



MAGISTRATES COURT of TASMANIA
CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Andrew McKee, Coroner, having investigated the death of Lena Kathleen Reid

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

- a) The identity of the deceased is Lena Kathleen Reid;
- b) Ms Reid died as a result of multiple injuries she sustained in a motor vehicle collision;
- c) Ms Reid's cause of death was multiple injuries sustained in a motor vehicle collision; and
- d) Ms Reid died on 12 February 2019 near Longford, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Ms Reid's death. That evidence is comprised of the following:

- a) An opinion of the forensic pathologist who conducted the autopsy;
- b) Relevant police and witness affidavits;
- c) Medical records and reports;
- d) Toxicology reports prepared by Forensic Science Services Tasmania;
- e) An affidavit of Barry Spencer, a transport inspector employed by the Department of State Growth;
- f) A crash investigation report prepared by and an affidavit sworn by First Class Constable Housego, a crash scene investigator; and
- g) Forensic evidence.

Ms Reid was born in Burnie on 29 August 1991 and was aged 27 years at the date of her death. Ms Reid was educated at a number of schools in the North and North West of Tasmania. She left school at the conclusion of year 10.

When she was 14 years of age Ms Reid witnessed the drowning of a friend. This incident had an impact upon her and as a result she commenced using cannabis on a regular basis.

At the conclusion of her formal education Ms Reid commenced a relationship with Mr Aaron Reid. The couple later married and had five children together. That marriage ended when the parties separated prior to the birth of their fifth child.

Ms Reid, with the assistance of her grandmother, became the primary carer of the children.

Based on the affidavits sworn by Ms Reid's mother, her friend Ms Melissa Holzberger, and medical records, I am satisfied that at the time of her death, Ms Reid had an addiction to methylamphetamine. She also was a regular user of cannabis.

Circumstances Surrounding the Death

A consideration of the sworn affidavits of the various witnesses obtained during the coronial investigation enables me to make the following finding of fact regarding Ms Reid's movements in the hours preceding the collision, and the manner of her driving shortly prior to the collision.

On Monday 11 February 2019, Ms Reid had arranged to spend the day with her friend, Ms Melissa Holzberger. Ms Reid and Ms Holzberger then travelled to visit another friend, Ms Rain Barker, at Bishopbourne.

During the day Ms Reid confided to Ms Holzberger that she and Ms Barker had been using methylamphetamine for a couple of days.

The group then left Ms Barker's house with the intention of dropping Ms Holzberger back at her house and then proceeded to Ms Reid's home.

After she returned home Ms Reid prepared an evening meal for her children. She then assisted the children to shower and put them to bed. She then left her home with the intention of dropping Ms Barker back at her home and then travelling on to Ms Holzberger's home. She arrived at Ms Holzberger's home between 9.30pm and 10.00pm.

Ms Holzberger and Ms Reid then smoked "three cones" of cannabis together. Ms Holzberger believes that Ms Reid then injected methylamphetamine. That belief is based on the fact that Ms Reid informed Ms Holzberger she had injected methylamphetamine. Ms Holzberger did not witness Ms Reid inject the methylamphetamine. I am satisfied that Ms Reid injected methylamphetamine at Ms Holzberger's home. I note that after the collision drug paraphernalia, including a used syringe and tourniquet, was located in Ms Reid's handbag.

At around 2.00am on 12 February 2019, Ms Holzberger and Ms Reid went to bed. According to Ms Holzberger, Ms Reid woke up at 4.15am. After she woke up Ms Reid informed Ms

Holzberger she was returning to her home as she did not want her grandmother to know she had been out all night.

Ms Reid and Ms Holzberger then had a cigarette and a coffee. She left Ms Holzberger's home.

Ms Reid's phone was examined after the collision. That examination disclosed that she had been utilising Facebook messenger to arrange to meet Mr Hasley Maynard to collect illicit substances. The messages commence at 3.19am and the last message sent by Ms Reid was at 4.44am.

Mr Maynard was contacted by the police officer conducting the coronial investigation and requested to swear an affidavit. Mr Maynard refused to cooperate with the investigating officer. I am of the view that the messages between Ms Reid and Mr Maynard are self-explanatory, and that the only evidence that Mr Maynard could provide to assist the coronial investigation would be to confirm the contents of the messages. The collision occurred prior to the arranged meeting taking place.

I find it more probable than not, that Ms Reid intended meeting Mr Maynard to obtain illicit substances from him prior to returning to her home.

After leaving Ms Holzberger's home, Ms Reid's car was observed on Union Street, Longford at approximately 4.55am by Mr Kerkman, who was driving a truck. His attention was drawn to Ms Reid's vehicle because it came from an area where he would not expect a vehicle to be at that time of the morning. He then followed Ms Reid's vehicle along Tannery Road and observed her turn onto Illawarra Road.

The next time he sighted Ms Reid's vehicle was at the scene of the collision.

The Collision

At approximately 4.45am Mr David Von Stieglitz left the SRT depot situated at Breadalbane to deliver goods to Longford. He was driving a Mitsubishi truck.

