



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2017 5180

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Suspected deceased:	BD*
Delivered on:	27 April 2018
Delivered at:	Coroners Court of Victoria, 18 High Street, Shepparton, Victoria
Hearing date:	27 April 2018
Findings of:	ROSEMARY CARLIN, CORONER
Counsel assisting the Coroner:	Leading Senior Constable Duncan McKenzie

* This is a redacted version of the original signed finding. Names have been replaced with initials to preserve the privacy of BD's family.

HER HONOUR:

BACKGROUND

1. BD was born on 9 July 1961. He was 53 years old when he went missing on 14 July 2014.
2. BD lived with his parents in Mooroopna until shortly before his death. His family described him as quiet, shy, and withdrawn. Although he lived with his parents, BD did not usually interact with them and spent most of his time in his bedroom. He did not consume alcohol and did not use any drugs of dependence.
3. When BD was a teenager, his older brother, who was a police officer, was killed in a motor vehicle accident. According to his sister, BJ, this profoundly affected BD and caused a permanent change to his behaviour. BD later applied to enter the Victorian Police Force, but was not accepted on health grounds. This caused him a great deal of disappointment.
4. During childhood, BD was diagnosed with insulin-dependent diabetes (type 1). In later life, he was diagnosed with hyperlipidaemia.¹ BD's illness was well-managed with two to four insulin injections per day. He stored the insulin in his refrigerator. BD was regularly reviewed by his general practitioner, Dr John Mackeller, at Mooroopna Medical Clinic. He last attended Dr Mackeller on 20 February 2014 and appeared well at that time.
5. BD obtained a Bachelor's degree in Applied Science (Ecology and Natural Resources) from the University of Canberra and was employed in a number of occupations during his adult life. His last place of work was The Shepparton Preserving Company (**SPC**) in Shepparton, which ended in late February 2014. At the time of his disappearance, he was unemployed.

¹ Hyperlipidaemia is condition in which there are high levels of fat particles (lipids) in the blood.

THE PURPOSE OF A CORONIAL INVESTIGATION

6. Under the *Coroners Act 2008* (Vic) (**the Act**), Coroners independently investigate ‘reportable deaths’ to find, if possible, identity, cause of death and, with some exceptions, surrounding circumstances.² Cause of death in this context is accepted to mean the medical cause or mechanism of death. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death.
7. Broadly, reportable deaths are deaths that are unexpected, unnatural or violent or have resulted, directly or indirectly, from an accident or injury. ‘Death’ is defined to include suspected death.
8. Under the Act, coroners have another important function and that is, where possible, to contribute to the reduction in number of preventable deaths and the promotion of public health and safety by way of making comment or recommendations about any matter connected to the death they are investigating.
9. Coroners do not make determinations of guilt or negligence; they are the province of other jurisdictions. Indeed, the Act specifically prohibits coroners from making a finding or comment that a person has, or may have, committed an offence. A coroner should set out relevant facts, leaving others to draw their own conclusions from the facts.
10. The standard of proof applicable to findings in the coronial jurisdiction is the balance of probabilities with the *Briginshaw* qualification.³
11. On 4 October 2017 Victoria Police notified the Coroners court of BD’s suspected death by submitting a coronial brief prepared by Detective Senior Constable Peter Aitken. The brief included statements from BD’s family members, a former colleague, and members of the Victoria Police.

² Section 67 of the *Coroners Act 2008* (Vic) (**the Act**) requires a coroner investigating a reportable death to find, if possible: (a) the identity of the deceased; (b) the cause of death; and (c) the circumstances in which the death occurred unless an inquest was not held, the deceased was not in state care and there is no public interest in making findings as to circumstances.

³ *Briginshaw v Briginshaw* (1938) 60 CLR 336, especially at 362-363. ‘The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issues had been proved to the reasonable satisfaction of the tribunal. In such matters “reasonable satisfaction” should not be produced by inexact proofs, indefinite testimony, or indirect inferences...’.

12. Although there were no suspicious circumstances, as BD's body was never found I exercised my discretion to hold an inquest (public hearing) into his death. The inquest took place in Shepparton, the closest court location to the home of BD and his family. At the inquest Detective Senior Constable Aitken gave evidence and members of BD's family were present.

