

SOUTH



AUSTRALIA

FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 19th, 20th, 21st and 22nd days of November 2001 and the 27th day of February 2002, before Wayne Cromwell Chivell, a Coroner for the said State, concerning the death of Robert Leon Harradine and Anthony Ciril Charles Wilson.

I, the said Coroner, find that, Robert Leon Harradine aged 16 years, late of 47 Athol Street, Athol Park, South Australia died at Salisbury Park, South Australia on the 9th day of August 2000 as a result of multiple injuries.

I, the said Coroner, find that, Anthony Ciril Charles Wilson aged 15 years, late of 95 Hogarth Road, Elizabeth South, South Australia died at the Royal Adelaide Hospital, North Terrace, Adelaide, South Australia on the 9th day of August 2000 as a result of pulmonary contusion.

I find that the circumstances of the deaths were as follows:

1. Introduction

- 1.1. At about 3:25am on Wednesday, 9 August 2000 a vehicular accident occurred in which a Ford Cortina sedan, which had been travelling north on Main North Road at Salisbury Park, left the western side of the roadway and collided with a tree.
- 1.2. As a result of the collision, the vehicle was torn apart and Mr Harradine was ejected. When Paramedic, Phillip Leane, attended the scene at 4:20am, Mr Harradine was obviously deceased, and Mr Leane certified that fact (Exhibit C2a).

- 1.3. Mr Wilson was found trapped in the rear section of the vehicle, hanging upside-down. He was transferred by ambulance to the Royal Adelaide Hospital, where he was admitted to the Intensive Care Unit. He had critical injuries including brain injury, abdominal injuries, fractures to the pelvis and both legs and lung contusions. He was resuscitated and ventilated but the extent of damage to his lungs was so great that he succumbed. Dr D Yates certified life extinct at 12:35pm on 9 August 2000.
- 1.4. A post-mortem examination of Mr Harradine's body was performed by Dr J D Gilbert, Forensic Pathologist, on 9 August 2000. Dr Gilbert found that Mr Harradine died of multiple injuries including brain stem transection, cerebral lacerations associated with severe skull fractures, atlanto-occipital dislocation, laceration of the heart, aorta, lungs, liver and spleen, and multiple skeletal fractures. He said that death would have been 'instantaneous' (Exhibit C3a, p5).
- 1.5. A toxicological analysis disclosed that there was no alcohol nor any of the common drugs in the blood or urine (Exhibit C5a).
- 1.6. Dr Gilbert found no markings or injuries indicative of seatbelt use by Mr Harradine.
- 1.7. A post-mortem examination of Mr Wilson's body was performed by Professor R W Byard, Forensic Pathologist, on 10 August 2000. Professor Byard found that the cause of Mr Wilson's death was pulmonary contusion. He commented:

'Death was due to extensive pulmonary contusion with filling of the lungs with blood and oedema fluid. The presence of aggregated neutrophils may indicate the development of early adult respiratory distress syndrome or acute bronchopneumonia or both. In addition to the lung trauma there was also evidence of a severe closed head injury with cerebral oedema, subarachnoid haemorrhage and cerebral contusions. There was also significant retroperitoneal haemorrhage.

The injuries identified would be compatible with the history of being a passenger in a motor vehicle accident. The presence of markings over the right shoulder would also be in keeping with a right sided seat belt. There were no underlying organic diseases which could have caused or contributed to death. Apart from tetrahydrocannabinol, no other drugs or alcohol were detected in the blood on toxicology screening.'

(Exhibit C8a, p2-3)
- 1.8. Because of the time he spent in hospital before he died, there was no need to perform a toxicological investigation in Mr Wilson's case.

