



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2024 002523

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

Section 67 of the Coroners Act 2008

Findings of:	Coroner Simon McGregor
Deceased:	Zamira Hussainpoor
Date of birth:	31 December 1988
Date of death:	07 May 2024
Cause of death:	1(a) Injuries sustained in motor vehicle collision (driver)
Place of death:	Glasscocks Road Hampton Park Victoria 3976
Keywords:	Motor vehicle accident

INTRODUCTION

1. On 7 May 2024, Zamira Hussainpoor was 35 years old when she died in a motor vehicle accident. At the time of her death, Zamira lived at 98 Harrington Drive, Narre Warren South Victoria with her extended family.
2. Zamira was born in Afghanistan and migrated to Australia in 2007. She was married and divorced twice and had a son from her first marriage.¹ In both relationships she experienced family violence.
3. Apart from wearing corrective lenses, Zamira had no relevant medical history,² but was greatly affected by the passing of her father in 2002.³
4. After completing an English language course upon arrival in Australia, she worked part-time in restaurants until she obtained permanent full-time work as a picker and packer in Dandenong South. She had been in that role working night shift for almost two years prior to her passing.⁴ Zamira would routinely carpool with other women from work, alternating the driver from week to week.⁵
5. Zamira had a full driver's licence with no relevant prior offences, and had purchased her silver Toyota Corolla in 2020.⁶

THE CORONIAL INVESTIGATION

6. Zamira's death was reported to the Coroner as it fell within the definition of a reportable death in the *Coroners Act 2008 (the Act)*. Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
7. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.

¹ Statement of Anis Hussainpoor, Coronial Brief.

² Statement of Dr Qasim Hamimi, Coronial Brief.

³ Statement of Anis Hussainpoor, Coronial Brief.

⁴ Ibid.

⁵ Ibid.

⁶ Exhibits 4 & 5, VicRoads records and extracts, Coronial Brief.

8. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
9. Victoria Police assigned an officer to be the Coroner's Investigator for the investigation of Zamira's death. The Coroner's Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as family, the forensic pathologist, accident reconstruction experts and investigating officers – and submitted a coronial brief of evidence.
10. This finding draws on the totality of the coronial investigation into the death of Zamira Hussainpoor including evidence contained in the coronial brief. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.⁷
11. In considering the issues associated with this finding, I have been mindful of Zamira's human rights to dignity and wellbeing, as espoused in the *Charter of Human Rights and Responsibilities Act 2006*, in particular sections 8, 9 and 10.

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE

Circumstances in which the death occurred

12. On the morning of 7 May 2024, at approximately 7:15 am, Zamira was travelling east along Glasscocks Road, Hampton Park, between the South Gippsland Highway and Golf Club Road, on her way home from work. She was driving her Toyota Corolla and was accompanied by a co-worker, Marzia Haideri, in the front passenger seat.⁸
13. At the same time, 20-year-old Zarif Haidary was travelling west along Glasscocks Road at an estimated speed of 153 and 161 km/h when the white Toyota Hilux utility he was driving veered into the eastbound traffic lane and collided head-on with Zamira's vehicle.⁹

⁷ Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

⁸ Statements of Anis Hussainpoor and Marzia Haideri, Coronial Brief.

⁹ Statement of Robert Hay, Coronial Brief.

