

IN THE CORONERS COURT
OF VICTORIA
AT SHEPPARTON

Court Reference: 1255/2010

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)

Section 67 of the Coroners Act 2008

I, Stella Stuthridge, Coroner having investigated the death of David Mills GOODWIN without holding an inquest:

find that the identity of the deceased was David Mills GOODWIN

born on 24/05/1965

and the death occurred on 2/4/2010

at Midland Highway Pine Lodge Victoria 3631

from

1a) Multiple injuries

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

Introduction:

The *Coroners Act 2008* (Vic) prescribes my functions. This statutory role is investigative and inquisitorial rather than adjudicative and adversarial. My primary function is to direct the investigation into and make findings concerning the facts, which are relevant to my statutory duty. It is not the role of the Coroner to lay or apportion blame, but to establish cause. Sometimes the distinction is fine but nevertheless, real. It is for the Coroner to establish and set out in a finding the facts and for others, if they wish, to draw legal conclusions.

My secondary role is, if appropriate, to comment on any other matter connected with a death including public health or safety or the administration of justice.

As a Coroner I am not permitted to include in a finding any statement that a person is or may be guilty of an offence. Similarly, it is not my role to make any specific findings on whether there has been any negligence-giving rise to the death, which I am investigating.

In the Supreme Court of Victoria in the matter of *Harmsworth v State Coroner* [1989] VR 989, Justice Nathan broached the subject matter of the limits of a Coroner's power and observed that the power of investigation is not free-ranging.

As such, the focus of the inquiry here is the cause of the tragic death of Mr David Mills Goodwin.

Background:

Mr David Goodwin was 44 years old. Mr Goodwin was married to Barbara (Tess) Goodwin. Mr and Mrs Goodwin had four children. The family lived in Yackandah, Victoria. Mr Goodwin was an enthusiast of all sorts of equipment and machinery and had restored many cars and motorcycles. Mr Goodwin owned a red 1973 Model Norton Motorbike. He had reconditioned the bike over 26 years and it was well maintained. He was riding this motorcycle on the day of the collision.

On the day of the collision, the family were heading to Pine Grove near Rochester for the Easter break. Mr Goodwin rode his vintage Norton and Mrs Goodwin travelled in the family car with the children. Due to the Easter traffic, the family planned to travel through Shepparton on the way to Pine Grove. The family left home at approximately 12.15pm. The family travelled via Beechworth, where they met up while Mr Goodwin refuelled.

Mr Goodwin stopped at the Dookie rest area between Benalla and Shepparton and spoke with his wife. They arranged to meet at the Shepparton 'cows'.

Mrs Goodwin and the children waited some time for Mr Goodwin to arrive in Shepparton, then they continued to Pine Grove. Mrs Goodwin expected to meet Mr Goodwin at her parents' home in Pine Grove. Some hours later, police advised Mrs Goodwin of the motorcycle collision and David Goodwin's death.

The Collision:

At approximately 2.20 pm on the 2nd April 2010 a head on collision occurred between two motor cycles on the Midland Highway at Pine Lodge. This resulted in the death of Mr David Goodwin. It also caused the death of Malcolm Domaille and the serious injury of David Chase and Emily Chase.

The collision occurred 850 meters east of Sidebottom's Road, where the highway is a two way paved road consisting of a single lane for east/west traffic and is subject to a 100km/h default speed limit. The area is flat and the road is straight for approximately 3 kilometres to the west and six kilometres to the east.

Mr Malcolm Domaille was riding a 2005 Harley Davidson motorcycle, travelling east. He was within a group of riders participating in the Outlaws Motorcycle club 'ride'. From within the group of riders Mr Domaille had manoeuvred from the left side of the lane and veered right. He has commenced to overtake other motorcycles in the group. He has then collided with the oncoming motorcycle of Mr David Goodwin. Mr Goodwin was thrown backwards approximately 8 meters from the point of impact. He suffered immediate and catastrophic injuries. Mr Goodwin died instantly.

Mr Domaille's motorcycle has exploded into flames at the point of impact and then tumbled into the side-car outfit of David and Emily Chase, subsequently causing it to lose control, roll and burst into flames. David and Emily Chase suffered severe injuries. Mr Domaille's body has continued 16.5 meters beyond the point of impact, coming to rest on the westbound lane. Other riders removed him from the road. Mr Domaille's injuries were fatal and he died a short time later.

Investigation:

Leading Senior Constable Jarrett investigated the collision. L.S.C Jarrett's investigation was difficult due to the refusal of members of the Outlaws Motorcycle Club to provide statements or co-operate with the investigation. L.S.C Jarrett was able to establish that Mr Domaille's motorcycle was travelling between 110-120 km/h and Mr Goodwin was travelling at between 90-95 km/h, at the time of the collision.

Due to the extensive damage to both motorcycles, the Mechanical Investigation Unit was unable to undertake a mechanical assessment of either motorcycle.

The Coroner's Court of Victoria undertook post mortems and toxicology analysis in relation to both Mr Goodwin and Mr Domaille. Mr Domaille's toxicology results indicate he had consumed cannabis and methyl-amphetamines. Police also found a bag of cannabis and several small bags of amphetamine on Mr Domaille at the time of the collision.

I am satisfied on the balance of probabilities¹ that a combination factors caused the collision and death of Mr Goodwin, including

(a) The speed at which Mr Domaille was travelling.

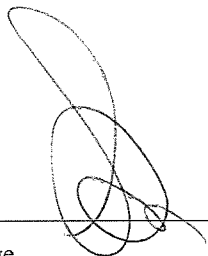
(b) The effects of cannabis and amphetamine on Mr Domaille's judgement and reaction speed.

It is likely Mr Domaille travelling in a large group of other riders had some impact on his vision and behaviour on the day, but I am unable to draw conclusions about such matters in all the circumstances. I note the police enquires were hampered by the unwillingness of witnesses, who were members of the Outlaws Motorcycle Club, to give statements. I have formed the view it is not in the public interest to pursue the investigation any further.

I am satisfied on the balance of probabilities that Mr David Mills Goodwin did not contribute to the collision.

I am satisfied Mr David Mills Goodwin died as a result of multiple injuries suffered in a motor cycle collision.

Signature:



Stella Stuthridge

Coroner

Date: 30/11/2011



¹ *Briginshaw v Briginshaw* (1938) 60 CLR 336