

CORONER'S COURT OF THE AUSTRALIAN CAPITAL TERRITORY

Matter Title: Inquest into the death of Nathan Allen Mugridge

Citation: [2024] ACTCD 7

Decision Date: 30 October 2024

Before: Coroner Archer

Findings: See [29]–[31]

Catchwords: **CORONIAL LAW** – manner and cause of death – head injuries – motor vehicle accident – excessive speed – unlicensed driving – intoxication – high-performance vehicles – non-roadworthy vehicles

Legislation Cited: *Coroners Act 1997* (ACT) ss 13, 34A, 52

File Number: CD 138 of 2022

CORONER ARCHER:

INTRODUCTION

1. On 20 May 2022, Mr Nathan Allen Mugridge died in a single motor vehicle accident on Kingsford Smith Drive, near the intersection with Verbrugghen Street, Melba, in the Australian Capital Territory. At the time of his death, Mr Mugridge was 21 years old. I will, with respect, refer to him as Nathan.
2. Whilst it is clear Nathan's death was a result of the head injuries he sustained in the accident, the precise cause of that accident cannot be ascertained. Multiple factors had likely contributed to the collision.

JURISDICTION

3. Nathan's death was reported to the ACT Coroner's Court on 20 May 2022, as it appeared to be "directly attributable to an accident", for the purposes of s 13(1)(g) of the *Coroners Act 1997* (ACT) ("the Act").
4. Section 13 of the Act requires me to hold an inquest¹ into the manner and cause of Nathan's death. In doing so, I must make findings as required by s 52 of the Act. That section of the Act relevantly provides:

52 Coroner's findings

- (1) A coroner holding an inquest must find, if possible—
 - (a) the identity of the deceased; and
 - (b) when and where the death happened; and
 - (c) the manner and cause of death; and
 - (d) in the case of the suspected death of a person—that the person has died.
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- (4) The coroner, in the coroner's findings—
 - (a) must—
 - (i) state whether a matter of public safety is found to arise in connection with the inquest or inquiry; and
 - (ii) if a matter of public safety is found to arise—comment on the matter

5. I have chosen to publish my findings as it is in the public interest to provide an accessible record of road accident deaths that occur in the ACT.

EVIDENCE

6. The findings that follow are made based on the following material received by me during the inquest:

¹ As opposed to most other States and Territories, the ACT uses the term "inquest" to refer to a process of investigation. It does not necessarily encompass a 'hearing'.

- (a) Police coronial report, dated 17 June 2022, which includes information provided by independent witnesses to the accident;
- (b) Post-mortem report, dated 1 July 2022, prepared by Professor Johan Duflou;
- (c) Mechanical inspection statement, dated 30 June 2022, prepared by the AFP Vehicle Inspection Team;
- (d) Assessment report in relation to the road and environmental conditions of the relevant sections of Kingsford Smith Drive at the time of the accident, dated 23 May 2022, prepared by ACT Transport Canberra and City Services;
- (e) RTA evidentiary certificates, dated 1 July 2024, prepared by the Road Transport Authority; and
- (f) The brief of evidence prepared in respect of the criminal proceedings, which includes relevant dash camera footage.

CIRCUMSTANCES SURROUNDING NATHAN'S DEATH

7. At some time in the afternoon of 20 May 2022, Nathan left his home address in Latham with his friend, Mr Samuel Berron ("Mr Berron"), to "play pokies and have a few drinks" at the Belconnen Soccer Club in McKellar. Mr Berron drove, despite having consumed "maybe one beer and a few bongs". They departed in Mr Berron's vehicle, a blue 2002 Subaru Impreza WRX ("the vehicle").
8. At about 5:00 pm, as Nathan and Mr Berron were leaving the club, Mr Berron stumbled, and Nathan asked Mr Berron if he was all right. Mr Berron passed Nathan the keys to his car, and asked if Nathan would like to drive anyway, knowing that he had "really wanted to drive that car from the day [he] got it". Nathan agreed to drive, and Mr Berron sat in the passenger seat in the front, next to Nathan.
9. At a short time later, the vehicle was seen to be travelling south on Kingsford Smith Drive, a dual carriageway arterial road that is separated by a wide grass median. That section of the road, nearing the intersection with Verbrugghen Street in Melba, comprises two 4.5-metre traffic lanes. It has a posted speed limit of 70 km/h, and a slight downward grade with a gentle bend to the left as you head in a southerly direction.
10. According to Mr Berron, as they were travelling along Kingsford Smith Drive, going down the hill past the intersection with Spalding Street, Mr Berron told Nathan that he "fucking love[s] this hill", as the single-lane road opens into two traffic lanes at that part of the road. Mr Berron recalled that he thought Nathan was "driving like a granny", and that he told Nathan to "give it a bit" to "listen to the turbo if [he] wanted to hear what it sounds like". Whilst Mr Berron did not remember feeling "any force or fastness", he said that Nathan had probably put his foot down and "boosted" the car.

11. Mr Berron then heard Nathan screaming “fuck” as loud as he could. Dashcam footage from an oncoming car showed that the vehicle failed to negotiate a curve. As the road straightened after the curve, the vehicle was seen on that footage to have entered into a yaw. It continued into a broadside skid, passenger side first, moving across the median strip separating the north and southbound lanes of Kingsford Smith Drive. It collided with several street signs as it crossed the median strip, and continued to skid for about 25 metres, before striking a light pole near the intersection of Kingsford Smith Drive and Verbrugghen Street.
12. The car hit the light pole on the driver’s side. The pole wrapped over the vehicle, and crushed the vehicle’s roof onto Nathan’s head.
13. At about 5:20 pm, ACT Emergency Services attended the scene. Nathan was found in the driver’s seat with catastrophic head injuries. Paramedics observed no signs of life, and no attempt was made to provide life-saving measures. ACT Fire & Rescue Service extricated Nathan from the vehicle using specialised equipment. Nathan was pronounced life extinct at the scene by the attending Forensic Medical Officer.
14. Following the collision, Mr Berron was able to extricate himself from the vehicle. Witnesses observed that shortly after he had extricated himself from the vehicle, he began yelling at Nathan, climbed back into the passenger seat, and struck Nathan in his chest and shoulder areas multiple times.
15. Mr Berron was subsequently charged with, and convicted of improperly interfering with, or offering indignity to, a dead human body.
16. Based on the available evidence, I do not find that Mr Berron had engaged in any physical act that contributed to the cause of the accident, or to Nathan’s death.

