



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

**COR 2024 002762**

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 63(2)*

*Section 67 of the Coroners Act 2008*

Findings of:	Coroner Simon McGregor
Deceased:	Zarif Haidary
Date of birth:	12 March 2004
Date of death:	19 May 2024
Cause of death:	1(a) Multiple injuries sustained in a motor vehicle incident (driver)
Place of death:	The Royal Melbourne Hospital 300 Grattan Street Parkville Victoria 3052
Keywords:	Motor vehicle accident, dangerous driving

## INTRODUCTION

1. On 19 May 2024, Zarif Haidary was 20 years old when he died from injuries sustained in a motor vehicle collision. At the time of his death, Zarif lived at 88 Longshore Drive, Clyde North, Victoria with his family.
2. Zarif was born in Afghanistan and migrated to Victoria with his family in 2021. After completing an English language course, he worked in a warehouse, then commenced work in construction with his father approximately three months before the collision.<sup>1</sup>
3. Apart from wearing corrective lenses,<sup>2</sup> Zarif had no relevant medical history.<sup>3</sup> He enjoyed spending time with family, playing soccer and camping.<sup>4</sup>
4. Zarif had held a Victorian probationary driver's licence for the last two years without recording any violations.<sup>5</sup> Although he had never driven a car before he migrated, he was described as a careful driver who did not usually speed or take unnecessary risks.<sup>6</sup>

## THE CORONIAL INVESTIGATION

5. Zarif'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.
6. 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.
7. 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.

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<sup>1</sup> Statement of Ahmad Sharif, Coronial Brief.

<sup>2</sup> Ibid.

<sup>3</sup> Statement of Dr Amina Bezhan, Coronial Brief.

<sup>4</sup> Statement of Ahmad Sharif, Coronial Brief.

<sup>5</sup> Exhibits 1, 2 & 3, VicRoads records and extracts, Coronial Brief.

<sup>6</sup> Statement of Ahmad Sharif, Coronial Brief.

8. Victoria Police assigned an officer to be the Coroner's Investigator for the investigation of Zarif'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.
9. This finding draws on the totality of the coronial investigation into the death of Zarif Haidary 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.<sup>7</sup>
10. In considering the issues associated with this finding, I have been mindful of Zarif'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**

11. On 7 May 2024 at 7:14 am,<sup>8</sup> Zarif was driving west along Glasscocks Road, Hampton Park, between the South Gippsland Highway and Golf Club Road. He was estimated to be travelling between 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 a silver Toyota Corolla driven by Ms Zamira Hussainpoor.<sup>9</sup>
12. The Hilux was owned by Zarif's father and was used in his construction business. Zarif drove it every day as part of his work. That morning, Zarif had left home at about 7:00 am and was on his way to pick up a work colleague in Dandenong before intending to return to a work site in Glen Waverley.<sup>10</sup>

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<sup>7</sup> 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.

<sup>8</sup> Statement David Morris, Coronial Brief.

<sup>9</sup> Statement of Robert Hay, Coronial Brief.

<sup>10</sup> Statement of Ahmad Sharif, Coronial Brief.

13. In the immediate lead-up to the collision, Zarif 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.<sup>11</sup>
14. 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.<sup>12</sup> No other features of the road design are relevant for this investigation.
15. At the time of the collision, the road surface was dry, the weather was overcast, traffic was light and visibility was good.<sup>13</sup>
16. 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 Zarif commenced corrective steering back towards the left less than one second before the impact and made no attempt to brake. The point of impact was completely within the lane of the oncoming Corolla.<sup>14</sup>
17. Whilst Zarif had no passengers in his vehicle, he himself was initially trapped in the wreckage, then airlifted to the Royal Melbourne Hospital after he had been extracted. He underwent emergency surgery but never recovered consciousness. After discussions with his family, his artificial life support was withdrawn 12 days later on 19 May 2024 and he passed away that day at 3:05 pm.<sup>15</sup>

### **Identity of the deceased**

18. On 19 May 2024, Zarif Haidary, born 12 March 2004, was visually identified by his cousin, Ahmad Sharif.

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

<sup>12</sup> Statements of David Morris and Ian Whitehall, Coronial Brief.

<sup>13</sup> Statement of Paul Sedgewick, Coronial Brief.

<sup>14</sup> Statement of Robert Hay, Coronial Brief.

<sup>15</sup> Medical Deposition of Dr Bin Hu, Royal Melbourne Hospital ICU HMO, dated 19 May 2024.

19. Identity is not in dispute and requires no further investigation.

### **Medical cause of death**

20. Forensic Pathologist Dr Joanne Ho from the Victorian Institute of Forensic Medicine conducted an external examination on 21 May 2024 and provided a written report of her findings dated 21 May 2024.

21. The external examination and post-mortem computed tomography (CT) scan revealed significant head injuries and multiple other broken bones.

22. Toxicological analysis of post-mortem samples identified therapeutic doses of Fentanyl, Midazolam and Ketamine, consistent with medical treatment given, and did not identify the presence of alcohol or any other common drugs or poisons.

23. Dr Ho provided an opinion that the medical cause of death was 1 (a) multiple injuries sustained in a motor vehicle incident (driver), and I accept her opinion.

### **FINDINGS AND CONCLUSION**

24. The standard of proof for coronial findings of fact is the civil standard of proof on the balance of probabilities, with the *Briginshaw* gloss or explications.<sup>16</sup> The effect of the authorities is that adverse comments or findings should not be made unless the evidence provides a comfortable level of satisfaction that an individual (or institution) caused or contributed to the death, and in the case of individuals acting in a professional capacity, that they departed materially from the standards of their profession.

25. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:

- a) the identity of the deceased was Zarif Haidary, born 12 March 2004;
- b) the death occurred on 19 May 2024 at The Royal Melbourne Hospital, 300 Grattan Street, Parkville, Victoria 3052, from multiple injuries sustained in a motor vehicle incident (driver); and

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<sup>16</sup> *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 362-363: ‘The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issues had been proved to the reasonable satisfaction of the tribunal. In such matters “reasonable satisfaction” should not be produced by inexact proofs, indefinite testimony, or indirect inferences...’.

c) the death occurred in the circumstances described above.

26. Having considered all of the evidence, I am satisfied that Ms Hussainpoor had no opportunity to avoid the collision, and that Zarif's death was the tragic result of his own dangerous driving.

I convey my sincere condolences to Zarif'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.

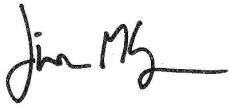
I direct that a copy of this finding be provided to the following:

Juma and Fawzia Haidary, Senior Next of Kin

Kellie Gumm, Royal Melbourne Hospital

Leading Senior Constable Paul Sedgewick, Coroner's Investigator

Signature:



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Coroner Simon McGregor

Date : 26 November 2024

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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.

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