

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2012 4152

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008 (Vic)

Inquest into the Death of: JAMIE JOHN SCOTT

Delivered On: 9 July 2014

Delivered At: Coroners Court of Victoria
Level 11, 222 Exhibition Street
Melbourne VIC 3000

Hearing Dates: 9 July 2014

Findings of: JOHN OLLE, CORONER

Police Coronial Support Unit Sergeant McFarlane

I, JOHN OLLE, Coroner,
having investigated the death of JAMIE JOHN SCOTT
AND having held an inquest in relation to this death on 9 July 2014
at Melbourne
find that the identity of the deceased was JAMIE JOHN SCOTT
born on 23 September 1958
and the death occurred on 2 October 2012
at Bacchus Marsh-Geelong Rd, Balliang East VIC 3340
from:

1 (a) INJURIES SUSTAINED IN MOTOR VEHICLE COLLISION

in the following circumstances:

1. Jamie Scott was born on 23 September 1958 and was 54 years old at the time of his death. He resided at Melton with his family and is survived by his wife, Kannika Scott.
2. A brief was provided by Victoria Police to this Court, comprising statements obtained from witnesses, treating clinicians and investigating officers. It has fully addressed the circumstances surrounding Mr Scott's death. I have drawn on all of this material as to the factual matters in this finding.

SUMMARY INQUEST

3. At inquest, a summary was read into evidence by Sergeant McFarlane. I am satisfied that the summary accurately reflects the evidence.
4. On 2 October 2012 Mr Scott, his daughter Georgia and his friend Robyn Shields left his residence at approximately 10.45am and proceeded by car to Barwon Heads to go fishing. Mr Scott was driving a blue Suzuki Vitara wagon, registration YYV 453, which was towing a 4.9 metre Seajay aluminium runabout boat on a Dunbier single axle trailer, registration U72778.
5. At approximately 11.00am John Bryson left his residence in Breakwater with his partner Karlee Arnold, and proceeded by car to his place of work, located at Bacchus Marsh. Mr Bryson was driving a silver Holden SV6 sedan, registration UOG259. At the time of the collision, he was the holder of a full and current drivers licence.

6. At approximately 11.50am Mr Scott was travelling south along Bacchus Marsh-Geelong Rd and Mr Bryson was travelling north along the same road when Mr Bryson's vehicle veered from the north lane into the south lane, colliding head on with Mr Scott's vehicle.
7. Upon impact, Mr Bryson's vehicle continued north in the southbound lane before crossing back into the northbound lane and onto grassland to the west side of the road. Mr Bryson and Ms Arnold sustained non life threatening injuries as a result of the collision. Mr Scott's vehicle overturned several times on the bitumen and came to rest on its roof in grassland on the eastern side of the road. Ms Shields was extricated from the front passenger seat by witnesses shortly before the vehicle became engulfed in flames. She sustained non life threatening injuries. Unfortunately, Mr Scott and his daughter Georgia could not be removed from the vehicle prior to the fire taking hold.
8. Ms Shields stated that they had been travelling on the road for approximately 15 minutes when she suddenly saw a silver commodore coming towards them with its driver side wheels on their side of the road, a tyre width inside the lane. Ms Shields commented on the driver's behaviour, and by this stage the commodore was no more than a car length away from their vehicle. She then heard Mr Scott yell out and remembered the vehicle rolling and hearing loud bangs.¹ In a record of interview, Mr Bryson stated that he turned his head towards his partner and was speaking to her when he heard a bang.² Ms Arnold confirmed that she and Mr Bryson were talking at the time of the collision,³ and that she was playing a game on his mobile phone.⁴
9. Jacob Fahey was driving his vehicle behind Mr Bryson at the time of the collision. He stated that approximately 5km prior to the collision Mr Bryson's car started to slow down and veer slightly to the left, but straightened back up. At the time of the collision, Mr Fahey saw the commodore veer across the lane so that the full driver's side of the commodore was on the opposite side of the road. He did not think that Mr Scott's vehicle had enough time to swerve prior to impact.⁵
10. Police attended the scene and observed a large amount of debris in the south bound lanes with a large gouge in the bitumen approximately one metre to the east side of the broken

¹ Statement of Robyn Shields, dated 4 October 2012, Inquest brief 75.

² Record of Interview, dated 4 October 2012, 13-14.

³ Statement of Karlee Arnold, dated 6 October 2012, Inquest brief 70.

⁴ Ibid 72.

