



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 Jake Anthony Mullins.

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

- a) The identity of the deceased is Jake Anthony Mullins.
- b) Mr Mullins died as a result of injuries sustained in a motorcycle crash.
- c) Mr Mullins' cause of death was abdominal and pelvic injuries; and
- d) Mr Mullins died on 29 August 2022 on Lilydale Road at Rocherlea in Tasmania.

Introduction

This investigation concerns a fatal single motorcycle crash that occurred on Lilydale Road at Rocherlea at approximately 8:29pm on Monday, 29 August 2022. At the time of the crash the road was dry, the weather was fine and visibility was clear. The temperature was approximately 12°C. The road surface at the scene of the crash was constructed of an aggregate bitumen mix that was in good condition with no visible surface defects. The prescribed speed limit was 60 km/h.

The crash involved a silver 2015 Honda CBR 650 FA motorcycle registered number B499E which was being driven by Mr Mullins. It was registered at the time of the crash.

In making the above findings I have had regard to the evidence gained in the investigation into Mr Mullins' death which includes:

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

- Medical records obtained from Launceston Medical Centre and Exeter Medical Centre;
- Medical records obtained from the Tasmania Health Service;
- Affidavit of Lynette Gatenby;
- Affidavit of Vanessa Teahan;
- Affidavit of Sam Mullins;
- Affidavit of Sergeant Gavin Chugg;
- Affidavit of Constable Matthew O'Neill;
- Affidavit of Senior Constable Tracy Lincoln;
- Affidavit of Freddie Todman;
- Crash data for the relevant section of Lilydale Road obtained from the Department of State Growth; and
- Diagrams, photographs and forensic evidence.

Background

Mr Mullins was 32 years of age (date of birth 2 July 1990) and he had been in a relationship with Jayde Knowles for approximately five years at the date of his death. Mr Mullins did not have any children.

Mr Mullins was the son of Lynette Gatenby and Stephen Mullins. He had a younger brother; Sam. His mother says Mr Mullins was a fit and healthy baby with no medical issues but as a young boy he had some hip problems. He attended school at Lilydale until year 10. He was suspended on a number of occasions.

Mr Mullins' parents separated when he was about six years of age. Ms Gatenby later re-partnered however like his father, Ms Gatenby's new partner had no time for Mr Mullins or his brother. It was only Mr Mullins' maternal grandfather who spent any time with Mr Mullins and his brother and he was the only real male figure in their lives.

Mr Mullins had a significant history of offending which commenced in 2008 when he was 18 years of age and continued through until 2022. It comprises 24 pages. He had a number of convictions for traffic offences, offences of dishonesty, firearms offences and public order offences. His offending increased significantly from 2015. In particular he had eight prior convictions for drive while disqualified and five convictions for driving with an illicit drug present in his oral fluid. He had previously received sentences of imprisonment by way of punishment for his offending and he had also been subject to a drug treatment order. He was disqualified from driving at date of his death.

Mr Mullins was released from prison approximately 10 days prior to his death. His mother went to pick him up and on the way home he told her that he was thinking about getting a motorcycle. He told her that he did not think he was a great rider but that he would be careful. Mr Mullins' brother, Sam, has said the motorcycle he was riding at the time of his death was his first road bike and that he had never been on fast bikes and he was not a good motorcycle rider. Sam Mullins had tried to convince his brother not to ride a motorcycle.

Mr Mullins' medical records indicate that apart from the usual ailments which a person suffers from, he was diagnosed with depression and ankylosing spondylitis in 2011 and 2015 respectively. He was treated for those conditions. In particular he suffered from pain in his hips. An entry in his records dated 24 July 2017 indicates Mr Mullins admitted to an amphetamine addiction for the previous six years.

Circumstances leading to death

On 29 August 2022 Mr Mullins had been to the Launceston Medical Centre where he had seen a general practitioner in relation to a lump on his stomach. His brother, Sam, spoke to him on the phone at about 8:15pm while he was at the surgery. It had started to rain and he told Sam he was going to park the motorcycle once he left the surgery.

