



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2019 1899

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 63(2)*

*Section 67 of the Coroners Act 2008*

Findings of:	Darren J. Bracken, Coroner
Deceased:	Michael Domenic Colosimo-Minniti
Date of birth:	29 November 1994
Date of death:	15 April 2019
Cause of death:	1(a) Injuries sustained in a motor vehicle and motor bike collision (motor bike driver)
Place of death:	Hoddle Street, Clifton Hill

## INTRODUCTION

1. Michael Colosimo-Minniti was the second of four children born to Ms Cecilia Colosimo and Mr Peter Minniti. Immediately before his death Mr Colosimo-Minniti was 24 years old and lived in Northcote with his parents. He was in his final year of studying osteopathy at RMIT University.
2. Shortly after 8.00pm on 15 April 2019, Mr Colosimo-Minniti and his friend Mr Karaiskos were riding their motorcycles south in Hoddle Street, Clifton Hill when a Mazda sedan driving north in Hoddle Street turned into Roseneath Street. Mr Karaiskos' motorcycle collided with the near-side front of the Mazda. He was thrown over it and landed on the east footpath of Hoddle Street suffering serious injuries and was taken to hospital by ambulance. Very shortly after, a matter of seconds, Mr Colosimo-Minniti's motorcycle collided with the off side rear of the Mazda. Mr Colosimo-Minniti and his motorcycle slid across the north-bound lanes of Hoddle Street and into the front of a Black Honda station wagon travelling (at that stage very slowly) north in Hoddle Street. Mr Colosimo-Minniti was seriously injured and very shortly afterward died at the scene of the collisions.

## THE CORONIAL INVESTIGATION

3. Mr Colosimo-Minniti's death was a 'reportable death' pursuant to the *Coroners Act 2008* ("the Act") because it was one or more of unexpected, unnatural, violent or resulted from accident or injury. The Act requires a coroner investigating reportable deaths such as Mr Colosimo-Minniti's to find, if possible:
  - (a) The identity of the deceased.
  - (b) The cause of the death; and
  - (c) The circumstances in which the death occurred.<sup>1</sup>
4. For coronial purposes, "*circumstances in which the death occurred*"<sup>2</sup> refers to the context and background of the death including the surrounding circumstances. Rather than being a consideration of all the circumstances which might form part of a narrative culminating in the death, required findings are limited to those which are proximate and relevant to the death.

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<sup>1</sup> *Coroners Act* (2008) s.67.

<sup>2</sup> *Coroners Act* (2008) s.67(1)(c).

5. The coroner's role is to establish facts and not to attribute or apportion blame for the death or criminal or civil liability.<sup>3</sup>
6. One of the broader purposes of coronial investigations is to reduce the number of preventable deaths in the community and to that end coroners may:
  - (a) Report to the Attorney-General on a death.<sup>4</sup>
  - (b) Comment on any matter connected with the death including matters of public health or safety and the administration of justice,<sup>5</sup> and
  - (c) Make recommendations to any minister or public statutory authority on any matter connected with the death, including public health or safety or the administration of justice.<sup>6</sup>
7. Coronial findings must be underpinned by proof of relevant facts on the balance of probabilities applying the principles of such proof set out by the High Court in *Briginshaw v Briginshaw*.<sup>7</sup> The strength of evidence required to so prove facts varies according to the nature of the facts and the circumstances in which they are sought to be proved.<sup>8</sup> Proof of facts underpinning a finding that would, or may, have an deleterious effect on a party's character, reputation or employment prospects demands a weight of evidence commensurate with the gravity of the finding, and effect.<sup>9</sup>
8. Facts should not be considered to have been proved on the balance of probabilities by inexact proofs, indefinite testimony, or indirect inferences,<sup>10</sup> rather such proof should be the result of clear, cogent or strict proof in the context of a presumption of innocence.<sup>11</sup> Such a description should be interpreted in the context of the coronial jurisdiction being inquisitorial and having nothing to do with guilt or innocence.
9. Victoria Police assigned Detective Senior Constable Miller as the Coroner's Investigator to assist me with the investigation of Mr Colosimo-Minniti's death. DSC Miller conducted

<sup>3</sup> *Coroners Act 2008* (Vic) s 69(1). *Keown v Khan* [1999] 1 VR 16

<sup>4</sup> *Coroners Act 2008* (Vic) s 72(1).

