

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2010 001756

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*  
*Section 67 of the Coroners Act 2008*

**Inquest into the Death of: DENIS MICALLEF**

Delivered On:	20 AUGUST 2013
Delivered At:	CORONERS COURT OF VICTORIA Level 11, 222 Exhibition Street Melbourne Victoria
Hearing Dates:	10 and 11 December 2012
Findings of:	CORONER K. M. W. PARKINSON
Police Coronial Support Unit Assisting the Coroner	Leading Senior Constable Amanda Maybury

I, K. M. W. PARKINSON, Coroner having investigated the death of Denis Micallef

AND having held an inquest in relation to this death on 10 and 11 December 2012

At MELBOURNE

Find that the identity of the deceased was Denis Micallef

Born 4 September 1966

And that the death occurred on 10 May 2010

At: Tullamarine

**From:**

1 (a) MULTIPLE INJURIES SUSTAINED IN A MOTORCYCLE INCIDENT (RIDER)

**in the following circumstances:**

1. An inquest was held into the death of Mr Denis Micallef on 10 and 11 December 2012. The inquest brief included statements of witnesses who have been called by the Coroner to expand upon their statements and statements from a number of persons who have not been called but whose statements form part of the evidence before me.
2. The inquest brief also includes expert witness statements and reports from Victoria Police collision investigators. Whilst I do not refer to all of the material or its contents, I have considered all of this material in my finding in this matter.
3. Witnesses who were called to give evidence at the inquest were: Mr Harry Campbell; Mr Ron Bateman; Ms Ida Zambelli; Ms Grace Culvenor; Mr Colin Wattus; the investigating member, Senior Constable John Morton and Senior Sergeant Peter Bellion of the Victoria Police Major Collision Unit.

## **BACKGROUND AND CIRCUMSTANCES OF THE COLLISION**

4. Mr Micallef was employed at Melbourne Airport as a ground crew operator. He regularly rode his motorcycle to work and was described as an experienced and careful rider. He had been riding motorcycles for in excess of 10 years and held a full and current motorcycle licence. His motorcycle was a Kawasaki model, which according to police investigators would have been in roadworthy condition prior to the collision. Mr Micallef regularly rode his motorcycle to work and was familiar with the roadway and the area.
5. On 10 May 2010, he finished his shift at 9.00 p.m. and he left work on his motorcycle. He travelled north along Centre Road, Melbourne Airport. At approximately 9.06 p.m., he was at the intersection of Centre Road with Melbourne Drive when his motorcycle was struck by a B-Double Semi Trailer as a result of which he was thrown from the motorcycle and into the path of that Semi Trailer. He was struck by that prime mover and by the prime mover of another B-Double Semi Trailer following immediately behind.
6. As a result of the collision, Mr Micallef sustained catastrophic injuries and was deceased at the scene.

## **FORENSIC PATHOLOGIST EXAMINATION AND EVIDENCE**

7. A post mortem examination was undertaken by Dr Sarah Parsons, Forensic Pathologist. Dr Parsons reported that the cause of death was multiple injuries sustained in a motorcycle incident.
8. Dr Parsons reported that the injuries sustained included multiple fractures of the cervical and thoracic spine, ribs, sternum, pelvis and fractures of the upper and lower limbs, multiple base skull fractures, widespread subarachnoid haemorrhage, gross disruption with complete transection through the midbrain and extensive softening and disruption of the cerebellum and the base of the cerebellum. There was avulsion of the heart and transection of the aorta with multiple ladder tears and lacerations to the small bowel and spleen.
9. The toxicological analysis was negative for ethanol and common drugs or poisons.

10. Dr Parsons was asked to provide a supplementary report and comment if possible upon the capacity to identify which of the injuries sustained may have caused the death and whether the injuries sustained by the first impact were likely to have caused the death.
11. Dr Parsons stated that on the autopsy findings alone, there was no way to tell which truck had caused the death and that Mr Micallef had significant injuries, which may have been caused by being run over by either truck.

