



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Leigh Mackey, Coroner, having investigated the death of Robert Bernhard Van Zelm

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

- a) The identity of the deceased is Robert Bernhard Van Zelm. Mr Van Zelm was born in the Netherlands but grew up in Ulverstone after his family migrated to Australia. For many years his parents ran the Golden Fleece Service Station in that community. He trained as a diesel fitter and eventually worked at his parents business servicing and repairing motor vehicles. After taking over the business from his parents, Mr Van Zelm sold it and started his own business “Robby Van Zelm’s Motorcycle Workshop” in the 1990s. He continued to operate that business up until his death. Mr Van Zelm’s enduring passion was for motorcycles. He owned and had ridden motorcycles for all his adult life. In addition to the mechanical and leisure aspects of riding he had participated in drag, circuit and off road racing.
Mr Van Zelm was single and lived alone at the time of his death. He had previously been involved in significant relationships and was a father to four adult children from two of those relationships, Zera, Luke, Learnah and Andrew;
- b) Mr Van Zelm died as a result of multiple injuries suffered in a single motorbike accident;
- c) Mr Van Zelm’s cause of death was extensive head, neck, chest, spine and leg injuries; and
- d) Mr Van Zelm died between 5 and 6 February 2023 at Paradise, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Van Zelm’s death. The evidence includes;

- The Police Report of Death;

- Opinion of the forensic pathologist and toxicology report;
- Affidavits of identity;
- Affidavit of Zera Van Zelm sworn 9 February 2023;
- Affidavit of Theresa Mary Van Zelm sworn 15 February 2023;
- Affidavit of Stephen James Burford sworn 10 February 2023;
- Affidavit of George Kingsland Harris sworn 10 February 2023;
- Affidavit of Senior Constable Freeman-Finn sworn 23 March 2023;
- Affidavit of I/C Constable Mark Robert Johnston sworn 20 February 2023;
- Affidavit of Senior Constable Hadyn Peter Barnard sworn 21 April 2023;
- Affidavit of Philip John Evans sworn 6 March 2023;
- Tasmanian Health Service and General Practitioner medical records; and
- Forensic evidence.

The background

As referred to earlier in these findings, Mr Van Zelm was a motorcycle enthusiast. In his mid-twenties he was involved in a motorcycle accident when he collided with a train at a railway crossing. As a result of that accident his left leg was amputated from below the knee. Thereafter Mr Van Zelm relied on a prosthetic left lower limb. Mr Van Zelm continued to ride motorcycles but, due to the loss of his left leg had to make some adjustments to do so. Other than the left limb amputation, Mr Van Zelm had no significant health concerns at the time of his death.

Commonly to change gears on a motorcycle a lever is used. The lever is usually located on the left-hand side of the bike near the left foot. Mr Van Zelm's capacity to shift gears using the lever on the left-hand side of the motorcycle was impaired by the loss of his left lower limb and consequent use of a prosthetic. To accommodate this, he was known to change gears by bending over and using his left hand on the lever. Usually, however, he would modify the motorcycles he owned by switching the lever from the left to the right-hand side allowing him to operate the lever to change gears by using his intact right leg/foot.

At those times that he was observed to change gears on a motorcycle by reaching down and using his hand to operate the lever on the left-hand side of the bike, he is described to have done the manoeuvre smoothly and without impacting the balance of the bike.¹

At the time of his death Mr Van Zelm was riding a 1974 Kawasaki S2 motorcycle registration VC259 (Kawasaki). The lever to change gears on the bike was in the traditional position on

¹ Affidavit of George Kingsland Harris sworn 10 February 2023 p2 and Affidavit Stephen James Burford sworn 10 February 2023 p3

the left-hand side. Mr Van Zelm had not moved the lever to the right-hand side by the time of his death. As explained by Zera Van Zelm, he had not yet decided to move the lever as he was considering restoring the Kawasaki to its original condition.² As a result when riding the Kawasaki Mr Van Zelm changed gears by leaning over and operating the lever with his left hand.

The club ride

Mr Van Zelm was a member of the Vintage Japanese Motorcycle Club of Tasmania (VJMCT). On Sunday 5 February 2023 the VJMCT held a motorcycle ride for its members. Mr Van Zelm's friends, Mr Harris and Mr Burford were also on the VJMCT ride. Members of VJMCT from the Northwest Coast, approximately 10 – 12 motorcycles including Mr Van Zelm, Mr Burford and Mr Harris, met at the Forth Pub. From there they rode to Deloraine where they met up with Northern branch members of the club before riding through Exton to the Great Lake Hotel, joining with Southern branch members and staying for lunch. At this point Mr Van Zelm separated from the group.

