

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2007 002084

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: SHANNON MCCORMACK

Delivered On: 3 March 2014

Delivered At: Coroners Court of Victoria
Level 11, 222 Exhibition Street
Melbourne 3000

Hearing Dates: 3-7 and 21-28 October 2011, and 21 March 2013

Findings of: PETER WHITE, CORONER

Representation: Mr R Gipp Counsel appeared on behalf of the ALH Group
the owners of the Queens Bridge Hotel
Professor McCormack represented the interests of the
family of Shannon McCormack

Police Coronial Support Unit Leading Senior Constable Kelly Ramsey

I, PETER WHITE, Coroner, having investigated the death of SHANNON MCCORMACK

AND having held an inquest in relation to this death on 3-7 OCTOBER 2011 and 21-28 OCTOBER 2011 and 21 MARCH 2013

at the Coroner's Court of Victoria

find that the identity of the deceased was SHANNON MCCORMACK

born on 29 August 1984

and the death occurred on 3 June 2007

at the Austin Hospital, 145 Studley Road, Heidelberg 3084

from:

- 1 (a) CRANIAL FRACTURE, EPIDURAL HAEMORRHAGE (FROM CLINICAL HISTORY) MARKED CEREBRAL OEDEMA AND DIFFUSE AXONAL INJURY
- 1 (b) BLUNT FORCE TRAUMA TO THE HEAD

in the following circumstances:

The head strike, and its aftermath.

1. Shannon McCormack (Shannon) passed away at the Austin hospital, some 6 days after being struck from behind with a left fist to the side of his head, outside the Queens Bridge Hotel nightclub (QBH) in Southbank,- this occurring at around 4 am on the 27th of May 2007. The club in question, now closed, was known as the Famous nightclub.
2. It is not in dispute that Shannon was struck and fell unconscious onto a concrete wall, and then to the footpath adjacent to Queens Bridge Street, at a position located approximately 15 meters north of the property boundary of the QBH.¹
3. The entry/exit to the Famous, from where Shannon and his friends had just departed, was approximately 25 meters south of the location where the incident occurred.²
4. The strike to Shannon's head occurred shortly following a verbal provocation by the assailant, which led to an altercation between this person and up to three others, with a friend of Shannon's, a Mr Michael Novak, aged 22 years.

¹ See Exhibit 19(b) the QBH plan of the scene. together with

² See exhibit 2(a), photograph 6.

Michael Novak³ (Novak).

5. Earlier in the afternoon, the two friends, Shannon and Novak, had met at Shannon's home in Eltham and, with Professor McCormack driving had later picked up Ms Shauna Bradley, a friend of Novak's, and a Ms Jenna Mullinger who was not known to either of the boys, from Shauna's home.
6. They then drove to the Eltham railway station.
7. They planned to travel into the city and to attend different clubs, catching the city bound train together at approximately 10.10 pm, and arriving at their destination shortly after 11 pm.
8. Arriving outside the QBH, they all decided to go into Famous, but remained apart while in the premises, this following an earlier argument on the train between Novak and Shauna Bradley.
9. According to Novak, he and Shannon were together inside the nightclub for most of the night and were not involved in any 'trouble' with other patrons.

'As we were about leave we met up with Shauna and Jenna, and Shannon, and I were pretty pissed when we left'.⁴

10. The group then left the nightclub going out through the front door on to the paved area in front of hotel described above, intending to get a taxi.

'We walked about 20 meters north towards the promenade and we walked past this guy who was by himself but behind a group of other guys. There were people everywhere. He was wearing a reddish top and short dark hair, small build and small in height and he would have been 17 to 23 years old. I can't remember what jeans or pants he had on I had never seen him before. I walked past him. Shannon, Jenna and Shauna were in front of me. The guy said something along the lines of "You've got a tight arse and he was staring at the girls."

I told this guy to stop looking at her and he said "Do you want to fight?" He said this a few times and I didn't say anything to him and neither did Shannon. At this time, I saw a group of other blokes approaching me, and Shannon and this other guy.

I got the impression they were all mates and they seemed to be together.'⁵

³ Michael Novak testified that he was 22 years of age at the time of the incident under examination.

⁴ Statement of Michael Novak dated 29/5/07, exhibit 1, page 2. In oral testimony at transcript page 14, he described Shannon as, 'walking out fine. He was obviously a little bit drunk also, but not extremely intoxicated.'

