



## STATE CORONER'S COURT OF NEW SOUTH WALES

<b>Inquest:</b>	<b>Inquest into the death of Sarah Durazza</b>
<b>Hearing dates:</b>	<b>29 July 2014</b>
<b>Date of findings:</b>	<b>8 August 2014</b>
<b>Place of findings:</b>	<b>State Coroner's Court, Glebe</b>
<b>Findings of:</b>	<b>Deputy State Coroner HCB Dillon</b>
<b>Catchwords:</b>	<b>CORONERS – Cause and manner of death – Motor vehicle accident – Single vehicle – Momentary inattention or distraction of driver – Probable distraction by mobile phone while driving causing loss of control of vehicle – Whether safety audit of Wakehurst Parkway needed</b>
<b>File number:</b>	<b>2013/259359</b>

<p><b>Representation:</b></p>	<p>Sgt L. Johnson (Advocate assisting coroner)</p> <p>Mr J Young (counsel) instructed by Mr A Cameron (McLaughlin &amp; Riordan, Solicitors) for Mr Scott Bidder</p> <p>Mr &amp; Mrs Durazza (Next of Kin)</p>
<p><b>Findings:</b></p>	<p>I find that Sarah Durazza died on 26 August 2013 on the Wakehurst Parkway, Narrabeen, New South Wales due to multiple injuries she suffered when she lost control of her car and crashed.</p>
<p><b>Recommendations:</b></p>	<p><b><i>To the Minister for Roads:</i></b></p> <p>I recommend that, if one has not been recently conducted, a safety audit of the Wakehurst Parkway be carried out by Roads and Maritime Services and that any deficiencies be rectified.</p>

## **Introduction**

1. Sarah Durazza was only 26 years old when she was killed on 26 August 2013 after her car ran off the Wakehurst Parkway and hit a tree. Her family and her partner were devastated by this awful event and sought an inquest in the hope of learning what had happened to Sarah but also in the hope of helping prevent future deaths of a similar kind by advocating that the Wakehurst Parkway be upgraded.
2. Sarah was a bright, vivacious, high-spirited young woman. She was a skilled beauty therapist and was on the threshold of a flourishing career. She was independent, strong-willed and energetic. That such a young woman, so full of life, has died so prematurely has caused her loving family and her partner immeasurable pain.

## **The coroner's function**

3. A coroner's primary function is provided for by s. 81 of the *Coroners Act*. It is to make findings as to:
  - (a) The identity of the deceased
  - (b) The date and place of the person's death
  - (c) The manner and cause of the person's death.
4. There is no controversy in this case in relation to identity, date or place of death.

## **Nature of an inquest**

5. An Inquest is different from most other court cases in that it is not an 'adversarial' process. An inquest is not intended to prove or disprove a claim or allegation, it is an inquiry or investigation into the facts surrounding a sudden and unexpected death.
6. The aim of these proceedings is to learn how Sarah's death came about and whether there is anything that can be done to prevent a repetition of this tragedy so that other families will be spared the experience that has been so painful for the Durazzas and Mr Bidder.

## The facts

7. The Wakehurst Parkway is a long road that runs for several kilometres largely through bushland from Narrabeen to Seaforth. Most of the way it is not lit by street lighting. It is a busy arterial road that for most of its distance, consists of a single lane in each direction with relatively few intersections along it. Speed limits vary but for much of the length are above the general 60 kph limit.
8. On the evening of 26 August 2013, Sarah had returned from a business trip to Perth. For reasons that are unnecessary to detail, she and her partner, Scott Bidder, had an argument. Sarah was agitated and upset but had made plans to go out for dinner that evening with a friend. A short time later, Sarah's mother, Fiona, spoke to Sarah and saw that her daughter was getting ready to go out. Sarah said that she was going out to dinner with a friend at Caffè Roma, a restaurant in Kings Cross. The time was around 7pm.
9. Fiona was concerned about Sarah, and during her wait to find out what Sarah was going to do, she saw Sarah leave the house through her bedroom window and make her way to a car she had been lent, a white Holden Barina. Fiona offered to drive Sarah to wherever she wanted to go but Sarah refused and insisted on driving herself. Sarah's brothers, Peter and Robert, also tried to prevent Sarah from leaving but those attempts were abandoned when it was clear that Sarah would not be stopped.
10. Once Sarah had driven off, Robert also left in the family work vehicle in an attempt to follow Sarah. A short time later, Sarah's boyfriend, Scott Bidder, arrived at the house and following a short conversation with Fiona, both Scott and Fiona drove off after Sarah as well.
11. Phone records show that Sarah called Scott that evening at 7:12 and 14 seconds for a call that lasted only 7 seconds, but the records also show that Scott called Sarah about 20 seconds later at 7:12 and 37 seconds, a call which was answered and remained connected for approximately 28 minutes.
12. During the first few seconds of that last call, Sarah lost control of her vehicle and skidded off the road into bushland beside the Wakehurst Parkway. It was there that Sarah tragically lost her young life when her car struck a tree side-on with significant force. Disturbingly, the crash was heard over the phone as it happened.