Mr Mullins left the surgery after his appointment and rode to Ms Knowles' home in Mayfield. He left shortly after in order to visit a friend who resided in Honeysuckle Court Rocherlea. He rode along George Town Road towards Lilydale Road at which time he was observed by Ms Teahan who was driving in front of him.

Ms Teahan says the motorcycle was being ridden "normally" along George Town Road. She then turned right into Lilydale Road as did the motorcycle. Once Ms Teahan reached a speed of approximate 60 km/h she saw the motorcycle pull-out and overtake her vehicle. Mr Mullins accelerated and remained in the lane for traffic travelling in the opposite direction, until he approached the second of two traffic islands on this section of Lilydale Road, before that road crosses a railway line. Mr Mullins then began to cross into his correct lane whereupon he momentarily activated his brakes before releasing them. Moments later he hit the traffic island and kept left sign on that island. He then lost control of the motorcycle which resulted in him becoming separated from it. The motorcycle's headlight was seen to rotate along the road after which the motorcycle hit the curb at the Archer Street intersection and then impacted with the Armco barrier, whereafter it slid before coming to rest on the grass. Mr Mullins came to rest on the same grassed area but before the motorcycle. He died from the injuries sustained in this crash.

Investigation

Sergeant Chugg of Launceston uniform was the first police officer on the scene. He requested the attendance of an officer from Northern Crash Investigation Services and an officer from Northern Forensic Services. AT received the call to attend this crash at 8:31 pm. Paramedics reached Mr Mullins nine minutes later. After assessing Mr Mullins and providing him with treatment it was determined he had passed away. Mr Mullins had been wearing a black motorcycle helmet which was removed by paramedics when he was treated. He was also wearing sports shoes, long cargo pants and a black motorcycle jacket. He was identified at the scene by his brother. Mr Mullins was removed from the scene and taken to the mortuary.

Constable O'Neill attended the crash scene with Constable Housego. With the assistance of Constable Upston they measured the scene and identified tyre scuff marks and impact marks together with gouges in the curb and scraping and gouging in the grassed area on the northern verge but in an easterly direction. This area is adjacent to some Armco railing installed at the eastern side of the intersection of Archer Street and Lilydale Road. Constable O'Neill prepared a sketch of the scene. The scene was photographed by Constable Lincoln. The next day Constables Housego, O'Neill and Lincoln returned to the crash site and took photographs in daylight and further measurements which permitted a speed analysis to be conducted.

Police investigations determined the crash occurred about 300 m east of George Town Road along a straight section of road outside 30 Lilydale Road at Rocherlea. Lilydale Road travels generally north-east, from Georgetown Road at the south-western end, to the township of Lilydale at the north-eastern end. Lilydale Road is approximately 19.4 km in length with several intersecting streets and roads. At the crash location it is an urban area with houses, driveways and foot paths on the southern side of the road.

At the crash location the width of the road, between the edge lines, is approximately 10.2 m with an uphill gradient, travelling east, of 1.2%. The street had formed concrete curb edges, with parking bays at intervals along both sides. There is a centre turning lane with broken lines and two traffic islands at intervals between the broken lines. The eastbound lane is 4.4 m wide, the broken centrelines of the centre turning lane are 2.4 m apart, and the westbound lane is 3.4 m wide. The speed analysis conducted by Constable O'Neill shows Mr Mullins was travelling at an average speed of 109 km/h from when he crossed the stop line at the school crossing, which is adjacent to 14 Lilydale Road, to when the motorcycle struck the second traffic island and keep left sign which is 141.3 m east of the school crossing.

Freddie Todman, an automotive technician with over 25 years' experience in the automotive industry, examined the motorcycle on 31 August 2022. As a result of that examination he has provided an affidavit in which he says the motorcycle was in a roadworthy condition prior to the crash. It was not compliant however, due to the fitting of an aftermarket exhaust system however that modification did not in any way contribute to this crash. I accept Mr Todman's opinion.

