



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

Coroners Act 1995
Coroners Rules 2006
Rule 11

I, Olivia McTaggart, Coroner, having investigated the death of Nigel Raymond Oates

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

- a) The identity of the deceased is Nigel Raymond Oates;
- b) Mr Oates was aged 66 years, lived in Queenstown, Tasmania with his partner and was employed as a machinery operator. In the afternoon of 10 December 2021, he was driving home from work by himself in his utility vehicle on the Murchison Highway at Guildford. He was travelling in a northerly direction on a straight section of the highway on a gradual incline when his vehicle veered across the incorrect side of the road and off to the right, travelling down and across a drain before bouncing into and impacting with a stand of trees. Mr Oates was driving the vehicle in his socks and was not wearing a seatbelt. He was found partially ejected from the smashed windscreen on the passenger side of the vehicle. He was determined to be deceased at the scene.

The highway comprises two lanes at the point of the crash and was in good condition. The vehicle was mechanically sound and roadworthy. Alcohol and illicit drugs were not contributing factors. There is no evidence that Mr Oates had been driving at a speed in excess of the speed limit. He was not using his phone the time. At autopsy, the forensic pathologist found no evidence of natural disease that may have contributed to the crash. However, I cannot discount that an unknown medical episode may have contributed to him driving off the road. Alternatively, he may have fallen asleep or, for some reason, been inattentive to his driving;

- c) The cause of Mr Oates' death was multiple head, neck, chest and limb injuries; and
- d) Mr Oates died on 10 December 2021.

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

- Police Report of Death for the Coroner;
- Affidavits establishing identity and life extinct;
- Report of Dr Andrew Reid, forensic pathologist, regarding cause of death;
- Toxicology report of Forensic Science Service Tasmania;
- Report of the Transport Inspector;
- Crash report from the Department of State Growth;
- Affidavits of family members, employer and work colleagues of Mr Oates, and a motorist who stopped at the scene to render assistance;
- Affidavit and report of investigating officer, Senior Constable Sven Mason;
- Affidavit of Katrina Chivers, Forensic Services officer, and scene photographs;
and
- Tasmania Police documentation and medical information relating to Mr Oates.

Comments and Recommendations

No other person caused or contributed to the happening of the crash which claimed Mr Oates' life.

Mr Oates had multiple convictions for failing to wear his seatbelt over many years, the last being a caution received in the month before his death.

Investigating officer, Senior Constable Sven Mason, stated in his report to me;

“This is a classic case of seatbelts save lives. The driver’s side section of the vehicle was relatively undamaged, and I believe that had the deceased been wearing his seat belt he would have only been slightly injured.”

I agree with the investigating officer's assessment and find that Mr Oates would have survived if he had been wearing his seat belt.

I extend my appreciation to Senior Constable Mason for his investigation and report.

I also acknowledge the assistance and attempted resuscitation of Mr Oates by Mr Bradley Murfet, a motorist who was on his way to work when he came upon the crash scene.

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

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

Dated 30 June 2022 at Hobart in the State of Tasmania.

Olivia McTaggart

Coroner