



ATTORNEY-GENERAL
MINISTER FOR JUSTICE

Parliament House
State Square
Darwin NT 0800
Minister.Paech@nt.gov.au

GPO Box 3146
Darwin NT 0801
Telephone: (08) 8936 5688

REPORT TO THE LEGISLATIVE ASSEMBLY

Pursuant to section 46B of the *Coroners Act 1993*

In the matter of the Coroner's Findings and Recommendations regarding the death of
Mr Nigel Roy Harris

Pursuant to section 46B of the *Coroners Act 1993* (the Act), I provide this report on the findings and recommendations of Her Honour Local Court Judge Elisabeth Armitage, Territory Coroner, dated 5 June 2023, regarding the death of Mr Nigel Roy Harris (the Deceased) (refer Attachment A).

The Report includes responses to the recommendations from Ms Louise McCormick, Acting Chief Executive Officer (Acting CEO) of the Department of Infrastructure, Planning and Logistics (DIPL) (refer Attachment B).

The Deceased, a 60 year old Caucasian male, died on 14 June 2021 at 9:35 am, when he was struck by a vehicle that had veered off the track after suffering suspension failure, on a sand dune at the Finke Desert Race in the Northern Territory. The cause of death was blunt force trauma.

Recommendations of the Coroner

At paragraph 149 of the Coronial Findings, The Territory Coroner made the following recommendations:

‘149.1 The relevant government department responsible for making recommendations to the Minister prior to the granting of the legal instrument giving approval for the race ensure that adequate spectator safety measures have been implemented prior to the granting of any approvals; and

149.2 The relevant government department responsible for making recommendations to the Minister prior to the granting of the legal instrument giving approval for the race receive from the race organisers a comprehensive spectator management plan that sufficiently, adequately and appropriately mitigates the risks to spectators posed by the race.’

Responses to coroner's recommendations

A copy of the Coronial Findings was provided to the Acting CEO of DIPL on 27 June 2023, in accordance with section 46A(1) of the Act.

A written response was received from the Acting CEO of DIPL, dated 19 September 2023, as required by section 46B(1) of the Act (refer Attachment B).

Recommendation 1

- DIPL considers that the proposal in the recommendation is not feasible as it is not possible to implement all spectator safety measures before obtaining approvals. This is because various licensing and approval requirements are required well beforehand to secure practical aspects of a race (such as insurance, staffing and other logistics).
- Instead DIPL proposes that recommendations to the Minister contain conditions that require the development of a Spectator Management Plan (SMP), and that the SMP must be approved by Motorsport Australia (MSA).
- DIPL will work with MSA also to undertake continuous quality improvement processes to ensure that audits of the implementation of the SMP are reviewed and reflected in future years SMPs.

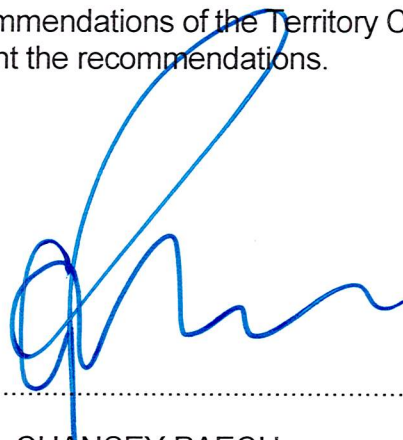
Any reported failure to implement the SMP could result in cancellation of the event by MSA, and will be considered in relation to the approval of future events.

Recommendation 2

- DIPL considers that MSA remains the appropriate body to approve SMPs and their implementation.
- DIPL will work with Finke Desert Race Incorporated (FDRI) in the lead up to future events to clearly outline requirements for the provision of the SMP, and ensure that it is provided within an adequate timeframe.
- DIPL will continue to offer support to FDRI to ensure the requirements of the SMP are met and successfully implemented.

I am satisfied that DIPL has considered the recommendations of the Territory Coroner and that they are taking necessary steps to implement the recommendations.

DATE: 18/10/23



CHANSEY PAECH