



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Philip Maxwell Milburn

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

- a) The identity of the deceased is Philip Maxwell Milburn;
- b) Mr Milburn died as a result of injuries sustained by him as pillion passenger when the motorcycle upon which he was pillion passenger collided with a tandem flat tray trailer being towed by a truck;
- c) The cause of Mr Milburn's death was multiple blunt injuries (blunt trauma of the head, facial and skull fractures extending into the cranial cavity, blunt trauma of the thorax, buttock and left leg); and
- d) Mr Milburn died, aged 39 years, on 13 January 2022 at the intersection of Wellington and High Streets, Longford, Tasmania.

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

- Police Report of Death for the Coroner;
- Affidavit of life extinct;
- Affidavits confirming identity;
- Report – Dr Donald Ritchey, Forensic Pathologist;
- Report – Forensic Science Service Tasmania – Milburn;
- Records – Ambulance Tasmania;
- Affidavit – First Class Constable Nigel Housego, sworn 23 March 2022 and crash investigation report, plans and scene photographs;
- Affidavit – Tanya Bluett, sworn 24 January 2022;
- Affidavit – Kelsey Exton, sworn 15 January 2022;
- Affidavit – Zachery Sherriff, sworn 23 January 2022;

- Affidavit – Samantha Groves, sworn 26 January 2022;
- Affidavit – Carmen Hrvojevic, sworn 21 January 2022;
- Affidavit – Stephen Salter, sworn 22 January 2022;
- Affidavit – Prudence Dennis, sworn 30 June 2022 (and CCTV footage - 73 Wellington Street, Longford);
- Affidavit – First Class Constable Brett Tyson, Forensic Services, sworn 2 March 2022 (and scene photographs);
- Affidavit – Senior Constable Peter McCarron, sworn 20 January 2022 (and drone footage and photographs of scene);
- Affidavit – First Class Constable Kyran McMahon, sworn 18 May 2022;
- Affidavit – First Class Constable Naomi Davey, sworn 25 May 2023;
- Affidavit – First Class Constable Justin Bennetts, sworn 30 June 2022;
- Record of interview – Jake Sherriff, 19 January 2022;
- Record of interview – David John Wright, 10 March 2022;
- Blood Analysis Report – David John Wright;
- Affidavit – Paul Maclaine, Transport Safety and Investigation Officer, sworn 31 January 2022;
- Affidavit – Conrad Brown-Thomas, Safety and Compliance Officer, National Heavy Vehicle Regulator, sworn 30 March 2022; and
- Scene plans, forensic evidence and body worn camera footage.

Mr Milburn died when the motorcycle on which he was a pillion passenger ridden by David John Wright crashed into a truck and trailer at the intersection of Wellington and High Streets in Longford. It was Mr Milburn's first time as a pillion passenger on a motorcycle on a public road. He died at the scene of massive, unsurvivable injuries.

The road surface and weather conditions played no role in the happening of the crash.

Wright, who was on parole at the time, had been speeding, was not keeping a proper lookout and was riding his motorcycle after having ingested methylamphetamine. His motorcycle had numerous mechanical deficiencies and defects including non-compliant handlebars, a defective throttle and an insecure rear brake master cylinder reservoir, any of which may have contributed to the happening of the crash.

Wright told investigators that he could not remember anything about the crash claiming to have suffered a head injury which caused a loss of memory. His medical records do not support this version of events.

In any event, Wright was subsequently convicted by a jury of causing Mr Milburn's death by dangerous driving. He was sentenced 3 ½ years imprisonment for that crime.

I am quite satisfied that Wright was entirely to blame for Mr Milburn's death. The driver of the other vehicle involved was in no way at fault.

Comments and Recommendations

The circumstances of Mr Milburn'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 the family and loved ones of Mr Milburn.

Dated: 12 December 2024 at Hobart, in the State of Tasmania.

Simon Cooper
Coroner