As he drove over the first of two bridges situated on Illawarra Road he noticed headlights travelling towards him from the roundabout with Tannery Road. The oncoming vehicle appeared to be driving normally. Mr Von Stieglitz believed the oncoming vehicle was not speeding.

As his truck approached the oncoming vehicle he noticed it wander over into the lane he was travelling in by about 600mm and then go back into the correct lane.

The oncoming vehicle then re-entered the lane Mr Von Stieglitz was travelling in as it entered a sweeping corner. It appeared to Mr Von Stieglitz that the oncoming car had gone straight on the bend.

He does not recall what evasive action he took in the moments before the vehicles collided. He recalls the collision occurred in the lane he was travelling in. Dashcam footage obtained during the coronial investigation corroborates Mr Von Stieglitz's recollection of the collision.

Mr Swift came upon the collision moments after it occurred. He had observed the headlights of Ms Reid's vehicle travelling towards him prior to the collision. Mr Swift left his home at approximately 4.50am with the intention of travelling to his place of employment at Longford.

As he was driving towards the bridges on Illawarra Road he noticed headlights from another vehicle travelling in the opposite direction. As he had his spotlights on, he dimmed his lights. As he arrived at the second bridge on Illawarra Road he noticed the headlights of the oncoming vehicle go out. Shortly after he arrived at the scene of the collision.

Mr Swift stopped at the scene of the collision and rendered assistance. He rang '000' at 4.58am.

An ambulance attended the scene of the collision. Unfortunately, Ms Reid was pronounced dead at the scene.

Condition of Vehicles Prior to Collision

Both vehicles were inspected after the collision by Mr Spencer, a transport safety and investigation officer employed by the Department of State Growth. I am satisfied that he is appropriately qualified to express the opinions contained in the affidavits he swore in the coronial investigation. He expressed the opinion that the Mitsubishi truck driven by Mr Von Stieglitz was in a mechanically sound and roadworthy condition. No mechanical faults or failures were identified during the inspection which would have caused or contributed to the collision.

As to the Kia Carnival being driven by Ms Reid, Mr Spencer formed the opinion that her vehicle was in an unroadworthy condition due to the right rear tyre not complying with Regulation 56(2) of the *Vehicle and Traffic (Vehicle Standards) Regulations 2014*, as the tyre's tread pattern was worn less than 1.5mm deep.

During the inspection he was unable to locate any other vehicle defects or faults which may have caused or contributed to the collision, or which would have caused the vehicle to be in an unroadworthy condition.

Based on the evidence before me (namely the expert opinion of First Class Constable Housego) I am satisfied the defect noted by Mr Spencer was not causative of or contributed to the collision.

Crash Investigation

A thorough investigation of the collision was conducted by First Class Constable Nigel Housego. First Class Constable Housego completed a comprehensive report for the Coroner and swore an affidavit dated 13 June 2019.

Crash reconstruction indicates that the truck being driven by Mr Von Stieglitz was travelling on Illawarra Road at 89 km/h. The truck has been travelling around a slight right-hand bend in the road and was an estimated 1.1m left of the centre line. The Kia van being driven by Ms Reid was travelling east on Illawarra Road and travelling around a slight left-hand bend. The Kia has failed to steer left and has continued along a straight travel path, completely crossing the centre line and impacting head on with the west bound truck being driven by Mr Von Stieglitz, overlapping 0.990m of the right side of the truck.

The Kia has almost stopped at the point of impact. The Kia has rotated clockwise with the front engine bay on the right side of the driver's compartment under the right hand side of the truck. The truck has continued to travel west, sliding over the Kia as it remained approximately 0.90m under the right-hand side of the truck. After sliding over the Kia, a distance of approximately 8.70 metres, a solid steel support on the rear right of the truck has collided with the Kia. This has caused the Kia to be knocked sideways, rotate over 180°, and come to rest against the east bound lane edge's steel barrier, 6.5m north of the point of impact.

At impact, the truck has overrun the Kia and continued to travel west, colliding the west bound edge's steel barrier and coming to rest 30.7m west of the point of impact.

An inspection of the tail lights taken from the Kia would strongly suggest that there has been no pre-impact breaking by the Kia.

First Class Constable Housego was satisfied that Mr Von Stieglitz had been driving the truck below the 100 km/h speed limit, and that dashcam footage of the interior of the truck corroborated that he has been attentive to his driving and had little time to respond when he perceived the Kia in his lane. First Class Constable Housego formed the opinion that no-fault can be attributed to Mr Von Stieglitz as to the cause of the collision.

There is nothing to suggest that Ms Reid has deliberately driven into the path of the oncoming truck. She had made plans to meet people later that day and was on her way to meet Mr Maynard.

There was nothing found on the roadway that would have caused the Kia to cross into the path of the oncoming truck.

