

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2013 005123

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 60(2)*

*Section 67 of the Coroners Act 2008*

I, ROSEMARY CARLIN, Coroner having investigated the death of MARJORIE EDITH ST CLAIR

without holding an inquest:

find that the identity of the deceased was MARJORIE EDITH ST CLAIR

born on 5 August 1922

and the death occurred on 11 November 2013

at Alfred Hospital, 55 Commercial Road, Melbourne, Victoria

from:

- 1(a) MULTIPLE INJURIES SUSTAINED IN A MOTOR VEHICLE INCIDENT  
(PASSENGER)

**Pursuant to section 67(1) of the *Coroners Act 2008* there is a public interest to be served in making findings with respect to the following circumstances:**

1. Mrs Marjorie St Clair was born on 5 August 1922 and was 91 years old at the time of her death. Mrs St Clair lived with her husband, Kenneth St Clair, in Mortlake, Victoria. She is survived by her family.
2. A brief prepared by Victoria Police for the Coroner includes statements obtained from witnesses and investigating officers. I have drawn on all of this material as to the factual matters in this finding.

3. On Monday 11 November 2013 Kenneth St Clair drove Mrs St Clair to the doctor and then to the chemist located in Mortlake. Mr St Clair was familiar with the Mortlake area, having lived there for approximately 17 years. He was the holder of a full and current Victorian licence with no conditions attached. He had been driving for 59 years. He had a clean driving record and had only been involved in one accident many years earlier which was not his fault. He was in fairly good health and was only on medication for anxiety and gastric reflux.<sup>1</sup>
4. Mr St Clair drove his vehicle, a 1999 Holden Commodore ute, northwest along Church Street, which is a side street that intersects with Hamilton Highway. The Hamilton Highway is the main road which runs through the centre of Mortlake and it is a two lane carriageway that runs in a north/east to south/west direction. At the intersection with Church Street, the Hamilton Highway has a service road named Shaw Street, which runs parallel with it, on either side. All side streets have a speed limit of 60 km/h and are controlled by Give Way signs which give right of way to drivers along the Highway.
5. At approximately 10.50 a.m., as Mr St Clair was driving north/west along Church Street, Melanie Allen was driving her vehicle, a station wagon with a bull bar, north/east along the Hamilton Highway, before entering the Shaw Street service road. It is reported that Ms Allen was travelling within the speed limit of 60 km/h<sup>2</sup> and that Mr St Clair was not speeding.<sup>3</sup>
6. As Mr St Clair approached the intersection with Shaw street, witnesses observed that he drove straight through the intersection without slowing or giving way. He drove into the path of Ms Allen's vehicle, which collided into the passenger side door of Mr St Clair's car. Both vehicles then came to rest on the median strip to the north/west of the intersection.
7. Mr and Mrs St Clair were observed to be conscious and breathing, but remained in their vehicle. Emergency services were called and arrived shortly after, rendering assistance to Ms Allen and the passenger in her car, Maree Stonehouse. They also treated Mr St Clair and freed Mrs St Clair from her car where she was trapped. As Mrs St Clair was being treated at the scene, her condition deteriorated and she was transported via air ambulance to the Alfred

---

<sup>1</sup> Statement of P.J. Lighthart dated 5 June 2014, page 3.

<sup>2</sup> Statement of Catherine Kennedy dated 11 November 2013, page 1.

<sup>3</sup> Statement of Gary Clifford dated 11 November 2013, page 1.

Hospital. Despite treatment, she continued to decline. She was placed in palliative care and died at approximately 5.55 p.m that day.

8. An inspection of Mrs St Clair's body was undertaken by Dr Sarah Parsons, Forensic Pathologist with the Victorian Institute of Forensic Medicine. The post mortem CT scan showed multiple fractures and other injuries. Dr Parsons reported the cause of death as 1(a) Multiple Injuries Sustained in a Motor Vehicle Incident (Passenger).
9. Senior Constable Nick Brickley of the Mechanical Investigation Unit, Victoria Police inspected Mr St Clair's vehicle and concluded that prior to and at the time of impact, it would have been classed as being in a safe mechanical condition. His inspection did not reveal any mechanical fault which would have caused or contributed to the collision.<sup>4</sup>
10. Following the collision Mr St Clair spent about one month in the Warrnambool Base Hospital. After that he moved into an aged care residence because of diminished capabilities. He will never drive again.
11. Ms Allen's passenger received a broken collarbone and extensive bruising and swelling. Both Ms Allen and her passenger received counselling after the collision.
12. On 7 May 2014, Police spoke to Mr St Clair about the collision. He stated he could not remember the accident at all, only waking up in the ambulance. He could not remember why he did not give way and was puzzled because as far as he could recall he did not intend to cross the Highway.
13. I am satisfied having considered all of the evidence before me that no further investigation is required. I am satisfied the collision occurred because Mr St Clair failed to give way at the intersection for reasons unknown.
14. I find that Mrs Marjorie St Clair died on 11 November 2013 from multiple injuries sustained in a motor vehicle incident in which she was a passenger.

---

<sup>4</sup> Statement of Senior Constable Nick Brickley dated 3 February 2014, page 2.

## COMMENTS

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

1. This was a very unfortunate incident resulting in the death of Mrs St Clair. Mr St Clair lost his beloved wife of many years and then lost his independence. No doubt, the passengers of the other car were affected emotionally as well as physically, even though Ms Allen was not at fault.
2. Because Mr St Clair could offer no reason as to his failure to give way a question arises as to whether his advanced age may have contributed. I consulted the Coroners Prevention Unit (CPU)<sup>5</sup> as to previous research into older driver safety. I acknowledge the research and assistance of the CPU on this issue.
3. The question of older driver safety is not only important because of the potential danger to others, but because older drivers (and older passengers) are more susceptible to serious injury or death from motor vehicle accidents as a result of their frailty. Increased frailty has been recognised as the major factor in explaining the over involvement of older drivers in serious and fatal crashes.
4. A 2003 Victorian parliamentary Road Safety Committee inquiry into the safety of older road users identified that older drivers are involved in a higher proportion of intersection crashes to other age groups, typically because they disobey the traffic control signals. After examining the issue the Committee concluded that mandatory aged based medical assessments should not be introduced into Victoria at that time.
5. At present all jurisdictions except Victoria and the Northern Territory require drivers to undergo a mandatory medical assessment from a certain age, typically 75 years. However no clear road safety benefit to mandatory older age testing has been demonstrated in those jurisdictions that have it.
6. There is ample evidence available on the internet as to older driver safety which can be accessed simply by searching "older drivers". This includes information published by

---

<sup>5</sup> The CPU is a specialist service created to assist coroners during the course of an investigation, particularly in fulfilling their prevention role. The CPU is staffed by a range of professionals including researchers, specialist emergency medicine physicians, intensive care, rehabilitation and aged care nurses and mental health practitioners. The CPU can review particular deaths and assist in developing prevention-focused recommendations.

Vicroads and the Transport Accident Commission and covers topics such as advice to family members of older drivers.

7. Although there is no known reason for his failure to give way, the evidence does not suggest that Mr St Clair would have been assessed as unfit to drive had an assessment occurred prior to the collision. Whilst, the desirability of mandatory age based assessments remains a live issue, I am not satisfied that it would have made any difference in this case and I do not propose to make any recommendations.

I direct this Finding be published on the internet.

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

- The family of Mrs Marjorie St Clair;
- Investigating Member, Victoria Police; and
- The Interested parties

Signature:



---

ROSEMARY CARLIN  
CORONER  
20 January 2015