CIRCUMSTANCES LEADING TO BD's DISAPPEARANCE

13. On 9 June 2014, BD's parents moved out of their house and into a new unit which had been built for them on the property of their daughter BJ. This had been planned for a long time. According to BJ, despite their parents move, BD made no attempt to find alternative accommodation.
14. It was later agreed that BD's nephews, HD and HC, and HD's girlfriend, PT, would move in with BD. The group of three moved into the house on the same weekend that BD's parents moved out. Despite little previous interaction with his nephews, the first few weeks of co-habitation ran smoothly.
15. BD usually left the house at 9.00am each day and returned at 5.30pm. He generally kept to himself and made his own meals.
16. According to DH, approximately one month after they began living together, BD entered the living-room and started yelling at HD and PT about the dishes not being washed. Soon after, HC entered the room and also argued with BD. The argument lasted approximately 10 minutes and did not escalate to a physical altercation at any time. All parties thereafter went their separate ways and nothing more was said, however BJ reported that the three younger lodgers stopped talking to BD and he found that difficult.
17. On 14 July 2014, BD left the house at the usual time of 9.00am. HD did not notice anything unusual about his uncle that day. BD drove away in his vehicle, a silver Holden Commodore sedan, registration YUX-579.
18. Subsequent investigations revealed that at 11.17am, BD attended the Shepparton branch of the Commonwealth Bank of Australia. He was captured on closed-circuit television footage attending the counter by himself. He obtained three cheques, amounting to almost the complete balance of his bank account. The cheques were made out to three different family members, his sister BJ, aunt and mother. He subsequently placed the cheques in three separate envelopes with each recipient's name and posted them. The envelopes containing the

cheques to BJ and his mother were posted to his home address, together with another envelope addressed to himself containing the three cheque stubs. The envelope containing the cheque to his aunt was sent direct to her address. The post marks on the envelopes indicated they were mailed from Euroa on 14 July 2014.

19. The envelope posted to BJ also contained a handwritten note dated 14 July 2014, which read:

To BJ

This is to pay for the CHEAPEST CREMATION available. With the lowest priced casket to be used. The rest is yours.

BD

20. BD did not return home that night and was never seen again. At first his nephews were not overly concerned as they had previously been told that their uncle sometimes went away for a few days at a time.
21. On 17 July 2014, BJ stopped by her brother's house. PT told her that her brother had not been home for three nights and that some letters had arrived for her and her mother, which her father had collected and taken home.
22. BJ returned to her home and opened the envelope addressed to her. After reading the note and examining the cheques for herself and her mother, she contacted emergency services and reported her brother as a missing person.

VICTORIA POLICE INVESTIGATION

23. Local policeman Senior Constable Daniel Thompson conducted initial enquiries commencing at 6.30pm on 17 July 2014. Over the next few hours he attempted to telephone BD's mobile telephone, which went straight to voicemail; he contacted the local hospital and SPC and he attempted to contact local doctors' surgeries. He also searched BD's house and the SPC carpark. No information about BD's potential whereabouts was obtained.
24. The investigation was taken over by detective Senior Constable Peter Aitken from the Shepparton Crime Investigation Unit, the next day. On 18 July 2014, an Optus Location Search of BD's mobile telephone number was commenced. Throughout the day, a number of negative results were returned, indicating that the mobile telephone was either switched off or out of range. At 4.23pm, the mobile telephone was traced to the area of Faithfuls Creek Road, Balmattum, near Euroa. Local police were notified and requested to search the surrounding

area for BD and his vehicle. Patrols were conducted within the Euroa area, but did not identify BD or his vehicle.

25. On 19 July 2014, Detective Senior Constable Gary Dean conducted another search of BD's house. At this time, he found that BD had left insulin medication at home.
26. At approximately 11.45am the same day, Leading Senior Constable Patrick Storer of Violet Town police, located BD's car parked on a grass verge on Euroa-Strathbogie Road, Sheans Creek. It appeared to have been there for a number of days and a local resident confirmed it. There was a security device fitted to the steering wheel. The car was parked adjacent to a private entrance to a track leading to a Goulburn Valley water storage facility, which was to its south. The car was approximately seven kilometres south from the mobile telephone's trace result. The following items were found inside it:
 - (a) a wallet containing \$150, a driver's licence, a bank card, and other documents in BD's name;
 - (b) eight notebooks containing handwritten records of lottery numbers and stock prices (going back several years);
 - (c) a fabric wallet containing miscellaneous receipts and lottery tickets; and
 - (d) an 'organiser' with BD's name and address written in it.
27. At 2.00pm that day, BD's mobile telephone was detected in the same area as the previous trace. This was the last time the mobile telephone was connected to a tower. Further checks returned no results.
28. During 19 to 21 July 2014, a large scale co-ordinated search of the area around the car and the area around the mobile telephone trace was conducted utilising the services of police members from the local area, Search and Rescue, Mounted branch and the Canine Unit. Volunteers from the State Emergency Service also assisted and Victoria Police Air conducted an overhead search. Searching units were given GPS devices to allow mapping of the areas searched. All searches failed to elicit any evidence of BD's whereabouts. His mobile telephone was not located. With no information as to his likely direction of travel and/or destination, it was decided that it was not feasible to continue searching such a vast area.

