



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Robert Webster, Coroner, having investigated the death of David Raymond Greenwood

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

- a) The identity of the deceased is David Raymond Greenwood (Mr Greenwood)
- b) Mr Greenwood died as a result of injuries he sustained when, as a pedestrian, he was struck by car (the collision);
- c) Mr Greenwood's cause of death was neck and chest injuries; and
- d) Mr Greenwood died on 5 May 2022 at Claremont, Tasmania.

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

- The Police Report of Death for the Coroner;
- Affidavits as to identity;
- Affidavit of the forensic pathologist Dr Christopher Lawrence;
- Affidavit of the forensic scientist Mr Neil McLachlan-Troup of Forensic Science Service Tasmania;
- Records obtained from Ambulance Tasmania (AT);
- Medical records obtained from Mr Greenwood's general practitioner;
- Affidavit of Mr Lyndon Greenwood;
- Affidavit of Mr Paul Greenwood;
- Affidavit of Mr Kam Betedradra;
- Affidavit of Mr Daniel Stanfield;
- Affidavit of Ms Marie Gregory – Naum;
- Affidavit of Constable Simon Campbell;
- Affidavit of Constable Heath Rathbone;
- Affidavit of Constable Jared Gowen, collision analysis report and survey plan;
- Affidavit of Constable Scott Hartill;

- Affidavit of Mr Benjamin Hunt; and
- Photographs, CCTV footage and forensic evidence.

Introduction

This investigation concerns a collision between Mr Greenwood and a 2002 Suzuki motor vehicle registration number EP 9381 (the vehicle) driven by Ms Gregory – Naum on Main Road at Claremont at approximately 9:10pm on 5 May 2022. It was a dark night with periods of heavy rain and wind.

The collision occurred between residences number 730 and 736 Main Road in the vicinity of Metro bus stop number 36. That road is an access road through the suburb of Claremont and it has a generally north/south orientation. It is a two-way road with double, painted, broken centrelines to allow for traffic to turn into residential driveways from a central turning lane. The road is made of bitumen aggregate and it appeared to be in reasonable condition at the time of this accident. The sign posted speed limit on the road is 60 km/h with the nearest speed limit sign for northbound traffic approximately 1.4 km to the south of the accident scene.

Background

Mr Greenwood was 81 years of age (date of birth 7 October 1940), retired and he resided alone at Bridgewater at the date of his death. He was married to Barbara Greenwood and the couple had two sons however Mrs Greenwood passed away in about 1981. Mr Greenwood subsequently entered a relationship with Margaret McGuinness however the couple never lived together.

Mr Greenwood was the second eldest of six children to Wilfred and Minnie Greenwood. The family lived in Devonport until Mr Greenwood's parents separated. After the separation all the children lived with their mother in Claremont apart from Mr Greenwood's brother, Paul, who lived with his father in Devonport.

Mr Greenwood was a member of the fire brigade and he also worked at the Boyer Mill as a shift worker. He took an early redundancy and retired at about the age of 62. After that he did some subcontracting work and his son, Lyndon, says his father enjoyed helping anyone who needed help. He enjoyed shooting and cutting wood.

Lyndon Greenwood says his father had a few health issues although he was private about matters concerning his health. Mr Greenwood's son says he knows his father had a heart issue,

he had some kind of heart monitor and had been on blood thinners for years. He walked with a cane because he had a bad hip.

The records of Mr Greenwood's general practitioner indicate he suffered a heart attack in 1975, right lower leg cellulitis in 2014 together with hypertension and atrial fibrillation in 2014 and 2015. He was prescribed medication for his heart condition. He last saw his general practitioner on 2 May 2022 at which time he was prescribed medication. The bout of cellulitis led to an admission to the Royal Hobart Hospital between 24 and 25 August 2014. It appears from the records the cellulitis was caused by leg trauma suffered some 5 days prior to his admission to that hospital.

Circumstances Leading to Death

On 5 May 2022 Mr Greenwood entered the Claremont Hotel situated on the corner of Main Road and Cadbury Road, Claremont at approximately 4:30pm. Shortly thereafter Mr Greenwood was joined by his brother, Paul. Mr Greenwood and his brother would routinely meet at that hotel each Thursday at about 4:30pm.

The pair remained at the hotel consuming alcohol until 7:30pm. Staff at the hotel, who reviewed CCTV footage, advised Mr Greenwood consumed 10 x 10 ounce glasses of beer during his time at the hotel. They left the hotel at 7:30pm and walked approximately 210 metres south on Main Road to the number 36 Metro bus stop which is situated outside the residence at 732 Main Road. Mr Greenwood would regularly catch the number 520 Metro bus home to Bridgewater. That bus was scheduled to arrive at 7:42pm. Paul Greenwood said goodbye to his brother, left him at the bus stop and crossed the road and walked to his address which was not far away. His address is at the rear of a long driveway directly across the road from the bus stop. At the time he left Mr Greenwood, at about 7:35pm, it was dark and there was drizzling rain. At that time Mr Greenwood was wearing an orange glow hi visibility jacket, dark trousers, black shoes, a dark beach style towel hat and he was in possession of his walking cane.