2. **Background**

- 2.1. The only direct evidence I have concerning the events leading up to this incident comes from Ernest Morrison, who is 18 years old. He told me that he was in a Cortina sedan with Jamie Jackson, Ryan Martin, Robert Harradine, Anthony Wilson and Steven Wanganeen during the evening of 8 August 2000. He said that Robert was driving. He said that Steven Wanganeen was in the front passenger seat, and the other four were in the back (T37). They told Robert to pull over and Morrison, Martin and Jackson went to a car parked in a driveway in Para Hills.
- 2.2. Mr Morrison said that one of them broke the window of the car with a screwdriver, intending to steal the stereo. The alarm went off. They ran off and hid in a nearby yard, and then heard the car driving down the street. He said he heard the owner yelling out 'you little black cunts' and words to that effect (T36).
- 2.3. As the car drove down the street, Mr Morrison saw the brake lights of the Cortina flash on and off while it was still stationary. He thought that the driver of the Cortina 'must have thought it was us' (T30).
- 2.4. Mr Morrison said he faintly heard the driver of the other car angrily say 'you're going to die, you black bastard' when he was near the Cortina (T44).
- 2.5. Mr Morrison's evidence is supported to some extent by statements made by Martin (Exhibit C20a) and Wanganeen (Exhibit C20d) to the investigating police officers, which I received through Senior Constable Bissell. The statements were made on videotapes, which are also in evidence (Exhibits C20 and C20c), so there is no doubt that they were made. However, neither man could be served with summonses to appear at the inquest, so their evidence could not be tested in cross examination. For that reason, the evidence has less value.
- 2.6. Ryan Martin's statement adds little to the above. He confirmed, however, that Robert Harradine had been driving the Cortina 'all the time', although he did not see who was driving when it drove away (Exhibit C20a, p2). Ryan Martin confirmed that he had been sitting behind Steven Wanganeen, who was in the front passenger seat of the vehicle (T53).

- 2.7. Steven Wanganeen told Mr Bissell that Robert Harradine had been driving the Cortina earlier in the evening, and throughout the events leading up to and including the fatal collision. His statement, which is not verified on oath, is as follows:

‘We all drove around the streets for awhile before they spotted a car in a driveway, so Robert parked at the end of the street and Ryan, Jamie and Ernie got out and walked back to the car they had spotted. A short time later the owner of the car came out and chased them, as the car alarm had come on and the other three must have ran off because I didn’t see them again. A short time later a vehicle pulled up alongside our car and we freaked out and drove off. This vehicle then chased us all around Adelaide.

Just before the accident happened the driver of the blue Commodore that had joined in pulled alongside us and said, “You’re dead you black cunts you’re dead”. So I grabbed the tape recorder out of the car and threw it at him and then he rammed us and rammed us in the left side and that’s when the crash happened.

This other Commodore that rammed us had started following us after we drove through McDonalds on Main North Road, Pooraka, the one in the service station. Robert wasn’t able to drive the car very fast as the car was coughing and spluttering. It would be lucky to get over 100km/h. As these vehicles followed us along Main North Road they were both flashing their headlights and beeping the horns on their vehicles. We were freaking out as they tried to get alongside us so Robert kept swerving from side to side to stop them. We were planning on going to the Police Station at Elizabeth for help when the collision occurred. Immediately after the collision I ran off, as I was scared of what they would do to me. The weather at the time was fine and dry, and the street lights were on and there wasn’t many cars around.’

(Exhibit C20d, p2)

Mr Bissell acknowledged that this is a synopsis, and not a verbatim account of what Steven Wanganeen told him (T67).

3. The pursuit

- 3.1. At about 2:30am on 9 August 2000, Scott Birchenough was woken by his dog barking. Mr Birchenough lived next door to Richard Lane, the owner of the car damaged by the three young men.
- 3.2. Mr Birchenough went outside and heard a car alarm sounding. He saw three males running away, south on Seaview Road. Mr Lane came out, and Mr Birchenough told him what he had seen (Exhibit C11a, p1).
- 3.3. Richard Lane told me that he was the owner of a dark grey 1991 VN Commodore SS sedan. He said that after he had spoken to Mr Birchenough, he saw that the driver’s window was smashed and the door had been forced. He went and got his keys, then

drove down Murrell Road and Seaview Road, after them. When he saw the Cortina parked in Seaview Road with three young male occupants crouching down, he stopped. He assumed, wrongly, that these were the three youths who had interfered with his car. He said 'what do you think you are doing?' (T138).

