr Hardie attended Reece High School and Devonport High School after which he attended TAFE in Devonport where he undertook a chef's course. He lived in the Devonport area his entire life.

Mr Hardie never married however he had a number of relationships and 5 children to his various partners which includes his senior next of kin Ashley Hardie. She says her father's last relationship was with Ms Rebecca Morse and that relationship broke down in May/June 2020. At that time Ms Hardie says her father was using drugs heavily and she is aware family violence orders were made. During the breakdown of that relationship she says her father made threats of self-harm and suicide but she did not believe he was suicidal.

Mr Hardie was employed as a baker's apprentice for a short period and he worked at the agricultural shows that travelled around Tasmania. She was aware he had been sentenced to periods of imprisonment. Records confirm her understanding in that Mr Hardie was imprisoned from 11 May 1999 to 20 October 1999 and again from 26 November 2009 until 9 April 2010.

As to her father's health he attended the local general practitioner from time to time¹ and she believes he had some mental health issues due to the breakdown in his relationship with Ms Morse and his drug use. However he was not receiving any treatment for mental health issues at the time of his death. Ms Hardie says her father was a big drinker in that he would drink most days, he smoked every day and used cannabis for most of his life. She is also aware her father used methamphetamine during his relationship with Ms Morse. She said when he was using he would become paranoid.

However in the 3 months prior to his death Ms Hardie says she visited her father almost daily with her son. She says seeing his grandson brought her father happiness. She says prior to his grandson's birth he ceased seeing those people he used to use drugs with. She felt this was a turning point for him.

Ms Hardie says her father's only motor transport was a motorised bicycle which he carried out all the maintenance on. He had 2 bicycles that he would switch parts between and he had been using this mode of transport for over 2 years.

Circumstances Leading to Death

At approximately 6 PM on 30 April 2021 Mr Canning, a very experienced truck driver, parked a white 2012 Freightliner prime mover registration XT14AO to which was attached a trailer registration YT57AE on North Caroline Street. Mr Canning uses that prime mover and trailer to cart potatoes in his employment. The trailer, including the rear is painted white. At the base of the trailer is a metal under ride protection bar to stop vehicles travelling under the truck if a collision occurs. There are also 2 large reflectors on the back just under the tail lights. When he parked the truck he ensured it was as close to the curb as possible and he parked it about half way along North Caroline Street. He says there is a street light a short distance in front of the truck and another a short distance behind which were both working. He says the truck and trailer should have been easily visible to other road users.

Mr McDermott was walking on North Caroline Street on the night of the crash. He had been visiting a friend nearby and was returning to his home when he heard a motorised bike revving near to where he lived. He thought this person was wanting to speak to him and he did not wish to talk to them so he went into a nearby cul-de-sac to avoid them. Shortly after this he heard the bike begin to travel south on North Caroline Street and while in the cul-de-sac he observed the bike travelling at about 60 km per hour. He then heard a loud bang and could see,

¹The records of the Valley Road Medical Centre indicate Mr Hardie last attended an appointment on 26 June 2014. He was on file at the East Devonport Medical Centre but had no consultations at that practice.

when he went into North Caroline Street, someone on the ground at the back of the truck which was parked on the side of the road. He called 000. When he got closer he realised it was Mr Hardie and this upset him so he left his phone with a couple of people who had arrived at the scene and went to tell Mr Hardie's sister who he was living with at the time. He had known Mr Hardie for about 7 years. He had last seen him about a week before the crash when Mr Hardie had bought his daughter a bag of lollies at a shop. Mr McDermott had seen Mr Hardie a few times in the last year but had lost touch because Mr Hardie "had gone a bit crazy" after he broke up with his partner². He recalls seeing a vehicle on North Caroline Street at the time of the crash. He admitted to consuming alcohol and smoking cannabis that day.

Ms Reeves – Hall was driving home from the supermarket in her silver 2005 Mazda 6 registration I55ZD. She was travelling north on North Caroline Street with her music turned up very loud. She recalls passing a truck which she said was hard to see. As she passed the truck she saw Mr Hardie coming towards her and she says he was coming very fast. She knows he was wearing a helmet and a backpack but his bike had no lights. She says he swerved sharply to his left to avoid hitting her and after this she heard a bang over her loud music. She stopped and turned the music down and could hear the bike still running so she thought the rider was travelling down the roadway. She noticed a male walking on the opposite side of the road who did not say anything and kept walking in a southerly direction towards Brooke Street. She returned home and later heard from a neighbour there had been a crash involving a motorised bicycle so she returned to the scene and spoke with police.

Investigation

At approximately 7:25 PM Constables Skinn and Wilson were directed to attend this crash which they understood involved a motorised bicycle and a rider who was unconscious. They arrived at approximately 7:30 PM and as they stopped at the scene an ambulance turned into the street. Officers from AT commenced treating Mr Hardie who was identified by Mr McDermott. About 10 minutes later Mr Hardie was transferred to the ambulance and transported to the Launceston General Hospital (LGH). Both Mr McDermott and Ms Reeves-Hall, who was also at the scene, were spoken to. The scene was marked and photographs of the scene, the truck, trailer, bicycle and helmet were taken. The bicycle was seized whereas Mr Hardie's helmet and wallet were transported with him in the ambulance.

² I infer Mr McDermott is referring to Ms Morse.

