

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Inquest into the Death of Wei Han Chang

Delivered On: 8TH FEBRUARY 2011

Delivered At: MELBOURNE

Hearing Dates: 8TH FEBRUARY 2011

Findings of: CORONER K.M.W. PARKINSON

Place of death/Suspected death: EASTERN FREEWAY, KEW, VICTORIA 3101

Counsel Assisting LEADING SENIOR CONSTABLE KING TAYLOR

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

In the Coroners Court of Victoria at Melbourne

I Kim M. W. Parkinson Coroner, having investigated the death of:

Details of deceased:

Surname: CHANG
First name: WEI HAN
Address: 4/13 St Clems Road, Doncaster East, Victoria 3109

**AND having held an inquest in relation to this death on 8 February 2011
at Melbourne**

find that the identity of the deceased was Wei Han Chang
and the death occurred on 10th October 2009
at Eastern Freeway, Kew, Victoria 3101

from: Multiple Injuries sustained in a motor vehicle collision (driver)

In the following circumstances:

1. A summary inquest was conducted into the death of Mr Wei Han Chang on 8 February 2011 at Melbourne. The circumstances of Mr Chang's death have been the subject of

investigation by Victoria Police. Senior Constable Scott Harris¹, provided a brief to the Coroner setting out the investigations undertaken by police, including statements and documents provided by members of the Victoria Police Major Collision Investigation Unit. I have drawn from these investigations in my findings herein.

2. Mr Wei Han (Frank) Chang was 33 years of age. He was born in Taiwan on 24 April 1976. Mr Chang immigrated to Australia in 1994. He studied hospitality. Mr Chang was a chef who had worked both in Australia and overseas. He was married to Ms Tsai (Jennifer) Ying Shih and was the father of a daughter, Haruna Chang, who was 7 months old when her father died. Mr Chang had recently purchased a restaurant in Melbourne at which he was also the chef, requiring long hours of attendance. The rest of his time was dedicated to his wife and to his baby daughter. He travelled to and from work by car on a daily basis. He was reported to be a safe and cautious driver.
3. On Saturday 10 October 2009 at approximately 2.00am, Mr Chang was driving his Toyota Conquest sedan registered number SQK839 in an easterly direction outbound along the Eastern Freeway. Mr Chang was travelling to his home in Doncaster. Mr Chang was travelling in the lane adjacent to the centre median strip.
4. The Eastern Freeway at this location is an eight lane divided highway. It has provision for four lanes of traffic in each direction, separated by a grass median. The road runs in a north easterly and a south westerly direction. The lanes of traffic are separated by broken white lines incorporating cats eyes. The outer edges of the carriageway are marked by a solid white fog line. Both carriageways had sealed emergency stopping lanes. The roadway was in good condition and lit by lighting towers. The designated speed limit was 100kph.
5. Sometime in the early hours of 10 October 2009, Ms Christine Humphrey drove her Holden Commodore sedan registered number VEEEEE8, from her home in Templestowe by an unknown route to the intersection of Thompson's Road, Bulleen Road and the Eastern

¹ A complete description of the investigation undertaken is contained in the police brief prepared for the Coroner by Senior Constable Scott Harris of Boroondara Police Station, 23 June 2010.

Freeway. The vehicle was observed by witness, Mr Steven Lascelles, to enter the freeway by the Eastern Freeway Bulleen Road exit off ramp and travel towards the city. Her vehicle was travelling against the clearly posted 'wrong way go back' signage. Mr Lascelles and several other witnesses observed the vehicle merging from the off ramp into the inner most outbound lane and continuing to travel west, towards the city against oncoming traffic. The vehicle was observed to have been increasing in speed as it left the exit ramp and proceeded onto the freeway. She travelled some distance, approximately 5 kilometres, along the freeway, passing oncoming traffic on a number of occasions.

6. Her vehicle was estimated by police investigators to have been travelling at approximately 127kph when it collided head on with the vehicle being driven by Mr Chang. Mr Chang's vehicle was estimated by police investigators to have been travelling at between 85 and 90kph. The collision occurred on the outbound lanes of the eastern freeway approximately 550 metres east of the Belford Road overpass.
7. There is no evidence of emergency braking being undertaken by either vehicle. From the point of impact both vehicles continued to travel west for approximately 16 metres. The Toyota sedan driven by Mr Chang was forced rearwards before rolling onto its driver side and roof and coming to rest facing south. Both vehicles suffered major impact damage.
8. Mr Chang died instantly. An inspection was performed and a report was provided by Dr Melissa Baker, Forensic Pathologist of the Victorian Institute of Forensic Medicine. Dr Baker reported the cause of death as injuries sustained in a motor vehicle collision (Driver). She reported:

“External examination revealed extensive and severe leg injuries.... Examination of the post mortem CT scan shows extensive and severe bilateral comminuted fractures of the lower legs and distal femurs, massive diastasis of the pubic symphysis, fractured right superior and inferior pubic rami, sacral fractures, fracture/dislocation of the right wrist, fractured right ulna, multiple bilateral rib fractures and small bilateral pneumothoraces and moderate haemothoraces”. A toxicology report indicated a blood alcohol level of 0.02mg/100mL, which was within lawful range for driving a motor vehicle.