11. Soon after, according to Novak, two of this group tried to punch him. He then ran off trying to get away. After a little while, he ran back to the area where he had left Shannon, a little bit away from the QBH bar.⁶
12. There Novak was told that Shannon had been struck from behind and had then further struck his head at the rear as he fell backwards on a nearby concrete wall.
13. In addition, Novak was told that Shannon had been taken by security staff to the Hotel car park, where Novak later found Shannon sitting on a chair speaking to QBH security staff and telling them of what he remembered of the incident.
14. At this time, Shannon was observed to have a gash on his right forehead, about 4 cm in length. The security were helping to clean him up,

*'and put on band aids to stop his head bleeding. I asked Shannon if he wanted to go to hospital but he said he was OK.'*⁷
15. Later Novak dropped Shannon off at his home address. On arrival, at around 5.20 am, he accompanied Shannon to his room via the back door, and put him in his room. He then accompanied the two girls to Shauna's home and then returned to his own home.⁸

Shauna Bradley⁹

16. In her statement dated 29 May 2007 Shauna Bradley (Shauna), described Michael Novak as her former boyfriend and informed that she had known Shannon McCormack from late 2005. On Saturday 26 May 2007 she and her schoolmate Jenna Mullinger (Jenna), together with Shannon and Novak, were dropped off at Eltham station by Shannon's father Bill. Shannon and Novak were said to be drinking beer while they were being driven. The group caught the 10.10pm train to the city and she and Novak had an argument on the train about her clothing, following which the girls moved to another carriage.

⁵ Ibid page 2 and 3.

⁶ In oral testimony, Mr Novak was somewhat vague concerning how it was that Shannon got involved and then came to be struck and again uncertain as to what occurred after he returned to the scene and found Shannon being attended to by security guards.

In this regard, I note that he was also not sure whether he had or had not suggested to Shannon, that they go to the Alfred Hospital. ('I'm not sure Your Honour-like to tell you the truth I sort of blacked out this whole thing'.) See transcript page 20, and from page 37. See also the evidence of Jenna Mullinger below, confirming that a conversation between the two, (concerning a visit to hospital), did take place.

⁷ See footnote 6 above.

⁸ Ibid page 3.

⁹ Shauna Bradley was 17 years of age and studying at Year 12 level at the time of the assault.

17. Later, shortly before midnight, the group met up again at Famous,

*'We said hi and they walked off...I probably saw them about three times during the night and they were just walking around and dancing.'*¹⁰

18. Around 4 am, the group got together again as the girls wanted to go home. They then left the nightclub and, once outside, Shauna rang her mother to tell her that they were on their way home and that there were plenty of cabs outside.

19. Thereafter Shauna stated that she and Jenna were walking together in a northerly direction about five meters ahead of Novak with Shannon believed to be a little further back. As they walked, she saw a guy to her left in the position *'where the hot dog stand usually is'*. He was short with an olive green tee shirt with a print on the front and hair with gel on it. Shauna stated that she had tried not to look at him as he wolf-whistled her and made some other inappropriate remark.

20. She then heard Novak say,

'What are you looking at?' and saw 'the guy and Novak, standing in each others faces, yelling at each other.'

'...Then it all happened very fast the guy's friends who were standing where the sloped wall meets the pub ran to where Novak and the guy were, and they all started pushing Novak around. I didn't see any punches, just pushing and yelling at each other.

I don't know where Shannon was but he ran up from near the pub and started trying to push them apart and break them up. He got right in between people and was pushing them apart. One of the guy's then came up from the side and it looked like he either pushed or hit Shannon with both hands.

*Shannon fell to the ground but didn't buckle, he just fell straight like he was knocked out before he hit the ground. He didn't put his hands out before he hit the ground either. When he fell he hit his head on the ground. Michael then ran toward the bridge and two guy's chased him. I don't know where the third guy went but he didn't go past me so he must have gone back towards Famous'.*¹¹

¹⁰ Statement of Shauna Bradley at exhibit 2 page 1.

¹¹ Ibid page 3

21. Shauna and Jenna then ran to where Shannon lay unconscious on the walkway. Shannon was observed to have blood coming out of his mouth and the top of his head near his forehead. *'He was like this for 10 minutes...about five guy's came and tried to roll him on his side'*.
22. Jenna ran down and got security from Famous. Later Novak returned and was told what happened. He went to the area where Shannon had gone with security staff. A bit before 5 am, Shannon and Novak returned. Shannon had *'two band aid things,'* on his forehead. Shortly after 5 am, the group got a maxi-cab back to Eltham. Novak accompanied Shannon into his home and remained inside with him for around 10 minutes before returning to the taxi.
23. During the night, Shauna had three Vodka lemonades at Famous and no other alcohol. She was unable to offer an opinion as to how much Shannon had had to drink, or to describe the, *'guys involved'* (as it all happened so quickly) *'and I really didn't want to look.'*¹²

The underlining is mine.