- 3.4. Mr Lane said the Cortina then drove off, without turning on the headlights. He followed, 'because they'd broken into my car' (T138). He said he was flashing his lights and sounding his horn 'to attract some attention to either police or passing motorists' (T139).
- 3.5. It is convenient here to set out Mr Lane's statement given to Mr Bissell and reproduced, again as a non-verbatim synopsis, in Exhibit C25:

'We travelled through numerous streets, which included Main North Road, Port Wakefield Road and Bolivar Road to name a few. At some stages when I was following this vehicle it turned its headlights on then off again. During the time I was following it we were only travelling at about the speed limit on the roads or sometimes just above it. Continually whilst I was following this vehicle I was flashing my headlights and blowing the horn on my car to try and get the attention of either the Police or someone so they would call the Police.

At one stage whilst I was following this vehicle we travelled through the McDonalds Restaurant and service station car park which was situated in the Caltex Service Station on Main North Road, Pooraka. When we left the car park we turned left onto Montague Road and travelled east and then left into Main North and travelled north. Whilst driving through the car park we were only travelling at about 10km/h and during this time I was blowing my horn and flashing my headlights and also calling out for someone to call the Police.

When we were travelling along Main North Road, Pooraka the road consisted of two lanes. I was driving in the right lane and the Ford Cortina was straddling the white centre lane. At this time we were in the 100km/h zone and we were only travelling at about 80 to 90 km/h as the Ford Cortina was blowing a lot of black smoke and appeared to be having difficulty going.

Somewhere near The Levels a blue Commodore sedan pulled up alongside me in the left lane. As this vehicle was next to me I yelled to him that the people in front had tried to steal my car, and I asked him if he had a mobile phone so he could call the Police and he said "No". At this stage the Ford Cortina began swerving across both lanes trying to prevent anyone from passing. I continued travelling in the right lane and about 3 to 4 car lengths behind the Ford Cortina which was still swerving from lane to lane and the other Commodore stayed in the left lane about level with me. By this time the driver of the other Commodore was also blowing his vehicles horn and flashing its headlights. When we got near Kings Road, Main North Road changes to three lanes. I stayed in the right lane and the other Commodore stayed in the left lane and the Ford Cortina was travelling in the centre lane. I think the road then changed back to two lanes for awhile prior to

changing back to three lanes. The manner of driving stayed the same along Main North Road until we reached Clayson Road where we had a red traffic light for our direction of travel. As we approached this intersection I could see there was a Taxi entering from Clayson Road so the other Commodore and myself slowed right down, but the Ford Cortina continued straight through. Once I saw that the Taxi had stopped the other Commodore driver and myself ~~continued through the red traffic light~~ *light had turned green before I proceeded through* (amendment) so we could follow the Ford Cortina. As I went through the intersection I gestured with my hand towards the Cortina so the Taxi driver knew what we were doing and hoped he would call for help. After crossing the intersection I was still travelling in the right lane and the other Commodore was still in the left lane and the Cortina was in the centre lane and still swerving from side to side across the lanes. At this time the Cortina was about 25 metres in front of our vehicles and still travelling at about 80 km/h.

The Cortina then appeared to slow down and swerve to its left and towards the other Commodore which also swerved to the left, but I think they must have hit as they both went sideways and slid onto the footpath area. The Cortina then hit a tree and split in half and the other Commodore hit a light pole.'

- 3.6. Mr Lane added some further detail about the events immediately before the collision to his statement when he gave oral evidence:

'I'm in the right-hand lane, the Cortina's in the centre lane swerving erratically, the VH Commodore is in the left lane. By this time I thought to myself there's only \$1,000 worth of damage to my car, I've slowed down not wanting any more damage to the car, believing it could be side swiped or anything. I've actually pulled back, the blue VH Commodore is proceeding on the left-hand lane, the Cortina swerves erratically, it swerved to the right and then I believe it counter-swerved to the left where it made contact with the blue Commodore. All four wheels – all four car brake lights came on, four puffs of smoke off of the tyres on the blue VH Commodore. I believe the Cortina would have turned in front of the Commodore ... I'm in the right-hand lane the whole time, the blue Commodore is in the left-hand lane the whole time. The Cortina is swerving backwards and forwards, the left-hand side of the Cortina hits the right-hand side of the Commodore. I believe to be the rear door of the Cortina hit the front guard of the Commodore, the Commodore hits the brakes and the Cortina turned in front of the blue Commodore and left the road, hit the tree and the blue VH slid sideways with the driver's door into the lightpole.' (T149-150)

