



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Lydia Spencer**

TITLE OF COURT: Coroners Court

JURISDICTION: CAIRNS

FILE NO(s): 2014/1631

DELIVERED ON: 3 November 2014

DELIVERED AT: Cairns

HEARING DATE(s): 28 May 2014

FINDINGS OF: Jane Bentley, Coroner

CATCHWORDS: Coroners: inquest, motor vehicle accident

REPRESENTATION:

Counsel Assisting: Ms S. Williams

William Poffley: A.J. Glynn SC instructed by Emanate Legal

Introduction

Section 45 of the *Coroners Act 2003* provides that when an inquest is held the coroner's written findings must be given to the family of the person who died, each of the persons or organisations granted leave to appear at the inquest and to officials with responsibility over any areas the subject of recommendations. These are my findings in relation to the death of Lydia Spencer. They will be distributed in accordance with the requirements of the Act and posted on the web site of the Office of the State Coroner.

These findings and comments:

- 1 confirm the identity of the deceased person, the time, place and medical cause of her death;
- 2 consider whether the actions or omissions of any third party contributed to her death; and
- 3 consider whether any changes to procedures or policies could reduce the likelihood of deaths occurring in similar circumstances or otherwise contribute to public health and safety or the administration of justice.

Summary

At the time of her death Ms Spencer, a national of the United Kingdom, was holidaying in Australia with her fiancée, William Poffley.

On the morning of 7 May 2014 Ms Spencer and Mr Poffley left Ravenshoe that morning to travel to Hughenden.

At about 5.30pm they were travelling in a south westerly direction on the Hahn Highway, near Hughenden. Mr Poffley was driving and Ms Spencer was the front seat passenger. The car merged onto the oncoming lane, left the road and rolled. Mr Poffley was able to get out of the car and waved down a passing motorist to assist. Mr Poffley told the motorist that Ms Spencer was still in the car.

The motorist used a two way radio to call emergency personnel. Queensland Ambulance paramedics attended and treated Ms Spencer and transported her to the Hughenden hospital. Despite treatment she was pronounced deceased at 7.25pm.

Mr Poffley also sustained severe injuries and was transported to the Townsville Hospital where he was admitted for treatment.

Autopsy results

An autopsy revealed that Ms Spencer died from head injuries she sustained in the accident.

The investigation

Forensic Crash Unit investigators of the Queensland Police Service attended the scene and conducted an investigation into the accident. The investigators found:

- the distance between Ravenshoe to the site of the crash as 474km or 7.5 hours of driving time;
- between 5pm and 5.30pm on 7 May 2014 the passenger side tyres of the car left the road;
- Mr Poffley attempted to steer the car back onto the road but oversteered, causing the car to commence to rotate in a clockwise direction;
- the car then fishtailed for some distance before commencing to roll;
- the car rolled an unknown number of times before coming to rest on its roof, facing north;
- the car sustained major impact damage to the left hand side, particularly the roof and 'A' pillar area on the passenger side;
- neither weather, poor road condition, excessive speed nor drugs or alcohol contributed to the accident;
- the vehicle was in a satisfactory mechanical condition with no defects which could have contributed to the accident.

Investigators concluded that fatigue and/or lack of familiarity with the area were possible contributing factors.

Jessica Gibson, an auxiliary fire fighter based in Hughenden attended the scene of the accident. She told police that she had a conversation with Mr Poffley during which she asked him, 'Will, do you remember what happened?' and he replied, 'I think I fell asleep.'

Following treatment, Mr Poffley declined to be interviewed further by police in respect of the crash.

The inquest

An inquest was convened when it became known that Mr Poffley was intending to leave Australia to return to the United Kingdom shortly after his discharge from hospital.

Mr Poffley appeared at the inquest and claimed privilege pursuant to s. 39(1) *Coroners Act 2003* and was directed to answer questions about the accident.

Mr Poffley stated:

- He and Ms Spencer arrived in Australia in June 2013;
- He purchased the vehicle involved in the crash from other backpackers in January 2014;
- The vehicle was registered in Western Australia and did not therefore require a roadworthy certificate in Queensland in order to have the registration transferred to his name;

- The sellers of the vehicle advised Mr Poffley that it was mechanically sound;
- A friend of Mr Poffley's who had some mechanical knowledge inspected the car prior to purchase and stated that he was of the opinion that it was in reasonable condition;
- After Mr Poffley purchased the vehicle he had it serviced at a garage in St Kilda, Victoria which was where he and Ms Spencer were staying at the time;
- Mr Poffley and Ms Spencer arrived in Queensland about a month before the accident after driving the vehicle from Victoria;
- About two months before the accident the car broke down and it was repaired by a mechanic in New South Wales;
- On the morning of 6 May 2014 Mr Poffley and Ms Spencer left Cairns and drove to Ravenshoe;
- They stayed overnight in Ravenshoe at a camping area, sleeping in the back of the vehicle where there was a bed installed;
- They had a good night's sleep and left Ravenshoe at about 9am on 7 May 2014 to drive to Hughenden;
- Their intended final destination was Alice Springs;
- They stopped for lunch at about 1pm at the Oasis Road House and then continued on the journey;
- They shared the driving – Ms Spencer started off driving and mid morning Mr Poffley took over – Ms Spencer drove for an hour and a half after lunch and then Mr Poffley drove from about 3pm up until the time of the accident;
- He has absolutely no recollection of the accident;
- He recalls driving along a dirt road for some time and then driving along a long section of sealed road;
- He was feeling normal at that time and was not feeling tired;
- He then recalls walking towards the road after the accident and asking the motorist for assistance;
- He does not recall what he said to the motorist;
- He then recalls being in the hospital room at Hughenden;
- He has no idea as to why the accident occurred.

Mr Poffley was the only witness called to give evidence at the inquest.

Conclusions

I find that Ms Spencer died from head injuries she sustained when the vehicle in which she was a passenger and which was driven by Mr Poffley left the roadway and rolled. The reason why the vehicle left the roadway cannot be determined.

Findings required by s. 45

Identity of the deceased – Lydia Spencer

How she died – Ms Spencer died from head injuries she sustained when the vehicle in which she was a passenger and which was driven by Mr Poffley left the roadway and rolled.

Place of death – Hann Highway, 20 kilometres north of Hughenden, HUGHENDEN QLD 4821 AUSTRALIA

Date of death– 7 May 2014

Cause of death – Head injuries

Comments and recommendations

I make no comments or recommendations.

I close the inquest.

Jane Bentley
Coroner
CAIRNS
3 November 2014