Jenna Mullinger¹³

24. Jenna confirmed the evidence given by Shauna and Novak above, concerning the events leading up to the blow to Shannon outside the QBH during the early morning of 26 May 2007. In oral testimony, she stated that she had around three drinks over a three or four hour period and was feeling fine and that there was no point where she felt she couldn't deal with any situation she was in.¹⁴
25. At around 4 am, Shauna and Jenna, who had stayed together during the course of the evening at Famous nightclub, decided to leave. A friend of Novak's went to look for him while Shannon remained waiting, in the company of Shauna and Jenna. Novak later rejoined the group. At the time of departure, Shauna was upset with Novak. The group then left walking north from the nightclub entrance, with Jenna and Shauna in front. It was after 3am.
26. As they walked, Jenna noticed this *'short guy,'* wearing a light blue t-shirt and blue jeans with short brown spiky hair. He was looking at them in a sleazy manner and spoke inappropriately. There were *'about three other guys standing about a meter or so behind him.'* The underlining is again mine.

¹² Ibid page 5. In testimony, Shauna Bradley aged 17 years, confirmed that she consumed 3 drinks and that she, 'was fairly sober the whole night.' See transcript page 42.

¹³ Jennifer Mullinger was also 17 years of age at the time under examination, and a year 12 student and classmate of Shauna Bradley.

¹⁴ See transcript page 61.

27. Novak was behind and was saying, 'what did you say,' a few times.¹⁵

28. Jenna then turned around and saw the,

'three guys coming up to Novak and the short guy. There was lots of yelling and then lots of pushing between Novak and these other guys.'

29. She saw Novak take off his jacket and one of the group take it and rip off the jacket sleeve, while the two girls were yelling at him to get away from it..¹⁶ *'Shannon was standing a little bit to Novak's right hand side.'* He then walked between Novak and this group from Novak's left, and put his arm out while facing Novak, saying things like 'Stop it' and 'Stop fighting ...Then one of the guys either pushed or hit Shannon. I would say hit him in the top of the arm. I don't know if it was a fist or an open hand because it happened so fast. As he fell he was completely stiff... he couldn't put his arms up or stop his fall and I think his head hit the wall before he hit the ground'.¹⁷

30. In oral testimony Jenna gave a similar account. At the time of the blow Shannon was standing with his back to the wall, to the right of Novak with the shorter boy (the principal assailant) also on Novak's right. Shannon stood between the two and three others stood about a metre behind. Jenna was not able to see with which hand Shannon was struck, but just that she saw him fall to the ground in a way that suggested he was unconscious before he hit the ground.¹⁸

31. Jenna ran straight to him and spoke but Shannon did not respond. His eyes were shut. He had a gash on his forehead and his forehead and mouth were bleeding.

'Shannon was out of it and remained down for about 10 minutes.'

32. Jenna states that later she,

'then called Novak at 4.06, and was asking where he was and told him that Shannon had been knocked out. Novak told me that he had been chased by two guys and that he had to hide, but he would be back soon'.¹⁹

¹⁵ See statement of Jenna Mulligan, Exhibit 3 at page 4

¹⁶ According to the witness, the incident occurred at a position away from the concrete wall shown in photograph 8 exhibit 2(a), as marked with a red pen.

¹⁷ Exhibit 3 page 5.

¹⁸ Transcript page 64-8. Jenna also confirmed that the person she had earlier described whistling and speaking rudely to her, was the same person (short guy spiky brown hair, wearing a light blue t-shirt), who later struck Shannon.

¹⁹ Exhibit 3 page 6.

33. At about 5.15, she again called Novak who was by this point in the Hotel car park with Shannon, who was receiving medical treatment from the hotels security staff. Novak told her they would be coming out soon. They later met outside the QBH with Shannon who was observed to be,

'still out of it, he was pretty quiet and I asked him how he was and he said that he was fine, but really didn't give much of a response.'

34. They later left in a taxi and following their arrival at Shannon's home in Eltham, Novak accompanied Shannon inside before leaving in the taxi in the company of Shauna and Jenna.

