



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Stephen Raymond Carey, Coroner, having investigated the death of Leah Maree Leemhuis

Find That:

- a) The identity of the deceased is Leah Maree Leemhuis;
- b) Ms Leemhuis died in the circumstances set out further in this finding;
- c) Ms Leemhuis died of multiple severe trauma suffered in a motor vehicle accident;
- d) Ms Leemhuis died on 27 March 2014 at Bass Highway, Carrick in Tasmania;
- e) Ms Leemhuis resided at 48 Karrugang Circuit, Ngunnawal in the Australian Capital Territory;
- f) Ms Leemhuis was born in Launceston, Tasmania on 2 March 1968 and was aged 46 years at the time of her death; she was a divorced woman who was in receipt of a disability pension; and
- g) No person contributed to the cause of Leah Maree Leemhuis's death.

Circumstances Surrounding the Death:

At about 9:14am on 27 March 2014 a Holden Astra sedan (YBK67N- ACT plates) travelling east on the Bass Highway at Carrick (Oaks Road intersection) has hit the rear wheel of a semi trailer travelling in the opposite direction. The Holden Astra has then veered onto the wrong side of the highway and collided head-on with a Holden Commodore sedan (B30PT) being driven by Mr Geoffrey Reynolds, travelling in the opposite direction. The impact between both cars occurred on the shoulder of the highway, up against Armco railing, indicating that the Commodore has attempted to

move as far left as possible to avoid the collision. The force of the impact has caused major damage to the front of both vehicles. The driver of the Holden Astra, Ms Leemhuis, died at the scene.

Ms Leemhuis had arranged to visit her father, Mr John Southorn, who lives at Spring Beach, Tasmania. For this purpose she had driven from her home in Ngunnawal and boarded the *Spirit of Tasmania* travelling to Devonport, arriving early in the morning of 27 March 2014 at which time she contacted her father by telephone. At that time she advised her father she was travelling towards Devonport. He realised she was going in the wrong direction and gave appropriate directions for her to allow her to travel to his address. She made a second phone call to her father at approximately 8:00am-8:15am at which time she told her father she was feeling tired and that she intended to pull over and have a sleep.

The description of the motor vehicle accident is best provided by Mr Christopher Edwards who was driving his motor vehicle east on the Bass Highway heading towards Launceston. At an area near Hagley he first became aware of a silver motor vehicle, now known to be the vehicle being driven by Ms Leemhuis. Mr Edwards describes following this vehicle when he observed that she appeared to travel straight through a corner onto the incorrect side of the road. The car was on the incorrect side of the road momentarily, there was no oncoming traffic and he noted the vehicle suddenly swerved back into the correct lane. Mr Edwards thought that perhaps the driver had momentarily fallen asleep and had suddenly become aware of this, reacting to direct the vehicle back into the correct lane. He continued following this vehicle; however he increased his following distance. A short time after this he noted this vehicle overtake another car in circumstances where he thought it was dangerous given the close proximity of oncoming traffic. He was travelling at 110km/h at the time and estimated that this other vehicle was travelling at a higher speed whilst it engaged in this overtaking procedure. His estimation of the vehicle's speed was 140km/h. He said that he noted an oncoming car flash its headlights and that the overtaking car cut in front of the car she had overtaken in order to get back onto the correct side of the road. Mr Edwards comments that he believed everyone involved had to brake in order to allow this car driven by Ms Leemhuis to overtake without causing an accident.

He continued following Ms Leemhuis's car and noted that whilst travelling along a relatively straight section of the Bass Highway, this vehicle gradually pulled out of its lane, crossing the broken white centre road markings into the oncoming traffic lane. The driver did not indicate an intention to do this by using the vehicle indicators. At this time there was an approaching Mack truck towing a container trailer being driven by Mr Tony Fitzmaurice. This truck was being followed by a silver Citroen hatch which in turn was being followed by the white Commodore sedan driven by Mr Reynolds.

As the truck and Ms Leemhuis's car passed, Ms Leemhuis's car came into contact with the last three righthand wheels of the truck's container trailer. At this time the truck was correctly positioned in its lane; however Ms Leemhuis's car had moved onto the incorrect side of the roadway. After making contact with the wheels of the truck, Ms Leemhuis has apparently applied the brakes but has not been able to regain proper control of her vehicle. The vehicle has continued in its forward trajectory, narrowly missing a collision with the Citroen hatch; however a collision has occurred with the Holden Commodore. The driver of the Holden Commodore, Mr Reynolds, has positioned his vehicle as far left on the roadway as he could without making contact with the steel Armco rail boarding of the road verge.

Ms Leemhuis's vehicle and the Holden Commodore driven by Mr Reynolds have collided head on. The impact has been concentrated largely on the driver's side front of the Commodore and the entire front of the Astra driven by Ms Leemhuis.