<sup>5</sup> *Coroners Act 2008* (Vic) s 67(3).

<sup>6</sup> *Coroners Act 2008* (Vic) s 72(2).

<sup>7</sup> (1938) 60 CLR 336, pp. 362-363. See *Domaszewicz v State Coroner* (2004) 11 VR 237, *Re State Coroner; ex parte; Minister for Health* (2009) 261 ALR 152 [21]; *Anderson v Blashki* [1993] 2 VR 9, 95.

<sup>8</sup> *Qantas Airways Limited v Gama* (2008) 167 FCR 537 at [139] per Branson J but bear in mind His Honour was referring to the correct approach to the standard of proof in a civil proceeding in a federal court with reference to section 140 of the *Evidence Act 1995* (Cth); *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 67 ALJR 170 at pl 70- 171 per Mason CJ, Brennan, Deane and Gaudron JJ.

<sup>9</sup> *Anderson v Blashki* [1993] 2 VR 89, following *Briginshaw v Briginshaw* (1938) 60 CLR 336, referring to *Barten v Williams* (1978) 20 ACTR 10; *Cuming Smith & Co Ltd v Western Farmers Co-operative Ltd* [1979] VR 129; *Mahon v Air New Zealand Ltd* [1984] AC 808 and *Annetts v McCann* (1990) 170 CLR 596.

<sup>10</sup> *Briginshaw v Briginshaw* (1938) 60 CLR 336, at pp. 362-3 per Dixon J (as his Honour then was).

<sup>11</sup> *Briginshaw v Briginshaw* (1938) 60 CLR 336, at pp. 362-3 per Dixon J.(as his Honour then was) ; *Cuming Smith & CO Ltd v Western Farmers Co-operative Ltd* [1979] VR 129, at p. 147; *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 67 ALJR 170 at pl 70-171 per Mason CJ, Brennan, Deane and Gaudron JJ.

inquiries on my behalf, taking and collating statements from witnesses including experts such as Detective Senior Constable Macfarlane from the Victoria Police Collision Reconstruction Mechanical Investigation Unit, and Dr V Francis a forensic pathologist practising at the Victorian Institute of Forensic Medicine and compiling a Coronial Brief.

10. The findings in this document draw on the totality of the coronial investigation into the death of Mr Colosimo-Minniti, 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 as discussed above.

### **Circumstances in which the death occurred and Controversial Issues**

11. That Mr Colosimo-Minniti died on 15 April 2019 shortly after the motorcycle he was riding south in Hoddle Street collided with the Mazda that had been travelling north in Hoddle Street and was turning right into Roseneath Street is uncontroversial. The Coronial Brief contains ‘video footage’ of the collision recorded by various cameras including ‘footage’ by a camera mounted on the dashboard of a motorcar behind the Mazda. The evidence in the brief refers to the traffic lights applicable to the Mazda and Mr Colosimo-Minniti’s motorcycle being green immediately before and when the collision occurred.
12. There is however some controversy surrounding the speed of Mr Colosimo-Minniti’s motorcycle as it approached Hoddle Street’s intersection with Roseneath Street,<sup>12</sup> and the conduct of the driver of the Mazda immediately before the collision.

### **Events leading up to the Collision**

13. On 15 April 2019 Mr Colosimo-Minniti met Mr Karaiskos in High Street Northcote just before 8pm. Mr Karaiskos was riding his Yamaha motorcycle and Mr Colosimo-Minniti his recently purchased Ducati motorcycle; they intended to ride their motorcycles along the Yarra Boulevard. Mr Colosimo-Minniti was appropriately licenced to ride his motorcycle.
14. When the two men set off from High Street it was dark, overhead streetlighting was operating, the road was dry, and traffic was intermittently heavy. Their route took them south on High Street to Hoddle Street where they turned left to continue south in Hoddle Street past the Clifton Hill railway train station to the intersection of Ramsden Street where they stopped at

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<sup>12</sup> The posted speed limit for that area was 60kph.

a red traffic light.<sup>13</sup> The intersection of Hoddle Street and Roseneath Street was then approximately 250 metres further south.