A post-mortem examination was conducted by Dr Andrew Reid. In his report he notes the circumstances surrounding the accident and the fact Mr Hardie sustained head, trunk and limb injuries. After he was transferred to the LGH he was taken to the RHH on 1 May 2021. Further investigations confirmed the nature and degree of Mr Hardie's injuries and it is noted he underwent neurosurgery which included the insertion of an external ventricular drain and invasive post-operative pressure monitoring for a traumatic brain injury including haemorrhages, a laparotomy for a ruptured spleen and orthopaedic surgery for a left scapula and shoulder injury. Clinical urine testing was positive for amphetamine³ and cannabis. It was determined the brain injury was not survivable and therefore active treatment was withdrawn. Palliative care was provided to Mr Hardie until he died on 25 May 2021. I accept Dr Reid's opinion.

The levels of cannabis and methylamphetamine detected were said to be within ranges reported to be associated with recent use and toxicity respectively. The post-mortem concentration of amphetamine does not necessarily correlate with the ante-mortem and clinical toxic effects however the possibility of these drugs combined interaction contributed to the circumstances of the accident and therefore the fatal injuries could not be excluded.

Senior Constable Mason became aware Mr Hardie had passed away on 26 May 2021. He arranged for a transport inspector to examine Mr Hardie's bicycle the next day. On 3 June 2021, in the company of Constable Needham, Senior Constable Mason attended North Caroline Street at which time measurements and photographs of the scene and the prime mover and trailer, which Senior Constable Mason had arranged to be present, were taken. It was noted the street was 710 m long and 10.8 m wide at the scene. The rear of the trailer was 375 m along the straight. There were no road markings, the street was lined by nature strips on either side and there was a footpath on the left hand side of the road (facing south) and numerous power poles on the nature strip on that side of the road. There was a streetlight 110 m behind the trailer and another 45 m in front of the prime mover.

The rear of the trailer was fitted with a metal chute which is used in the unloading of potatoes. There was evidence of a helmet impacting on the right side of that chute which was evidenced by green paint transfer from the helmet which also had impact damage.

The bicycle was an 18 speed red and black Southern Star brand mountain bike with a small engine fitted. The front wheel had detached from the bike and was extensively damaged with the rim snapping at impact and bending inwards. The handlebars were also detached from the

³ A metabolite of methylamphetamine.

gooseneck. Brake lines appeared to have been severed as well. No rear brake appeared to be attached. There was no headlight fitted at the front and there was a red deflector at the rear which was fitted to the seat stem. The rear tyre was devoid of tread. The engine was attached to the frame by cable ties and U-bolts. It was petrol powered and the fuel tank was attached to the crossbar between the seat and gooseneck. The bicycle was fitted with a clutch and a second chain driven sprocket and an exhaust pipe.

That same day dynamometer⁴ testing was conducted by Mr Christensen of Wivenhoe Mechanical Services. He is the owner and manager of that business and is a light vehicle mechanic by trade. Testing returned a speed of 25 km/h with a power output of 900 W. I accept, given Mr Christensen's qualifications, the results of his tests.

Mr Fitzpatrick is a qualified diesel mechanic with 14 years' experience in the motor trade. He has been a transport inspector since October 2012. He examined Mr Hardie's bicycle on 31 May 2021. He was advised of the dynamometer testing results obtained by Mr Christensen. After inspecting the bicycle Mr Fitzpatrick says prior to the accident it was not mechanically sound and it was un-roadworthy. I accept Mr Fitzpatrick's opinion. He goes on to say if the power output of the motor fitted to the bicycle exceeds 200 W then it is considered to be a motor vehicle for the purposes of the *Vehicle and Traffic Act 1999*. Accordingly the vehicle had to be roadworthy and was required to be registered for use on a public street. It was neither roadworthy or registered.

Mr Fitzpatrick is correct that for Mr Hardie to use his bicycle on North Caroline Street it had to be registered. This is because s27 of the *Vehicle and Traffic Act 1999* stipulates a motor vehicle is not to be used on a public street unless it is registered under that Act. Section 3 of that Act defines a motor vehicle as "... a vehicle that is built to be propelled by a motor that forms part of the vehicle but does not include –

(a)...;

(b)...;

(c) a pedal cycle with an auxiliary motor (or motors) with a power output (or combined power output) of not more than 200 W; or...."

The power output of the engine on Mr Hardie's bicycle was 4 ½ times the maximum permissible power output. Accordingly the bicycle was a motor vehicle and had to be

⁴ A dynamometer is a device for simultaneously measuring the torque and rotational speed (RPM) of an engine, motor or other rotating prime mover so that its instantaneous power may be calculated. The power output is usually measured in watts (W).

registered if Mr Hardie wished to use it on a public street. In order to be registered Mr Hardie's bicycle also had to comply with the vehicle standards set out in the *Vehicle and Traffic (Vehicle Standards) Regulations 2014*.

Comments and Recommendations

After recently consuming illicit drugs Mr Hardie chose to ride his unregistered and unroadworthy motor vehicle South on the wrong side of North Caroline Street in East Devonport. At the same time Ms Reeves – Hall was driving North on North Caroline Street. In order to avoid a collision Mr Hardie has swerved from the incorrect side of the roadway onto the correct side of the roadway and then collided with the rear of a trailer which was connected to a prime mover. That vehicle was parked on the eastern side of North Caroline Street adjacent to 21 North Caroline Street and facing south. I therefore find Mr Hardie was entirely to blame for this crash.

The circumstances of Mr Hardie'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 extend my appreciation to investigating officers, Senior Constable Mason and Constable Skinn, for their investigation and report.

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

Dated: 14 April 2023 at Hobart in the State of Tasmania.

Robert Webster
Coroner