- 3.7. Mr Lane purported to identify the young man he saw lying on the dirt verge (Robert Harradine) as the driver of the Cortina (T153). Having regard to the circumstances, the restricted ability to observe, and the shock of the collision and its aftermath, I think that the identification has only slight probative value.
- 3.8. Mr Lane insisted that this was not a 'chase', since that term implies speed and haste 'and there was no speed and no haste'. He and the other car simply followed the Cortina, he said, 'as long as it took to gain a police presence or somebody to ring the

police' (T171). I have considerable doubts about the truthfulness of this evidence, in view of Senior Sergeant England's evidence, which I will discuss later.

- 3.9. Mr Lane admitted that he said 'you picked on the wrong fucker this time' to the three men when they were at the intersection of McIntyre and Main North Roads (T170). He rather unconvincingly asserted that he was not angry, and that if they had stopped, he was going to be in trouble. He alleged that his outburst was 'bravado' (T185).
- 3.10. The driver of the 'other Commodore' was Ben Stoddart. He saw Mr Lane's car go through the McDonalds' carpark at Pooraka. He then saw the same car as they were travelling north on Main North Road. As he pulled alongside, Mr Lane yelled 'phone or something' as they travelled at 70-80 km/h along the road (T199). He said that Mr Lane was flashing his lights and sounding the horn on his car, so:
- 'As I thought that a serious offence had occurred I decided to try and help the silver Commodore driver by following this Ford Cortina and blowing my horn and flashing my lights trying to get the attention of the police or someone to phone the police. When and during the time I was following this vehicle I had no intention of trying to stop it, my only intention was to get help'.
- (Exhibit C26, p2)
- 3.11. Mr Stoddart's evidence was substantially similar to that of Mr Lane with a couple of notable exceptions. For example, he contradicted Mr Lane's assertion that they had not violated a red light on Main North Road (T199). Mr Bissell initially recorded Mr Lane as having admitted that, too, but Mr Lane later retracted this from his statement, and had it endorsed by a Justice of the Peace (Exhibit C25).
- 3.12. Mr Stoddart's motives for getting involved in this incident are unclear. He had never met Mr Lane before, and had no idea why he was beeping his horn, flashing his lights and pointing at the Cortina. Exactly what the 'serious offence' was that was referred to in the statement taken by Mr Bissell is unclear. This expression sounds more like it came from a police officer than from a civilian witness.
- 3.13. Notwithstanding his lack of information, it seems that Mr Stoddart pursued the Cortina with even greater vigour than Mr Lane did. He was at most stages in front of Mr Lane's car, and closer to the Cortina, and was alongside it just prior to the

collision even in the face of the erratic way in which the Cortina was being driven (T210-211). His only explanation was:

‘I had no scheme and I didn’t actually consciously think what I was doing, to be honest.’
(T214)