15. Hoddle Street between Ramsden Street's intersection and Roseneath Street's intersection is a bitumen road running roughly north-south. The road surface was in good condition and had two lanes for each of north and south-bound traffic separated by a double white line. There was also a separate south-bound lane for traffic to turn right, toward the west into South Terrace at Ramsden Street and a similar lane for north-bound traffic to turn right toward the east into Roseneath Street. Each of the north and south bound lanes was separated by a broken white line.<sup>14</sup> Hoddle Street, between Ramsden Street and Roseneath Street, has a posted speed limit of 60 k/ph and each intersection is controlled by traffic lights; there are no traffic lights on Hoddle Street between Ramsden Street and Roseneath Street.<sup>15</sup>

#### *Evidence of Meyel Johansson*

16. Mr Johansson provided a statement to DSC Mitchell date 18 April 2019 in which he describes driving south on High Street Northcote on 15 April 2019 and being passed by Messrs Colosimo-Minniti and Mr Karaiskos on their motorcycles one to the left of him and one to the right; he estimated their speed at 60k/h – 70k/ph. Mr Johansson describes the motorcycles increasing speed after they passed him to what he thought was more that 80k/ph. Mr Johansson continued south stopping with the motorcycles at a red light at the intersection of Westgarth Street. Mr Johansson described the motorcycles accelerating away from the traffic lights when they turned green.

*“...When the lights changed to green, they were still talking to each other. I waited for a couple of seconds before the rider of the white bike accelerated in the lead of the other bike. The white bike just floored it. It sounded to me like he accelerated as fast as he could, he would have been doing 90 km/h with the first 3 seconds....The second rider on the dark bike followed the white bike though and as they accelerated I lost sight of them.”*

17. Mr Johansson described continuing south in High Street into Hoddle Street and very shortly there-after encountering the scene of the collisions at Roseneath Street. He identified the motor bikes stopped next to him at the traffic lights as those involved in the collision.

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<sup>13</sup> CB, Statement of Dean Karaiskos dated 2 August 2019.

<sup>14</sup> CB, Statement of DSC Melanie MacFarlane dated 23 July 2019.

<sup>15</sup> CB, Statement of DSC Melanie MacFarlane dated 23 July 2019.

*Evidence of Vasilis Limberis*

18. Mr Limberis provided a statement to DSC Miller dated 25 June 2019 in which described turning from High Street Northcote into Hoddle Street at about 8.00pm on 15 April 2019 when he was passed by a Mercedes<sup>16</sup> and two motorcycles<sup>17</sup>. In his statement he said that the Mercedes was travelling very fast and the motorcycles fast; he said that it looked like the motorcycles were chasing the Mercedes. Mr Limberis described the Mercedes stopping at a red light in Hoddle Street at Ramsden Street's intersection in the right-hand of two south bound lanes and the motorcycles stopping beside it in the left lane. Mr Limberis stopped at the lights behind a car that was stopped behind the motorcycles. In his statement he described what happened when the traffic lights changed to green.

*“When the light changed to green both the motorbike riders took off fast. I mean they were flying and if I had to guess at the speed, I'd say they accelerated up to about 80-100km/h as they took off from the lights...The Mercedes drove off in a normal manner and it was only just in front of me but in the right lane.”*

19. Mr Limberis drove off from the lights south in Hoddle Street and heard and saw what he thought were the collisions. As he approached Hoddle Street's intersection with Roseneath Street he encountered the scene of the collisions.