14. In the immediate lead-up to the collision, Mr Haidary was observed by several witnesses and captured on dashcam and CCTV footage driving at fast speeds and overtaking other vehicles on the wrong side of the road.¹⁰
15. At the site of the collision, Glasscocks Road consists of a single lane in each direction, running in a predominately east to west direction. It features a solid white line painted down the centre of the road separating the east- and westbound lanes of traffic, indicating to drivers that overtaking is not permitted. The roadway is constructed of sealed bitumen that was in good to excellent condition and is relatively flat where the collision occurred, with only a slight downhill gradient to the west towards the South Gippsland Freeway. The posted speed limit on that section of Glasscocks Road was 70 km/h.¹¹ No other features of the road design are relevant for this investigation.
16. At the time of the collision, the road surface was dry, the weather was overcast, traffic was light and visibility was good.¹²
17. Detective Sergeant Robert Hay from the Victoria Police Collision Reconstruction and Mechanical Investigation Unit extracted information from both vehicles' Airbag Control Modules and was able to determine that at the time of impact, Zamira had been travelling under the speed limit, somewhere between 59 and 67 km/h, and that she applied emergency braking and steered left moments before the collision. The data indicated that Mr Haidary commenced corrective steering back towards the left less than one second before the impact and did not apply the vehicle's brakes. The point of impact was completely in the eastbound lane that Zamira had been driving in.¹³
18. Although she had her seatbelt on, Zamira was partially ejected from her car from the force of the collision.¹⁴ Witness Donna Bell arrived first on the scene and immediately went to assist Zamira, but could not find a pulse nor detect breathing. Another passer-by called emergency services and Ms Bell commenced CPR on instruction from the triple zero call-taker.¹⁵

¹⁰ Statements of Thilanka Morawakage and Donna Bell, and exhibits 9, 10 & 11, dashcam and CCTV footage, Coronial Brief.

¹¹ Statements of David Morris and Ian Whitehall, Coronial Brief.

¹² Statement of Paul Sedgewick, Coronial Brief.

¹³ Statement of Robert Hay, Coronial Brief.

¹⁴ Statements of Marzia Haideri and Donna Bell, Coronial Brief.

¹⁵ Statement of Donna Bell, Coronial Brief.

19. Emergency services personnel arrived a short time later and continued resuscitation efforts, but Zamira could not be revived and she was formally declared deceased at the scene at 7:24 am.¹⁶
20. Zamira's passenger, Marzia Haideri, was initially trapped inside the Corolla but survived and was conveyed to Dandenong Hospital for medical care.¹⁷

Identity of the deceased

21. On 10 May 2024, Zamira Hussainpoor, born 31 December 1988, was visually identified by her uncle, Mr Qasim Loman.
22. Identity is not in dispute and requires no further investigation.

Medical cause of death

23. Specialist Forensic Pathologist Dr Matthew Lynch from the Victorian Institute of Forensic Medicine conducted an external examination on 8 May 2024 and provided a written report of his findings dated 14 May 2024.
24. The external examination and post-mortem computed tomography (CT) scan revealed significant head injuries and multiple other broken bones.
25. Toxicological analysis of post-mortem blood samples did not identify the presence of alcohol or any other common drugs or poisons.
26. Dr Lynch provided an opinion that the medical cause of death was 1(a) injuries sustained in motor vehicle collision (driver), and I accept his opinion.

FINDINGS AND CONCLUSION

27. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:
 - a) the identity of the deceased was Zamira Hussainpoor, born 31 December 1988;
 - b) the death occurred on 7 May 2024 at Glasscocks Road, Hampton Park, Victoria 3976, from injuries sustained in motor vehicle collision (driver); and

¹⁶ Patient Care Record, Ambulance Victoria, Coronial Brief.

¹⁷ Statements of Marzia Haideri and Donna Bell, Coronial Brief.

c) the death occurred in the circumstances described above.

28. Having considered all of the evidence, I am satisfied that Zamira had no opportunity to avoid the collision, which was caused by Mr Haidary's dangerous driving.

I convey my sincere condolences to Zamira's family for their loss.

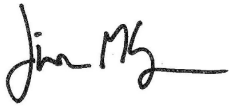
Pursuant to section 73(1A) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

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

Zahara Hussainpoor, Senior Next of Kin

Leading Senior Constable Paul Sedgewick, Coroner's Investigator

Signature:



Coroner Simon McGregor

Date : 22 November 2024

NOTE: Under section 83 of the *Coroners Act 2008* (**the Act**), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