- 3.14. At one stage of the pursuit, one of the occupants of the Cortina threw an object out the window which struck Mr Stoddart’s car. He said he now believes it was a stereo (T216). This was also seen by Mr Lane (T149), although he did not mention it in his statement (Exhibit C25). Steven Wanganeen told Senior Constable Bissell that he threw the tape recorder at the blue Commodore (Stoddart’s car) after the driver said ‘You’re dead you black cunts, you’re dead’. He alleged that the Commodore then rammed them, ‘and that’s when the crash happened’ (Exhibit C20d, p2). I will deal with the ramming allegation when considering the evidence of Senior Sergeant England.
- 3.15. Other witnesses
Darren Pfeffer was stationary on John Rice Avenue at the intersection with Main North Road when he saw the Cortina, with no lights on, enter the intersection heading north in the centre lane on Main North Road. He saw a blue or grey Commodore about one car length behind, but did not see any other cars (Exhibit C16a, p2).
- 3.16. Paul Mencil was in the car with Mr Pfeffer and saw the same thing, although he thought the Commodore was even closer to the Cortina (Exhibit C15a, p2).
- 3.17. Raymond Johnson was travelling south on Main North Road when he saw the Cortina followed by a VN Commodore SS (presumably Mr Lane’s vehicle) turn right from McIntyre Road onto Main North Road. He said both vehicles were travelling at about 30 km/h, and he did not hear the squealing of tyres. He said that he saw two occupants in the front of the Cortina looking behind them at the Commodore (Exhibit C13a, p2). He could not describe them.
- 3.18. Ian Waine was stationary on The Grove Way (described incorrectly as ‘The Golden Way’ in his statement, Exhibit C14a) at the intersection of that road with Main North Road when he heard a car horn. He saw a white car followed by a Commodore, travelling at what he estimated was at more than 80 km/h. He saw the white car move from the right lane to the left lane in front of the Commodore as it moved through the intersection. He thought that both cars had their headlights on. He said the

Commodore driver continued to sound the horn until he lost sight of them (Exhibit C14a, p2).

- 3.19. Roy Wilson was the driver of the taxi referred to by Messrs Lane and Stoddart. He said that he was in the process of turning right on to Main North Road from Clayson Road on a green arrow, when he saw three cars coming toward him travelling north on Main North Road. A white Cortina which was in the centre lane, was slightly ahead. A late model Commodore (Lane) was in the right lane, closest to Mr Wilson. An earlier model Commodore (Stoddart) was in the left lane. Mr Wilson said all three vehicles violated the red light (T85). The driver of the late model Commodore was beeping the horn and waving his arm, pointing up the road. Mr Wilson said he accelerated to 100 km/h but the three cars were pulling away from him. He said they went through another red light at the intersection of Main North Road, Smith Road and Park Terrace, and again at Main North Road, Saints Road and The Grove Way. By the time they went through that last intersection, Mr Wilson said he was about 800 to 900 yards behind. He saw brake lights on all three cars go on, and then a large cloud of dust created by the collision (Exhibit C23, p3).
- 3.20. Mr Wilson conceded in cross examination that he could have been mistaken about the red light violation at The Grove Way and Saints Road intersection (T97). In fact, Mr Wilson became quite confused about which car was which in cross examination (T99-100, 105-110).
- 3.21. Simon Troy O'Brien was the passenger in Mr Wilson's taxi. He contradicted Mr Wilson in a number of respects. He said that they were only 200-300 metres behind the three cars. He said the lights at Park Terrace were green, not red, and that they were green at Saints Road as well (Exhibit C24, p3). He said he saw the Cortina 'tap' the Commodore in the left lane by moving sharply to the left. All three cars then moved back to the right, and then the Cortina swerved left again as if he was trying to force the Commodore off the road, but the Cortina continued to its left and slid off the road, passenger side first (Exhibit C24, p4).
- 3.22. Mr O'Brien alleged that, after the collision, the driver of the VP Commodore (Lane) said to him:

'These little shits tried stealing my car, they smashed my window, the car alarm went off. I've been chasing them for the last 20 minutes trying to get them to stop. The other

fella there joined in and started helping me out to try and stop these little wankers getting away.’

(Exhibit C24, p4)

Mr Lane denied that he used that language concerning the deceased, although he did concede that he might have used the words ‘shits’ in that context (T179).

- 3.23. Mr O’Brien was adamant that the front left of the Cortina hit the rear right of the Commodore, suggesting that the Commodore was ahead of the Cortina at that point (T119).