29. Employees at the water storage facility conducting routine searches over this period did not notice anything of significance. The water storage facility was also searched by the Search and Rescue Squad on 7 January 2015, using divers and a boat. No evidence of BD's presence was found. BD's family members also conducted a number of foot-based searches of the area, to no avail.
30. Victoria Police media releases and subsequent news coverage did not elicit any sightings of BD and no information was passed on via Crime Stoppers in relation to his disappearance.
31. BD's family confirmed that BD had been bushwalking and rabbiting in the outer Euroa area since he was a teenager. BJ later found old photographs (estimated to be 30 years old) in her brother's possessions and provided them to Victoria Police. These photographs depicted the area of Kelvin View, which was roughly south of the water storage facility, and included an image of a corrugated iron structure. It is believed that BD visited this area as a youth. On 13 October 2016, an aerial search was conducted of the wooded area and only one building structure was located within that area, approximately one kilometre from the water storage facility. On 2 December 2016, police officers attended the location of the iron structure and found it to be collapsed. The police officers conducted a search of the immediate area and did not find any evidence of BD
32. Victoria Police ongoing checks have determined:
- (a) BD has not made a Medicare or Pharmaceutical Benefit Scheme claim since 11 July 2014 when he obtained a supply of blood glucose indicators from a chemist;
 - (b) BD has not accessed Centrelink since his disappearance (he was not on Centrelink at the time of his disappearance);
 - (c) BD has not accessed his Commonwealth Bank account since 14 July 2014 - no other bank accounts in his name have been identified; and
 - (d) An Australian passport in the name of BD (09/07/1961) has never issued and there are no immigration records in that name.
33. It is not known whether BD left his house on 14 July 2014 with a supply of insulin, nor whether he carried any food or water. However, as insulin requires refrigeration, any supplies he may have taken with him would only have been effective for a short time. According to Dr

Mackellar without appropriate dietary and medical management of his diabetes the consequences for BD would be catastrophic and could become manifest within 24 to 48 hours.

34. The evidence indicates that some time after he posted the envelopes containing the cheques on 14 July 2014, BD drove his car from Euroa to Euroa-Strathbogrie Road, south east of Euroa, where he parked, locked his car and set off on foot. Although his movements are not known the fact his car was parked so close to the access gate to the water storage facility suggests he may have followed the path past the water storage facility and into mountainous tree-covered woodland, known as the Mount Wombat Range Flora and Fauna reserve, an area with which he was familiar.
35. The Optus traces of BD's mobile telephone indicate that it remained in the same location, namely Faithfuls Creek Road, Balmattum, approximately 7 kilometres from his parked car, for almost 24 hours. Thereafter it never connected with a tower again so its whereabouts could not be determined with certainty. It is not known how or why the telephone was so far from the car. It is possible that BD disposed of, or lost, his telephone in the Faithfuls Creek Road area to the east of Euroa, before he drove south to the place where he parked his car. It is also possible, but less likely, that after parking his car he walked north across private farmland to the Faithfuls Creek Road area with his telephone.
36. Taking into account BD's dependency on insulin, his lack of ongoing access to same, the cheques and handwritten note he sent to his sister, the personal items he left in his vehicle, the lack of any confirmed sightings or contact, and the fact he has not accessed any bank accounts, medical or government services, Victoria Police concluded that BD is most likely deceased. I agree with that conclusion.
37. In her police statement BJ expressed her belief that her brother took his own life somewhere within the Mount Wombat Flora and Fauna reserve, between Euroa and Strathbogrie, and his remains are still there. I also agree that it is likely BD intended to end his life. I cannot, however, determine how he died. It is possible that he took some definitive action to hasten the end his life or that he simply waited until he died as a consequence of his untreated diabetes.

FINDINGS

38. Having investigated the suspected death of BD and having considered all of the available evidence, I am satisfied that no further investigation is required.
39. The circumstantial evidence satisfies me that BD died of unknown causes on or after 14 July 2014 in the woodland area of Euroa. His body, or remains, have never been found.
40. I make the following findings, pursuant to section 67(1) of the Act:
- (a) that the identity of the deceased is BD, born 9 July 1961;
 - (b) that the cause of his death is unascertained;
 - (c) that he died on or after 14 July 2014;
 - (d) that he intended to end his life; and
 - (e) his death occurred in the circumstances above.

I convey my sincerest sympathy to BD's family and friends.

I direct that a redacted version of this finding be published on the internet pursuant to section 73(1A) of the *Coroners Act 2008*. The name of the deceased and family members will be substituted with initials to protect the privacy of his family.

I direct that a copy of this finding be provided to the following:

- (f) BD's family.
- (g) Detective Senior Constable Peter Aitken, Coroner's Investigator, Victoria Police.

Signature:



ROSEMARY CARLIN

CORONER

Date: 27 April 2018