#### **THE INTERSECTION AT WHICH THE COLLISION OCCURRED.**

12. The intersection of Centre Road and Melbourne Drive runs north south and east west respectively. There are four traffic lanes travelling north on Centre Road. Two of these lanes travel exclusively north and two lanes are exclusively designated right hand turn lanes. The southbound lanes are comprised of three lanes travelling straight ahead and a slip lane to merge onto Melbourne Drive (Tullamarine Freeway). There is no provision to turn right when south bound on Centre Road.
13. Melbourne Drive runs east west. East bound there are three lanes originating from the airport terminals. The first lane (left) continues straight ahead onto Melbourne Drive (Tullamarine Freeway). The middle lane has provision for traffic to travel straight ahead or to turn right into Centre Road. The third lane is an exclusive right turn lane. There is also a slip lane permitting traffic to go left onto Centre Road. There is no provision for west bound traffic at this intersection.
14. The traffic at the intersection facing north in Centre Road is controlled by solid red, yellow and green traffic lights allowing traffic to proceed north on Centre Road. There is also red, yellow and green right turn arrow signalling. This allows for traffic turning right onto Melbourne Drive (Tullamarine Freeway).
15. The evidence is that there was no fault with the traffic signals at the time of the collision and that the signal sequence was approximately a number of seconds between each change of lights.

16. At the time of the collision, B-Double Trucks were not authorised by the airport authority to utilise the road unless a permit had been issued. No permit had been issued. The inquest was informed that the purpose of the permit was to regulate congestion on roads in the airport perimeter rather than as a road safety measure. The evidence is that there is no longer a requirement for a permit of this type to access the roadway.

#### **TRAFFIC LIGHT SEQUENCE AND TIMING AT THE TIME OF THE COLLISION**

17. Vic Roads reported that the usual traffic signal sequence for the lights governing traffic travelling north along Centre Road was applicable. Vic Roads reported that the traffic signal sequence for the roadway and that the period between signal changes varies according to traffic density and flow. This is automatically adjusted and runs from between 14 seconds and 6 seconds minimum green time with an intergreen time or yellow then red phase of 3.0 and 2.5 seconds respectively. This period is adjusted automatically. The authority was unable to advise the period applicable between red, yellow and green right turn sequence on the evening in question.<sup>1</sup>

#### **EYEWITNESS ACCOUNTS OF THE COLLISION**

18. A prime mover NV64GC and B-Double trailer combination NT66DR and NT67DR driven by Mr Garry Colin Wattus was reported by a number of witnesses to have been stationary at the intersection of Centre Road and Melbourne Drive. Travelling immediately behind him was a prime mover and B-Double trailer combination NT35DQ and NT85DR driven by his colleague Mr Max Haley. Both trucks were positioned in the left of two right hand turning lanes positioned to turn on to Melbourne Drive (Tullamarine Freeway).
19. Mr Denis Micallef was riding his green 2000 Kawasaki 2X9R motorcycle ZU724 north on Centre Road. Witnesses report that Mr Micallef travelled between two lines of traffic along the left or passenger side of the trucks, which were situated in the outside or left hand right turn lane. It appears that it was his intention to overtake the semi trailers and to proceed to turn right through the intersection when the lights changed to green. By travelling alongside the

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<sup>1</sup> Vic Roads report dated 13 October 2010 at page 291, Inquest Brief.

trailer and making his way to the front of the truck, he was able to position himself to exit the intersection in front of the truck.

20. Mr Harry Campbell was driving his vehicle in a northerly direction along the lane designated to proceed straight ahead to the left of the semi trailers in the right turn lane. He was travelling in the same lane and direction as Mr Micallef. He stated that he watched as Mr Micallef moved his bike forward and positioned it in front of the semi trailer. He stated that he was immediately behind the motorbike and that he initially became concerned that the motorcycle was going to block his path through the intersection as the bike was in the forward travelling lane yet was indicating his intention to turn right.
21. Mr Campbell's evidence was however that when the motorcycle got to the intersection it pulled around in front of the semi trailer and that after this Mr Campbell lost sight of the motorcycle. Mr Campbell stated that when the lights changed to green he took off at normal speed, as did the semi trailer. His window was down slightly and he heard a scraping sound, which he assumed, had been a minor impact between the motorcycle and the truck. He stated:

