

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2012 001329

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)

Section 67 of the Coroners Act 2008

I, PARESA ANTONIADIS SPANOS, Coroner,

having investigated the death of KAITLIN JAYDE ROBERTSON
without holding an inquest:

find that the identity of the deceased was KAITLIN JAYDE ROBERTSON
born on 25 May 1996, aged 15
and that the death occurred on 13 April 2012
at Beatties Road, Koo Wee Rup Victoria 3981

from:

1 (a) HEAD INJURY.

Pursuant to section 67(2) of the **Coroners Act 2008**, I make findings with respect to **the following circumstances:**

1. Kaitlin Jayde Robertson was a 15-year-old female who was the daughter of Mr Keith and Ms Susan Robertson, and had two sisters and three brothers. Kaitlin's parents were separated and she lived at Beatties Road, Koo Wee Rup with her mother, her sister Nicolle, her brother Andrew and Susan's partner Mr Glenn Haines.
2. Ms Robertson stated that the family had three quad bikes and approximately four motorcycles on their property, and that Kaitlin had had experience riding motorcycles from when she was about three or four years old and would accompany her father and two eldest brothers on trips to the bush to ride trail bikes. Ms Robertson described Kaitlin as being an experienced and competent rider, and stated that she was taught to wear correct safety equipment. Kaitlin had not undertaken any formal training or lessons to ride motorcycles.

3. A narrow dirt track runs alongside the property lines along Beatties Road and was used regularly by locals for riding trail bikes. The track consisted of a loop leading to the dead end of Beatties Road. The track was made by people riding motorcycles along the area over a period of time, and Beatties Road itself was a formed gravel road.
4. The property owners on Beatties Road held a meeting shortly after Ms Robertson and her family moved to the area in 2011, where they discussed the use of the track and how and in which direction bikes were to be ridden. Ms Robertson and some of the young people who used the track, including Kaitlin, were present at this meeting. An agreement was made for riding on the track whereby users were to ride down one way and return on the other side of the roadway in order to avoid collisions.¹
5. At approximately 3.30pm on Friday 13 April 2012, Kaitlin was riding a blue Yamaha 125cc trail bike south along the dirt track with her friend, Shelby Jolly, sitting behind her. At the same time Kaitlin's 22-year-old stepbrother, Mr Mitchell Haines, was also driving another blue Yamaha 125cc trail bike along the track. He rode to the end of the track, turned around, and headed north.
6. Both riders approached a curve in the track at the same time and collided head on. Kaitlin, Shelby, Mr Haines and the two bikes left the track due to the impact, and landed on Beatties Road.
7. Mr Adam Tannous lived on a neighbouring property and was driving his ute to the end of his driveway when he witnesses the collision. He believed that Mr Haines was speeding and described the area of dirt track at which the collision occurred to be narrowed due to grass and bushes. Mr Tannous attended the collision and noted that Shelby and Mr Haines were breathing but that Kaitlin appeared not to be.
8. He stated that he called 000 and asked a truck driver who also witnessed the incident to assist him in removing Kaitlin's helmet, as per the operator's instructions.² He recalled that Kaitlin and Shelby were wearing helmets, but that Mr Haines was not.³

¹ Cardinia Shire Council stated that this informal track is not provided, maintained or encouraged by Council, and did not identify any other crashes that had occurred along the length of Beatties Road within the last five years of available Vic Roads crash statistics data. Beatties Road itself is classified by the Council as a Local Access unsealed road, and is inspected every 12 weeks, consistent with the Council's Road Management Plan. Beatties Road was last inspected on 25 January 2012 before the collision, with no defects reported.

² In her statement, Nicolle Robertson maintains that she took off Kaitlin's helmet with Ms Robertson's assistance when they attended the collision.

9. Nicolle Robertson stated that she was in the house with her mother when a neighbour came to the door to alert them of the accident. Ms Robertson and Nicolle drove to the collision at the front of their property, and Nicolle attempted to clear Kaitlin's airway and perform CPR. Paramedics attended and were unable to revive Kaitlin, and confirmed that she was deceased.
10. Mr Haines and Shelby sustained serious injuries. Further emergency services were required and Shelby was air lifted to the Royal Children's Hospital, while Mr Haines was air lifted to the Alfred Hospital.
11. An external examination of Kaitlin's body was performed by Senior Pathologist Dr Michael Burke from the Victorian Institute of Forensic Medicine (VIFM) who reviewed the circumstances as reported by the police to the coroner and post mortem CT (PMCT) scanning of her body, provided a detailed written report of his findings and, in the absence of a full post mortem examination, attributed her death to *head injury*. Dr Burke noted injuries to the head, sternum, upper and lower limbs, and stated that the PMCT revealed basal subarachnoid haemorrhage with an associated base of skull fracture. Toxicological analysis did not reveal the presence of alcohol or any common drugs or poisons.
12. Police conducted an inspection of the scene of the collision. They noted that bushes growing towards Beatties Road where the collision occurred had caused the track to form a crest towards the road. The track is otherwise straight.
13. Traffic on Beatties Road was very light as the road only services approximately seven homes and is a no through road. On the day of the collision, the weather was fine and dry, and visibility was good.
14. Police estimated due to the damage sustained to both bikes that Kaitlin was travelling at approximately 60 to 70km/hr and that Mr Haines was travelling at 80 to 90 km/hr. There were no skid marks on the track.
15. Both trail bikes were owned by Mr Keith Robertson. The bike ridden by Kaitlin was not registered and was not required to be registered. The bike ridden by Mr Haines had recreation registration, which allows the riding of a motorcycle in certain areas without obtaining full registration. Police advised that it allowed the bike to be ridden in state forests but did not