9. The driver of the Holden Commodore was transported to the Royal Melbourne Hospital where she later died. Toxicology results upon a blood sample taken some 80 minutes after the collision reported that Ms Humphrey had a blood alcohol reading of 0.29g/100mL. I am satisfied that at the time of the collision, Ms Humphrey's blood alcohol level was in excess of 5 times the legal limit for driving a motor vehicle. Dr Maurice O'Dell, Senior Forensic Physician with the Victorian Institute of Forensic Medicine reported upon Ms Humphrey's capacity to drive a motor vehicle. He reported:

“Her driving skills would have been extremely adversely affected by the effects of alcohol at a BAC of the order of 0.29%. She would have been absolutely incapable of having proper control of a motor vehicle”.

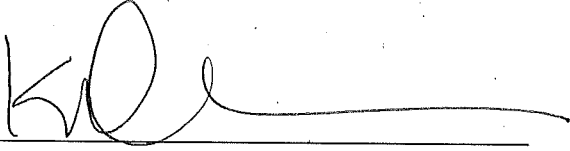
10. I consider the background circumstances as to Ms Humphrey in Case Number 4827-09, the inquest finding as to her death, however it is appropriate to note that she had suffered with depression in 2007, apparently after her marriage break up. She had received psychological assistance until August 2008. During this period she was reported to have been consuming alcohol heavily. The evidence is that she had not taken anti-depressant medication for some time. She had reported to her General Practitioner Dr Bendtsen on July 17, 2009 that she was managing well and her mood was good. Family and friends did not report that she was apparently depressed or anxious. Although she had previously, in 2008, spoken of suicidal intent, there was no suicide note or any other recent indication given to friends or family that Ms Humphrey intended to take her own life. Her mood on the evening in question is reported as having been buoyant.

11. Victoria police examined the motor vehicle driven by Mr Chang and reported that the vehicle was roadworthy immediately prior to the collision. Victoria police examined the motor vehicle driven by Ms Humphrey and reported that the vehicle was un-roadworthy immediately prior to the collision. However having regard to the circumstances of the collision I am not satisfied that the un-roadworthiness of the vehicle contributed in any significant manner to the death.

12. Mr Chang was driving his motor vehicle home appropriately and in compliance with the road laws. There is no evidence to suggest that he in any way contributed to the collision and I am satisfied that there was no opportunity afforded him to avoid the collision. The evidence does not satisfy me that factors other than excessive alcohol consumption motivated the other driver.
13. I have considered whether there was any impediment to the other driver being able to identify the freeway access point as being for 'exit' only. The intersection was appropriately signposted by road markings and a no right turn arrow sign. The exit ramp was clearly marked with multiple warning signs. I am satisfied that there would be no impediment to a driver who was unaffected by alcohol, observing the nature of the intersection and that the ramp was for exit only.
14. I find that his tragic death was caused as a result of the reckless conduct and driving of the other driver. I am satisfied that Ms Humphrey failed to observe the no entry sign posting at the intersection where she entered the exit ramp and that as a consequence of impaired judgment she proceeded along the ramp, ignoring the 'wrong way' signposting to the freeway. It is likely that alcohol impaired her capacity to respond in any sensible manner to the situation.
15. I am not satisfied that Ms Humphrey's conduct on this evening was as a result of a suicidal intent. The evidence of her demeanour earlier in the evening, even when already affected by alcohol, is not consistent with a finding that Ms Humphrey's deliberately and intentionally took her own life and that of Mr Chang.
16. I find that the level of alcohol consumed by Ms Humphrey resulted in her being incapable of exercising appropriate judgement or of properly driving or controlling a motor vehicle and that this was compounded by the speed at which she was travelling. As a result she collided with the vehicle driven by Mr Chang and as a result caused his death.

17. I find that Mr Wei (Frank) Han Chang died as a result of multiple injuries sustained in a motor vehicle collision in which he was a driver.

Signature:



Kim M. W. Parkinson

Coroner

8th February, 2011

