



# MAGISTRATES COURT *of* TASMANIA



## CORONIAL DIVISION

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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Duncan Fairley, Coroner, having investigated the death of Theresa Mary Falvey

#### **Find That:**

- a) The identity of the deceased is Theresa Mary Falvey;
- b) Ms Falvey died in the circumstances set out below;
- c) Ms Falvey's death occurred as a result of injuries sustained in a motor vehicle crash;
- d) Ms Falvey died on 10 March 2016 at the junction of the West Tamar Highway and Spring Hill Road, Sidmouth;
- e) Ms Falvey was born in England on 9 August 1990 and was aged 25 years;
- f) Ms Falvey was single and was employed in the fashion industry in the UK, and in Tasmania as a casual fruit picker, at the date of her death.

#### **Background:**

Theresa Mary Falvey was born in England on 9 August 1990, the only daughter of Donald and Alison Falvey. Ms Falvey had 2 brothers, John and Joseph. She completed her Bachelor of Arts degree and subsequently secured fulltime employment with the John Lewis chain in their virtual merchandising and fashion departments. During mid 2014 Ms Falvey set out to travel the world, stopping in various locations in order to earn extra funds via casual labour, such as fruit picking. Immediately prior to arriving in Tasmania, Ms Falvey spent 9 months fruit picking in New Zealand. During her travels Ms Falvey met and became

close friends with Hannah LePennec, a French national who was also on a working holiday.

As at the beginning of March 2016, Ms Falvey and Ms LePennec were working and staying at the Top-Qual Calthorpe apple orchard near Sidmouth. Shortly after arriving in Tasmania Ms LePennec had purchased a Toyota Camry station wagon for approximately \$600.00. She and Ms Falvey had used the vehicle to tour the state in addition to running the usual errands associated with day-to-day life. On 10 March 2016 Ms LePennec drove Ms Falvey to the Launceston Casino in Prospect so that she might spend the afternoon with her aunts, Michelle and Jean Clemenger. At the end of the day Ms Falvey's family returned her to the Calthorpe orchard where she was reunited with Ms LePennec and 2 male friends who were planning a trip to find a laundrette.

#### **Circumstances Surrounding the Death:**

Shortly after 6pm on 10 March 2016 Ms Falvey set off with Ms LePennec and their 2 male friends, Arthur Boutet and Massimiliano Cheli. Ms LePennec drove the Camry station wagon with Mr Boutet as the front seat passenger. Ms Falvey was seated in the rear directly behind the driver's position. Only Ms LePennec secured her seat belt. After being unable to locate a laundrette in nearby Exeter the group decided to drive to Beaconsfield. The route taken was the West Tamar Highway. The road surface was wet and slippery due to recent rain.

As Ms LePennec's vehicle neared the junction with Spring Hill Road it was required to manoeuvre through a sweeping left hand bend. Witness accounts from both passengers within the Camry and oncoming motorists, describe the station wagon losing traction and commencing a side slip in an anti-clockwise direction. Mr Boutet recounts attempting to assist Ms LePennec to regain control of the vehicle. All efforts to correct the course of the Camry were unsuccessful and the vehicle left the sealed road surface.

After leaving the carriageway the vehicle collided with a stand of large road signs, causing it to rotate and skid sideways into an adjacent paddock. On entering the paddock the vehicle's left side wheels have dug into the ground

causing the Camry to flip over once before coming to rest on all 4 wheels. Impact forces caused the right rear passenger window to smash. As the vehicle flipped over Ms Falvey was partially ejected through the open aperture. It is apparent that Ms Falvey's upper body has become trapped between the vehicle and the ground during the rollover.

Tasmanian Ambulance Service paramedics arrived on scene at 6:35pm and immediately began to treat Ms Falvey. Due to the extent and seriousness of Ms Falvey's head, neck and chest injuries attempts at resuscitation ceased and she was pronounced deceased by paramedics at approximately 6:45pm.

An autopsy was performed by Dr Christopher Lawrence (State Forensic Pathologist) at the Royal Hobart Hospital on 15 March 2016. Dr Lawrence determined that the cause of death was a neck injury sustained following her partial ejection during the single motor vehicle collision. I accept that opinion. Analysis of blood samples taken from both Ms Falvey and Ms LePennec confirm that neither alcohol nor illicit drugs played any part in the incident.

I have had regard to the evidence gained during the comprehensive investigation into Ms Falvey's death. In addition to the opinion from the State Forensic Pathologist the evidence comprises a detailed opinion from the crash investigator; relevant police and witness affidavits; medical records and reports; and additional forensic evidence. On the evidence available I am able to conclude that the factors contributing to the crash were as follows:

- a) Ms LePennec's inexperience as a driver;
- b) Excessive speed for the wet conditions, notwithstanding Ms LePennec driving at or slightly below the posted speed limit;
- c) The condition of the road surface;
- d) A number of tyres on the vehicle exhibiting insufficient tread pattern; and
- e) Ms Falvey's failure to wear a seatbelt.

At the conclusion of the investigation Tasmania Police considered bringing charges against Ms LePennec. In light of the crash investigator's opinion that the

incident was survivable had Ms Falvey been wearing her seatbelt and the express wishes of Ms Falvey's family that Ms LePennec not face charges, no such action was pursued. Having considered the extensive evidence available on the coronial investigation I am content that such course of action was entirely appropriate.

**Comments and Recommendations:**

I conclude by extending my thanks to all of those involved in the investigation process, but particularly Senior Constable Rybka (Northern Crash Investigation Services) for his comprehensive analysis and report.

In the circumstances there is no need for me to make any further comment or recommendations pursuant to section 28(2) of the *Coroners Act* 1995.

I wish to convey my sincere condolences to the family and friends of Ms Falvey.

**Dated:** 11 September 2017 at Launceston Coroners Court in the State of Tasmania.

**Duncan Fairley**

**CORONER**

