



OFFICE OF THE STATE CORONER

FINDINGS OF INVESTIGATION

CITATION: **Non-inquest findings into the death of Robert Charles Berrill**

TITLE OF COURT: Coroners Court

JURISDICTION: CAIRNS

DATE: 15 January 2016

FILE NO(s): 2015/906

FINDINGS OF: Kevin Priestly, Coroner

CATCHWORDS: Non-inquest findings, motorcycle collision, loss of control, experienced motorcyclist, risk taking behaviour.

Introduction

At about 6:40 am on Sunday, 8 March 2015 Mr Robert Berrill was riding his 2006 1200 cc Kawasaki ZRX sports motorcycle north on the Captain Cook Highway near Wangetti Beach, in the vicinity of Rex Lookout. At about the same time and location, a Mazda 3 sedan was travelling in the opposite direction. Mr Berrill failed to negotiate a moderate left-hand curve with loss of control of his motorcycle. He and his motorcycle slid across the road into the opposite lane, colliding with the oncoming Mazda 3. Mr Berrill was caught under the Mazda 3 during the collision and dragged about 30m while it came to a stop. He suffered fatal injuries and was pronounced deceased at the scene.

Forensic Crash Unit (FCU) investigators with Qld Police Service attended the scene and conducted a comprehensive scene investigation. My findings are based on the investigator's report.

The Scene

This section of the highway was about 8m wide of bitumen construction with a lane of traffic in each direction. Northbound traffic heads up a moderate grade. The western edge of the road is bounded by a continuous white line (fogline), no verge and forest. The eastern edge is bounded by a continuous white line (fogline), Armco barriers, no verge and a steep embankment falling away towards the sea. At the base of a climb on approach to the scene, there is a red warning sign for motorcyclists to slow down and take caution. Mr Berrill passed this sign. Attached is a photograph of the red warning sign for motorcyclists. From this point to the scene, all bends are marked with black chevrons warning drivers to slow down for the curves. The speed limit is 60kph.

FCU Investigators saw visible scaping and tyre mark evidence from the motorcycle clearly indicating it travelled from within its lane into the opposite lane, sliding on the road before impact.

The Vehicles

The motorcycle was mechanically inspected and no defects were identified that could have contributed to the crash. Similarly, the Mazda 3 was mechanically inspected and found to have no defects that could have contributed to the incident.

Witnesses Accounts

Mr Berrill was riding with three friends including one who was following immediately behind Mr Berrill through the bends in the road immediately before the crash scene. On a right hand turn, he saw metal sparks from under Mr Berrill and his motorcycle. The following rider believed the sparks were from metal he knew Mr Berrill to wear on the sole of his boots. On rounding the next bend, the following rider saw further sparks followed immediately by loss of control and movement of Mr Berrill and motorcycle towards the opposite lane. The following rider saw the oncoming car try to manoeuvre to the left to avoid the motorcycle. However, on impact the motorcycle continued past the car and Mr Berrill went underneath.

The driver of the Mazda 3 reported to police that she saw the motorcycle coming towards her in the opposite direction with sparks coming from beneath. Next the motorcycle was sliding, there was a big bang and the airbags went off in the car. She

applied the brakes until the car stopped. On getting out, she heard people asking 'where's the body' and saw a person stuck under her car. She became hysterical and was assisted by passing motorists and later by ambulance officers. She was later transported to Cairns Base Hospital in shock. FCU Investigators report she recorded a negative roadside alcohol test, held a current drivers licence and had completed a defensive driving course. There were no distractions affecting her driving attention.

The other members of the riding group came upon the scene immediately after impact and did not see anything to assist in better understanding what happened.

Other Investigations

Examination of the surface of the road failed to reveal any evidence of oils, fluids, gravel or other contaminant that might have contributed to the crash. The road was in good condition. The weather was fine and clear.

The Airbag Control Module for the Mazda 3 was downloaded and provided key data for five seconds before airbag deployment. It showed that the driver was off the accelerator at 2 seconds before impact and braking at 1.5 seconds before impact. The investigator reported that the Mazda 3 remained on the correct lane of travel, was not within view of Mr Berrill before loss of control and therefore, the speed of the Mazda 3 did not contribute to his loss of control. I accept that interpretation of the dynamics of the incident.

Further, the investigator reported:

A basic speed analysis of the scene evidence left by the motorcycle indicates that at the commencement of sliding the motorcycle was travelling at a speed between 54kmh and 80kmh. This analysis is conservative and does not take into account any momentum the motorcycle still had at impact with the Armco barrier before coming to rest.

The Rider's Profile

Mr Berrill was a very competent and experienced motorcyclist. He was an instructor in both motorcycle riding and four wheel drive vehicles. He held an open class R and HR drivers licence. However, he was reportedly, a 'spirited' rider. He was on a one year Good Driver Behaviour Option order until 12 June 2015 with 15 previous speeding offences recorded against his licence since 1989. His most recent traffic infringements relate to two speeding offences in June 2013, at 17kmh and 38kmh over the respective speed limits. The higher speed offence was on the same motorbike that was involved in this crash. In November 2013 he was also issued an infringement notice for failing to have proper control of a vehicle after doing a "wheel stand" on this motorcycle. He also has previous traffic history for careless driving and crossing double lines.

On 19th March 2000, Mr Berrill had a similar crash at nearby Ellis Beach. At that time he was riding a Honda CBR900RR. There were no witnesses.

Autopsy Findings

Dr Paull Botterill conducted an autopsy and confirmed that Mr Berrill died due to multiple injuries due to a motorcycle accident. Toxicology was negative for drugs.

The nature and extent of the injuries was consistent with the circumstances of the collision.

Conclusions

The FCU investigator concluded that the incident was due to rider error. Either his footwear or foot peg made contact with the road while negotiating the curve, destabilising Mr Berrill or the motorcycle and causing a loss of control. I accept that analysis.

Although Mr Berrill was a very competent and experienced motorcyclist, his traffic history suggests he was also a risk taker. The irony is that it was probably his risk taking behaviour that contributed to his higher level of skill as a motorcyclist. However, whatever the skill level, the harder the riding – the less margin for error. Mr Berrill was cornering with little or no room for error. He was not the only casualty. The community accepts, and often respects, the risk taking behaviour of motorcyclists on a race track. However, our public roads are not the place for this behaviour because of the potential for harm to others. The driver of the Mazda 3 was severely traumatised. And there were others that came upon the scene and witnessed the consequences.

I find that Robert Charles Berrill died on 8 March 2015 due to multiple injuries due to a motorcycle accident. His death was due to misadventure.

Findings required by s45

Identity of the deceased – Robert Charles Berrill

How he died – Loss of control of a motorcycle while cornering and colliding with an oncoming car.

Place of death – Captain Cook Highway, WANGETTI QLD 4877

Date of death– 8 March 2015

Cause of death – Multiple injuries due to a motorcycle accident



Kevin Priestly
Coroner
CAIRNS
15 January 2016

Photograph of the red warning sign for motorcyclists



Taken from the direction of travel of the motorcycle