4. Accident reconstruction

- 4.1. I heard evidence from Senior Sergeant Graham England of the Major Crash Investigation Section who is well-qualified and has wide experience in reconstructing vehicular accidents from the physical evidence at the scene. Senior Sergeant England attended the scene at about 5:30am on 9 August 2000. His reconstruction of the movement of the vehicles (‘Collision Dynamics’) is as follows:

‘Based on the physical evidence, the Ford Cortina sedan was travelling north along Main North Road and was straddling the broken line dividing the left and centre lanes when it started to leave visible tyre marks on the road surface. Most of the Ford Cortina was in the left lane at this time. The tyre marks indicate that the vehicle had been steered sharply to the left immediately prior to the appearance of the marks. The vehicle started rotating in an anti-clockwise direction and moved towards the west side of the road where it mounted the kerb and moved onto the nature strip. The vehicle then struck a tree, impacting the tree with its front right door and splitting into two pieces. After the collision the rear of the vehicle rotated back in a clockwise direction to the position in which it came to rest and the front of the vehicle continued forwards to its rest position after separating from the rear section.

The physical evidence indicates that the Holden Commodore was travelling north in the left lane of Main North Road immediately prior to the collision. The angle of the skid marks towards the western kerb, and the rotation of the vehicle whilst skidding, suggests that the driver of the vehicle may have been swerving to his left as he applied the brakes. The vehicle skidded on a slight angle towards the western kerb and eventually mounted the kerb and skidded along the dirt surface towards a light pole. The vehicle collided lightly with the light pole.

There was no evidence that the vehicles collided whilst they were skidding or sliding towards the western kerb. The vehicles were likely to have been very close to each other, but as they were both rotating in an anti clockwise direction they would have been rotating in concert with each other so that the movement of one did not affect the movement of the other. I examined the possibility that a tyre on the Ford Cortina may have been in contact with the right front corner of the front bumper on the Holden

Commodore, making the scuff mark on the rubber strip at that position. However, I found no scrub mark on the sidewall of any of the tyres on the Ford Cortina.

As the vehicles were travelling along a straight section of roadway, the Ford Cortina must have been steered sharply to the left for it to have begun to rotate and yaw as it did. The reason that the Ford Cortina was steered sharply to the left can only be a subject for conjecture, but it is alleged to have been done to bump the Holden Commodore. If that is the case I believe that the location of the tyre marks suggests that the Holden Commodore's movement to the left and skidding may have been a direct result of the movement of the Ford Cortina towards it. It is possible that the driver of the Ford Cortina expected resistance from the presence of the Holden Commodore when he steered to the left, but when no collision occurred his sharp steer input resulted in an oversteer and a subsequent loss of control.'

(Exhibit C27a, p5-6)

Senior Sergeant England also inspected the two vehicles and found no evidence that they had collided (T231).

- 4.2. Senior Sergeant England reconstructed the speed of Mr Stoddart's vehicle at between 95 and 101 km/h (Exhibit C27a, p7). The circumstances suggest that the Cortina was travelling at a similar speed (T235). I am sure that Mr Lane's vehicle had been travelling at similar speeds until a point just prior to the accident.
- 4.3. Senior Sergeant England's conclusions were as follows:

'The likely speed of the Holden Commodore sedan at the start of the skid marks made by it was between 95 and 101 kilometres an hour.

There is no evidence of a collision between the Ford Cortina and the Holden Commodore. If there had been contact between the vehicles it was very slight and did not influence the rotation of either vehicle.

The rotation of the Holden Commodore was probably due to a swerve to the left as the driver applied the brakes. The rotation of the Ford Cortina was due to a sharp swerve to the left input by the driver.'

(Exhibit C27a, p8)

He added that the dynamics suggested that the Cortina was in front of the Commodore when the driver lost control (T238).

- 4.4. Clearly, these conclusions contradict Mr O'Brien's and Mr Wilson's evidence that there was a substantial collision between the two vehicles, and Mr O'Brien's evidence that the Cortina left the road passenger-side first. I prefer Senior Sergeant England's evidence wherever it conflicts with that of these other witnesses.

