



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2018 2852

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)

Section 67 of the Coroners Act 2008

Findings of:	Paresa Antoniadis Spanos, Coroner
Deceased:	Yousuf Tahniyat Mehdi Syed
Date of birth:	5 February 1979
Date of death:	14 June 2018
Cause of death:	Multiple injuries
Place of death:	Ballan Road, Wyndham Vale, Victoria 3024

I, PARESA ANTONIADIS SPANOS, Coroner,
having investigated the death of YOUSUF TAHNIYAT MEHDI SYED without holding an inquest:
find that the identity of the deceased was YOUSUF TAHNIYAT MEHDI SYED
born on 5 February 1979
and that the death occurred on 14 June 2018
at Ballan Road, Wyndham Vale, Victoria, 3024
from:

I (a) MULTIPLE INJURIES

Pursuant to section 67(1) of the **Coroners Act 2008**, I make findings with respect to **the following circumstances:**

Background and personal circumstances

1. Yousuf Tahniyat Mehdi Syed was a 39 year-old man who lived in Wyndham Vale with his wife Fazia Syed and their two sons Rushad and Liban. Mr Syed was born in India and emigrated to Australia in about 1998. He worked as an area manager for Hungry Jacks, managing a number of stores in the Ballarat area. He was described by his friend Layeeque Nizami as a *'nice guy, an angel...[and] would always be the first to volunteer at community events'*. Mr Syed was a practising Muslim who had fasted during the period of Ramadan since childhood. The evidence indicates that Mr Syed was in good health and was known by his close friends to be a safe driver.

Circumstances immediately proximate to death

2. On 14 June 2018, at about 5.50pm, Mr Syed was driving south-east on Ballan Road in Wyndham Vale, when his car¹ veered on to the incorrect side of the road and collided with an oncoming car² driven by Sukhpreet Dhaliwal travelling in the opposite direction. Mr Syed died on impact.
3. Witnesses called emergency services and attempted to render first aid. Ambulance Victoria paramedics attended shortly afterwards and confirmed Mr Syed was deceased.

Medical cause of death

4. Senior forensic pathologist, Dr Michael Burke of the Victorian Institute of Forensic Medicine, reviewed the circumstances of the death as reported by police to the coroner and post-mortem computer assisted tomography scans of the whole body (PMCT). Dr Burke performed an

¹ A silver Hyundai Getz hatchback, Victorian registration ZGL397.

² A green Ford Falcon sedan, Victorian registration XOG 021.

external examination of Mr Syed's body. Anatomical findings included fractures to the right leg and right haemothorax, as well as a skull vault fracture and a base of skull fracture.

5. Routine toxicological analysis of post mortem specimens did not identify the presence of ethanol (alcohol) or any other commonly encountered drugs or poisons.
6. Based on the circumstances of Mr Syed's death, Dr Burke advised it was reasonable to attribute his death to *multiple injuries*, without the need for autopsy, in the knowledge that Mr Syed's family had a strong objection to autopsy.

Coronial investigation

7. Upon attending the site of the collision, Victoria Police noted that Ballan Road is a two-way bitumen carriageway that has one lane in each direction of travel. The roadway runs from north west to south east and is divided in the centre by a broken white line. The section of road is a rural road, with no emergency stopping lanes and no street lights. The shoulders of the road are gravel, leading on to large grassed areas. The speed limit at the point of the collision is 100 km/hr, as denoted by erected speed signs. According to Mr Dhaliwal, it was getting dark at the time of the collision and the road was dry, although there had been rain earlier that day.
8. Police inspected the road around the collision site and identified gouge marks on the north west lanes which indicated the point of impact. There were also two parallel skid marks in the north west bound lane which led directly to the point of impact. Police ascertained that the skid marks had been left by Mr Dhaliwal's vehicle. They did not identify any yaw marks or skid marks to indicate pre-impact braking by Mr Syed's vehicle, and there was no evidence of any emergency steering inputs by Mr Syed. Inspection of the interior of Mr Syed's vehicle indicated that his seatbelt was secured. His mobile phone was located in the driver side foot well of the vehicle.
9. Mr Dhaliwal told investigators that he was driving north west on Ballan Road when he observed the headlights of a car approaching him in the opposite lane. He stated that when the car was about five to ten metres from his car, it drifted across into his lane. He stated that he applied the brakes hard and skidded to try to stop his vehicle and steered toward the left side of the road but was unable to avoid the collision. Mr Dhaliwal underwent blood tests after the collision which did not indicate the presence of drugs or alcohol.
10. Senior Constable (SC) Ash Patterson who attended the collision scene was the nominated Coroner's investigator. At my direction SC Patterson investigated the circumstances surrounding Mr Syed's death, including the preparation of the coronial brief. This finding

draws on the totality of the material the product of the coronial investigation of Mr Syed's death.