35. *'A big fight'* took place between Novak and Shauna, on arrival at Shauna's house, over Novak's actions on the night, and finally *'Shannon was just trying to break up a fight and did not deserve to be assaulted. He was not aggressive towards anyone.'*²⁰

36. In oral evidence Jenna was further questioned about any mention in the taxi of a hospital visit.

*'I remember Michael saying to him if he wanted to go to hospital, if he needed to go to hospital and he kept saying no, so we just left it.'*²¹

37. In response to further questions by the Court, Jenna advised that she had not previously seen the identikit picture then in existence and that she had not participated in its preparation, and that the hair apart, she did not think it a good likeness of the principal assailant. She then indicated her willingness to participate in a further identikit attempt and, on the Courts recommendation, this exercise occurred leading to the preparation of the picture later used by Sergeant Leveridge and discussed below.²²

Kyle Kennedy²³

38. Kyle Kennedy attended the Famous nightclub on Sunday 27 May with three friends; Joseph Hatherly, Mitchell Goodwin and Patrick Jackson. They stayed for approximately two hours but, unlike his friends, Kyle did not drink there at all. After leaving, they walked across to Crown Casino, staying there for a further hour. They then walked across again in the direction of Famous, and later came to join what was a long queue in front of the QBH to purchase hot dogs.

²⁰ Ibid page 7 and 8. See also testimony as to Shannon's condition at this time at transcript pages 69 and 70.

²¹ Transcript page 70. Jenna Mullenger further stated, *'we were 17, we just didn't know what to do. I look back now I wish we had of done more to help him and there is so much violence. I'm very cautious when I go out now and I do pay a lot of attention to people around me.'*

²² See exhibit 8(a) and discussion of evidence of Sergeant Leveridge below.

²³ Kyle Kennedy was an 18-year-old student at the time under examination. See Kyle Kennedy statement at exhibit 5

39. It was around 3.30 to 4 am where, from his position in the queue, Kyle noticed four persons, *'two guys and two girls,'* walking towards him and away from Famous. Shortly afterward, he noticed a young male person of slender build around 175-76cms tall *'with a thin face and pointy nose.. wearing a pastel type purple coloured t-shirt.. come and stand near the group of four and say something to them. The boy in the singlet retaliated, and walked up to him.'*²⁴ Again, the underlining is mine.
40. The two then began to push and shove each other, with the others previously behind trying to get to a person (whom I am satisfied was Michael Novak). Then the other person, Shannon McCormack, walked up to them and stood between them.
41. The person in the purple t-shirt then dropped the cardigan sleeve...I heard him yell *'These guys want to fight me'*. While this occurred Shannon turned to face Michael and push him away. *'The person in the purple t-shirt turned around and took a two to three step run up, and punched ...Michael... in the ... (right)²⁵ ... side of the face with his left fist. At the time, Michael had his back to this person. He was knocked out straight away. He fell sideways and hit his head on the wall and then the ground.'*
42. A fight then broke out between Novak, the person in the previously described purple t-shirt and that persons two supporters,
- 'who were all trying to punch him'.²⁶*

Ibrahim Hassan²⁷

43. Crowd controller Ibrahim recalled offering first aid assistance to Shannon, but did not witness the incident. Initially Shannon was lying on his side on the pathway to the north of the Hotel, with blood coming from the back of his head. According to Mr Hassan colleague crowd controller Mick Bulatovic called for an ambulance. Other QBH staff joined the group surrounding Shannon and Mr Hassan could see that Shannon was bleeding from a cut to his head above his right eye which he estimated to be two centimetres wide and four or five

²⁴ See exhibit 5 at page 3.

²⁵ See evidence of eye witness George Haddad at exhibit 6 page 3.

²⁶ Ibid page 3 and 4.

²⁷ See statement at exhibit 9. Mr Hussan was a 24-year-old crowd controller employed by QBH to work at Famous, on the evening of Saturday 26 May 2007.

centimetres long. Despite Shannon's protests, he was walked back towards the Hotel and taken to the first aid room at the back of the hotel.²⁸

44. Novak later joined the group and Shannon was again asked if he wanted an ambulance to be called. Shannon was answering questions and appeared to Mr Hassan to be more concerned about his parents seeing him in an injured condition.

45. According to Mr Hassan, he spoke with Shannon over a period of some 20 minutes. Shannon indicated that he didn't want an ambulance and so,

*'we just cancelled it.'*²⁹

*'I kept talking to him to check how he was answering. If he did not answer them right I would call an ambulance anyway but he seemed OK to me.'*³⁰

46. While waiting for a taxi Mr Hassan noticed further bleeding so he put a second band-aid on the cut. Later he took a note of Shannon's particulars and told the two girls with Shannon that he needed to go to hospital for stitches to be inserted.

