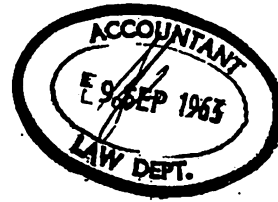


PROCEEDINGS BEFORE CORONERS

INQUISITION



VICTORIA }  
To Wit. } Ballarat

AN INQUISITION for our Sovereign Lady Queen Elizabeth II., taken  
at Ballarat in the State of Victoria, the 28th day  
of August A.D. 19 63 in the Eleventh year  
of the reign of our said Lady the Queen, by me, G.O. SULLIVAN

gentlemen,<sup>(1)</sup> A Coroner of our Lady the Queen for the said State,  
~~making~~  
upon the ~~misadventure~~ ~~of~~ Bernard John BOURKE.

~~Ballarat~~ ~~being~~ by  
virtue of section 31 of  
the Coroners Act 1958. then ~~and there~~ lying dead.

Having inquired upon the part of our Lady the Queen when, where,  
and how the said Bernard John BOURKE,

(2) His or Her. came by<sup>(2)</sup> his death, I say that

on the 6th day of July 19 63

at Ballarat

in the said State, the said Bernard John BOURKE

(3) Here state cause of death, if known; if unknown, doubtful, or no evidence, state the fact accordingly.  
*died from<sup>(3)</sup> effects of injuries received when a motor car  
he was driving collided with a stationary tram car at  
the terminus of the Victoria Street tramline. The  
reason he ran into the tram - the evidence adduced  
does not enable me to say*

DEPOSITION OF A WITNESS

VICTORIA, TO-WIT This Deponent: DESMOND IAN DOMASCHENZ  
 on his oath saith—I am a Motorman Conductor employed by the  
 State Electricity Commission of Victoria and  
 reside ~~residing at~~ 709 Macarthur Street, Ballarat.  
† Christian and Surname in full

At about 6.10 p.m. on Saturday, 6th July, 1963, I was the Conductor on single truck type tram No. 12 which was being driven to the east along Victoria Street, Ballarat, by Motorman Maes. There were no passengers on the tram. As soon as the tram stopped at the terminus I alighted from the rear entrance and removed the trolley pole from the overhead wire. It was fine and clear and the roadway was dry. I walked around the north side of the tram and as I reached the front of the tram I noticed the headlights of a vehicle travelling west in the distance to the east. After the second attempt the trolley wheel engaged the overhead wire and I noticed the headlight and panel lights at the front of the tram come on. I clipped the trolley pole rope to the front of the tram. I was not aware of any close traffic. I moved to the south east corner of the tram and stepped into the tram.

As I entered the tram I heard a crash. I looked to the east and saw a car against the front of the tram. I alighted and saw two men in the front seat of the car. Both men were unconscious and appeared very badly injured. I arranged for an ambulance to be called. I returned to the car and within a short time an ambulance arrived. Three unconscious men were removed from the car.

A policeman took brief details of the accident and obtained my name and address and that of Motorman Maes. The front of the car, Reg. No. PM-452, a Velox was badly damaged. The front of the tram was damaged. *The front of the tram means the part facing to the east. When the moment the trolley pole is removed a set of two red lights on each end automatically come on. I think the red lights are types of reflectors. When the pole is pulled down they automatically light up. When I reached the east end of the tram the car lights were away back behind the bend nearest the tram. When the switch is changed at the rear you would have a*

Taken and sworn before me the 26th day

at AUGUST 1963 at BALLARAT  
*Shullwa*

DEPOSITION OF A WITNESS

VICTORIA, TO WIT

This Deponent\* DESMOND IAN DOMASCHENZ

\* Christian and Surnames in full.

on his oath saith—I am a MOTORMAN CONDUCTOR, EMPLOYED BY THE STATE ELECTRICITY COMMISSION OF VICTORIA.

residing at 709 MACARTHUR STREET BALLARAT

pair of red pair, additional to the ones already mentioned and at the front the old type headlight would glow and a number of small globes would also light up, and the lights inside the tram would also light up. When the pole is disconnected from the overhead wire the only automatic red lights are about 3 inches in diameter (then I) I had no idea at any point at what speed the car was travelling. There was nothing to indicate that brakes were applied. There were no people about when I was aware of what had happened. It is possible that a woman could have boarded the tram and got off again when she realised what had happened, and without me seeing her I was in the tram when the accident occurred. It could be in the vicinity of 8 seconds between the time I connected the pole and the accident happened. After I connected the pole I didn't look at the car again. The lights were on in the tram after the collision. When I regained consciousness the lights were on and they weren't flickering.

Taken and sworn before me the 28th day

of AUGUST 1936 at BALLARAT

*[Signature]*

*[Signature]*

## DEPOSITION OF A WITNESS

VICTORIA, TO-WIT

This Deponent\* DESMOND LAN. DOMASCHEWZ\* Christian and  
Surname in  
full.on h/s. oath saith—I am a MOTORMAN CONDUCTOR EMPLOYED BY  
THE STATE ELECTRICITY COMMISSION OF VICTORIA  
residing at 709 MACARTHUR STREET BALLARAT

Assuming someone was on the tram at the time of the collision they would have to have alighted on the <sup>east</sup> side at the west end of the tram.