Vehicle inspections did not identify any defects which would have caused or contributed to the accident. First Class Constable Housego expressed the opinion that the non-compliant right rear tyre was not a contributing factor in the collision. In his opinion for the right rear tyre to be a factor in the collision, the right rear of the Kia would have been required to lose traction. A loss of traction would cause the Kia to rotate counter clockwise on the sweeping left-hand bend, directing the beam of its headlights to the left and then returning to face forwards to allow the offset head on collision to occur. The dashcam footage displays the headlights of the Kia approaching the truck in a controlled, direct pattern, discounting the loss of traction.

First Class Constable Housego formed the opinion that both vehicles were travelling within the 100 km/h speed limit and the speed of either vehicle has not caused the collision.

There is no evidence in Ms Reid's medical records or the post-mortem examination that suggests she may have had a medical event that would have caused the collision.

First Class Constable Housego opined that the cause of the collision was most likely Ms Reid being affected by the use of cannabis and methylamphetamine in the hours prior to driving, and driving under the influence of drugs caused her not to be fully aware of the position of her vehicle on the roadway and thereby caused it to cross into the path of the westbound truck. In his opinion the level of her drug intoxication has caused her not to comprehend the approaching truck and therefore failing to take any form of evasive action. He also opined that she was potentially distracted by using her mobile phone whilst driving.

There is a clear body of evidence from those close to Ms Reid that she would use her mobile phone whilst driving.

I accept the opinions expressed by First Class Constable Housego in his affidavit sworn 13 June 2019 as to the cause of the collision.

Post-Mortem Examination and Toxicology Report

A post-mortem examination was undertaken by forensic pathologist Dr Donald Ritchey.

Dr Ritchey opined that the cause of Ms Reid's death was multiple injuries sustained in a motor vehicle crash. I accept his opinion as to the cause of death.

Toxicology testing of samples obtained at the autopsy revealed the presence of cannabis and methylamphetamine. The author of that report noted that THC has a marked effect on driving ability most notably through reduction in performance skills including: reaction times to stimuli, divided attention tasks, and hand eye coordination. The author also noted that THC may cause poor time and distance perception, disorientation, eyelid tremors and reduced inhibitions.

Methylamphetamine was detected in Ms Reid's blood at 2.7mg/L. The author of the report opined that the concentration of methylamphetamine determined to be in Ms Reid's blood has been reported to result in symptoms of toxicity, or fatality, in some individuals.

The author of the report further noted that methylamphetamine may result in impairment of perception, cognitive function, memory and psychomotor function, subjective excitability, increase risk-taking and poorer time estimation. The author of the report also noted that methylamphetamine has a profound effect on thought processes, decision-making and psychomotor skills required for driving. Methylamphetamine can impair driving performance by inducing hallucinations, panic behaviour and increase risk-taking. Scientific research has demonstrated that methylamphetamine use may result in the following driving behaviours: drifting in and out of the lane, erratic driving, weaving, speeding, drifting off the road and high-speed collisions. Other effects noted in drivers using methylamphetamine include rapid or confused speech, rapid pulse, agitation, paranoia, dilated pupils, violent, irrational or aggressive behaviour.

Further, it was noted by the author of the report that whilst THC and methylamphetamine have apparently opposing pharmacological effects, their combined use is expected to result in an overall potential impairment of driving performance.

Given the presence of THC and methylamphetamine in Ms Reid's blood, in particular the level of methylamphetamine in her blood, I am satisfied that she was driving under the influence of illicit drugs, namely THC and methylamphetamine, at the time of the collision and her ability to safely control a motor vehicle was significantly impaired.

In summary, I find on the balance of probabilities that Ms Reid, whilst under the influence of illicit substances, has not been fully aware of the position of her vehicle on the roadway and as a result has continued driving straight on as she was negotiating a slight left-hand bend, resulting in her car entering the lane for oncoming vehicles and colliding with the truck being driven by Mr Von Stieglitz.

Comments and Recommendations

I extend my appreciation to investigating officer First Class Nigel Housego for his investigation and report.

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

I wish to comment that this collision would not have occurred had Ms Reid not made the decision to drive a motor vehicle whilst under the influence of illicit substances. Her ability to safely control a motor vehicle and respond appropriately in an emergency situation was compromised. She posed a significant risk to herself and other persons lawfully using the roadway.

I note she collided with a 16 tonne G.V.M truck. The driver of that vehicle, Mr Von Stieglitz, suffered significant injuries in the collision, namely a fractured pelvis, lacerations and fractures to his left wrist, along with general bruising and abrasions. At the date of swearing his affidavit it was not known if he would make a complete physical recovery to his pre-injury condition.

I also note that members of the public were exposed to the aftermath of the collision when they stopped to render assistance.

I further note that this was yet another totally avoidable collision that exposed first responders, namely police officers and paramedics, to another fatal collision.

This case is just one further example of the consequences that flow from an individual's decision to drive a motor vehicle whilst under the influence of illicit substances.

I convey my sincere condolences to the family and loved ones of Lena Kathleen Reid.

Dated 28 February 2020 at Hobart Coroners Court in the State of Tasmania.

Andrew McKee
Coroner