47. Mr Hassan had not seen Shannon at Famous, and did not witness the assault. He was also not aware of the blow to the back of Shannon's head, caused by Shannon's head striking the wall, as he fell.

The Investigation

Sergeant David Leveridge³¹

48. As a result of his initial inquiries D/S/C Leveridge as he then was, learnt that Shannon had been struck outside the QBH on the morning of 27 May and discovered to be in a poor condition at home in the late afternoon on the same day by his parents who immediately rushed him to the Austin hospital.

49. As part of his inquiries, surveillance footage from the QBH for the period from midnight to 7 am, on 27 May, covering both inside and outside of the nightclub, was obtained. Additional footage was also obtained from Crown Casino, covering both inside and outside areas.

²⁸ See exhibit 4 at page 2.

²⁹ Transcript page 179.

³⁰ Exhibit 4 page 3.

³¹ On 29 May 2007, Detective Senior Constable Leveridge became part of the team investigating the assault on Shannon McCormack, under investigation in this inquest.

50. Certain further surveillance tapes were sought from, 'Safe City Cameras,'³² with additional similar materials obtained from certain other private and public venues in the vicinity, as it was reasonably anticipated that relevant materials may have been recorded.
51. A map identifying the location of the cameras referred to by the witness is found at page 136 of the brief, and became part of exhibit 22. Police photographs of the scene are found at exhibit 2(a).
52. An identikit picture was prepared of the suspected person, (clothed in a purple t-shirt), as a result of interviews with Kyle Kennedy, Shauna Bradley and others, which was given wide coverage in the print media.³³
53. Following Jenna Mullinger's testimony and the impression given by that testimony, I requested Sergeant Leveridge arrange for a further identikit workup to be prepared, based upon her recollection of the appearance of the suspect.
54. The identikit workup took place later with the resulting picture quite different in appearance to the original identikit picture prepared immediately following the attack, which had been based upon a collective recollection of Kyle Kennedy, Shauna Bradley and certain others.
55. I note here that further closed circuit video taken from outside the nightclub on the morning of the 27th, shows a person passing in the vicinity of the Famous nightclub who appears to be very similar in physical appearance and dress to the person described by Jenna Mullinger, the subject of the second identikit picture, referred to above. Investigators did not initially discover this likeness, but once discovered Sergeant Leveridge brought it to my attention.
56. In the circumstances, I determined to resume the hearing and to seek public assistance concerning the identity recognition of this identikit/CCTV likeness. This occurred on the 23 March last, with a heavy saturation of media attention given to this second identikit picture and the relevant CCTV at that time. A copy of this second identikit exhibit 8(a), is attached to this finding at attachment 1.³⁴

³² See exhibit 15 a statement by the Manager Information Services for the Melbourne City Council, which informed that as of May 27, 2007 there were no Safe City cameras operating at or near the QBH.

However there were two cameras outside the nightclub which were owned and operated by the QBH. Although providing helpful information to this investigation those camera's did not record the incident now being examined.

³³ See exhibit 5(e). I was informed that no leads arose as a result of this early line of inquiry.

³⁴ I am indeed grateful to various media outlets for their co-operation in this matter.

Geoff Robinson³⁵

57. In December 1995, The City of Melbourne resolved to establish a closed circuit video system in the Central Business District, to be known as the Safe City Cameras programme, (SCCP).³⁶

The stated aims of the SCCP were to

- a) aid in the provision of a safer environment;
- b) reduce crime levels by deterring potential offenders, and
- c) aid in crime detection.³⁷

58. Dating from that decision there were initially 23 such cameras operating in the CBD, providing closed circuit CCTV cameras in the Kings Street precinct, Bourke Street precinct, Russell Street precinct and Swanston Street precinct, these in areas which had a history connected to violent behaviour occurring late at night.

59. Persons involved in the SCCP, City of Melbourne officers, VICPOL members contractors and their staff including CCTV Control room operators, were and are required to follow security procedures and guidelines designed to protect the integrity of the system, with the protocol having been developed by the City of Melbourne in conjunction with VICPOL and other stakeholders.

60. The protocols outline policy and provide instruction in relation to the SCCP, including incident response, access and the staffing of the control room, the storage and destruction of recordings, plus scene photographs and the release of such material as well as transfer of the same material to police and media, and call response evaluations.

At the time of writing there have been no arrests arising from media attention given to this second identikit picture and the available CCTV, with inquiries now continuing, and a State Government reward of \$100,000 for information concerning the whereabouts of the person or persons wanted in this matter, remaining on offer.

