

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2013 2666

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 60(2)*

*Section 67 of the Coroners Act 2008*

I, CAITLIN ENGLISH, Coroner having investigated the death of Bradley Charles Finegan

without holding an inquest:

find that the identity of the deceased was Bradley Charles Finegan

born on 5 January 1984

and the death occurred on 19 June 2013

at Parker Road, Silvan, between Chapman and Graham Road

**from:**

1 (a) HEAD INJURY (DRIVER IN A MOTOR VEHICLE INCIDENT)

Pursuant to section 67(2) of the **Coroners Act 2008**, I make findings with respect to **the following circumstances:**

**Introduction**

1. Mr Bradley Finegan was 29 years of age at the time of his death. He resided with his parents at 3 Felix Court, Woori Yallock and had two older brothers and a sister. Mr Finegan attended Lilydale High School and commenced full time work at 16. He was employed in various capacities as; apprentice locksmith, arborist and linesman. He commenced his apprenticeship as a linesman at the age of 21 and was still working in this industry as at the time of his death.
2. A police investigation was conducted into the circumstances of his death.
3. A brief prepared by Victoria Police for the coroner includes statements obtained from Mr Finegan's friend, his brother, Mr Gregory Finegan, witnesses, the Major Collision Investigation Unit police member and the coroner's investigator. I have drawn on all of this material as to the factual matters in this finding.

4. Mr Finegan was employed as a linesman by Kinetic Power Services. Over a regular fortnight, his rôle involved 11 consecutive days of travel throughout Victoria, followed by three days of leave. Mr Finegan worked together with a colleague, Mr Brent Luscombe.
5. Mr Finegan had a history of cannabis and amphetamine use. Mr Luscombe stated that Mr Finegan had not used amphetamines for several years and he believed Mr Finegan ceased cannabis use some weeks prior to his death. Mr Gregory Finegan stated that Mr Finegan commenced smoking marijuana at the age of 15.
6. On 19 June 2013, Mr Finegan and Mr Luscombe completed work at approximately 3.30pm and departed for Melbourne at approximately 4pm in Mr Luscombe's work vehicle. They made two stops for food, at Echuca and Bendigo. Mr Finegan was the driver for the entire journey.
7. Mr Luscombe stated that during the drive from Turrenberry, Mr Finegan consumed between three to four cans of a pre-mixed bourbon drink.
8. At approximately 8.45pm, Mr Finegan and Mr Luscombe arrived at the Kinetic Power Services depot in Scoresby, where Mr Finegan's vehicle was parked.
9. Mr Gregory Finegan stated that;  
  
*"According to Bradley's friends and work colleagues the night he died, he had driven from Horsham where he had been working, back to the work yard in Scoresby. He got back to the yard to realise that someone had backed into his Subaru Impreza. They had backed into the front bumper causing minor damage. This was Bradley's first ever new car that he owned and he had only had it for around 3 months. Knowing Bradley, his car being damaged would have pissed him off really badly. He left the yard at approximately 9pm and I believe him being pissed off may have let (sic) to him driving at speed."*<sup>1</sup>
10. Mr Finegan departed the depot in his vehicle, a white Subaru, at approximately 8.50pm.

#### **Events proximate to death**

11. At approximately 9.20pm, Ms Elizabeth Hicks was driving home on Monbulk Road. She stated that she was travelling at approximately 50kph due to poor visibility caused by thick fog. As she approached the intersection of Parker Road, Ms Hicks observed that a white

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<sup>1</sup> Statement of Gregory Finegan, 9 January 2015, 4.

vehicle was tailgating her. The vehicle overtook Ms Hicks at high speed shortly after both vehicles completed a turn onto Parker Road.<sup>2</sup> The speed limit on Parker Road is 80kph.

12. At approximately 9.20pm, Mr Mervin Martin was in the front yard of his house when he heard a vehicle travelling toward his property on Park Road. He observed a vehicle travel over the crest of the hill. Mr Martin stated that;

*“The car appeared to be travelling extremely fast. I think it must have hit the embankment and then became airborne. As I watched I saw the car roll multiple times, at least five times, before coming to rest down in my neighbours driveway ... As the car rolled I heard and saw it hit a power pole.”*<sup>3</sup>

13. Mr Martin contacted emergency services.

14. Mr Martin’s neighbour, Mr Timothy Thompson, heard a loud bang at approximately 9.20pm. He exited the house and observed the vehicle lying on its roof. Mr Thompson attended the vehicle and observed that the driver was lying face down and unresponsive. He switched off the ignition due to concerns of possible explosion. Mr Thompson stated that he did not attempt to move the driver who appeared to be trapped by the severely damaged vehicle.<sup>4</sup>

15. Country Fire Authority (CFA), State Emergency Services (SES) paramedics and police attended the scene.

16. The coroner’s investigator, Leading Senior Constable William Shenton, observed that:

*“... the vehicle sustained extensive damage, the roof had been completely crushed down to level with the steering wheel as a result of the impact.”*<sup>5</sup>

17. CFA and SES removed the driver from the vehicle using hydraulic cutting equipment. Paramedics commenced medical treatment, however were unable to revive the driver.
18. Police identified the driver as Mr Finegan from his driver’s licence.
19. Senior Constable Jenelle Mehegan of the Major Collision Investigation Unit (MCIU) reconstructed the scene. She stated that:

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<sup>2</sup> Coronial Brief, 4.