In the morning it was a little unsettled but in the afternoon it was dry whether the afternoon was fine.

I dismounted from the south side of the tram after the accident. It would be pretty soon after the accident the car was on the south east corner of the tram.

(One of the persons out) All the people were in the car when I got out of the tram. I saw two people visible in the car. A crowd gathered fairly quickly.

The car was back around the first bend when I first saw the car. The bend was between myself and the car.

When I was connecting the trolley pole the first attempt made a light but it would not stay there. It <sup>the car</sup> was not <sup>travelling</sup> direct west from the tram. I was stunned by the collision. I did not see any headlights coming towards me when I entered the tram. I did not hear any car, my hearing is quite reasonable. It was coming from behind me. I did not.

Taken and sworn before me the 20th dayof AUGUST 1962 at BALLARAT[Signature][Signature]

DEPOSITION OF A WITNESS

VICTORIA, TO WIT

This Deponent\* DESMOND IAN DOMASCHENZ

\* Christian and Surname in full.

on his oath saith—I am a MOTORMAN CONDUCTOR EMPLOYED BY THE STATE ELECTRICITY COMMISSION OF VICTORIA residing at 709 MACARTHUR STREET BALLARAT.

*notice any additional lights other than the beams. I have been driving for about 5 years and I know the terms as well. The headlight switch does not effect the inside lighting of the tram, they are controlled by a separate switch.*

Taken and sworn before me the 28<sup>th</sup> day

of AUGUST BALLARAT

*[Signature]*

*[Signature]*

DEPOSITION OF A WITNESS

VICTORIA, TO-WIT This Deponent WILLIAM ALEXANDER MAES

on his oath saith—I am a Motorman Conductor employed by the  
State Electricity Commission of Victoria and  
 reside <sup>residing at</sup> 506 Peel Street North, Ballarat.

† Christian and  
 Surname  
 in full

On Saturday, 6th July, 1963, at about 6.10 p.m. I was Motorman on single truck type tram No. 12. D. Domaschenz was the Conductor. I arrived at the Victoria Street terminus at this time. As far as I can remember there were no passengers on the tram when it reached the terminus. The lights inside the tram were burning. When the tram stopped I was in the Motorman's cabin at No. 1 end of the tram and I closed the door on my left. I did not see any approaching traffic. The tram was facing to the east in Victoria Street on the west side of Stawell Street. I moved around behind the Motorman's cabin and opened the door on the right to the south. After locking the door in position I moved back behind the Motorman's cabin and reached in to the cabin to obtain the controller key and brake valve handle. I intended to change the headlight switch so that the headlights would face to the west and the tail lights to the east. I did not notice any traffic at all as I removed the controller key and I heard a loud bang and was thrown violently forward on to the controller box. I looked out the front of the tram and saw a motor car wedged under the front of the tram near the south east corner of the tram. The car was facing slightly north of west. I alighted from the south side of the tram and walked behind the car. I noticed that the headlight and panel lights at the front of the tram were still burning. I removed the trolley wheel from the overhead wire and tied it down. As I removed the trolley wheel all white lights on the tram went out. I think the red tail lights then came on.

I looked in the car and saw two men who appeared to be badly injured. I tried to open the near side front door but could not do so. Conductor Domaschenz said that he would ring for an ambulance and the Police. After a short time an ambulance arrived and then the Police and three men

Taken and sworn before me the 28th day  
 of AUGUST 1963 at BALLARAT  
*[Signature]*

*William A. Maes*

DEPOSITION OF A WITNESS

VICTORIA, TO-WIT

This Deponent, WILLIAM ALEXANDER MAES CONTINUES

† Christian and Surname in full

on his oath saith—I am a Tramway Conductor employed by the State Electricity Commission of Victoria and residing at 506 Peel Street North Ballarat

were removed from the car. All three men were unconscious and appeared to be badly injured. The front of the car, Reg. No. PM-452, was wrecked.

The front of the tram was damaged. I removed the halley wheel to prevent any damage to wiring in the control box.

The control box is in each end: the one I went to was in the east end. I was half in and half out of the drivers cabin when the car hit. I was out of the north side of the drivers cabin at the east end of the tram. I had not touched any lights at all when the accident happened. When the conductor connected the pole the headlights on the east end of the pole automatically came on. (I saw the car) The As far as I know the headlight and the apron lights went on.

For a time we had been in darkness in the tram. The length of time when the lights went on and the crash would be about 5 or 9 seconds.

When the automatic lights went on when the pole was removed, I am not sure. They are supposed to go on when the pole is removed. No one got on or got off my end of the tram at any time at the terminus. Some one could have but I did not see any body. It would have been 3 or 4 seconds after the lights went on that the crash occurred. I cannot operate the interior light from both ends only from No. 1. cabin.