13. There are two accounts of what happened in the lead-up to that telephone call. Mr Bidder's account is that he made the call to Sarah and heard her say "Oh shit, ..." followed by sounds that we now know were those of the car running out of control into bushland on the opposite side of the road, hitting a tree and inflicting fatal injuries to Sarah. His version of events is that he then went to the Durazza's home and picked up Mrs Durazza who accompanied him to search for Sarah.
14. Mrs Durazza's memory is that she was in Mr Bidder's car at the time the call to Sarah was made and that she also heard Sarah say, "Oh shit..." followed by whooshing sounds.
15. By the time they were asked to give their accounts to police, both witnesses had been through an extraordinarily traumatic experience. Courts are very familiar with the phenomenon of honest witnesses having very different recollections of dramatic events. Psychologists tell us that memory is not like a computer or video recording but is highly selective and malleable. It is unnecessary to decide which version is more accurate and I make no criticism of the reliability or honesty of either Mr Bidder or Mrs Durazza. The key fact here is that Sarah was on the phone when she lost control of the car.
16. After this terrible phone call, Mr Bidder and Mrs Durazza drove along the Wakehurst Parkway looking for Sarah. Both were afraid that something had gone badly wrong for her. They saw a car with hazard lights flashing by the side of the road. Initially they drove past it but a short time later drove back to that spot. There they saw Sarah's car off the road very badly damaged.
17. Mrs Durazza immediately understood that Sarah was either very badly injured or dead. She fell to her knees in distress. Mr Bidder approached the car and saw Sarah unconscious. She was alive only for a short time further. By the time emergency services arrived she had died. So severe were her injuries and the damage to the car that she had no chance of survival. It is unlikely, however, that she suffered pain as she would almost certainly have been knocked unconscious on impact.
18. The Durazza family were naturally anxious to know whether the condition of the road had contributed to the seriousness of this accident and whether it could be upgraded to make it safer.
19. The crash investigators found that the road surface was in good condition, the weather was fine and there was nothing on the surface that would have caused or contributed to causing the accident. At the point where Sarah lost control of the car the road entered a long curve that was not dangerous in itself.

20. According to the crash investigation evidence, what appears to have happened is that a moment before she lost control of the car, Sarah drove onto the left-hand verge of the road (very close to a guard rail). She then sought to correct her steering but overcorrected. This caused the car to become unstable and the rear end swung out. The car then slipped sideways across the road at some point becoming airborne and hitting the tree roof first. The roof collapsed onto Sarah causing multiple injuries.
21. Why Sarah ran onto the left-hand verge is not clear but there is a strong possibility that she was distracted by using her mobile phone. The fact that she was on the phone immediately before the accident and said, "Oh shit..." as she answered the phone call from Mr Bidder is highly suggestive that it was the act of answering the phone rather than anything else that caused her to take her eye off the road momentarily but sufficiently long for her to run onto the verge.

### **What can be learned from this accident?**

22. Sadly, Sarah's death is a case study in the dangers of distractions for drivers. In his preface to the NSW Police Safe Driving Policy, the Commissioner of Police, Mr Andrew Scipione, wrote, "The police motor vehicle, if used irresponsibly and inappropriately, can result in it being the most deadly weapon in the police arsenal..." This observation that a car can be a "most deadly weapon" applies just as much to civilian cars as to police vehicles of course. And sometimes the victims of these deadly weapons are their drivers or passengers.
23. A motor vehicle can be transformed into a deadly weapon in a moment by inattention or distraction. A study by the Monash University Accident Research Centre in 2003 stated:

The impact of technology (e.g., mobile phones and route guidance systems) and non technology-based distractions (e.g., eating, smoking and conversing with passengers) on driving performance is examined and the relative influence of these distractions on driving is discussed. Approximately one quarter of vehicle crashes in the United States are estimated to result from the driver being inattentive or distracted. Whilst the full extent to which distraction is a causal factor in vehicle crashes in Australia is not yet known, there is converging evidence that it likely to be a significant problem here. As more wireless communication, entertainment and driver assistance systems proliferate the vehicle market, the prevalence of distraction-related crashes here and overseas is expected to escalate...