<sup>3</sup> Ibid, 6.

<sup>4</sup> Ibid, 8.

<sup>5</sup> Coronial Brief, 17.

*“... the driver of the vehicle has lost control for an unknown reason and the vehicle has subsequently left the road. The vehicle travelled off the road to the left before continuing onto a raised grassed embankment. Once onto the embankment, the vehicle skidded for approximately 91.5 metres during which it impacted a small tree before then impacting a utility pole. The vehicle then commenced to roll about its horizontal axis. Post impact, the vehicle rolled for 63.7 metres on top of the embankment before coming to rest.”<sup>6</sup>*

20. Leading Senior Constable Shenton concluded that:

*“[Mr Finegan] was travelling at a speed of 121.5 km/h when his vehicle left the carriageway, before impacting with the power pole at 94.67 km/h. The ... vehicle then commenced rollover at 69.67km/h before coming to rest on it’s roof in the driveway of 25 Parker Road Silvan.*

*Blood samples taken from [Mr Finegan] and analysed show that he had a blood alcohol concentration of 0.150g/100ml and 37 ng/ml blood of Delta-9-tetrahydrocannabinol.*

*The high blood alcohol and Cannabis levels together with excessive speed along this stretch of Parker Road Silvan no doubt contributed to this collision in which Mr Bradley Finegan sustained fatal injuries.”<sup>7</sup>*

### **Post Mortem Examination**

21. A post mortem inspection and report was completed by Senior Forensic Pathologist Dr Michael Burke at the Victorian Institute of Forensic Medicine on 20 June 2013. Dr Burke formulated the cause of death. I accept his opinion. Dr Burke noted that:

*“The external examination and post mortem CT scan showed a severe head injury.”<sup>8</sup>*

22. Toxicology results indicated the presence of 0.15 g/100mL in the specimen of Blood A1 (Leg). The legal limit for blood alcohol for fully licensed drivers is 0.05 g/100mL and as such, Mr Finegan was three times the legal limit.

23. Delta-9-tetrahydrocannabinol was detected at approximately 37 ng/mL in Blood A1 (Leg). Persons under the influence of cannabis experience impaired cognition (reasoning and thought), poor vigilance and impaired reaction times and coordination.

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<sup>6</sup> Coronial Brief, 14.

<sup>7</sup> Ibid, 18.

<sup>8</sup> Post Mortem Inspection Report, 3 of 4.

## **Finding**

I find that Bradley Finegan died of head injury sustained in a motor vehicle incident in circumstances where he lost control while driving under the influence of alcohol and cannabis.

## **Comment**

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

I note that Mr Finegan was driving under the influence of both alcohol and cannabis at the time of the accident.

From 1 August 2015, a combined drink and drug driving offence will have a higher penalty than an individual drink-driving or drug driving offence, to reflect the significant risk these drivers pose on the road to both themselves and other road users.

In relation to the specific location of the accident, Mr Tim Thompson, a local resident stated that he and his family had thought;

*"Someone would die at this intersection one day, as cars frequently speed over the crest and it is a blind intersection with no appropriate signage to warn of the danger".<sup>9</sup>*

Mr Thompson refers to roadwork to widen the aperture of the intersection which he states has;

*"led to the line of the road being difficult to ascertain at the crest as well".<sup>10</sup>*

Inquiries were made with Vic Roads regarding the history of accidents on the full length of Parker Road (between Silvan Road and Monbulk-Seville Road) since the roadwork at the intersection of Parker road and Chapman Road was completed on 13 December 2010.

Parker Road in Silvan is a local road under the management of Yarra Ranges. Road crash history supplied by Vic Roads details that there have been three other recorded road crashes on Parker Road in 2010, 2011 and 2013, none of which were fatal, however resulted in a serious injury and other injuries.

Vic Roads manages an annual funding submission to the Federal Government for the federal black spot programme. Councils are responsible for developing suitable local road proposals which are submitted for review by Vic Roads (at Vic Roads regional offices), and if considered appropriate,

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<sup>9</sup> Coronial Brief, 9.

<sup>10</sup> Ibid.

these proposals are submitted to Vic Roads Operation Services for consideration by a consultative committee. The consultative committee endorses a list of projects for submission to the federal government for funding consideration.

**Recommendation**

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

I recommend that the Yarra Ranges Council consider conducting a review of the safety of Parker Road, Silvan as to whether a proposal to Vic Roads is appropriate.

I direct that a copy of this finding be provided to the following for their information only:

Mr Lance Finegan

Leading Senior Constable Andrew Shenton

Mr Michael Kyriakakis, Vic Roads

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

Mr Shane Hardingham, Executive Officer Infrastructure Design, Yarra Ranges

Signature:



CAITLIN ENGLISH  
CORONER

Date: 30 July 2015