On 5 May 2022 Ms Gregory-Naum attended the Granada Tavern at Main Road Berriedale to participate in a quiz night. Between 7:00pm and 8:00pm she consumed 2 x 330 mL bottles of bourbon and cola, a premixed drink, and she had a meal. She left the hotel at 9:10pm. She recalls driving home to Austins Ferry through heavy rain with limited visibility and with her headlights on low beam. She believed she was driving at between 50 and 60 km/h and the first indication of any collision was a noise, followed by a human figure moving over her windscreen

from right to left. She says she had no time to react. Ms Gregory-Naum, at the time of the collision, was licensed to drive a car. She had a good driving record.

Investigation

At approximately 9:12pm members of Tasmania police and AT responded to reports of the collision between the vehicle and a pedestrian outside 734 Main Road, Claremont. Constables Campbell and Sherman arrived at 9:26pm. Constable Campbell observed an ambulance and another police vehicle parked in the middle of the road and a person lying on the road in the northbound traffic lane who was being assisted. This person was later identified as Mr Greenwood. The weather conditions at the time were poor, it was raining heavily and it was dark. The scene was secured.

AT received the call to attend at 9:16pm and officers were on the scene at 9:24pm.

At about 9:30pm Constable Gowen was recalled to duty and he attended the scene. On arrival he was briefed by the police officers who were present. At the scene he measured all relevant evidence and undertook an electronic survey. First-Class Constable Hartill photographed the scene at his direction.

Paul Greenwood was spoken to by police. He advised he and his brother reached the bus stop at about 7:35pm. Mr Greenwood's bus was due to arrive at the bus stop at 7:42pm. Mr Greenwood advised his brother that he may as well go home when they arrived at the bus stop. There was another young man waiting at the bus stop when Paul Greenwood left his brother and walked home.

Advice from Metro Tasmania indicates bus number 520 did not run as advertised on the day of the collision. The next bus along this route was the northbound number 510 which was scheduled to arrive at bus stop number 36 at 8:09pm. That bus does not go to Bridgewater and CCTV footage from the bus captured Mr Greenwood standing at the bus stop at 8:11pm with another person. CCTV footage from bus number 511 which was also a northbound service captured Mr Greenwood still waiting at the bus stop at 8:21pm with the other person. The last image of Mr Greenwood on CCTV was from a southbound number 520 bus service which showed him and the other person still waiting at the bus stop at 8:25pm. Despite enquiries made by police, including social media requests, the other person at the bus stop has not come forward and has not been identified. It is therefore not known what Mr Greenwood did between 8:25pm and the time of the collision. CCTV from the Claremont Hotel was checked and it was confirmed Mr Greenwood did not return to that establishment. CCTV from the

Ampol service station 245 m south of the crash scene was checked and it was confirmed Mr Greenwood did not enter those premises.

At 9:08pm Mr Greenwood's son, Lyndon, received a call from his father. He missed the first call and answered a second call from Mr Greenwood at 9:09pm. Lyndon Greenwood says the first 30 seconds of the second call were completely muted, followed by 3 to 4 seconds of scratching and background noise, and then approximately 20 seconds of no sound before he ended the call. Lyndon Greenwood says he assumed his father was at home, drunk and playing with his phone because he had made similar calls like this in the past. Mr Greenwood's mobile phone requires it to be folded open to access the keypad. This, Constable Gowen says, indicates the phone calls to Lyndon Greenwood were intentional and not the result of a "pocket dial".

Mr Betedradra says he saw Mr Greenwood crossing the road from east to west toward the bus stop when he was struck by the vehicle. As he drove past Mr Greenwood, Mr Greenwood was in the centre turning lane, crossing the road with his face down. He did not stop or look up as he continued crossing the northbound lane. This indicates that between 8:25pm and the time of the collision Mr Greenwood crossed the road to the eastern side. Mr Paul Greenwood says his brother did not attend his address that night and therefore it is not known why Mr Greenwood was crossing the road when he was struck. The only thing I can think of is that north of 731 Main Road, on the eastern side of the roadway, is a school and an oval. Mr Greenwood may, given he had been at the hotel drinking alcohol for 3 hours, have needed to urinate and perhaps he crossed the road for this purpose.

From his investigations Constable Gowen determined the crash occurred in the northbound lane, slightly north of the pedestrian island situated outside 730 Main Road. The bus stop area in the northbound lane is indicated by painted white lines, with the sign for bus stop 36 located on the footpath outside 732 Main Road. At the crash scene the northbound lane had a width of 6 m from the western gutter to the westernmost centre line. South of the bus stop sign by 9.5 m and located in the centre of the turning lane was a raised pedestrian island. North of the pedestrian island by a distance of 13.5 m and .6 of a metre from the western centre line was a dark towel beach style hat on the road surface. North of the hat by 14.8 m a walking cane was located in the centre turning lane and 3.8 m north of the cane a black sneaker was located in the centre turning lane. Mr Greenwood came to rest in the northbound lane 30.2 m north of the pedestrian island and 3 m from the western gutter, adjacent to a parked red Toyota Camry. The vehicle came to a final resting position 43.5 m north of the pedestrian island. It's left wheel was hard against the western gutter.