*Evidence of Prudhvi Chilla*

20. Mr Chilla provided a statement to DSC Miller dated 25 June 2019 in which he described working at the 7-11 in Hoddle Street between Ramsden Street and Roseneath Street at about 8.00pm on 15 April 2019 when he saw two motorcycles<sup>18</sup> driving south in Hoddle Street. Mr Chilla describes the motorcycles as “...both going fast”. Later Mr Chilla provided police with CCTV footage recorded by a camera at the 7-11 of the motorcycles travelling south in Hoddle Street. I note that the speed of the motorcycles as shown in this footage was not able to be calculated from the footage.

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<sup>16</sup> Driven by Mr Johansson.

<sup>17</sup> Driven by Messrs Colosimo Minniti and Karaiskos.

<sup>18</sup> Driven by Messrs Colosimo-Minniti and Karaiskos.

## **Evidence of occurrence the Collision**

### *Evidence of Mr Karaiskos*

21. Mr Karaiskos provided written statements for the Inquest Brief dated 2 August 2019 and 7 September 2020.
22. In his first statement Mr Karaiskos refers to believing that Mr Colosimo-Minniti bought his Ducati motorcycle a few weeks before 15 April 2019. He describes them having ridden together on a number of occasions before the collision. Mr Karaiskos recounts them riding along High Street in light traffic at about the speed limit which he thought was about 40 – 50 K/ph and stopping at a red light at High Street’s intersection with Westgarth Street. He recounts the traffic lights changing to green and “...*Michael rode off a little bit quicker than me and took the lead.*”. Mr Karaiskos describes them turning left into Hoddle Street and travelling at similar speed to other traffic through Hoddle Street’s intersection with Ramsden Street without stopping. Mr Karaiskos describes seeing a car travelling in the opposite direction turn right in front of them and of colliding with this car and “...*flying over the bonnet...*”. In this statement Mr Karaiskos says little more about how the collision occurred or what speed he and Mr Colosimo-Minniti drove between Ramsden Street and Roseneath Street.
23. Mr Karaiskos made his second statement as a result of being asked by Detective Acting Sergeant Leigh Miller from the Major Collision Investigation Unit to specifically address a number of issues. In his second statement Mr Karaiskos said that he could not then definitively say that he and Mr Colosimo-Minniti had not stopped at the intersection of Hoddle Street and Ramsden Street. He said that he was sure that as he rode past the railway station he was not riding faster than 60K/ph and that they were

*“...only riding casually and not overly fast. Again, I wouldn’t have thought we were riding faster than 60k/ph at any time. We weren’t in a hurry and, we weren’t racing. My bike was a standard Yamaha...I did have an aftermarket exhaust fitted...which makes it a bit louder when both idling and accelerating. I would say that both Michaels bike and mine were loud when accelerating but not excessively.”*

### *Evidence of Ms Pierce*

24. Ms Pierce was the driver of the Honda with which Messrs Colosimo-Minniti and Karaiskos collided. Ms Pierce provided a statement to police dated 9 May 2019 in which she explained that she was very familiar with the intersection of Roseneath and Hoddle Streets.

Ms Pierce described traffic on the evening of 15 April 2019 as busy – about medium it was dark and cars had their headlights on. She describes driving north in Hoddle Street approaching Roseneath’s intersection and being in the

*“...right turning lane...and the lights up ahead were green...I drove up to the intersection and put my indicator on to turn right.”*

Ms Pierce describes arriving at the intersection at about 7.55pm – 8.00pm. and having put her indicator on to turn right, entering the intersection and her car being in the middle of the intersection to turn right into Roseneath Street. Ms Pierce explained that she knew that she had to give way to cars travelling south in Hoddle Street’s two lanes. Ms Pierce recounts seeing traffic travelling south towards her and said that traffic didn’t appear to be driving fast

*“...I could see that I had enough time to turn right... traffic that was approaching me were at least ten car lengths away from the intersection but I am not certain of this. What I am fairly sure of is that it was more than enough distance and time for me to make a safe right-hand turn”.*