POST-MORTEM EXAMINATION

17. A post-mortem examination was conducted by Professor Johan Duflou, forensic pathologist, on 24 May 2022. Professor Duflou’s opinion was that the cause of Nathan’s death was severe head injuries. He did not find injuries consistent with interpersonal violence. I accept Professor Duflou’s opinion.

POLICE INVESTIGATION

Mechanical Condition of the Vehicle

18. Following the collision, Mr Berron’s vehicle was examined by a member of the AFP vehicle inspection team. The inspection identified the vehicle as an all-wheel drive

vehicle, fitted with a two-litre high performance turbo-charged flat four-cylinder engine with a five-speed manual transmission. The base model of the vehicle has a power to weight ratio of 118.3 kW/t. The engine system contained various aftermarket components, including an electronic boost controller with an in-cabin switch to change boost pressure, an aftermarket exhaust system, an aftermarket high flow air filter, and an aftermarket blow off valve. In his interview with the police, Mr Berron indicated that the vehicle had been “tuned and what not”.

19. Mr Berron also confirmed that the vehicle had a damaged front bumper and a damaged rear subframe (that is, a structural unit that serves as a mounting point for the engine, steering, suspension, and other critical assemblies) prior to the accident. Whilst the AFP’s inspection of the vehicle did not identify leverage in the damaged subframe as a specific mechanical fault (likely due to the extent of the collision damage), it did reveal that the vehicle appeared to have been poorly maintained, and it would not have been roadworthy due to insufficient tyre depths and suspension height. It is unclear whether Nathan, as the driver of the vehicle, was aware of the vehicle’s mechanical condition.

Unlicensed Driving

20. Enquiries conducted with the ACT Road Transport Authority revealed that Nathan had never held a driver licence. It is unclear whether Mr Berron was aware, as he handed Nathan the keys to his vehicle, that Nathan did not hold a driver licence.
21. At the time of the collision, Mr Berron’s driver licence was suspended due to unpaid fines.
22. Mr Berron’s vehicle is commonly considered as a high-performance vehicle, and it is banned for P1/P2 drivers in New South Wales, Victoria, and South Australia (with exemptions required in Queensland). That said, given there are no high-performance vehicle restrictions in the Australian Capital Territory in respect of P-plate drivers, and neither Nathan nor Mr Berron held a valid driver licence at the time, the issue of whether inexperienced drivers should be allowed to drive high-performance vehicles does not arise in this inquest.

Analysis of the Scene of the Accident

23. Following the accident, members of the AFP’s Major Collision Team and a Fatal Crash Callout Officer from Roads ACT conducted an examination of the scene. Based on an assessment of the tyre marks found at the scene, investigators were of the opinion that immediately prior to the collision, the vehicle was likely travelling at a speed between 123 km/h and 138 km/h. The road surface, delineation, road markings, road signs, and

streetlights were all in a good state of repair. The weather at the time of the accident was clear and dry, and the road surface was also dry.

Blood Alcohol Reading

24. Nathan's cardiac blood was sampled for toxicological testing at the ACT Government Analytical Laboratory. Results revealed a blood alcohol level two times the legal limit for drivers with a full licence (0.103 g/100mL). It also revealed the presence of benzodiazepines and cannabis. As Professor Duflou noted, whilst a cardiac blood sample is suboptimal for interpretation purposes, it remained highly likely Nathan was intoxicated at the time of the collision.
25. Mr Berron's blood was not tested, as he was the passenger in the vehicle.

DECISION TO DISPENSE WITH A HEARING

26. Having considered the information provided to me by members of the AFP and Professor Duflou, I was satisfied that the manner and cause of Nathan's death were sufficiently disclosed, and, as such, a hearing was unnecessary.
27. On 3 and 8 October 2024, I communicated my provisional decision not to conduct a hearing, and the reasons therefor, to Mr Berron's lawyer and Nathan's family respectively. A copy of my provisional findings was provided to Nathan's mother, who agreed that a hearing was unnecessary. Mr Berron advised that he did not wish to receive a copy of the provisional findings or make submissions in relation to those findings.
28. For that reason, in accordance with s 34A(1) of the Act, a hearing was formally dispensed with.

FORMAL FINDINGS

29. Based on the material before this inquest, for the purposes of s 52(1) of the Act, I find:

That Nathan Allen Mugridge died on 20 May 2022 on the Kingsford Smith Drive, near the intersection with Verbrugghen Street, Melba, in the Australian Capital Territory, as a result of head injuries sustained in a motor vehicle accident.
30. The precise cause of the accident cannot be identified. Excessive speed, inexperience, intoxication, the performance characteristics of the car, and the poor mechanical condition of the vehicle were factors that had likely contributed to the collision.
31. I do not find any matter of public safety to arise in connection with the inquest into Nathan's death.

CONDOLENCES

32. I extend my sincere condolences to Nathan's family.

I certify that the preceding thirty-two [32] numbered paragraphs are a true copy of the reasons for findings of his Honour Coroner Archer.

Associate: Markus Ching

Date: 30 October 2024