5. Identification of the driver

- 5.1. There is evidence, to which I have already referred, that Robert Harradine drove the Cortina throughout the evening before dropping off the three young men in Murrell Road (see the evidence of Mr Morrison and Mr Wanganeen). There is also the video evidence, unsworn as it is, that Mr Wanganeen told Mr Bissell that Robert Harradine was driving the Cortina at the time of the collision.
- 5.2. The evidence of Mr Wanganeen is that both Robert Harradine and Anthony Wilson were sitting on the driver's side of the car. This evidence receives some support from the fact that these were the only people injured in the car, when the driver's door struck the tree. The post-mortem evidence suggests that Robert Harradine was not wearing a seatbelt, and the evidence from the scene is that he was ejected from the vehicle and was lying on the ground to the right (north) of the vehicle when found. Anthony Wilson was wearing a seatbelt, and was found still suspended in the car.
- 5.3. Richard Lane also purported to identify Robert Harradine as the driver of the Cortina, although I have already found that his identification bears only slight weight, although it does contribute to the totality of the evidence to that extent.
- 5.4. Robert Harradine's uncle, Ian Harradine, alleged that in August 2000 Steven Wanganeen told him that he, not Robert Harradine, was driving the Cortina that night (T22). This is clearly contrary to what Steven Wanganeen told Mr Bissell. It is odd that Mr Harradine did not report this matter to the police at the time, since a prosecution for a serious offence might have resulted.
- 5.5. In all the circumstances, in view of the other evidence I have on the topic, I find on the balance of probabilities that Robert Harradine was the driver of the Cortina on 9 August 2000 when he and Mr Wanganeen sustained fatal injuries. Even if Steven Wanganeen told Mr Harradine that he was driving, I am not prepared to accept that his 'confession' was true in light of the evidence before me.

6. Conclusions

- 6.1. On the basis of the above evidence, my findings can be summarised as follows:
1. In the early hours of 9 August 2000, Ernest Morrison, Jamie Jackson, Ryan Martin, Steven Wanganeen, Robert Harradine and Anthony Wilson were together

driving around the Northern suburbs in a Cortina sedan, driven by Robert Harradine.

2. At about 2:40am Robert Harradine stopped the Cortina in or near Murrell Road, Para Hills and Ernest Morrison, Jamie Jackson and Ryan Martin got out of the car and went to the yard at number 54. The resident at that address, Richard Lane, was the owner of a VN Commodore parked in the driveway at that address.
3. One of the young men broke the driver's side window and lock of the Commodore sedan in the driveway, to gain access to the vehicle. In doing so, they activated the alarm system on the car. They ran away and hid in a nearby yard.
4. Meanwhile, Steven Wanganeen, Robert Harradine and Anthony Wilson remained in the Cortina, which was parked around the corner in Seaview Road.
5. Richard Lane emerged from his house and was informed by a neighbour that he had seen three young men run away. Mr Lane collected his keys, then drove his vehicle into Seaview Road, where he saw the Cortina. He concluded, wrongly, that the three young men in the Cortina had damaged his car.
6. Mr Lane said he asked the young men 'what do you think you are doing?'. Mr Morrison told Senior Constable Bissell that Lane said 'You're going to die, you black bastard'. I have some doubts about Mr Morrison's evidence, here, because Mr Stoddart is also alleged to have said something similar, later in the pursuit. I also have doubts about Mr Lane's version. I do not think he was in the mood to be as polite as he makes out. I am unable to make a finding as to which version is correct.
7. The Cortina was driven away without its headlights on. Mr Lane then pursued the Cortina through a large number of streets, eventually reaching the Caltex Service Station on Main North Road, Pooraka. The two cars went through the service station, at which point the pursuit was joined by another Commodore sedan driven by Ben Stoddart.
8. Throughout the pursuit, Mr Lane was beeping his horn, flashing his lights and gesticulating to attract attention.