“As I said there wasn't a smash, a crash, it was just a scraping I heard. When you took off at the lights do you recall the truck taking off at all, the one that was immediately next to you on your right?---No, as I said, I took off - would have had the radio on, I just took off, but I just heard the scrape and just glanced in the mirror. Are you able to say whether you took off quicker than the truck?--Yes, I would have taken off quicker than the truck, I'd assume. That's more an assumption than a recollection?---Yeah. No, I wouldn't really know. As I said it was just I thought he'd given him a nudge and then the next day when I'd heard what had happened I went to the police station because it was a bit more serious than I thought”.<sup>2</sup>

22. Ms Ida Zambelli observed the collision as a passenger in a vehicle, which was stationary at red signal traffic lights of Melbourne Drive and Centre Road intersection, having just left the airport car park. Her evidence was that the vehicle was stationary at a red light at that intersection. She stated that she observed both the motorcycle and a semi trailer (on the opposite side of the intersection) and that they were also stationary at the other side of the intersection when she first observed them. Ms Zambelli stated:

“Just to be clear you were - where you were was - you were stationary at that intersection?---I was. Is that right?---We were actually the first car. Because

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<sup>2</sup> Transcript dated 10 December 2012 at page 6 – 10.

you were stationary can I assume that you were facing a red light?---Yes, we were. The traffic that you were looking at where the truck was and the motorbike, were they stationary?---Yes, they were. Could you see their traffic lights at all, the ones that were directed for them?---No, I was just looking at the motorcyclist thinking, "Why is he next to the truck?".

When you saw the truck turning I can see what you've said in your statement but I'd like you to think back to see if you can recall anything else but when you saw the truck turning did you see what the motorbike or the rider was doing?---Going along with the truck as well and he just got flipped into the air. You're saying you saw him riding? --- I did. What you saw was he heading straight ahead or was he turning to the right? --- To me it seemed like he was turning to the right. Turn just before going along with the truck. Is that your impression? --- That's my impression, yes. Did you see the connection between the truck and the bike at all? --- No, I just saw the bike flip and the passenger under the truck. Did you see the rider come off at all? Did you see any of that part? --- No, that's a blank, no. Did you see where the bike ended up? --- No, I was concentrating on the rider at that time".<sup>3</sup>

23. Mr Ronald Bateman was the driver of the vehicle in which Ms Zambelli was a passenger. He stated that he observed the first truck, that driven by Mr Wattus, stationary at the lights. His evidence was that upon moving into the intersection each of the trucks was proceeding at a "fast jogging pace" and that, the first truck "would have been probably just in first gear".<sup>4</sup>
24. Ms Grace Culvenor's car was parked in the McDonalds car park and she was seated in the driver's seat of her vehicle overlooking the intersection of Melbourne Road and Centre Road. Her road level view was obscured by low growing bushes, however her evidence was that she observed two semi trailers stopped at the red traffic lights at the intersection.<sup>5</sup> Her evidence was that as the first in line truck began to move into the intersection she saw it appear to rise as if it had travelled over a gutter or bump in the road. Shortly thereafter, she observed bystanders attending to a person on the roadway. Ms Culvenor stated that she did not know where the motorcycle had come from, as it was not there when the truck was stationary at the lights.<sup>6</sup>

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<sup>3</sup> Transcript dated 10 December 2012 at page 16.

<sup>4</sup> Transcript dated 10 December 2012 at page 28.

<sup>5</sup> Transcript dated 10 December 2012 at page 40.

<sup>6</sup> Exhibit 8 – Statement Ms Grace Culvenor dated 29 May 2010.

25. Another witness, Mr Lee Murray<sup>7</sup> stated to police that he observed the second truck to go through the lights at the end of the light cycle and that in his view the truck raced to beat the light cycle and that it turned into the intersection on a yellow or red light. I am satisfied that the truck he his speaking of in his statement is not the vehicle driven by Mr Wattus, which was the first truck he observed to go through the lights in that cycle.
26. The exact positioning of both trucks on the road or in relation to the intersection, when observed by Mr Murray is not clear and Mr Murray states that he was not focused on anything in particular so he did not necessarily see everything occurring at the time. However, his statement is that the second truck went through a red light and that in his opinion the light had been red for approximately 2 seconds before he entered the intersection, and that the truck had taken off slowly and was travelling at about 10 kph. This evidence whilst inconsistent with that of Mr Haley, who said he entered the intersection on a green light, is otherwise consistent with that of Mr Bateman and both of the truck drivers as to the speed they were travelling.
27. It is difficult to reconcile the evidence of Mr Bateman, Mr Campbell, Mr Wattus, Mr Haley and Mr Murray with that of Senior Sergeant Bellion as to the speed being travelled by the vehicle which struck the motorcycle. It appears that the motorcycle itself was struck by only one truck, that is the truck driven by Mr Wattus, although Mr Haley initially stated that he thought he had hit a motorcycle.