Ms Pierce described after she just committed to making the turn seeing a single headlight approaching out of the traffic, it was to the right of other approaching vehicles close to the centre of the road moving faster than the cars beside it and that she thought she saw a single headlight which she assumed to be a motorcycle. Ms Pierce describes only seeing this light for a split second in the distance before the collision. Ms Pierce describes

*“...I felt a fear that something wasn’t right...”.*

She felt her car being hit at the front and then a second hit to the left side and the airbags deployed. She got out of the passenger side of her car and spoke to ‘Bryden’. She saw a motorcycle rider on the road, sat on the kerb of Roseneath Street with ‘Bryden’ and called her mother. Ms Pierce spoke to police and did a breath test. She was very upset, her mother soon arrived and she was treated by ambulance staff who took her to hospital where she again spoke to police.

25. Ms Pierce had a blood test and “...further checks.” and was discharged. Ms Pierce described telephoning Senior Constable Johns and making a statement about the collision.



### *Evidence of Muhammad Zia*

26. Mr Zia provided a statement to DSC Miller on 25 June 2019 in which he described driving north in Hoddle Street approaching Roseneath Street's intersection and seeing a car<sup>19</sup> in the right turning lane, the traffic lights facing him (and the Honda) having just changed from red to green and the Honda moving into the intersection. Mr Zia describes getting up beside the Honda when he saw something "...go flying through the air to his right...a motorbike hit the left rear of the car [the Honda] and it bounced off into the air, and then onto the road where it slid into the front of my car.". Mr Zia gave his 'dash-cam' and its data card to police. The footage of which is referred to in detail in Mr Winter's report.

### *Reconstruction Evidence*

27. Detective Senior Constable Macfarlane from the Victoria Police Forensic Services Department – Collision Reconstruction & Mechanical Investigation Unit provided two reports, the first dated 23 July 2019 and the second 17 August 2021. The Court was also provided with a report by Mr B. Winter from 'Delta-V Experts dated 25 June 2021. Mr Winter's report analyses the evidence and comments on some elements of DSC Macfarlane's first report. DSC Macfarlane's second report analyses and comments Mr Winter's comments about her first report.
28. DSC Macfarlane's First Report and Mr Winter's Report are *ad idem* on many aspects of the collisions.<sup>20</sup> In his various submissions to the Court Mr Skinner made submissions about what these reports say about the speed of Mr Colosimo-Minniti's motorcycle as he rode it south in Hoddle Street approaching Roseneath's Street's intersection.
29. DSC Macfarlane's first report concluded that Mr Colosimo-Minniti was riding his motorcycle at between 53kp/h and 83kp/h at the commencement of tyre marks on the road "tyre mark 1"<sup>21</sup> attributed to the wheel or wheels of his motorcycle beginning to skid<sup>22</sup> and that the motorcycle

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<sup>19</sup> The Honda

<sup>20</sup> That is of the Mr Colosimo-Minniti's motorcycle with the Honda and Ms Zia's motorcar as well as Mr Karaiskos's motorcycle with the Honda.

<sup>21</sup> Tyre Mark 1 in figures 3&4 on page 3 of DSC Macfarlane's First Report.

<sup>22</sup> Coronial Brief p.124.

was travelling at between 43kph and 76 kph<sup>23</sup> when it collided with the Mazda. I note Mr Winter's assertion that in coming to these conclusions DSC Macfarlane did not explicitly consider that Mr Colosimo-Minniti's motorcycle may have "...skidded-out, highsided then fallen to its side as it impacted Ms Pierce's Mazda."<sup>24</sup>.

