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**FORM 38**

Rule 60(2)

**FINDING INTO DEATH WITHOUT INQUEST**

*Section 67 of the Coroners Act 2008*

**Court Reference: 3027 / 2010**

In the Coroners Court of Victoria at Mildura

I Richard Wright, Coroner having investigated the death of:

**Details of deceased:**

Surname:	PRICE
First name:	Shaun
*Address:	43 Flora Ave Cabarita VIC 3505

without holding an inquest:

find that the identity of the deceased was Shaun PRICE  
and the death occurred on or about 7 August 2010  
at Dow Avenue and Flora Avenue Cabarita VIC 3505  
from Head and Chest injuries sustained in motor vehicle collision  
(driver)

**\*Pursuant to Section 67(2) of the Coroners Act 2008, an inquest into the death was not held and the deceased was not immediately before the person died, a person placed in custody or care; but there is a public interest to be served in making findings regarding the following circumstances:**

**SCENE**

1. The collision occurred at approximately 2.30am on Saturday the 7<sup>th</sup> of August 2010. The point of impact was on Dow Avenue, 173 metres north west of the intersection of Dow Avenue and Flora Avenue, Cabarita. Vic Road, (Map 3 C5) refers.
2. Dow Avenue is a minor arterial carriageway connecting the Mildura South area, including the Mildura Air Port, with the townships and fruit growing areas of Cabarita, Birdwoodton and Merbein to the North West. This section of Dow Avenue, commences as it intersects with the Sturt Highway, adjacent to the Mildura Air Port and terminates at the intersection of McEdward Street, in Birdwoodton. Between these two points, Dow Avenue

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intersects with Riverside Avenue, Dyar Avenue and Flora Avenue. These three Avenues all intersect with and terminate at Dow Avenue, with "T" intersections. All of these intersections occur on the North East side.

3. The Dow Avenue carriageway is a sealed two way carriageway. It is a posted 100 kilometres per hour zone. Dow Avenue is 5.8 metres in width at the collision location. It has sweeping curves and slight undulations at the collision location. The carriageway is supported by a 2.0 metre gravel verge on each side of the sealed surface. White vertical roadside directional posts were evident along Dow Avenue. These posts were fitted with reflectors. There is no centre line, either broken or unbroken and no boundary or "fog" line, on the carriageway at the location. There are no audio tactile line marking present on the carriageway.

4. There are no traffic control signs applicable to traffic travelling along this section of Dow Avenue, except for traffic travelling to the South East, and entering the Sturt Highway; where a "Give Way" sign is erected.

5. There is one Amber advisory sign erected 521 metres prior to the intersection of Dow and Flora Avenues (694 metres prior to the point of impact). This sign indicates that road curves are ahead for the following 2 kilometres. This sign is applicable to traffic travelling North West and therefore applicable to Mr PRICE.

#### DECEASED

6. The deceased driver Shaun Barry PRICE was a 19 year old male, residing at his home address of 43 Flora Avenue, Cabarita, Victoria 3505. Mr PRICE was the holder of a current probationary (P2) Victorian driver's licence. He obtained his probationary driver's licence on 6<sup>th</sup> August 2009. He held that licence for one year.

7. No prior traffic convictions were recorded against Mr PRICE in this time.

8. Mr PRICE was not wearing a seat belt at the time of the collision.

#### VEHICLE

9. Mr PRICE was the driver of a blue 1994 Holden Sedan, Victorian registered FOU976. The vehicle was registered in his name and was in a good, roadworthy condition. Mr PRICE was travelling along Dow Avenue in a North Westerly direction, between the intersections of Flora Avenue and McEdward Street at the time of the collision.

#### SURROUNDING AREA

10. The majority of properties surrounding the collision scene are fruit growing and horse training and adjustment properties. There is also a number of private dwellings adjacent to the Dow Avenue carriageway in the vicinity.

11. The majority of traffic expected to use the Dow Avenue carriageway in the area, would be limited to passenger and light commercial vehicles.

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## CIRCUMSTANCES

12. Mr PRICE turned 19 years old on Friday the 6<sup>th</sup> August 2010. The deceased had taken the day off work as he had planned to celebrate his birthday with friends on that evening. He spent some time at home on that day in the company of his mother and grandmother.

