

RULE 5.02(1) FORM 5A 2016 # 2582

IN THE SUPREME COURT OF VICTORIA
AT WARRNAMBOOL
COMMON LAW DIVISION
CIVIL CIRCUIT LIST

No. S CI

COLIN DAVID GRANT Plaintiff

and

VILNE PTY LTD Firstnamed Defendant

and

WARRNAMBOOL CITY COUNCIL Secondnamed Defendant

WRIT

Date of document: 1 July 2016
Filed on behalf of Plaintiff
Prepared by:
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Ref: MJD.DSV/21301229



WCC being sued over train crossing death

Description



In the wake of the recent rail crossing accident at Pirron Yallock, it has been revealed the WCC is being sued for negligence over a death at an Allansford crossing in 2013.

Words by Carol Altmann

[dropcap style="color: #a5cecd;"]T[/dropcap>he Warrnambool City Council is being sued for negligence over the death of a young man at an Allansford rail crossing in 2013.

You can [read the Supreme Court writ](#) here.

For those of you who [may have missed our Facebook post](#) from earlier this week, we followed up on a [report in the Herald-Sun](#) by Tom Minear that revealed the council and V-Line are being sued by **Colin Grant**, the father of **Sam Grant**, the 22-year-old tragically killed at an Allansford level crossing in March 2013.

Mr Grant is taking action against both parties for failing to improve safety at the Brown St crossing.

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[dropcap style="color: #a5cecd;"] T [dropcap]he writ lodged in the Supreme Court on July 1 on behalf of Mr Grant claims that the council had “the responsibility, management and control of Brown St, including the approaches to the crossing”.

It further argues that the WCC had a duty of care with respect to its “management, control and supervision of Brown St and the approaches to the crossing”.



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In particular, the writ outlines five areas of negligence:

- failing to have the crossing controlled by boom gates, flashing lights and warning bells;
- allowing the crossing to be used when it was unsafe and not properly controlled;
- failing to have adequate warning signs in Brown St when approaching the crossing
- failing to close the crossing when V-Line knew or ought to have known it was unsafe and;
- permitting the crossing to be used with only passive traffic controls.

The WCC told Bluestone on July 18 it had “not received any notification of this court action” – despite the writ being lodged with the Supreme Court almost three weeks ago.

According to the writ, the council has 10 days after being served with the writ to “file an appearance”.

Update: A writ can be served up to 12 months after it is lodged with the court.

We shall keep an eye on this timely story as it unfolds.



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