In his report Mr Winter made some criticism of the manner in which DSC Macfarlane calculated the speeds to which she referred including her not having taken account of the north to south down-slope of Hoddle Street between Ramsden Street and Roseneath Street.<sup>25</sup>

30. In her Second Report DSC Macfarlane cavils with a number of Mr Winter's assertions that Mr Winter makes in his report including that "tyre mark 1", shows no evidence of front wheel braking. DSC Macfarlane also expresses her disagreement with Mr Winter's assertion that 'throw distance' of a rider unseated by a collision is inapposite when calculating the speed of Mr Colosimo-Minniti's motorcycle when the collision occurred.<sup>26</sup> DSC Macfarlane does however accept that the gradient of Hoddle Street between Ramsden and Roseneath Streets should be factored into equations calculating speed.
31. In her first report DSC Macfarlane calculated Mr Colosimo-Minniti's pre-braking speed as being a minimum of between 53kp/h-88kp/h which speed she reviewed in her second report to 51.26km/h-84.66km/h. In his Report Mr Winter calculated that speed as having been between 55km/h-88km/h;<sup>27</sup> on one view there is little relevant difference. Indeed in his report Mr Winter comments that his calculated speed is similar to the speed DSC Macfarlane set out in her first report.<sup>28</sup> Mr Winter and DSC Macfarlane both make clear that accurately calculating/quantifying Mr Colosimo-Minniti's speed is just not possible.<sup>29</sup>
32. I note that on behalf of his clients in his letter of 25 June Mr Skinner explains that his clients;  
*"...dispute the opinion of Ms Macfarlane as to the range of speed of Michael Colosimo in the margins as a failure Of Miss McFarlane to account for the downhill slope of Hoddle Street of 2.7%, that is, that it is contended that the range of speed was in fact 51km/hr to 84k/hr....a pre-breaking speed in the lower range of the estimate of 55-88 km kilometres per hour is possible.(BWpp.46)."*<sup>30</sup>

## CONCLUSIONS

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<sup>23</sup> Coronial Brief p.125.

<sup>24</sup> Delta-V Experts Report of Mr B. Winter p.59.

<sup>25</sup> Delta-V Experts Report of Mr B Winter p.46.

<sup>26</sup> Second Report of DSC Macfarlane dated 17 August 2021. p.2.

<sup>27</sup> Delta-V Experts Report of Mr B Winter p.46

<sup>28</sup> Delta-V Report of MR B Winter p.46.

<sup>29</sup> Delta-V Report of Mr B Winter p.46 and DSC Macfarlane's First Report p.21.

<sup>30</sup> Mr Skinner's Letter to the Court dated 25 June 2021. p.3.

33. I am conscious of;
- (a) witness statements in the Inquest Brief including those of Messrs Johansson, Limbereris, Chilla, Ms Pierce and others of Messrs Colosimo-Minnit and Karaiskos riding their motorcycles at a fast speed
  - (b) evidence including CCTV footage from the 7-11 in Hoddle Street between Ramsden Street and Roseneath Street of Messrs Colosimo-Minnit and Karaiskos riding their motorcycle south in Hoddle Street at what is said to be a fast speed
  - (c) Time (taken from traffic light change times at Ramsden Street's and Roseneath Street's intersections with Hoddle Street) over distance (between Ramsden Street and Roseneath Street) calculations suggesting that Messrs Colosimo-Minnit and Karaiskos were riding their motorcycles on Hoddle Street between Ramsden and Roseneath Streets at a fast speed.
34. None of the evidence in the brief or set out in the previous paragraph or indeed all of it combined is of sufficient weight for me to be able to determine the speed of the motorcycles between Ramsden Street and Roseneath Street any more precisely than the brackets calculated by DSC Macfarlane and Mr Winter.
35. As a matter of logic, and in the sense discussed by Justice of Appeal Callaway in *Keown*,<sup>31</sup> Ms Pierce turning right from Hoddle Street into Roseneath Street may be seen as a cause of the collision and Mr Colosimo-Minniti's death. It may be readily considered that when Ms Pierce made that turn that she believed that she would be able to make it safely; she said as much in her statement. There is certainly no evidence to the contrary and some evidence speaking to her caution. She did for example wait for a Ms Clippingdale's south-bound car, to clear the intersection before she began her turn.<sup>32</sup>
36. To the extent that Mr Winter's assertion that "...Ms Pierce appears to have made the decision to turn behind Ms Clippingdale's Suzuki (purple circle) regardless of oncoming traffic." alleges that Ms Pierce turned right after Ms Clippingdale's motor car passed through the intersection deliberately ignoring oncoming traffic, I do not accept that assertion. If by "...regardless of oncoming traffic..." Mr Winter simply refers to the bald fact that Messrs Colosimo-Minniti and Karaiskos were on-coming traffic and their motorcycles collided with the Mazda – such an assertion may be accepted. I note what Mr Winter says about some of the content of Ms Pierce's statement in particular where she says;

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<sup>31</sup>*Keown v Khan* [1999] 1 VR 69.

