

FORM 38

Rule 60(2)

FINDING INTO DEATH WITHOUT INQUEST

Section 67 of the Coroners Act 2008

In the Coroners Court of Victoria at Wangaratta

I PAUL ANTHONY SMITH, Coroner having investigated the death of:

Details of deceased:

Surname: JAMES
First name: PETER
Address: 7/8 Lausell Road, Toorak, Victoria, 3142

without holding an inquest:

find that the identity of the deceased was PETER STARR JAMES
and the death occurred on 1 February 2011
at Hume Freeway, Wangaratta, Victoria, 3677
from 1(a) SEVERE HEAD INJURY AS A RESULT OF A MOTOR VEHICLE
INCIDENT (PASSENGER)

***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 and there is no public interest to be served in making findings regarding circumstances;**

Mr Peter Starr James was aged 74 years when he died on 1st February 2011, in a motor vehicle collision on the Hume Freeway at Laceby. On that day Mr James was the front seat passenger in a Lexus sedan being driven by his wife Maureen James. Mr and Mrs James were returning to Melbourne from Sydney, where they had been visiting family.

Mr and Mrs James left Sydney at about 6.30am on 1st February, with Mr James driving. They stopped at Holbrook for a break of about 45 minutes, before recommencing their journey between 12.15 and 12.30 pm, with Mrs James now driving.

At about 1.50pm the car entered a straight section of the Hume Freeway, after completing a sweeping bend to the right in the road. Between the 233 and the 232 kilometre posts the car veered to left, with the left side wheels coming into contact with the rumble strip fog line on the east side of the road.. Mrs James corrected the vehicle to the right, causing a loss of control of the car. She then overcorrected back to the left and the car commenced rotating in an anti-clockwise direction. It then travelled off the road, down a drainage culvert along the east side of the road, where it rolled over, emerging from the culvert onto a rural property at the side of the road, coming to rest on its roof after hitting a tree. Mr James died as a result of the injuries he sustained in the collision. Ambulance staff examined him at approximately 2.06pm, and found that he was deceased at that time.

Immediately prior to the collision Mr James was reclining in the front passenger seat, sleeping, wearing his seat belt. The car was travelling in the left lane at about 108 kilometres per hour, the speed limit being 110 kilometres per hour. Mrs James felt well and alert, and was listening to the car's radio. There was no alcohol or drugs found in Mrs James system.

At the time of the collision the road surface was dry, and in good condition. The Lexus sedan prior to the collision would have been in a mechanically safe condition. No mechanical faults were found that could have caused or contributed to the collision.

The section of the Hume Freeway between the 231 kilometre post and the 234 kilometre post has a high accident rate, especially in the southbound direction. The police have recommended to Vic Roads that Brifen wire rope safety fences be erected along this section of the Hume freeway, and that an overhead electronic sign warning of a "fatigue risk ahead" be erected on the approach to this section of the freeway. I agree with these recommendations.

Signature:



PAUL ANTHONY SMITH

Coroner

Date: 25 August 2011