The forensic pathologist Dr Andrew Reid conducted a post-mortem examination on 31 August 2022. As a result of that examination, and after considering the results of a post-mortem CT scan and the results of toxicology and microbiology, Dr Reid determined the cause of death was abdominal and pelvic injuries. I accept his opinion.

Mr McLachlan-Troup indicated his testing was positive for illicit drugs namely methylamphetamine and amphetamine. The latter is a metabolite of the former. Mr Mullins also tested positive for citalopram, an antidepressant, and meloxicam which is a nonsteroidal anti-inflammatory drug. Citalopram has no detrimental effect on driving ability and meloxicam is not expected to impair someone's driving performance. However, methylamphetamine is an extremely potent central nervous system (CNS) stimulant which results in behavioural and physiological effects. It generates intense euphoria, confidence and feelings of superiority in addition to elevation in sensory awareness, increased energy and a decrease in appetite. Its use can also result in dizziness, tremor, insomnia, dysphoria, paranoia and dyskinesia¹. Chronic use may lead to personality changes, irritability, anxiety, hyperactivity and psychosis.

Methamphetamine's physical effects include an increased heart rate, blood pressure and respiration, pupil dilation and teeth grinding. It has a profound effect on thought processes, decision-making and psycho-motor skills required for driving. Typical amphetamine related driving behaviours, which lead to arrest, accidents or fatal car crashes include drifting in and out of the lane of travel, erratic driving, weaving, speeding, drifting off the road and high-speed collisions. Other effects noted in drivers using methylamphetamine include rapid or confused speech, rapid pulse, agitation, paranoia, dilated pupils, and a violent or aggressive attitude. I accept Mr McLachlan-Troup's opinion.

There is no evidence that any other person contributed to this crash. No other vehicle was involved. Constable O'Neill has advised Mr Mullins never held any form of motorcycle licence or passed any test to indicate he was competent to ride a motorcycle on a public street in Tasmania. It is the opinion of Constable O'Neill Mr Mullins was not experienced enough, nor attentive enough to his riding or the road environment, given the speed at

¹ Abnormality or impairment of voluntary movement.

which he was travelling. He says this has been compounded by the effects of methylamphetamine which was detected in his blood. I agree.

Comments and Recommendations

I am satisfied no other person or vehicle contributed to this crash. It occurred as a result of Mr Mullins' inexperience, inattentiveness and his driving at excessive speed. His ability to drive was impaired by the effects of the methylamphetamine he had consumed prior to driving.

His mother, Ms Gatenby has asked me to make one recommendation which is the installation of reflectors on the back of the keep left sign on the traffic island. She believes had there been reflectors on the back of the sign Mr Mullins may have seen them and not crashed. I have considered this suggestion carefully. Records obtained by me from the Department of State Growth reveal that from April 2001 until the date of this crash, a period in excess of 20 years, there have been 19 motor accidents on Lilydale Road between its intersection with Georgetown Road and Archer Street. None of those accidents have involved motor vehicles hitting either the two traffic islands on the roadway or the sign erected on each of those islands. They have involved vehicles failing to give way, collisions with parked vehicles, collisions with vehicles emerging from driveways, collisions involving a vehicle performing a U-turn and rear end collisions. In my view, given this evidence and the evidence which is clear from material gathered in the investigation, that if a vehicle travels along this section of Lilydale Road at a lawful speed and with a driver who is not affected by alcohol or illicit drugs then it will be negotiated safely, there is no risk of a collision with one of the traffic islands and/or a sign erected thereon. Given the speed at which Mr Mullins was travelling, the fact he was driving on the wrong side of the road and the fact that his ability to drive was impaired by the consumption of illicit drugs I take the view that no such recommendation is warranted.

I extend my appreciation to investigating officer Constable Matthew O'Neill for his investigation and report.

The circumstances of Mr Mullins' 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 Mullins.

Dated: 10 July 2024 at Hobart, in the State of Tasmania.

Magistrate Robert Webster
Coroner