⁵ Statement of Jacob Fahey, dated 2 October 2012, Inquest brief 79-80.

white line, which police determined was the initial point of impact. There was a scrape mark that travelled north from the point of impact that led to the rear of the Holden, and numerous scuff marks that led south to the Suzuki. The weather was fine and sunny, and visibility was good.⁶

11. The impact of the front driver sides of both vehicles caused significant contact and induced damage to the front driver side of the Holden, including destruction of the front driver side wheel rim.⁷ There was no evidence of pre-impact marks by either vehicle, which indicates that neither vehicle applied braking sufficient to cause skidding prior to impact. A gouge extending for 1.78 metres from the point of impact is likely to have been left by the front driver side rim or wheel axle of the Holden. Based on the gouge it was concluded by investigators that at impact the Holden was a minimum of 1.6 metres onto the incorrect side of the road at the time of impact.⁸ A collision reconstruction determined that neither vehicle was travelling in excess of the 100km/h speed limit to any degree which would have caused or contributed to the collision or the seriousness of the injuries sustained.⁹
12. Mr Bryson's vehicle was examined by police mechanical inspectors who reported that prior to and at the time of impact, the vehicle would have been classed as being in an unroadworthy condition, due to insufficient tread depth on the nearside rear tyre. However, as the road surface was dry, the insufficient tread depth would have had no bearing on the collision.¹⁰ The inspection did not reveal any mechanical fault which would have caused or contributed to the collision.
13. Mr Bryson's phone records determined that no phone calls were made at the time of the collision. A thorough analysis of Mr Bryson's work hours leading up to the collision failed to identify any fatigue related issues. Mr Bryson slept for most of 1 October 2012 and fell asleep at approximately 9.00pm that night, waking up at approximately 8.30am on 2 October 2012.¹¹
14. Hospital and police blood samples were taken from Mr Bryson at 1.50pm on 2 October 2012 at The Alfred Hospital Emergency Department. The results determined that there was

⁶ Statement of Leading Senior Constable Brett Ellens, dated 8 October 2012, Inquest brief 114.

⁷ Statement of Rohan Courtis, dated 13 March 2013, Inquest brief 154.

⁸ Statement of Detective Leading Senior Constable Jenelle Mehegan, dated 3 October 2012, Inquest brief 178.

⁹ Ibid 180.

¹⁰ Statement of Acting Sergeant Leigh Booth, dated 16 October 2012, Inquest brief 186.

¹¹ Statement of Karlee Arnold, above n 3, 69.

no presence of alcohol or illicit drugs in his blood.¹² Morphine (0.02mg/L) and Metoclopramide¹³ (~0.2mg/L) were detected. Mr Bryson had received two doses of 5mg intravenous morphine from paramedics at 1.11pm and 1.18pm, prior to the blood samples being taken.¹⁴ The detection of morphine is consequently as a result of therapeutic use.

15. On 15 July 2013 Mr Bryson pleaded guilty to a consolidated list of charges, including careless driving of a motor vehicle.¹⁵

POST-MORTEM EXAMINATION

16. A post-mortem examination was undertaken by Dr Matthew Lynch, Forensic Pathologist at the Victorian Institute of Forensic Medicine. Dr Lynch reported that there was evidence of significant thermal injury to the body. There was no evidence of sooty material within the airways to suggest that Mr Scott was alive at the time of the fire.
17. Natural disease was noted in the form of cardiomegaly.¹⁶ The cause for this was not apparent but the most common cause, in this community, is a history of high blood pressure.
18. Post-mortem toxicological analysis was negative for drugs and alcohol. In particular, there was no evidence of carboxyhaemoglobin.
19. Dr Lynch reported that the cause of death is injuries sustained in a motor vehicle collision.

COMMENTS

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

Never take your eyes off the road

20. I note that in recent years the issue of driver distraction leading to motor vehicle collisions has gained increased attention in Victoria and Australia. This includes not only driver distraction by mobile phones, but also distraction by other activities, such as changing radio stations, eating, smoking and interacting with other passengers. Additionally, recent Australian research from the Monash University Accident Research Centre suggests that

¹² VIFM toxicology certificate, Inquest brief 310.

¹³ Medication to treat nausea and vomiting.

¹⁴ Statement of Dr Shaun Baxter, Trauma Fellow at Alfred Health, dated 11 March 2014.

¹⁵ See LEAP Victoria Police Charge Sequence and Result of Charge Report.

¹⁶ Enlargement of the heart.

driver distraction, particularly incidence of driver attention being diverted from road safety tasks, is a notable factor in serious casualty crashes.

21. In planning future public awareness campaigns regarding driver distraction, perhaps the TAC and VicRoads would consider incorporating examples similar to the deaths of Mr Scott and his daughter, demonstrating the tragic consequences of a distracting conversation.

FINDING

22. I am satisfied, having considered all of the evidence before me, that no further investigation is required.
23. In the period Mr Bryson shifted his attention from the roadway ahead to his front seat passenger, his vehicle veered across the road into the path of Mr Scott's vehicle. Mr Scott had no reasonable opportunity to avoid impact. This case highlights that taking ones eyes off the road, even momentarily, can have devastating consequences, which in this instance has resulted in the tragic loss of two family members.
24. There is no evidence to suggest that illness or mechanical fault contributed to the collision.
25. I find that Jamie John Scott died on 2 October 2012 as a result of injuries sustained in a motor vehicle collision, in which he was the driver.

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

The family of Mr Jamie John Scott;
Investigating Member, Victoria Police; and
Interested parties

Signature:

JOHN OLLIE
CORONER
Date: 9 July 2014

