

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2024 002671

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

*Section 67 of the **Coroners Act 2008***

Findings of:	AUDREY JAMIESON, Coroner
Deceased:	Ximing Lin
Date of birth:	20 November 1953
Date of death:	14 May 2024
Cause of death:	1a: Head injuries sustained when struck by a bike (pedestrian)
Place of death:	The Royal Melbourne Hospital 300 Grattan Street Parkville Victoria 3052

INTRODUCTION

1. On 14 May 2024, Ximing Lin was 70 years old when he died in hospital after being struck by a bicycle. At the time of his death, Ximing lived in Melbourne with his family.
2. Ximing is remembered as a loving, warm and caring husband and father who always supported his family.
3. Ximing was born in Ben Xi city in the Liao Ning Province, China and was one of seven children. Following school, he began working at Benxi Iron and Steel. There, he met his future wife, Guang. They married in 1978 and the following year they had a daughter, Lin. Ximing was a very responsible father and family man.
4. Ximing received further education in maths, physic and chemistry through his employer. In around 1985 he became a manager of the iron and steel works, a position he held until his retirement. Guang attributes Ximing's success to him being a very self-motivated learner and good at building working relationships.
5. In 2012, Guang moved to Australia to be with Lin, her husband, Bohan and their daughter, Lucy. Ximing remained in China working though would visit for two or three months each year.
6. Ximing obtained permanent residency in Australia in 2019 but was unable to move at that time due to the Covid-19 pandemic. He moved on 29 December 2023. He and his family had plans to return to China to visit as a family, and to purchase a home so that Ximing could have a vegetable garden.
7. Ximing was very fit and healthy. His regular morning routine was to go for a walk around the Docklands area between 6 and 7:20am, before returning home to have breakfast and take Lucy to school.

THE CORONIAL INVESTIGATION

8. Ximing's death was reported to the coroner as it fell within the definition of a reportable death in the *Coroners Act 2008* (**the Act**). Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
9. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances

are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.

10. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
11. Victoria Police assigned an officer to be the Coronial Investigator for the investigation of Ximing's death. The Coronial Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as family, the forensic pathologist, treating clinicians and investigating officers – and submitted a coronial brief of evidence.
12. This finding draws on the totality of the coronial investigation into the death of Ximing Lin including evidence contained in the coronial brief. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.¹

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE

Circumstances in which the death occurred

13. At around 6am on 14 May 2024, Ximing left for his usual daily walk. At around 7:10am, he was walking south on the Capital City Trail in Docklands, between Bourke Street and Collins Street.
14. The Capital City Trail is a shared use path (bicycle and pedestrian). Between Bourke and Collins Streets the path consists of a two-lane bicycle path with a single lane pedestrian path running alongside it. All three lanes are separated from the road by a raised gutter. On the Bourke Street end of the path the pedestrian lane is to the west of the bike lanes. On the Collins Street end, the pedestrian lane is to the east of the bike lanes. The pedestrian lane ends on each side and pedestrians are required to cross the bike lane to continue.

¹ Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

15. At around 7:15am, Ximing approached the area where he was required to cross the bike path. At the same time, a cyclist was riding northbound in the bicycle lane at approximately 35km per hour. The cyclist saw Ximing walking and moved to the right to avoid him. At that time, Ximing stepped onto the marked bicycle path, into the path of the cyclist.



16. Despite both Ximing and the cyclist attempting to take evasive action, they collided. Ximing fell backwards, striking his head on the pavement.
17. Witnesses to the collision immediately called Triple Zero and provided first aid to the cyclist and Ximing, who was unconscious and unresponsive.
18. Ximing was conveyed by ambulance to the Royal Melbourne Hospital where he was found to have a severe traumatic brain injury which was nonsurvivable. He was transferred to the ICU for end-of-life care, where he died at 6:40pm surrounded by family.

Identity of the deceased

19. On 14 May 2024, Ximing Lin, born 20 November 1953, was visually identified by his son-in-law, Bohan Lin, who completed a Statement of Identification.
20. Identity is not in dispute and requires no further investigation.