³ Police attending the collision state that Kaitlin and Shelby were wearing helmets and motorcycle pants and tops, and that Mr Haines was wearing an old red helmet. Mr Tannous recalled that Mr Haines was wearing regular clothing. This evidence is corroborated by scene photographs.

permit the bike to be ridden on dirt tracks on a road-related area. No formal licensing or testing is required to ride these trail bikes.

16. Mr Haines never held a drivers licence and was disqualified from driving at the time of the collision. He did not have a licence to ride either recreational or road motorcycles.
17. A mechanical inspection of the two bikes was conducted by police, and revealed that prior to impact, the vehicles would have been in a mechanically safe condition. No mechanical fault that would have caused or contributed to the collision was revealed.
18. Police concluded that contributing factors to the collision were:
 - the curve on the narrow dirt track and bushes obscuring vision, resulting in both Kaitlin and Mr Haines having insufficient time to take evasive action
 - Kaitlin's young age and inexperience
 - Mr Haines' inexperience as a result of being disqualified from driving
 - Mr Haines riding in the opposite direction to that informally agreed upon by users of the dirt track
 - Mr Haines being unaware that his stepsister and Shelby were also using the track.
19. Mr Haines received significant head injuries as a result of the collision. He was interviewed by police upon his release from hospital and was charged with driving whilst disqualified.⁴ Due to Mr Haines being interviewed and charged, he and his family refused to assist police and Mr Haines was unwilling to provide a statement. His record of interview did not assist the investigation as he stated that he had little recollection of the collision due to his head injury, and largely made no comments.
20. Shelby provided a statement to police. She recalled that she had been staying with Kaitlin from 12 April, that the two girls were getting ready to go to Fountain Gate Shopping Centre in the afternoon and walking out the front door of the house with Kaitlin. She did not know what time it was or where they were going. Shelby sustained a brain injury as a result of the collision and was unable to recall anything further.

⁴ The matter was heard at the Dandenong Magistrates' Court on 7 October 2013.

MOTORCYCLIST FATALITIES IN OFF-ROAD SETTINGS

21. I requested that the Coroners Prevention Unit (CPU)⁵ review the circumstances of Kaitlin's death and provide statistics of the frequency of motorcyclist fatalities which occurred in off-road settings and any responses to past coronial recommendations regarding such incidents.
22. The CPU considered relevant deaths that occurred in Victoria between 1 January 2000 and 31 October 2013 where the transport user was classified as the 'motorcycle rider or pillion passenger', and the location of the incident was classified as off-road, which includes privately owned fields or paddocks and thoroughfares through forested or open land areas, generally known as tracks.
23. The results of the investigation were that 60 off-road motorcycle deaths occurred in Victoria during the relevant period. The median number of deaths per year during the period was four and ranged from one in 2012 to eleven in 2001. The ages of the deceased persons ranged from three to 59 years, with the highest frequency occurring in the 15-19 and 25-34 year-old age groups.

CONCLUSION

24. I find that Kaitlin Jayde Robertson's death was due to a head injury sustained in an accidental motorcycle collision. I am satisfied on the evidence that Kaitlin and Mr Haines' inexperience, lack of visibility and Mr Haines' riding in the opposite direction to that agreed by neighbours contributed to the collision. I am unable to find whether Mr Haines was wearing a helmet or whether he or Kaitlin were speeding at the time of the collision due to the conflicting nature of the evidence before me.

COMMENTS

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

25. Kaitlin's unfortunate accidental death, when viewed in light of the statistics pertaining to off-road motorcycle deaths, highlights the serious hazards of off-road or dirt track riding,

⁵ The CPU is a specialist service comprising a team of investigators and health clinicians. The CPU assists coroners to fulfil their prevention role and contribute to a reduction in preventable deaths.

especially in the context of speed and inexperience. In particular, I note the concerning over-representation of young people such as Kaitlin in the statistics.

26. Some safety measures had been taken by users of the track, the most significant being the informal agreement among neighbours to use the track as a one-way loop in order to avoid a collision. However, I note that on this occasion Mr Haines was not riding in accordance with the agreement, and that his actions in this regard contributed to Kaitlin's death.

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

Mr Keith Robertson

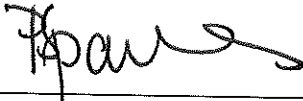
Ms Susan Robertson

Ms Melanie McClelland, Transport Accident Commission

Mr Allan Macrae, Slater & Gordon Lawyers

Senior Constable William Watson, Cardinia Highway Patrol.

Signature:



PARESA ANTONIADIS SPANOS
CORONER

Date: **9 January 2014**



cc: Manager, Coroners Prevention Unit.