During the ride to the Great Lake Hotel Mr Harris observed Mr Van Zelm reaching down to change gears on the Kawasaki with his left hand.³ He did this when he was changing up a gear. At those times that Mr Van Zelm was changing down gears Mr Harris observed him to use his left prosthetic foot.⁴ Mr Harris, who had followed Mr Van Zelm on the Kawasaki from Forth to Deloraine and then from Deloraine to the Great Lake Hotel and thus had ample opportunity to watch his driving and how he operated the Kawasaki stated;

“I was very impressed as to how he did it. The bike didn't become unsettled or anything, he maintained his line no problem at all. He was choosy about where he changed gears, sometimes maintaining a gear little longer until he was on a straighter section of road.”⁵

This was Mr Van Zelm's first long ride on the Kawasaki. Before the ride he had told Mr Burford he was unsure how far he would go as he “*struggles to ride long distances any more*”⁶. It is probable that his decision to separate from the group at the Great Lake Hotel was so that he could travel at his own, slower, pace on the journey home.

Mr Burford and Mr Harris remained with the group as they rode back to the North-West Coast. That journey took the group through Deloraine and along Union Bridge Road. As they were on Union Bridge Road the group caught up to Mr Van Zelm and overtook him.

² Affidavit of Zera Van Zelm sworn 9 February 2023 p2

³ Affidavit of George Kingsland Harris sworn 10 February 2023 p2

⁴ Affidavit of George Kingsland Harris sworn 10 February 2023 p2

⁵ Affidavit of George Kingsland Harris sworn 10 February 2023 p2

⁶ Affidavit of Stephen James Burford sworn 10 February 2023 p2

Mr Burford describes this as occurring after the group had driven across Union Bridge and up the hill. He describes Mr Van Zelm at that time as “*just dawdling along, enjoying himself*”.⁷

The group of riders stopped at the Claude Road intersection and again at the Sheffield United Service Station. At the last stop Mr Van Zelm was “*mention(ed)*”⁸, presumably because he had not caught up to the group by that stage, but no concerns were raised given that he was doing his own thing and may have taken a different route home.

On the Monday following the bike ride and as Mr Van Zelm was not contactable by telephone during that day by his friends, Mr Burford drove to his home to check on him. The house was in a locked-up state with all of Mr Van Zelm’s vehicles present other than the Kawasaki. Concerned, Mr Burford decided to drive back along the route taken by the VJMCT group the previous day. He collected a friend, Mr Richard Fedosejevs and together they drove to the last spot he had seen Mr Van Zelm on Union Bridge Road. As they drove up and down the road Mr Fedosejevs shone a torch out of the car window. Eventually Mr Van Zelm’s motorcycle was spotted down an embankment. Mr Van Zelm was still on the bike. Mr Burford made his way down the bank to check him. Sadly, there were no signs of life.

The motorcycle

At the time of his death Mr Van Zelm was riding an orange 1973 Kawasaki Motorcycle. It had a 346cc, 3-cylinder engine and was a 5-speed manual rear wheel drive. Mr Van Zelm brought the motorcycle and registered it in Tasmania on 24 January 2023. The registration was subject to conditions including that the Kawasaki could only be used in conjunction with an authorised club event and a club event vehicle logbook must be carried in the vehicle at all times. Mr Van Zelm appears to have been compliant with these conditions. The riding of the Kawasaki had been in conjunction with a club event and a logbook was found with the vehicle following the accident. The logbook recorded the VJMCT ride on 5 February 2023 as the only ride the Kawasaki had been on.

Once retrieved from down the embankment on Union Bridge Road the Kawasaki was inspected by Mr Philip Evans, a Transport Safety and Investigation Officer with the Department of State Growth. Mr Evans is a qualified automotive mechanic with excess of 39 years’ experience in the automotive industry. Mr Evans has provided an affidavit detailing his

⁷ Affidavit of Stephen James Burford sworn 10 February 2023 p2

⁸ Affidavit of Stephen James Burford sworn 10 February 2023 p2

inspection of the Kawasaki.⁹ Mr Evans describes the damage to the Kawasaki caused by the accident as moderate and localised mainly to the front and left side of the bike.¹⁰

The steering, suspension, brake, rims, tyres, seat and foot pegs, electrical, accelerator, exhaust, and clutch systems of the Kawasaki were all inspected by Mr Evans and found to be mechanically sound and compliant.¹¹ I accept his conclusions in this regard. Mr Evans noted that the Kawasaki was fitted with left side handlebar hand lever and cable operating a wet multi-disc clutch plate system. His inspection showed that the clutch lever operated smoothly.¹²

Union Bridge Road

Mr Van Zelm and the Kawasaki were found down a steep embankment on the western¹³ side of Union Bridge Road. Mr Van Zelm was partially entrapped under the Kawasaki and both he and the Kawasaki had been prevented from falling further down the embankment by the Kawasaki becoming wedged in a tree.