A blood sample taken from Ms Gregory-Naum was tested and the result of the blood analysis was there was no alcohol present and only a therapeutic amount of fluoxetine in her blood. Fluoxetine is an antidepressant and driving studies of patients who have been stabilised on such therapy have shown this medication does not lead to significant changes in driving performance. Ms Gregory-Naum's phone was checked by way of a call charge record (CCR) to determine if any phone calls were made from her phone around the time of the collision. The CCR analysis showed the only calls to or from her phone around the time of the collision were made after it had occurred; the first call being made at 9:21pm. There is no evidence Ms Gregory-Naum was using her phone at the time of the collision. A blood sample from Mr Greenwood was also analysed and that returned a sub therapeutic level of metoprolol which is used to treat a number of heart conditions and alcohol at 0.156 g in 100 mL of blood.

The forensic pathologist Dr Lawrence conducted an autopsy on 9 May 2022. As a result of that examination and after considering the results of toxicology, microbiology and radiology he determined Mr Greenwood died of neck and chest injuries when as a pedestrian he was struck by a motor vehicle. The autopsy revealed a high cervical spinal injury and significant chest injuries. He suggested the high blood alcohol level may have contributed to the collision. I accept Dr Lawrence's opinion.

Mr Hunt is employed as a transport safety and investigation officer with the Department of State Growth. He is a qualified automotive mechanic with in excess of 16 years' experience in the automotive industry. He examined the vehicle on 11 May 2022. That examination revealed the vehicle to be non-compliant in the following respects: –

- the left rear and right front tyres were devoid of tread and delaminating;
- the left rear seat belt and centre belt were frayed; and
- eye-level and left brake lights were inoperative.

He was unable to say, given he was provided with little information about the collision, whether the non-compliant condition of the vehicle contributed to the collision. The defects with respect to the seatbelt and lights would not have contributed to the collision. The defects with respect to the tyres may have contributed to the collision if Ms Gregory-Naum was forced to brake suddenly prior to the collision however the evidence is she did not brake because she did not see Mr Greenwood. The non-compliant condition of the vehicle did not therefore cause or contribute to this collision.

Constable Gowen was unable to conduct a speed analysis from evidence at the scene because the exact point of impact on the road could not be determined. This was due to the poor

weather on the night. Often in cases such as this an area of impact can be identified by a shoe scuff on the road surface or perhaps where broken windshield glass is located or the location of tyre marks indicating emergency braking or the deflection of the tyres under loading. However on this night no such evidence could be found due to the poor weather conditions. Accordingly Constable Gowen used CCTV footage obtained from the nearby Ampol service station to determine the vehicle was being driven at an approximate speed of between 50 km and 60 km per hour. The collision occurred wholly within the northbound lane and testing, conducted on a subsequent evening when heavy rain was forecast (however the rainfall was significantly lighter), determined Mr Greenwood should have been visible to Ms Gregory-Naum operating her lights on low beam for approximately 21.6 m before the collision occurred. However this distance is insufficient for a driver with a recommended reaction time of 2.9 seconds to avoid a collision. At 50 km/h vehicles travel at 13.8 m/s. When that figure is multiplied by a reaction time of 2.9 seconds then a vehicle travelling at 50 km per hour will cover 40.2 m. At 60 km/h or 16.6 m/s a vehicle will travel a distance of 48.1 m. Both distances are well in excess of the 21.6 m Ms Gregory-Naum had available to her to avoid the collision. These distances as calculated represent the distance required to perceive and begin to react to Mr Greenwood on the roadway. They do not incorporate any braking distance required to avoid the collision. Accordingly Constable Gowen determined Ms Gregory-Naum did not have sufficient time to avoid a collision. I agree with Constable Gowen's conclusion and the factual matters he has used to base his conclusion on.

Comments and Recommendations

Excessive speed, inattention, the use of a mobile phone and/or the consumption of drugs and/or alcohol by Ms Gregory-Naum did not cause or contribute to this accident. Even if she had seen Mr Greenwood then the earliest she could have seen him was when he was 21.6 m away from her vehicle. As Ms Gregory-Naum was travelling at a speed of between 50 and 60 km/h she would not have had sufficient time to react, brake and avoid the collision.

Alcohol is a central nervous system depressant which can cause muscular incoordination, slow reaction times and visual impairment. At higher concentrations such as that found in Mr Greenwood there can be a loss of critical judgement, incoordination and reduced perception and awareness. I think this fact and the appalling weather conditions led to Mr Greenwood not perceiving the presence of Ms Gregory-Naum's approaching motor vehicle which has resulted in him walking out in front of her vehicle in circumstances where she has had no opportunity to avoid him.

I extend my appreciation to investigating officer Constable Jared Gowen for his investigation and report.

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

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

Dated: 25 October 2023 at Hobart Coroners Court in the State of Tasmania.

Robert Webster
Coroner