***Many studies have found that using a hands-free phone while driving is no safer than using a hand-held phone. Using a mobile phone while driving can increase the risk of being involved in a collision by up to four times.*** (Emphasis added).<sup>1</sup>

24. Driving a motor vehicle is one of the most complex skills a human being can learn. The level of difficulty is underestimated by many – perhaps most – drivers. The level of concentration needed to drive well and safely is also very frequently underestimated. It has been discovered by scientists that driving is one of the most complex activities a human being undertakes. It is so difficult that at present scientists have not been able to build a robot or computer that can fully emulate a human being's performance in driving a car.<sup>2</sup>
25. The Virginia Tech Transportation Institute in the USA, in a major study they conducted, found that 80 per cent of crashes and 65 per cent of near crashes involved drivers who were not paying attention for up to three seconds before the incident occurred.<sup>3</sup>
26. The NSW Centre for Road Safety has found that in the past five years, mobile phone use contributed to at least 216 crashes, 100 of which resulted in someone being killed or injured.<sup>4</sup>
27. Vastly safer cars combined with improved driver education, law enforcement and roads have greatly reduced road tolls in Australia over the last generation. Nevertheless, until cars can be driven safely virtually by themselves the dangers of driver distraction and inattention will remain. And as the temptations of technologies that are being installed in motor vehicles (phones, texting, the internet, GPS navigation, etc) increase we will continue to see tragedies such as this one.
28. During the inquest, Mrs Durazza strongly advocated that the Wakehurst Parkway be upgraded perhaps turned into a dual carriageway. The police officers who investigated Sarah's tragic death gave evidence that accidents are quite frequent on the Parkway.
29. I have no evidence, however, of whether the road is unusually dangerous or whether parts of it are. I understand, however, that Roads and Maritime Services (and the NSW Police and Centre for Road Safety) constantly monitor and conduct research into road accidents in an effort to identify "traffic black

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<sup>1</sup> Young, K; Regan, M & Hammer, M "Driver distraction: a review of the literature" Report No 206 Monash University Accident Research Centre, Melbourne (2003) pp i, v  
<http://www.monash.edu.au/miri/research/reports/muarc206.pdf> accessed 6 August 2014.

<sup>2</sup> Vanderbilt, T *Traffic: Why We Drive the Way We Do (And What it Says About Us)*. Penguin Books, London (2008) pp 51-57.

<sup>3</sup> Vanderbilt (2008) p.77.

<sup>4</sup> <http://roadsafety.transport.nsw.gov.au/campaigns/getyourhandoffit.html> accessed 6 August 2014.

spots” and to reduce risk. Upon the basis of those studies, and other studies such as of traffic volumes, priorities for improvements are developed.

30. I am not in a position to assess whether there is an urgent need for the Wakehurst Parkway to be upgraded or where it stands in order of priority for upgrading. A copy of these findings will be sent to the Minister for Roads recommending that, if one has not been conducted recently, a safety audit of the Wakehurst Parkway be carried out and any deficiencies identified be rectified.

## **Conclusion**

31. The most likely cause of Sarah’s tragically premature death was momentary inattention followed by loss of control of her vehicle. Her death is a terrible warning of the dangers of inattention and distractions while driving.
32. It is possible also that her agitated state of mind contributed to that inattention or distraction. Unfortunately, her mother and her brothers were unable to dissuade her from driving that evening. Their worst fears came to pass.
33. About 2500 years ago, the Greek playwright Euripides wrote “What greater pain can mortals bear than this – to see their children die before their eyes”. This was Mrs Durazza’s terrible experience on the Wakehurst Parkway. And, of course, the whole family and Mr Bidder remain grief-stricken.
34. I hope that the Durazza family, but especially Mr and Mrs Durazza, and Mr Bidder, will accept my sincere and very respectful condolences on the loss of this beautiful young woman whom they loved so much.

## **Findings**

I find that Sarah Durazza died on 26 August 2013 on the Wakehurst Parkway, Narrabeen, New South Wales due to multiple injuries she suffered when she lost control of her car and crashed.



## **Recommendation**

### ***To the Minister for Roads:***

I recommend that, if one has not been recently conducted, a safety audit of the Wakehurst Parkway be carried out by Roads and Maritime Services and that any deficiencies be rectified.

Magistrate Hugh Dillon  
Deputy State Coroner