#### **THE ACCOUNT OF THE TRUCK DRIVERS**

28. The truck drivers had been at the airport freight terminal and they were proceeding on their return journey. The evidence is that there were four semi trailers and that they left in convoy, as not all were familiar with the route to exit the airport.
29. Mr Wattus was driving a B-Double Semi Trailer. The trucks were in a group of four semi-trailers that had travelled from Wagga, NSW that day and were embarking upon the return journey. They were intending to stop overnight at a motel on the Hume Highway. Mr Wattus stated that he left the airport unloading yard at approximately 9.00 p.m. with Mr Ian Haley in

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<sup>7</sup> Statement of Mr Lee Murray dated 10 May 2010 and Exhibit 11 – Statement dated 9 December 2012.



front, then himself, followed by Mr Max Haley. They were followed by Mr Jamie Glennon who was some five minutes behind the group.

30. The eyewitnesses gave evidence that they observed the B-Double trailer driven by Mr Wattus stationary at the intersection awaiting the change of traffic lights and the right turn arrow. Their evidence was that there was another B-Double truck directly behind and that this truck was also stationary.
31. Police major collision investigators did not attend the scene but were provided with measurements and diagrams made of the scene by the attending police. Senior Sergeant Bellion states that according to his calculations of the scene, accounting for the distance travelled and the speeds described, the vehicle, which collided with Mr Micallef's motorcycle, must have been travelling at approximately 28 to 37 kph at the time of the collision.
32. The evidence of each of the eyewitnesses is inconsistent with this evidence as they reported the first truck coming from a standing start at the turn of the lights from red to green.
33. Mr Murray stated that he observed the semi trailer, which I am satisfied, was the truck driven by Mr Wattus as it was proceeding through the intersection. He had not previously observed the truck driven by Mr Ian Haley. At the time he observed the truck driven by Mr Wattus, he also observed the traffic light to have been on yellow. He also observed the truck being driven by Mr Haley following behind Mr Wattus as proceeding through what he observed to be a red light.
34. It is unclear from his statement whether he had maintained visual contact with the trucks or when he actually commenced observation of the vehicles. In view of the limited length of time of the cycle of the lights, the evidence does not support a firm conclusion that the second truck entered the intersection on a red light.
35. Given the length of the two B-Double trailers, it is possible that the second truck entered the intersection at the end of the caution sequence or on a red signal, however the evidence does not support a positive conclusion that the second truck entered the intersection on a red light.

36. The evidence of all witnesses is that the first truck, driven by Mr Wattus, the vehicle which first collided with the motorcycle, entered the intersection on a green arrow and not on a caution or red light.
37. It appears that the truck driven by Mr Wattus, struck the motorcycle as it, the truck, proceeded into the intersection. Mr Campbell stated that although he observed the motorcyclist to move in front of the truck he did not hear the sound of the motorcycle revving or speeding up in order to get out in front of the truck as the lights changed. The witness, Mr Campbell described that when he was two thirds of the way through the intersection he heard a scraping noise. He described this as a scraping noise rather than a sound indicating a collision and that he thought "don't tell me the truckie has given the bike a bit of a nudge". His evidence was that he believed that the rider had "just been tapped".
38. Mr Wattus' evidence was that he followed another driver, Mr Ian Haley to the intersection and came up behind him. He was following Mr Ian Haley, as he was unfamiliar with the exit from the airport and the way back to their overnight stop. The truck driven by Mr Ian Haley cleared the intersection, however Mr Wattus realised that he would miss the green light sequence. There was no other vehicle in front of him as he came to a halt at the intersection and the red light. Mr Wattus vehicle was followed by the truck driven by Mr Max Haley.
39. Mr Wattus' evidence was that the lights changed to a green arrow and that as he commenced through the intersection he heard a noise and felt a bump as if he had run over a medium strip. He spoke on the CB radio to Mr Max Haley and asked "*what was that?*" Shortly afterwards he was told by Mr Haley that he, Mr Max Haley, "*had just run over a motorbike*" and Mr Wattus concluded that the noise he heard and the bump he felt must have been his truck striking the motorcycle.
40. Mr Wattus' evidence was that at no time prior to the collision did he observe the motorcycle and that he was unaware of its presence to the left side or in front of his vehicle as he commenced to move through the intersection. Mr Max Haley's evidence is also that at no time prior to the collision did he observe a motorcycle on the roadway in front or to his left. I accept Mr Wattus' evidence.