13. At about 12 noon on the 6<sup>th</sup> of August, Mr PRICE drove his vehicle to a friend's place, situated at 7 Aylmer Court, Mildura. At this time he met up with (the witness) Jackson TUNG. They remained at this residence for the afternoon playing computer games. They remained there until approximately 6.00pm when they joined TUNG's parents for tea at the Mildura Working Man's Club.

14. They returned to TUNG's residence at around 9.00pm. (until this point it is believed that neither TUNG or Mr PRICE had consumed any alcohol.)

15. At about 10.10pm on this evening (the witness) Damien FORD attended at the Aylmer Court residence and met up with Mr PRICE and (witness) Jackson TUNG. Together they consumed a few beers. At about 11.00pm Mr PRICE, along with TUNG and FORD caught a taxi from the Aylmer Court address to the Langtree Mall in the Central Business District of Mildura. They walked up the Mall and accessed an Automatic Teller Machine.

16. They then walked to the Sett's night club at the intersection of Eighth Street, and Orange Avenue, arriving there soon after 11.00pm.

17. Once inside the Sett's they consumed more beers, celebrating Mr PRICE's birthday.

18. Mr PRICE, met up with his girlfriend, (witness) Sophie QUINLIVAN, who was also at the Sett's club with her sister. During the course of the evening, it appears that he and QUINLIVAN kept their distance for the majority of time. They had previously been arguing over some jealousy issues, which remained unresolved.

19. At about 1.10am on the morning of Saturday the 7<sup>th</sup> of August, whilst at the Sett's Club, the (witness) QUINLIVAN and her sister, contacted their mother, and asked her to come and collect the two of them.

20. QUINLIVAN and her sister left the Sett's Club soon after and walked to O'Malley's tavern, at the intersection of Eighth Street and Deakin Avenue. They were met there by their mother, who conveyed them both to their home address in Maple Avenue, Merbein South, arriving at 1.45am.

21. At 2.01am the witnesses FORD and TUNG were ejected from the Sett's Club (as seen on security footage) following a minor altercation with another patron. Mr PRICE exited the club onto Eighth Street soon after. At this time he attempted to telephone his girlfriend QUINLIVAN. At 2.04am he sent a text message to QUINLIVAN, reading " I know you don't want me but please answer." QUINLIVAN did not reply. Then Mr PRICE again sent

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another text to QUINLIVAN "Please answer, I just wanna talk for a minute." soon after this he telephones QUINLIVAN, saying he wanted to come over and fix things. stating that he would get a taxi. QUINLIVAN said "Ok. Just come through the back door. I will be in my room." At this point Mr PRICE was seperated from his friends (FORD & TUNG).

22. Mr PRICE has then moved around the corner of the Sett's Club into Orange Avenue, where he has attempted to hire a taxi. He has approached a taxi that had been pre booked by the witness MANOUGE. He has spoken with the witness MANOUGE and agreed to share the taxi, as MANOUGE and friends required a journey to Walnut Avenue, near Sixteenth Street. At 2.15am the taxi conveying, Mr PRICE, and the witness MANOUGE leave the Sett's area, via Eighth Street, en route to Aylmer Court. (as seen on City Council CCTV footage). This journey would have taken approximately 5 minutes. During the taxi ride Mr PRICE, (as stated by the witness MANOUGE) was in a happy mood, telling others in the taxi that he was going to have sex with his girlfriend (QUINLIVAN). On arrival at the address in Aylmer Court, he alighted from the taxi and commenced to walk up the driveway when the taxi left the address. At this time Mr PRICE's vehicle was parked in the court at the front of that address.

23. Once the taxi leaves the address, it appears that Mr PRICE has gone straight to his vehicle without going into the residence. (the witness) Craig TUNG, is awoken inside the residence and makes his way outside to see the deceased's vehicle being driven out of the court. Craig TUNG then contacts his son Jackson (witness) to ascertain who was driving "Pricey's" car. He then attends in Langtree Avenue and meets up with the witnesses Jackson TUNG and Damien FORD , and conveys them back to Aylmer Court.

24. It is not known exactly which route Mr PRICE took after leaving the Aylmer Court address.

25. At 2.30am Mr PRICE was travelling North West on Dow Avenue, when he lost control of his vehicle whilst rounding a left hand curve in the carriageway. The vehicle commenced to yaw in an anticlockwise movement. Mr PRICE has over corrected this movement, which has caused the vehicle to yaw in a clockwise movement. the vehicle has collided with a fence and gates at the front of a property situated at 173 Dow Avenue. The vehicle has then heavily impacted several strainer posts on the western boundary of the property.