³⁵ Mr Robinson is the Manager of Engineering Services for Melbourne City Council.

³⁶ I note that the suggestion put to me at our directions hearing that the use of such CCTV camera's has amounted to an unwarranted breach of privacy, which is prohibited by the Charter on Human Rights,- was not pursued in Court before me. I have now reviewed this matter and in the circumstances, I record here my opinion that the course taken by the Melbourne City Council in setting up and (together with the State of Victoria), financing the Safe City Camera group, is well tailored to meet the public interest in maintaining public safety and confidence and is a proportional and not an excessive response to those needs.

³⁷ The SCCP programme comprises the City of Melbourne public closed circuit TV operation, which is one aspect of the Councils strategy for a safer city. Other aspects include SAFE City Taxi ranks, an accord with Melbourne club and hotel licensees, lighting audits, more visible police presence and laws prohibiting the consumption of alcohol in public places.

61. Under the SCCP, VICPOL are able to request and view any relevant footage from the Council officer manned camera control room 24 hours per day 7 days per week.
62. If an offence is actually taking place, VICPOL can ask that a particular camera be pointed in a particular direction to try to capture the incident. The control room also monitors the police radio network, seeking to inform itself in identifying any trouble locations capable of coverage within the CBD. To this end, the number of SCCP camera operators was increased in 2009 to allow for 24 hour coverage by two operators.
63. These policies and protocols are reviewed from time to time as the need arises.
64. Mr Robinson confirmed that there were no SCCP cameras operating at or near QBH, at the time of the incident under examination.
65. In February 2008, the Council resolved to increase the number of cameras to 54, with the position of these cameras set out at the attachment to exhibit 15. Council officers and VICPOL again collaborated to identify the best possible areas for these additional cameras.³⁸
66. I note that these positions now include coverage in respect of the area adjacent to the QBH but that at the time of the 2007 date under examination police investigators had access to two QBH owned cameras, which provided no coverage of the confrontation, and only limited coverage only of the area around the hotel entrance.

Finding

67. Shannon McCormack was the much-loved son of Professor William and Mrs Cheryl McCormack, and brother to Elisha, Kyle and Brent. He had completed his VCE at Eltham High School, and then trained in different trades without finding one that particularly suited him.
68. He was keen on sports and played football with the Montmorency Football Club and had earlier played basketball with the Eltham Wildcats. He worked out regularly, enjoyed snowboarding and according to his father, was right into adventure. In the last six months, he had been working and saving towards a trip to see his brother in New York, and a friend in London.

³⁸ Recent advice received from Mr Michael Norton, now the Acting Manager Engineering Services for the City of Melbourne, establishes that on the 11th of June last the Council approved acceptance of a State Government Grant to install an additional 9 Safe City Cameras, with 5 of the 9 installed at the present and the remaining 4 in the process of completion. At completion of this project there will be a total of 63 cameras in operation with cameras being monitored 24 hours a day ,7 days a week by 2 Safe City Camera Operators. I attach at attachment 2 a map setting out the location of these 63 cameras.

69. Shannon was a popular, confident and outgoing young man and was possessed of a positive outlook.
70. While he had not yet found a clear future path, he was young and had every reason to look forward to a life that was full of promise.
71. Following a consideration of the evidence provided in this case, I find that Shannon McCormack died at the Austin Hospital in Melbourne on 3 June 2007 because of injuries caused by an unprovoked attack by an unknown male youth, which occurred outside the QBH some 6 days earlier.
72. These injuries were sustained as he attempted to offer protection to a friend, Michael Novak, who had earlier come into physical conflict with the same unknown male and up to 3 other young men, who had come to offer assistance to the first male, referred to above.
73. At this time, Shannon had tried to protect Novak by standing between him, with his back to the attacker (and the others), to which the attacker responded by striking Shannon to the right side of his head.
74. This caused Shannon, (by then already unconscious), to fall back and to his left, striking his head on a brick wall situated to the east of the footpath, which strike caused a massive head injury from which he later died.
75. I further find that Shannon was totally without blame for the actions, which took his life. He was 22 years of age.

Comments

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

76. In the course of my inquiry I have received a number of helpful reports and papers, which have analysed the connection between excessive alcohol consumption and late night trading at clubs and bars and instances of violence leading to the infliction of severe and sometimes fatal injury, on our cities streets and elsewhere.³⁹
77. However, having reviewed all of the incident evidence I find that the facts before me fall short of establishing that excessive alcohol consumption was a factor in either the behaviour of

³⁹ See Assault deaths occurring in and around licensed premises, Victoria 2000-2010 and Research paper on harm reduction in and around licensed venues, both compiled by Dr Jeremy Dwyer and Dr Linda Bugela, of the Coroners Prevention Unit.