The scene of Mr Van Zelm's accident was examined by Tasmanian Police Forensic and Crash Investigation Services on the evening that his body and Kawasaki were located and again at 3.00pm (to replicate the likely time of the accident) on 7 February 2023 (the day after the accident). The pathway taken by the Kawasaki from the roadway down the embankment was able to be identified from markings on the gravel verge and vegetation. The section of the road that had been traversed by Mr Van Zelm prior to him leaving it was relatively straight after a gentle right-hand bend.¹⁴

Union Bridge Road runs in a generally North-South direction between Paradise and Mole Creek. It has a bitumen surface. The speed limit operating in the relevant area was 100km/hour. The sealed portion of the road was 5.5 metres wide with an adjacent 600 mm wide gravel verge on each side¹⁵. Embankments with thick bush cover, extended down from either side of the road to the east at 45 degrees and to the west the angle was slightly steeper at 45 – 50 degrees.

⁹ Affidavit of Philip John Evans sworn 6 March 2023

¹⁰ Affidavit of Philip John Evans sworn 6 March 2023 p2

¹¹ Affidavit of Philip John Evans sworn 6 March 2023 p2-6

¹² Affidavit of Philip John Evans sworn 6 March 2023 p6

¹³ The affidavit of I/C constable Mark Johnston identifies the location of the Kawasaki departing the road as the southern side whilst the affidavit of Senior Constable Haydn Peter Barnard identifies it as the western side of the road. Nothing turns on the difference.

¹⁴ Affidavit of I/C Const. Mark Johnston sworn 20 February 2023 and Affidavit Senior Constable Hadyn Peter Barnard sworn 21 April 2023 p4

¹⁵ Affidavit Senior Constable Hadyn Peter Barnard sworn 21 April 2023 p4

Faint tyre marks left by the Kawasaki as it departed the road and travelled across the gravel verge were located. The markings were identified as “rolling marks, not skid marks”¹⁶ consistent with the absence of emergency braking prior to and at the time the Kawasaki left the road.

Mr Van Zelm’s prosthetic leg was located 14.4 metres north and 2.5 metres in from the point of the bitumen edge of the roadway where the Kawasaki left the road. The total distance travelled by the Kawasaki after it left the roadway before coming to rest was 27 metres.

Mr Van Zelm was driving the Kawasaki in a generally northerly direction and was therefore driving on the western side of the road. Examination of the road surface identified a crack in the bitumen extending for 17 metres and which, in areas was 30 mms wide. The crack was described by crash investigator, Senior Constable Barnard as;

*“...jagged, commencing 450 millimetres from the road edge, then 300 millimetres, out to 1200 millimetres before finishing 800 millimetres out. The road edge near the start of the crack had collapsed and was sloping to the west by 10degrees. It was lower than the main part of the road by 90 millimetres. The point where the motorcycle left the road was 4 metres from the start of the 17– metre-long crack in the bitumen and right where the road edge had subsided.”*¹⁷

When re-examining the scene of the accident on 7 February 2023 at the same time (3.30pm) and in the same weather conditions (fine and sunny) as Mr Van Zelm experienced at the time of the accident, it was observed by Senior Constable Barnard that shadows cast by the surrounding trees obscured the crack in the bitumen when driving in a northerly direction.

The traffic crash report

I have been greatly assisted by the crash investigation undertaken by Senior Constable Barnard and note the conclusions reached in his report. Specifically he found that excessive speed did not appear to have been a factor in this accident, nor was there any evidence of Mr Van Zelm being distracted by his mobile phone or affected by alcohol, medication, or other substances.¹⁸ No mechanical faults were identified in the Kawasaki which could have caused or contributed to the accident and there is no evidence that Mr Van Zelm suffered a sudden and acute health event which could explain the accident.¹⁹ The bitumen on Union Bridge Road where Mr Van Zelm left the roadway was in poor condition with a significant crack in its surface that would have been difficult for Mr Van Zelm to discern given the time

¹⁶ Affidavit of Senior Constable Hadyn Peter Barnard sworn 21 April 2023 p3

¹⁷ Affidavit of Senior Constable Hadyn Peter Barnard sworn 21 April 2023 p4

¹⁸ Tasmanian Police Subject Report dated 20 April 2023 p9, p11 and p13

¹⁹ Tasmanian Police Subject Report dated 20 April 2023 p13

of day, weather conditions, the wooded environment in which he was riding and his direction of travel.

Mr Van Zelm had been observed to lean to his left side at those times that he needed to change up a gear earlier in the ride. I find that he would have continued to have used this method to change gears on his return journey. Both these matters, the cracked road surface, and the method of changing gears, could have caused instability in the Kawasaki resulting in it leaving the road.

Comments and Recommendations

Following his investigation at the scene of the accident Senior Constable Barnard lodged a work request with the Kentish Council on 10 February 2023 to repair the cracked section of the Union Bridge Road. Those repairs were reported by the Council to have been completed on 17 March 2023. Following a subsequent visit to the site Senior Constable Barnard has confirmed that the cracks in the road surface have been repaired and the road edge built back up level with the main surface.

The investigation into Mr Van Zelm's death has been thorough and there are no further investigations which could be undertaken that would identify with greater certainty the mechanism that caused him and his Kawasaki to have left the roadway.

The circumstances of Mr Van Zelm'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 Van Zelm.

Dated: 29 January 2025 at Hobart Coroners Court in the State of Tasmania.

Leigh Mackey
Coroner