41. Mr Wattus' prime mover is of a bull nose design and as a result there is no visibility from the cabin of the truck to immediately in front of the vehicle. Mr Wattus evidence was that as he moved into the intersection he was conscious of the cars in the other right hand turn lane to his right and drove 6 to 8 feet further forward and then commenced his swing to turn, to ensure that he gave the other vehicles room. As he did, he watched the vehicles in the lane to his right to ensure that he did not hit them with his back trailer.
42. His evidence as to the visibility of a motorcyclist positioned on the left hand side of his truck or positioned directly in front of his truck cabin, was that he would be unable to see the motorcyclist. He stated that in order to see a motorcycle positioned at or around the passenger door of the prime mover he would have to be 6 to 8 feet away from the side of the left hand side of the truck before he could see him if he was sitting on a motorcycle. His evidence was that in relation to the front of the truck it would require a "good 15 feet, if not more". The evidence of police investigators was that it was approximately 5 metres out onto the roadway before a person standing in front of the truck bull nose could be seen from the cabin of the prime mover.
43. The evidence of Senior Sergeant Bellion was that visibility from a truck of this type, to a motorcycle located either to the left side of the truck or directly in front of the truck would have been obscured.
44. The evidence is that the motorcycle was struck to the left side of its number plate and its rear stop light. As a result of the collision Mr Micallef was ejected from the motorcycle. Mr Micallef fell in the direction of the semi trailer, whilst the motorcycle slid in the opposite direction. The rear wheels of the truck driven by Mr Wattus ran over Mr Micallef. He was subsequently also struck by the front wheels of the semi trailer driven by Mr Haley.
45. Senior Sergeant Bellion's evidence was that having regard to the impact velocity and the distance travelled by the motorcycle until it came to rest, that the truck impacting the motorbike was travelling at approximately 27 to 30 kph. The evidence is also that from a standing start, the truck was unlikely to have reached this speed by the point of the collision.<sup>8</sup>

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<sup>8</sup> Transcript dated 11 December 2012 at page 101.

46. I am unable to reconcile this evidence with the evidence of each of the eyewitnesses who observed the truck stationary at the traffic lights immediately prior to the collision occurring.
47. Scuff marks on the roadway indicate that some of the trucks had taken the turn wide. Senior Sergeant Bellion gave evidence conceding that the scuff marks may have been made by a truck other than that driven by Mr Wattus.
48. As earlier discussed, there is no evidence that Mr Wattus travelled through a red light or even a yellow light. The evidence is that witnesses observed the motorcycle pull in front of the truck from the left hand side of the truck in a manner where it was apparent to them that he was not visible to the truck driver.
49. I am satisfied that having regard to the eyewitness accounts, it is unlikely that the motorcyclist was already stationary at the intersection and stationary when Mr Wattus came to the intersection.
50. I am satisfied that the collision occurred as a result of the positioning of the motorcycle on the roadway in a manner which meant that he was unable to be seen by the truck driver, Mr Wattus. As a result of the collision, Mr Micallef was thrown from his motorbike and slid under the wheels of the first and second prime mover.
51. It appears from the description of witness Ms Zambelli, that the injuries he sustained were likely to have been caused by the rear wheels of the prime mover truck being driven by Mr Wattus and by the front wheels of the prime mover being driven by Mr Haley.
52. Whilst it is not possible to determine with precision at what point in the collision each of the injuries were sustained, Ms Zambelli's evidence as to the manner in which the wheels of the first truck impacted Mr Micallef, it is likely that the injuries sustained by the impact with that truck would have been fatal.
53. The evidence does not support a conclusion that either Mr Wattus or Mr Haley entered the intersection through a red light or that they were otherwise speeding or not complying with road laws and regulations in a manner which caused or contributed to the collision.