<sup>32</sup> Ms Pierce's Statement and Report of Mr Winter p.33.

*“...I feel like I had just committed to making the right hand turn and as I was turning, I suddenly saw a single headlight approach out of the traffic.”*

Mr Winter comments,

*“...based on the dash cam footage, Mr Karaiskos’s motorcycle was clear of the surrounding traffic, clearly ahead of them in the footage of Mr Zia’s Honda amongst others. In the Author’s opinion rather than the headlights of Mr Karaiskos’ motorcycle “approaching” out of the traffic, this is the moment that Ms Pierce’s Mazda has managed to discern the headlight of Mr Karaiskos’ motorcycle from the background of lighting of the vehicles, street lights etc. It appears that Ms Pierce has failed to perceive that there was a motorcycle close to her when she committed to making the turn, as it was lost to her in the background of other lighting.”<sup>33</sup>*

37. I cannot say with any certainty why Ms Pierce didn’t make the turn without incident. She may have misjudged the speed or distance of the oncoming motorcycles or not ‘managed to discern’ them until it was too late. It is not this court’s role to consider whether her “failure to perceive that there was a motorcycle close to her when she committed to making the turn” constitutes criminal conduct or civil liability as put by Mr Skinner.
38. That of the two motorcycles Mr Karaiskos motorcycle collided with the Mazda first followed by Mr Colosimo-Minniti’s is uncontroversial. What causative role, if any, the first collision played in the second collision occurring and so Mr Colosimo-Minniti’s death is not clear.
39. Unless the reason Ms Pierce turned as she did is characterised as a matter connected with Mr Colosimo-Minniti’s death that relates to public health and safety – for example the Hoddle Street or its intersection with Roseneath Street were said to be inadequately lit or the intersection poorly designed – an inquest is not required. There is no evidence suggesting such a need.
40. Even if I were to hold an inquest this Court is simply unable to make the findings urged upon it by Mr Skinner at the directions hearing and in his letters of 25 June 2021 and 13 October 2021; the Act and relevant authority<sup>34</sup> prohibit it. The Court’s legislated task is to find facts;

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<sup>33</sup> Report of Mr Winter pp.50-51.

<sup>34</sup> *Keown v Kahn* [1999] 1 VR 69.

it is prohibited from applying the law to such facts and making findings about liability or whether conduct was criminal or not or whether a person was negligent or not.

**MATTERS IN RELATION TO WHICH FINDINGS MUST, IF POSSIBLE, BE MADE.**

41. Having investigated Mr Colosimo-Minniti's death pursuant to section 67(1) of the *Coroners Act* (2008), I find that:

- (a) The identity of the deceased was Michael Colosimo-Minniti;
- (b) Mr Colosimo-Minniti's death occurred:
  - (i) On 15 April 2019 at the intersection of Hoddle and Roseneath Streets Clifton Hill, Victoria,
  - (ii) as a result of injuries sustained in a motorcar and motorcycle collision,
  - (iii) in the circumstances set out in paragraphs 33-40 above.

42. Identity is not in dispute and requires no further investigation.

**PUBLICATION**

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

**DISTRIBUTION**

I direct that a copy of this Finding be provided to

Ms Colosimo and Mr Minniti, Mr Colosimo-Minniti's parents.

Chief Commissioner of Police

Transport Accident Commission

Detective Senior Constable MacFarlane, Coroner's Investigator

Signature:



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**Darren J Bracken**

**CORONER**

Date: 07 March 2022.

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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.

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