9. All three cars proceeded north along Main North Road in various configurations, although the Cortina was always ahead. Mr Lane was in the right lane and Mr Stoddart's in the left lane when there were three lanes. The three cars violated at least one red light, at the intersection of Main North Road and Clayson Road as they proceeded.
10. Although Mr Lane and Mr Stoddart asserted that they were driving at about 80 km/h, I find that they were driving faster than that, and remaining within only a few car lengths of the Cortina throughout the journey on Main North Road. I accept the evidence of Senior Sergeant England that the speed of the Cortina and Mr Stoddart's vehicle was between 95 and 101 km/h where the skid marks commenced.
11. I find that the Cortina swerved once to the left from the centre to the left lane where Mr Stoddart's vehicle was close by, he swerved left and then straightened again. The Cortina swerved left again into his path causing him to brake hard and swerve left as well. The two vehicles were so close that Mr Stoddart thought they collided, although I find that they did not.
12. Both drivers then lost control of their vehicles. The Cortina continued veering left and then rotated anti-clockwise, mounted the kerb and struck a tree, causing the car to split into two pieces. Mr Stoddart's vehicle skidded under brakes and also rotated anti-clockwise, mounted the kerb and collided with a light pole, although the force of this collision was not great.
13. I find that the Cortina was ahead of Mr Stoddart's vehicle when it swerved left. I reject Steven Wanganeen's suggestion that Mr Lane and Mr Stoddart were 'boxing in' their car. I find that Mr Lane recognised the dangerous situation before Mr Stoddart did, and pulled back and avoided involvement in the accident.
14. As a result of the collision between the Cortina and the tree, Robert Harradine and Anthony Wilson sustained fatal injuries.
15. Robert Harradine was driving the Cortina throughout the incident and at the time of the collision with the tree.
16. Whether the actions of Messrs Lane and Stoddart can be described as a 'chase' or 'pursuit' is largely irrelevant. The facts are that Mr Lane's actions substantially

contributed, whether intentionally or otherwise, to the driving behaviour of Robert Harradine. He continued to pursue the Cortina, at a faster speed than he is prepared to admit, and acted and spoke in an aggressive and threatening way ('You've picked on the wrong fucker this time'), and his behaviour induced Robert Harradine to attempt to escape. This does not in any way excuse Mr Harradine's behaviour. He also drove in a reckless and dangerous manner, and no doubt his inexperience as a driver also contributed to the result.

17. At least Mr Lane had an explanation for his actions, even if his actions were disproportionate to the perceived insult. Mr Stoddart had none. I agree with the submission of Mr Lang, counsel for the Harradine family, that his actions were 'perplexing'. He had no idea why Mr Lane was pursuing the Cortina, who was in it or what had happened, yet he drove even closer and more threateningly to the Cortina than Mr Lane did, also contributing to the result.
18. Whether the driving of Messrs Lane and Stoddart was unreasonable and dangerous is not a matter upon which I may comment, since to do so may offend against Section 26(3) of the Coroner's Act, which prohibits me from making a finding, or a suggestion of, criminal or civil liability.
19. I agree with the submission of Mr Norman, counsel for the Wilson family, that if it had been the police, rather than Messrs Lane and Stoddart pursuing the Cortina, the criteria for 'Urgent Duty Driving' in General Order 5810 would not have justified the continued pursuit, since the risk was grossly disproportionate to the seriousness of the offence involved, even if the occupants of the Cortina were guilty of damaging Mr Lane's car. But it is a different thing for members of the public, whether they are victims of an offence or not, to behave in this way. In my view, such behaviour should be deterred in every way possible.
20. It has been suggested that I should consider recommendations, pursuant to Section 25(2) of the Coroner's Act, which might deter such behaviour. I am not sure that a full effort has been made to discourage it by a rigorous investigation of the circumstances of this case, but that is a matter for the Commissioner of Police and the Director of Public Prosecutions. I should not say more, considering again the provisions of Section 26(3) of the Coroner's Act.

21. It may be that a public warning issued by the Commissioner of Police may help to deter such driving by private citizens. I know of no legal justification for it, and it potentially puts other members of the public at risk. The police are trained in such driving techniques, but few other people are.
22. Pursuant to Section 25(2) of the Coroner's Act, I recommend that the Commissioner of Police issue a public warning against members of the public seeking to pursue perceived wrongdoers in breach of the traffic laws.

Key Words: Motor Vehicle Accident; Police (investigation); Reckless Driving

In witness whereof the said Coroner has hereunto set and subscribed his hand and Seal the 27th day of February, 2002.

Inq No 26/01 (2029/2000 & 2041/2000)

Coroner