



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Rodney James Fischer

Find, pursuant to Section 28(1) of the Coroners Act 1995, that:

- a) The identity of the deceased is Rodney James Fischer;
- b) Mr Fischer died as a result of injuries sustained by him in a single motor vehicle crash;
- c) The cause Mr Fischer's death was multiple injuries; and
- d) Mr Fischer died between 19 and 20 January 2020 at Colebrook Road, Campania, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Fischer's death. The evidence includes:

- Police Report of Death for the Coroner;
- An opinion of the State Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Medical records – Eastern Shore Doctors and Hobart Skin Cancer Clinic;
- Collision Analysis Report – Tasmania Police Crash Investigation Services;
- Report – Transport Inspector;
- CCTV footage;
- Affidavit of Ms Kim Ayres;
- Affidavit of Ms Ebony Fischer;
- Affidavits of attending and investigating police officers; and
- Forensic and photographic evidence.

Background

Mr Fischer was born in Hobart, Tasmania on 31 July 1966. At the time of his death, he was 53 years of age and in a long-term relationship with Ms Kim Ayres. He had two daughters.

Mr Fischer ceased work in 2016. In 2019, he commenced receipt of a disability pension.

He appears to have been a long term user of illicit drugs. In addition, it is evident that Mr Fischer regularly, and for a long time, used prescription drugs that had not been prescribed for him.

He had a lengthy history of back pain and poor mental health. At the time of his death, he was receiving a variety of pain medication as well as engaging with a psychologist as a consequence of a mental health plan devised by his general practitioner. The evidence is that in the days leading up to his death Mr Fischer was happy and looking forward to the future.

He last saw his general practitioner, Dr Kon Exarhakos, on 6 January 2020. There was nothing remarkable about that consultation. Mr Fischer left with his usual repeat prescriptions.

Circumstances of Death

At about 11.00pm on 19 January 2020, Mr Fischer left the home he shared with Ms Ayres in Mornington, to travel to their shack near Craighourne Dam, Colebrook. He was in his 1998 Toyota HiLux utility.

At 12.05am, 20 January 2020, an off duty police officer, Constable Michael Grenda OAM, found the HiLux in a paddock near the property at 1803 Colebrook Road, approximately halfway between Colebrook and Campania. The vehicle was still warm. Mr Fischer was hanging out of the vehicle, unresponsive. He could not find any signs of life and noted that Mr Fischer's shoulders were hard against the ground and his head was in an unnatural position. It was apparent to Constable Grenda that Mr Fischer was dead.

Constable Grenda called 000 and reported the crash. Within half an hour, a number of emergency services vehicles including police, fire and ambulance arrived at the scene.

Mr Fischer's body was removed and transported to the Royal Hobart Hospital for confirmation of life extinct.

The scene was secured and examined by Constable Jarred Gowen, a qualified Collision Analyst with Tasmania Police Crash Investigation Services. After that investigation was completed, the HiLux was impounded for subsequent examination by a Transport Inspector.

Mr Fischer's body was formally identified by fingerprint comparison. An autopsy was performed by the Tasmanian State Forensic Pathologist, Dr Donald Ritchey. Dr Ritchey found, at autopsy, that Mr Fischer had suffered extensive blunt trauma to his head, neck, thorax and arms. The injuries included depressed skull fractures with partial extrusion of the brain and a complete separation of the base of the skull from the top of the vertebral column as well as fractures of both upper arms and bruising of both lungs in the posterior chest wall.

I am satisfied that these injuries caused Mr Fischer's death. It is evident that his head injuries would have resulted in near instantaneous death.

Samples taken at autopsy were subsequently analysed at the laboratory of Forensic Science Service Tasmania. A significant number of central nervous system depressants including tramadol, fentanyl, diazepam, temazepam and oxazepam were identified as being present in those samples. Both tramadol and fentanyl were found at levels within the reported toxic/fatal range.

The crash investigation by Constable Gowen satisfies me that as Mr Fischer travelled north on Colebrook Road he failed to negotiate a gentle right-hand curve in the road. Consequently his vehicle left the road, hit a roadside drain, launched off a roadside berm, collided with a fence post and then travelled through the air for nearly 30 metres. Upon landing, the vehicle rolled laterally, shattering the driver's window and causing the seatbelt to snap. The cabin of the HiLux separated from the chassis at three points and the tray of the vehicle separated completely.

There is no evidence to suggest that the road surface or weather conditions caused or contributed to the happening of the crash.

The HiLux was examined by Transport Inspector, Mr Paul Wells. Mr Wells provided a report in which he expressed the opinion, which I accept, that the HiLux was not roadworthy prior to the crash. Those issues included a non-compliant driver's seat belt, non-compliant rear shock absorber bushes and non-compliant vehicle height and lift.

Of particular importance in relation to Mr Fischer's death was the non-compliant driver's seat belt.

Conclusion

I am satisfied that the accident which caused Mr Fischer's death occurred when he failed to steer his vehicle through a gentle right-hand corner. In my view, it is likely he failed to negotiate the corner because his driving capability was significantly impaired by the central nervous system depressants present in his body at the time of the crash.

Once the vehicle left the road it rolled, the seat belt Mr Fischer was wearing snapped and he was ejected partially from the cab of the vehicle, sustaining fatal injuries.

There is no evidence that any other person was involved in the crash.

His death was, in my view, due to his drug intoxication and the fact that his vehicle was not roadworthy.

I am affirmatively satisfied that Mr Fischer's death was not the result of suicide.

Comments and Recommendations

The circumstances of Mr Fischer's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of Mr Fischer.

Dated 9 March 2021 at Hobart in the State of Tasmania.

Simon Cooper
Coroner