Mr Reynolds recalls that he was driving west on the Bass Highway following a large truck and container trailer. He recalls seeing a silver hatch vehicle "*drift out*" from the line of oncoming traffic into his lane. He says that he was under the impression the driver may have been asleep. He decelerated and tried to move as far left as possible in order to avoid a collision.

The Holden Astra sedan driven by Ms Leemhuis was examined by Transport Inspector Barry Spencer on 1 April 2014. Given the extent of damage to the vehicle it was difficult to ascertain whether any mechanical structural defect contributed to the accident. However, he did determine that at the time of the accident the vehicle would have been classed as unroadworthy due to the fact that a slightly smaller sized tyre had been fitted to its right rear wheel as compared to the left wheel. However, it was determined that this would have had little effect on the vehicle's handling and performance due to the fact the vehicle was front wheel drive and the rear wheels serve a rolling purpose only. No other defects that may have caused or contributed to the crash were identified during the inspection.

Of concern, however, was the fact that the seatbelt tensioner system and the airbag system had not deployed. Both of these systems were examined by Mr Benjamin Berne of Motors Limited, being an authorised Holden dealership. He, as a suitably qualified person, examined this equipment and could not identify any reason why the airbags and pretensioners had not deployed. However, although this is a matter of concern I accept the advice of the investigating police officers that based upon experience of attending similar motor vehicle accidents, and given the extensive intrusion into the motor vehicle survival space and cabin area, that there was little chance of survival of the driver in this accident even if these systems had deployed.

Transport inspections of the prime mover and container trailer involved in the accident indicated no defects. An examination of the Holden Commodore sedan

driven by Mr Reynolds identified that this vehicle would also have been classified as unroadworthy at the time of the accident due to the fact that all tyres fitted to the vehicle displayed a non-compliant tread depth. However it was not considered that this aspect contributed in any way to the accident.

I accept, based upon the police investigations, that this accident was solely caused by the action of Ms Leemhuis who has crossed the centre line of the roadway and travelled onto the incorrect side of the roadway whereupon her vehicle has contacted the right hand side rear wheels of the oncoming prime mover's trailer. This impact has sent her vehicle out of control and resulted in it impacting head on with an oncoming Holden Commodore.

There were indications of concern as to the nature of Ms Leemhuis's driving in the time leading up to this accident. There is also an indication that she had reported earlier that morning of feeling tired and there appeared to have been at least one previous incident where she may well have fallen asleep and moved on to the incorrect side of the roadway. It appears from the description of what occurred immediately prior to the collision that Ms Leemhuis may well have once again become drowsy or momentarily fallen asleep and thereupon her car has moved to the incorrect side of the roadway and then come into contact with the prime mover's trailer that initiated the events that led to the fatal collision.

A post-mortem analysis of a blood sample taken from Ms Leemhuis identified a therapeutic level of Diazepam (anxiety disorder medication), a high level of Sertraline (anti-depressant medication) and also an indication of cannabis use. Diazepam has a sedative effect and its central nervous system depressive effect would be enhanced by the use of cannabis. Sertraline also has a mild central nervous system depressive effect. Given these findings the forensic pathologist comments that the drug mixture identified might have led to drowsiness as a likely contributing factor in this accident.

An investigation has determined that Ms Leemhuis was suffering mental health issues and that on previous occasions commented concerning suicide ideation. However, there is no indication that this motor vehicle accident was as a result of deliberate action taken by Ms Leemhuis in that regard. She had clearly come to Tasmania to visit family, had expressed positive views in that regard and there is no indication of any intent to self-harm.

Comments and Recommendations:

I have decided not to hold a public inquest hearing into this death because my investigations have sufficiently disclosed the identity of Ms Leemhuis, the date, place, cause of death, relevant circumstances concerning how her death occurred and the particulars needed to register her death under the *Births, Deaths and*

Marriages Registration Act 1999. I do not consider that the holding of a public inquest hearing would elicit any significant information further to that disclosed by the investigations conducted by me.

This tragic accident highlights the danger of the side effects of some prescribed medication and the accentuation of those effects when taking multiple prescribed medication. Added to this is the possibility of magnifying those side effects when using alcohol or illicit drugs. It is perhaps an excessive reaction to legally restrict a person's ability to drive or use machinery or be involved in dangerous activities if they are prescribed medication that has a depressive effect on the central nervous system. However, medical practitioners prescribing such medication must ensure that their patient is made very aware of the side effects and the dangers thereby created, as demonstrated by this tragic event.

I also strongly recommend that the Motors Limited agency in Launceston that has become aware of the possible defect with the seatbelt tensioning and airbag system in this Astra sedan ensure that full details of this matter and the inspection findings of Mr Benjamin Berne are relayed via their national distribution network to the vehicle manufacturer for assessment. Any remedial action that is deemed necessary in respect of this make and model of vehicle must clearly be taken as soon as possible.

Before I conclude this matter, I wish to convey my sincere condolences to the family of Ms Leemhuis.

Dated: 1 August 2015 at Hobart in the state of Tasmania.

Stephen Raymond Carey
CORONER