11. In the course of the investigation, SC Patterson learned that on the day of the collision, Mr Syed fasted for the 29th day of Ramadan. He had woken at about 5.00am to eat breakfast with his wife, before he left for work at about 7.30am. At about 5.03pm, Mr Syed telephoned his friend Abdul Khan. According to Mr Khan, Mr Syed told him he was in the car returning home from Ballarat. They spoke for about five minutes. Mr Khan believed that Mr Syed used a Bluetooth device in the car for the telephone call. A review of Mr Syed's mobile phone records indicated that in the forty minutes prior to the collision, Mr Syed was not on a phone call and had not received or sent a text message.
12. Senior Constable (SC) Nick Brickley from the Mechanical Investigation Unit conducted a mechanical examination of Mr Syed's car which he found in good condition. There was no distortion of the bulb-filament in the driver and passenger side rear brake light globes, which indicated the brake lights may not have been illuminated at the time of impact and the brakes may not have been depressed. SC Brickley's inspection did not reveal any mechanical fault with the vehicle which would have caused or contributed to the collision.
13. SC Patterson obtained an expert report from Detective Sergeant (DS) Dr Jenelle Mehegan from the Collision Reconstruction and Mechanical Investigation Unit in relation to the speed of the two vehicles. DS Dr Mehegan reviewed the Traffic Incident System Report, measurements and photographs of the collision, and applying her expertise, concluded that when the two vehicles collided Mr Syed's vehicle was travelling at about 80 km/hr and Mr Dhaliwal's vehicle was travelling at about 85 km/hr. Further, at the commencement of the pre-impact skidding Mr Dhaliwal's vehicle was likely travelling around 100 km/hr. There was no evidence that either vehicle was travelling in excess of the speed limit. DS Dr Mehegan concluded that Mr Dhaliwal steered left and braked, causing the vehicle to skid, prior to colliding with Mr Syed's vehicle. DS Dr Mehegan noted this is a typical response for a driver faced with an intrusion such as a vehicle having crossed into its path from the right. There was no evidence that Mr Syed's vehicle was out of control, or that he had taken any form of evasive action to avoid the collision.
14. SC Patterson noted that there was no evidence to indicate that Mr Syed had made any attempt to avoid the collision, or that it was a deliberate act. SC Patterson noted that fasting and altered sleeping patterns can contribute to fatigue, lack of concentration and dizziness and expressed the opinion that the most likely cause of the collision was fatigue, on the part of Mr Syed.

Findings and conclusion

15. It has not been possible to identify the cause of Mr Syed's collision with any degree of certainty. There is no evidence that he intended to end his own life.
16. The weight of available evidence indicates that it is likely that Mr Syed fell asleep or was inattentive whilst driving due to fatigue, inadvertently resulting in the collision. However, in the absence of an autopsy, the possibility that Mr Syed veered into oncoming traffic due to an undiagnosed medical condition or acute medical episode cannot be entirely excluded.
17. I find that Yousuf Tahniyat Mehdi Syed died on 14 June 2018 at Ballan Road, Wyndham Vale and that the cause of his death was multiple injuries sustained in a motor vehicle collision in which he was the driver.

Comments

Pursuant to section 67(3) of the *Coroners Act 2008*, I make the following comments on matters connected with Mr Syed's death, including matters relating to public health and safety or the administration of justice:

18. Fatigue is suspected to be a primary cause in around 20% of road fatalities.³ Fatigue impairs reaction time and decision making which can increase the risk of being involved in an accident. It can also result in drivers falling asleep whilst driving.⁴ It is important for all drivers to be aware of driver fatigue, the symptoms of fatigue and the affects that fatigue can have on driving.
19. During the month of Ramadan, healthy Muslims will fast and refrain from eating and drinking between sunrise and sunset.⁵ The changes in meal and activity schedules during this period can result in reduced total sleep time and an increase in daytime sleepiness.⁶ Studies have indicated that the combination of food, fluid and sleep restriction during Ramadan may also induce a significant decrease in cognitive function

³ Transport Accident Commission, 'Avoiding driver fatigue' (<http://www.tac.vic.gov.au/road-safety/safe-driving/tips-and-tools/fighting-fatigue>, accessed 7 June 2019).

⁴ Transport Accident Commission, 'Fatigue statistics' (<http://www.tac.vic.gov.au/road-safety/statistics/summaries/fatigue-statistics>, accessed 7 June 2019).

⁵ Utku Murat Kalafat et al, 'Evaluation of the impact of the month of Ramadan on traffic accidents' (2016) 5(3) *International Journal of Medical Science and Public Health* 543, 543.

⁶ Rachida Roky et al, 'Daytime sleepiness during Ramadan intermittent fasting: polysmnographic and quantitative waking EEG study' (2003) 12(2) *Journal of Sleep Research* 95, 95

by late afternoon, with reduced psychomotor function and processing speed, verbal learning and memory performance.⁷

20. Given the effects of fasting on cognition and sleepiness, it is important for Muslims fasting during Ramadan to be aware of the risks of driver fatigue.
21. In 2018, the United Arab Emirates commenced an annual Road Safety Awareness Campaign during Ramadan to raise awareness and educate motorists on the effects of fasting on driving behaviour.⁸
22. It may be appropriate for the Islamic Council of Victoria and the Transport Accident Commission to consider the need to develop or commence similar campaigns in Victoria to raise awareness of the risks of driver fatigue, particularly for Muslims fasting during the month of Ramadan.

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

Mrs Fazia Syed, senior next of kin;

Senior Constable Ash Patterson, Coronial Investigator;

Islamic Council of Victoria; and

Transport Accident Commission

Signature:



PARESA ANTONIADIS SPANOS
CORONER

Date: 12 June 2019

⁷ Ho-Heng Hian et al, 'Effects of Fasting During Ramadan Month on Cognitive Function in Muslim Athletes' (2011) 2(3) *Asian Journal of Sports Medicine* 145, 150.

⁸ AETOS Wire, 'Road Safety Awareness Campaign Zeros In on the Effects of Fasting on Driving Behaviour' (17 May 2018) (<https://aetoswire.com/news/road-safety-awareness-campaign-zeros-in-on-the-effects-of-fasting-on-driving-behavior/en>, accessed 7 June 2019); Global Banking and Finance Review, 'Understanding the Effects of Fasting to the Body Can Help Motorists Manage Their Driving Behaviour Better During Ramadan' (16 May 2019) (<https://aetoswire.com/news/road-safety-awareness-campaign-zeros-in-on-the-effects-of-fasting-on-driving-behavior/en>, accessed 7 June 2019).