Medical cause of death

21. Forensic Pathologist Adjunct Associate Professor Sarah Parsons from the Victorian Institute of Forensic Medicine (VIFM) conducted an external examination of the body of Ximing Lin. A/Prof Parsons considered the Victoria Police Report of Death (Form 83), post mortem computed tomography (CT) scan and E-Medical Deposition Form of and provided a written report of her findings dated 21 May 2024.
22. The post mortem CT scan showed a base of skull fracture, right occipital skull fracture, widespread subarachnoid haemorrhage and right middle lobe pneumonia.
23. Toxicological analysis of ante mortem samples identified the presence of ondansetron, administered as part of medical treatment.
24. A/Prof Parsons provided an opinion that the medical cause of death was 1(a) HEAD INJURIES SUSTAINED WHEN STRUCK BY A BIKE (PEDESTRIAN).

FURTHER INVESTIGATION

25. In the summary of circumstances within the coronial brief, Coronial Investigator Senior Constable Thomas Shakespeare wrote:

The infrastructure at the scene of the collision is confusing for path users. This is a high traffic area for both cyclists and pedestrians, and it is inviting injury to require all pedestrians to cross the bicycle path to continue.

There is no signage warning of the crossing or indicating that cyclists have a right of way. Given that there is no licensing requirement to be a pedestrian (or cyclist) on the path it is unreasonable to rely on pedestrians' (or cyclists') understanding of the Road Safety Rules to govern their behaviour.

26. S/C Shakespeare also advised the Court that he had identified another pedestrian vs cyclist collision at the same location prior to 2024, in which the cyclist was left with severe shoulder injuries. Following this collision, local council the City of Melbourne marked a portion of the cycle path at the 'intersection' of the two paths with a green surface treatment to improve awareness for road users at that location.
27. On 9 December 2024, I attended a view of the collision location accompanied by S/C Shakespeare. I observed the green surface treatment applied to the bicycle path following the earlier collision but considered that the path may still be confusing for road users – in

particular, I observed there was a lack of signage at either end of the pedestrian path warning of the upcoming crossing with the bicycle path.

28. On my direction, the Court wrote to the City of Melbourne enquiring as to *whether the City of Melbourne has any planned improvements for the area to promote pedestrian and cyclist safety, for example by the installation of signage clearly marking paths or warning pedestrians of oncoming cyclists.*

29. In response, the City of Melbourne advised as follows:

The separated off-road bicycle path and pedestrian footpath were modified in 2010 as a result of the tram track realignment at Bourke Street intersection, undertaken by Department of Transport and Planning (DTP) with Yarra Trams. Pedestrian and cyclist symbols have been marked on the pavement to indicate the designated paths for each user group. Additionally, to highlight the transition point between pedestrians and cyclists, green pavement road marking has been in place to increase awareness.

Council engineers have explored several options and determined that any raised elements to reduce cyclist speed would need to preserve a level and accessible path of travel for wheelchair users and pedestrians with prams. We will continue to look into other ways to improve awareness, such as additional signage, road markings or infrastructure changes. Balancing the needs of both pedestrians and cyclists remains an ongoing challenge.

RECOMMENDATIONS

Pursuant to section 72(2) of the Act, I make the following recommendations:

- i. With the aim of promoting public health and safety and preventing like deaths and injuries, I recommend that the City of Melbourne give serious consideration to whether improvements can be made to the relevant section of the Capital City Trail to improve safety for pedestrians required to cross the bicycle path, including but not limited to the installation of “look both ways” signage or similar.

FINDINGS AND CONCLUSION

1. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:
 - a) the identity of the deceased was Ximing Lin, born 20 November 1953;
 - b) the death occurred on 14 May 2024 at the Royal Melbourne Hospital, 300 Grattan Street, Parkville, Victoria 3052;

c) I accept and adopt the medical cause of death ascribed by A/Prof Sarah Parsons and I find that Ximing Ling died from head injuries sustained when he was struck by a bicycle.

2. AND, having considered all of the circumstances, I find that Ximing Ling died in an accidental collision where neither he nor the cyclist were at fault.

I convey my sincere condolences to Ximing's family for their loss.

Pursuant to section 73(1A) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

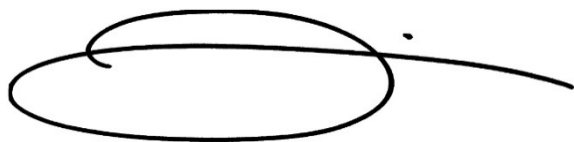
I direct that a copy of this finding be provided to the following:

Guang Lin, Senior Next of Kin

City of Melbourne

Senior Constable Thomas Shakespeare, Coronial Investigator

Signature:



AUDREY JAMIESON

CORONER

Date: 24 April 2026



NOTE: Under section 83 of the ***Coroners Act 2008*** ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