Shannon McCormack, or that of his assailant(s). Indeed the evidence does not establish that those sought in connection with this attack had consumed any alcohol at all, and nor can it be said that Shannon's behaviour was reflective of anything else but his own good character and protective instinct.⁴⁰

78. In these circumstances, I conclude that it would be beyond jurisdiction for me to further investigate and comment on any arguments supporting the contention that late night trading hours should be capped, in the City of Melbourne.
79. However in the hope that the commentary and insights of those who have prepared this material will not be lost to those who have a legitimate interest on either side of the debate on this matter, I wish to indicate that the Court will release those materials on the application in writing of any properly interested party.
80. In summary, I find that Shannon McCormack died because of the unprovoked behaviour of an unidentified youth, who may have been acting in concert with a group of up to three other young men. As above, there is no evidence to suggest that any of this group had earlier consumed alcohol.
81. However, these young men know who they are and of the roles they each played. I also feel sure that they are now aware of the tragic results of the conduct under examination, and that they remember relevant details, and can provide further information that may be of assistance to this ongoing inquiry. In the circumstances, I ask that they now come forward, either as a group or separately, and with (or without) legal representation, that they seek to provide further assistance to Sergeant Leveridge and his team.
82. By such a gesture, these persons can hope to bring at least some level of closure for Professor and Mrs McCormack and their family, together I suspect with a measure of relief to themselves.

⁴⁰ While his excessive consumption of alcohol may well have contributed to the lack of awareness demonstrated by Michael Novak, that same lack of awareness can not be said to have either caused or contributed to Shannon's death.

Further, the evidence does not establish whether those person(s) responsible for the punch to Shannon's head, had earlier consumed alcohol. Nor does it establish whether any such consumption, might be said to have fuelled their behaviour(s) - or if instead they gathered outside the QBH at closing time in a sober state because of a pre-arranged plan, intending to provoke a fight.

Recommendations

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

I find that the use of the SCCP resource is appropriate as an investigatory tool designed both to discourage the sort of behaviour that cost Shannon and his community of family and friends, his life, and which also still offers investigators the greatest potential to secure the arrest of those responsible person(s), who at the date of writing remain at large.⁴¹

- 1) I recommend that the Melbourne City Council and the State of Victoria through VICPOL, maintain, and consider increasing the rate at which SAFE CITY Camera's are installed, in our city area (and elsewhere) as maybe needed.
- 2) To this end I also recommend that the Melbourne City Council investigates the possibility of allowing property-rating advantages, to those property owners who support the SCCP initiative, by directly contributing to the purchase and maintenance of additional and existing approved, SCCP installations.
- 3) I recommend that ongoing and additional publicity to do with the improving potential for greater pictorial accuracy, be given to the SCCP initiative.
- 4) I also recommend that the State of Victoria maintain its efforts to bring to justice the person or persons responsible for the death of Shannon McCormack.

⁴¹ In August 2010 the Parliament of Victoria's Drugs and Crime Prevention Committee (DCPC), reported the results of an inquiry into assault reduction strategies in public places. As part of the inquiry, the efficacy of CCTV surveillance was considered.

The DCPC heard anecdotal evidence from police and licensed venue holders that CCTV surveillance and other measures such as identification scanners have reduced violence at particular venues; however it appears that these measures have not been accompanied by a decrease in alcohol related admissions to hospitals so the efficacy is not clear.

The DCPC suggested that the real benefit of CCTV is in identifying offenders. See Impact of CCTV on Violence in and around licensed venues, by Dr Jeremy Dwyer and Dr Lyndal Bugeja, of the Coroners Prevention Unit.

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

The family of Shannon McCormack

The Office of the Attorney General, in the State of Victoria

The Office of the Minister of Police, in the State of Victoria

The Commissioner for Police, in the State of Victoria

The Public Advocate, in the City of Melbourne

The Lord Mayor, in the City of Melbourne

The Manager, Safe City Cameras in the City of Melbourne,

Engineering Services City of Melbourne, Attention Mr Michael Norton

The owners of the Queens Bridge Hotel

Sergeant David Leveridge

Michael Novak

Shauna Bradley

Jenna Mullenger

The Coroners Prevention Unit, Attention Dr Lyndal Bugeja and Dr Jeremy Dwyer

Signature:



PETER WHITE

CORONER

Date: 3 March 2014



Attachment 1. Identikit likeness of unidentified person of interest in this investigation.