26. The witness Maxwell FRANCIS was awoken at 2.30am by the collision at the front of his residence. He attended immediately and was first on the scene. He noted that the vehicle's hazard lights were activated and there was loud music coming from the vehicle. Mr FRANCIS climbed into the car via the back door and noted that the driver was lying on his back across the front seat. He was unable to get any response from the deceased. He also noted that the air bags had deployed and that the driver was not wearing a seatbelt as it was in a retracted position against the "B" pillar.

27. Dow Avenue is the usual route taken by Mr PRICE when travelling to QUINLIVAN's residence in Maple Avenue, Merbein

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South. This route was well known to and often travelled by him. The actual collision scene is approximately 1.5 kilometres from Mr PRICE's place of residence.

28. The witness QUINLIVAN states that she had driven Mr PRICE's vehicle on many occasions and noted that the dash board illumination lamps did not operate when driven at night.

#### COLLISION INVESTIGATION

29. A collision reconstruction undertaken by (witness) Sergeant Peter BELLION of the Major Collision Investigation Unit indicates that Mr PRICE's vehicle was travelling west along Dow Avenue at a speed of 110 kilometres per hour when the driver lost control of his vehicle.

30. Sergeant BELLION also notes that the results of road surface friction tests carried out by the informant at the collision scene indicate a minimum average road surface friction of 0.511g. And this road surface friction value obtained for a dry pavement is indicative that the wet road values would probably fall below 0.4 or 0.5, which would then mean that investigation of the road surface by the relevant road authority may be applicable.

#### VEHICLE INVESTIGATION

31. A thorough post collision mechanical inspection of the vehicle has been conducted by Leading Senior Constable David ACKLAND of the Police Mechanical Investigation Unit. This inspection has determined that prior to the collision the vehicle would have been classed as being in a roadworthy condition. The inspection did not reveal any mechanical faults that would have caused or contributed to the collision.

#### BLOOD ALCOHOL

32. Blood Alcohol analysis conducted on a sample of blood taken from Mr PRICE following the collision, indicates a minimum blood alcohol concentration of 0.140% B.A.C. This would have impeded his ability to properly control a motor vehicle.

#### CONDITIONS

33. The carriageway at the time of the collision was dry. There was no apparent wind or dust in the air. There are no street lamps erected in the collision area. Visibility at the location is good..

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**\*COMMENTS:**

Pursuant to Section 67(3) of the Coroners Act 2008, I make the following comment(s) connected with the death:

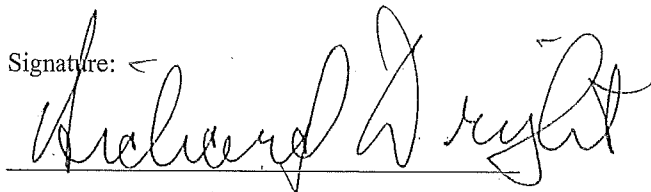
- a. Mr PRICE had limited driving experience.
- b. Mr PRICE's judgement would have been impeded by his consumption of alcohol in the preceeding hours. BAC 0.140%.
- c. The vehicle speed, although not manifestly excessive, may have contributed to the loss of control.
- d. The low friction value of the carriageway.
- e. Mr PRICE may not have been aware of his actual vehicle speed, due to the dash board illumination fault with the vehicle.
- f. There appears to have been some eagerness on Mr PRICE's part to attend QUINLIVAN's home address, as there appeared to be a possibility to repair his relationship with his girlfriend.
- g. No urgent directional change for the vehicle occurred prior to the loss of vehicle control.
- h. The driver did not apply emergency braking prior to loss of control of the vehicle.

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**\*RECOMMENDATIONS:**

Pursuant to Section 72(2) of the Coroners Act 2008, I make the following recommendation(s) connected with the death:

It is my opinion that the current speed limit in the collision area may need to be reviewed. The current posted speed limit is 100 kilometres per hour. I believe that an 80 kilometre per hour speed limit would be more appropriate, taking into account the carriageway width, the curves and the number of intersections and private driveways in the immediate area.

Signature: 

Date: 22 March 2011, Richard Wright, Coroner



*\*Delete if inapplicable*

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