## CONTRIBUTING FACTORS

54. Due to the position of the motorcycle on the roadway, the drivers of the B-Double trucks were unable to see Mr Micallef. There was no warning as to his presence and I am satisfied that Mr Wattus, and subsequently Mr Halley, was unaware of his presence when he proceeded through intersection after the change of lights.
55. Having regard to the evidence of Senior Sergeant Bellion, which he stated was based upon the measurements provided to him by the police member attending the scene, it is possible that the truck driver proceeded without having come to a halt at the intersection. The impact speed calculated by Senior Sergeant Bellion and attributed to the first truck, is 27 to 30kph as opposed to 10kph as estimated by the driver and other witnesses. The speed was calculated by reference to distance travelled by the motorcycle, scrape marks left by the bike on the roadway, the location of debris on the roadway and also truck tyre tracks on the roadway (although it was not clear which truck of the four had made the markings).<sup>9</sup>
56. Senior Sergeant Bellion was unable to comment upon the timing of the approach of the motorcycle to the front of the truck or whether the motorcycle was already at the intersection when the truck approached. He stated that the motorcycle at point of impact was located "between the centreline of the truck and the left edge of the truck when it's rear-ended".
57. Senior Sergeant Bellion was unable to comment upon whether the motorcycle was stationary, stopped or near stopped when it was impacted, although his evidence was that the impact occurred at the start of the turn not some way into the right turn and that both the motorcycle and the truck were facing the same direction at the point of collision.<sup>10</sup>
58. The evidence of the eyewitnesses was that the truck driven by Mr Wattus and the motorcycle were stationary at the lights. It is also possible that Mr Micallef was travelling faster than calculated or presumed in the calculations or that the scene was otherwise affected. It is also possible that the measurements of dirt truck imprint on road came not only from the truck which collided with Mr Micallef, but also from the preceding and following trucks.

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<sup>9</sup> Transcript dated 11 December 2012 at page 99.

<sup>10</sup> Transcript dated 11 December 2012 at pages 100.26 to 101.11.

59. I do not accept that the motorcycle was already at the intersection and stationary prior to Mr Wattus' vehicle approaching the intersection. This is entirely inconsistent with the evidence of Mr Wattus, or each of the eyewitnesses and is not the evidence of the motor collision investigator who was unable to state where the motorcycle had arrived from immediately before the collision.<sup>11</sup>
60. Whilst it is clear that eyewitness accounts may be affected not only by the visual perspective they obtained, the passage of time and the traumatic impact of what was being observed, there is a consistency amongst the eyewitnesses, as to their observations, which is not easily discounted. Equally, the evidence of Senior Sergeant Bellion based upon his analysis of the scene data provided is of some force and it is difficult to reconcile these matters.
61. Whilst it would be desirable to conclude with certainty as to the exact circumstances, the inability to do so does not preclude a conclusion as to significant contributing factors in the collision.
62. The proposition is that if the truck was travelling at 27-30 kph, it could not have been stationary at the lights at the time observed by all witnesses. Accepting this proposition does not however result in a conclusion that the first truck ran a red light, which it clearly did not, or that the motorcycle was already positioned at the stop line in the right turn lane at the time the truck approached the intersection and ought to have been visible to the truck driver.
63. I am satisfied that the motorcyclist was positioned on the roadway in such a manner that he was not visible to the truck driver. Mr Micallef rode up on the left hand side of the truck, in the lane to the left of the right turn lane and made his way to the front of the vehicle from that side. The driver, seated on the other side of the truck cabin had no opportunity to see Mr Micallef unless he was looking in his left side mirror at the exact time the motorcycle passed his vehicle.
64. I am satisfied that the injuries sustained by Mr Micallef as a result of the impact of the wheels of the first semi trailer were likely to have been fatal. Mr Wattus was not exceeding any speed limit and there was no aspect of his driving which might be said to have been unusual or

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<sup>11</sup> Transcript dated 11 December 2012 at pages 100 to 102.

reckless. The further impact of the second truck's wheels would also likely have caused injuries which of themselves would also have been fatal.