Attachment 2. Position of Safer City Camera's as described in footnote 38.



Safe City Camera City of Melbourne

Amended 27 June 2013

LEGEND

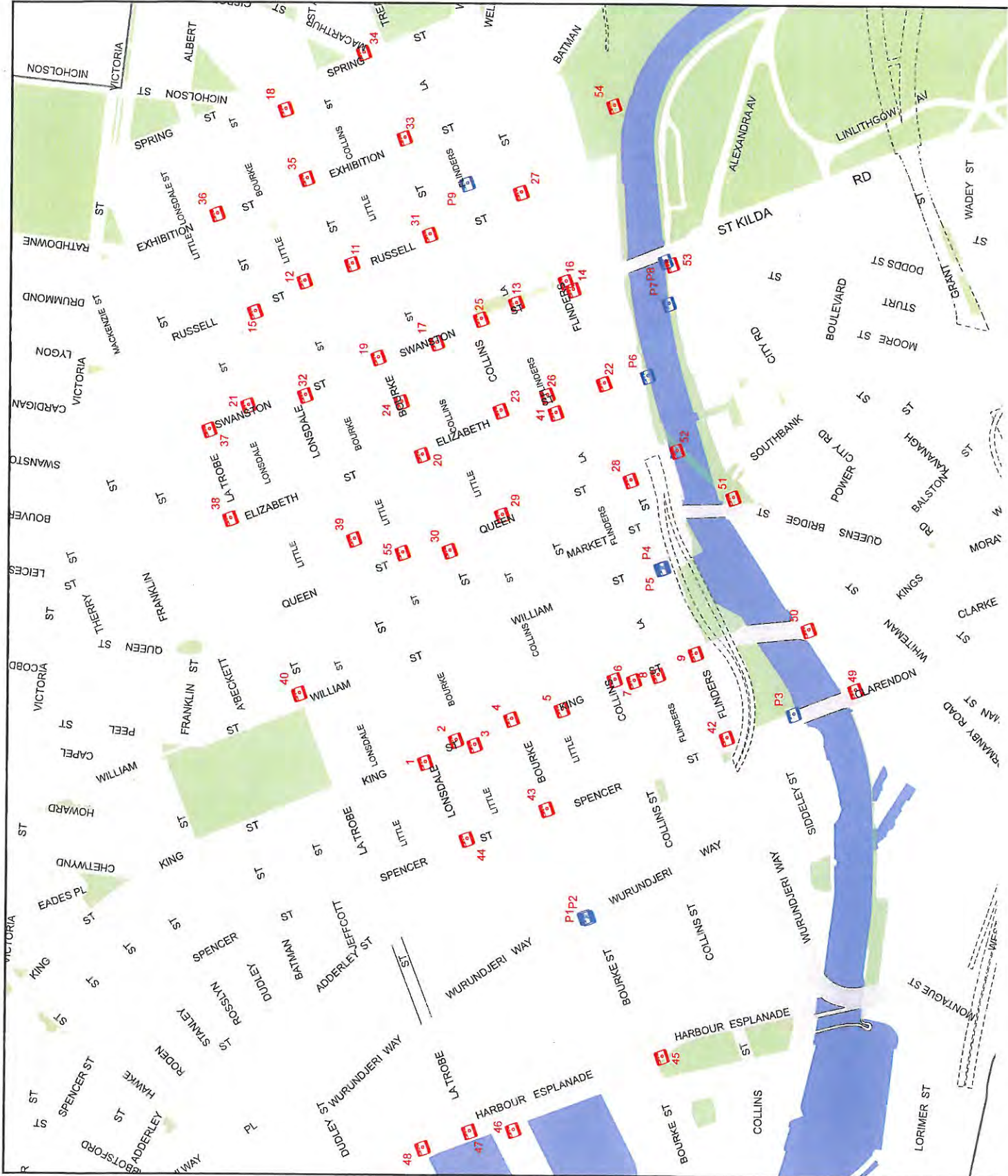
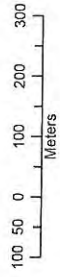


Camera Positions are Approximately

LOCATION DIAGRAM



MAP SCALE 1:8 500



RESPONSIBILITIES & ACKNOWLEDGEMENTS
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 GIS/CAD Officer: Mahmood Husain
 Published by: City of Melbourne, Engineering Services, June 2013
 PO Box 1603, Melbourne, Victoria 3000, Australia