While the conductor is changing the pole I usually change the lighting about. It may well be that sometimes when the pole is changed the lights go on at either No. 1. or No. 2. end, depending on how long it takes to change it. I did not see or hear the car approach at the time of the impact I was thrown against the control box and hurt my stomach.

Taken and sworn before me the 25th day of AUGUST 1965 at BALLARAT

*William A. Maes*

William A. Maes

DEPOSITION OF A WITNESS

VICTORIA, TO WIT

This Deponent\* William Alexander Macdonald

\* Christian and Surname in full.

on his oath saith—I am a Tramway Conductor employed by

and reside the Duke of Edinburgh Barracks, of Victoria  
residing at 526 Bell Street, North Melbourne

The white stripes on the panels in front  
are not reflecting devices to my knowledge. It would be  
about 6.15 p.m. between when the lights came on and  
when the car hit the tram.

I have no reasonable doubt as to whether anybody  
got on or off the tram. I believe that nobody got  
on.

The collision occurred about 1/2 a minute after  
the tram pulled up.

William A. Mac

Taken and sworn before me the 28<sup>th</sup> day

of AUGUST 1963 at DALLARA

William A. Macdonald



PROCEEDINGS BEFORE CORONERS

DEPOSITION OF A WITNESS

VICTORIA, TO WIT

This Deponent \*Neil Thomas PATTERSON

Ballaarat  
Christian and  
Surname in  
full.

on his oath saith—I am a Police Constable

residing at Ballaarat.

About 6-20pm on Saturday the 6th day of July 1963, in company with 1/C NICHOLLS

as result of a radio message I went to the intersection of Victoria and Staveil

streets Ballaarat. On arrival I saw that a car registered number PH-452, a black

coloured Vauxhall motor car had apparently collided head on into the rear of a tram

at the terminus. There were three occupants still in the car when we arrived.

The deceased was slung over the wheel of the car and appeared to be dead.

The two other occupants of the car were taken by ambulance to the Ballaarat Base

hospital where they were admitted. The deceased was later taken in another ambul-

-ance to the Ballaarat Base hospital where life was pronounced extinct by Dr. BEGG.

On examining the roadway at the scene I could find no marks that <sup>would</sup> indicate that the

deceased had applied the brakes before the accident. Owing to the damage caused

to the deceased's motor car it was impossible to ascertain whether the brakes and

steering had been functioning normally before the collision.

From the statements of the tram driver and his conductor apparently the tram was

stationary at the time of the collision. The width of the roadway at this point is

56 feet, which leaves 24 feet between the tram and the south side of the roadway

for traffic travelling west to pass. The street lighting at this point is excellent

and there is nothing to obstruct the forward vision of a vehicle travelling west

on this roadway. The tram involved was fitted with reflectors and they appeared to

be in good condition. The weather at the time was good and the road was dry.

The point of impact was 24 feet from the south side of the roadway and in-line

with the intersection of Staveil street, on the western side.

When I first arrived at the scene I saw that the pole that connects from the tram

to the overhead power lines was disconnected from the power line and was at an

angle of about 45 degrees to the north of the tram. There was extensive damage to

the rear side rear of the tram which was apparently caused by the collision.

Taken and sworn before me the \_\_\_\_\_ day

of August 1963 at BALLARAT

Signature

*[Handwritten Signature]*

*[Handwritten Signature]*

PROCEEDINGS BEFORE CORONERS

DEPOSITION OF A WITNESS

VICTORIA, TO WIT

This Deponent\* Neil Thomas PATTERSON

Ballaarat

on h IS oath saith—I am a Police Constable

\* Christian and Surname in full.

residing at Ballaarat

continued..... 2.....

I made enquiries at the scene of the accident, but I was unable to find any other witnesses to the collision.

I made enquiries at the Mental hospital Ballaarat where the deceased was employed as a male nurse, I was informed by the head male nurse that on the 5th day of July the deceased had started work at 8pm and had finished work at 7-30am on the 6-7-63,

From his room mate at the hospital I was informed that the deceased had not been to bed before commencing his journey to Melbourne, apparently he had left Ballaarat about 11am on the 6-7-63. From the witness David CAMERON I was informed that the deceased had stopped at several hotels on the way to and in Melbourne and had consumed 2 or 3 beers at each hotel. Apparently on the return trip to Ballarat, no stops were made on the way. I also endeavoured to interview the other passenger in the car Brian Michael EVANS but his mental condition is such that he cannot be interviewed.

The photographs produced are those taken at the scene of the accident, and show the damage caused to both tram and car. There was a broken bottle on the floor in the back seat. I ascertained from Cameron that Burke had been in 3 hotels during the day. Cameron could not recall what time that Burke had been in the last hotel. There is no doubt Burke had driven all the way to Melbourne. I didn't check the lighting devices on the tram.

*Neil Thomas Patterson*  
2/12/63

Taken and sworn before me the 28th day

of AUGUST 1963 at BALLARAT

*Waller*