65. There was also evidence that a number of log book offences were detected by Victoria Police. There is no evidence that any factor relating to these offences caused or contributed to the collision. There is no evidence to suggest that excessive driving hours or lack of rest breaks, for example, may have caused or contributed to the collision.
66. It was submitted that the truck design, which involved a bull nosed front rather than a flat front, caused or contributed the lack of visibility of the motorcycle to the truck driver. It is likely that the design of the truck may have made it more difficult for the motorcyclist to be seen when it was positioned in front, particularly if the motorcycle had come up the left hand passenger side of the vehicle and not approached from the driver's side.
67. It was also submitted that the existence of a tinted windscreen insect deflector may have obscured the truck driver's vision of the motorcycle. Whilst Senior Sergeant Bellion agreed that such deflectors may reduce visibility, his evidence was that the most significant factor as to reduction of visibility arose from the Bull nose design of the truck and the position of the motorcycle.<sup>12</sup> In relation to visibility, he stated that ideally a rider would position himself where he could be seen in the mirrors of the vehicle he is coming alongside. His evidence was that by approaching the intersection from the straight ahead lane and moving into the right turn lane and by crossing a solid white line at the intersection to move in front of the truck the motorcyclist had failed to comply with the road rules.

## **FACTORS CAUSING AND CONTRIBUTING TO DEATH**

68. I find that Mr Denis Micallef died on 10 May 2010 at Tullamarine and that the cause of his death was Multiple Injuries sustained in a motorcycle incident (Rider).
69. I find that a number of factors contributed to the collision, including the manner in which Mr Micallef approached the right turn lane at the intersection from the left hand lane of traffic, a

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<sup>12</sup> Transcript of evidence of Detective Sergeant Bellion dated 11 December 2012.

lane designated to travel straight ahead, the position of the motorcycle on the roadway and the lack of visibility of the motorcycle to the truck driver.

70. The bull nose design of the prime-mover which made it more difficult for the truck driver to see the motorcycle was also a contributing factor.
71. The evidence does not support a finding that the truck driver's ability to see the motorcyclist was obscured or interfered by the tinted insect deflector.

## **COMMENTS**

Pursuant to section 67(3) of the *Coroners Act* 2008, I make the following comment(s) connected with the death:

1. In circumstances where the tinted insect protector is unlikely to have contributed to the collision, I am not satisfied that any recommendation in relation to their use is warranted in this case.
2. Whilst the design of the truck nose may have contributed to obscuring the truck driver's view of the motorcyclist, this disability does not warrant recommendations as to truck design being made in this case, where other factors such as road placement and approach were significant and directly contributory.
3. There have been extensive safety campaigns directed towards motorcyclists and drivers on Victorian Roads. These campaigns, developed by road safety and road trauma experts, promote awareness of road safety issues for these road users. Whilst I make no further recommendation in this regard it is appropriate to note that there are limits upon visibility from heavy vehicles and that all road users, but particularly motorcyclists, need to be conscious of these inherent limitations.
4. The issue of front camera installation in heavy vehicles particularly those with limited or obscured vision at the front, was raised during the course of the proceeding. Such a camera would likely have prevented this collision and the death.



5. Whilst it is recognised that such a measure may involve significant cost and complexity in implementation and these matters are beyond the scope of this inquiry, this may be an issue Vic Roads may consider appropriate for investigation for future road and vehicle safety planning.
6. The *Road Safety Rules 2009* appear to provide adequate regulation of overtaking and lane usage.

## RECOMMENDATIONS

Pursuant to section 72(2) of the *Coroners Act 2008*, I make the following recommendation(s) connected with the death:

1. That VicRoads consider investigating whether it would be an appropriate or effective road safety measure to require installation of front-end video camera mechanisms on heavy vehicles.
2. For the reasons discussed, I make no other recommendations in this case.

I direct that a copy of this finding be provided to the following parties:

The family of Mr Denis Micallef;

The interested parties;

The investigating member;

Signature:



CORONER K.M.W PARKINSON

Date: 20 AUGUST 2013



