



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 2017 6361

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

Deceased:	Robb Thomas LAWSON
Delivered on:	28 February 2020
Delivered at:	Coroners Court of Victoria, 65 Kavanagh Street, Southbank
Hearing dates:	12 February 2020
Findings of:	Coroner Paresa Antoniadis SPANOS
Counsel assisting the Coroner:	Leading Senior Constable Duncan McKENZIE from the Police Coronial Support Unit
Representation	No appearances
Catchwords	Missing person, history of mental illness, Mt Gambier, Heywood,

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I, PARESA ANTONIADIS SPANOS, Coroner,

having investigated the death of ROBB THOMAS LAWSON

and having held an inquest in relation to this death at Southbank on 12 February 2020:

find that the identity of the deceased was ROBB THOMAS LAWSON

born on 28 September 1968, aged 48

and that the death occurred in late August to September 2007

at an unascertained location in Australia

**from a cause which remains:**

I (a) UNASCERTAINED

**in the following circumstances:**

## INTRODUCTION

1. Mr Lawson was one of seven children born to Mr Malcolm and Mrs Marie Lawson. Referred to as “Robb” in the remainder of this finding, in deference to his family’s preference, he never married and has no known dependents.
2. Robb spent his early years in Malvern, attending St Joseph’s Primary School and De La Salle College. According to Mrs Lawson, during his formative years, Robb was the victim of sexual offending on two occasions. The first when he was about eight to nine years of age at the Harold Holt swimming pool and a male followed him into the toilet and showed him pornographic material. This incident was reported to the police and Robb found the sequelae confronting. The second incident occurred when Robb was about 11 to 12 years of age and he and two other boys were sexually assaulted by a male who was his swimming coach and a serving police member. Again, this incident was reported to the police and, according to Mrs Lawson, the offender was prosecuted and imprisoned.
3. Both Mrs Lawson and her son (and Robb’s brother) Thomas Lawson believe that the second incident changed Robb, although he continued to be a popular person at school and continued with his studies. Robb held leadership positions in his senior years at De La Salle and was awarded the peer voted La Sallian Award which is testament to his popularity with his peers.
4. Robb successfully completed Year 12 on his second attempt and went on to study Information Technology at the University of Melbourne. While undertaking tertiary studies, Robb worked

part-time in pubs. After graduating, Robb worked in IT including for Cyber Graphics in Sydney until that business closed, and later, closer to his disappearance, at the Herald Sun as an IT Programmer.

## PSYCHIATRIC HISTORY

5. According to Robb's family, the first known suicide attempt was when he was about 23 years of age. Robb attempted to take his life in his sister's car by connecting a hose to the exhaust. Robb was admitted to the psychiatric unit at St Vincent's Hospital and, on discharge, moved back into the family home with his parents. Eventually he was well enough to return to work and worked for a firm in Collins Street, Melbourne. Robb's job involved overseas travel.
6. Robb then started working for Cyber Graphics and eventually transferred to a role in Sydney. When Cyber Graphics closed, Robb started working from home in a flat he shared with a flatmate. Robb started to become paranoid, worried that people were interfering with his things. He moved in with a friend in Surrey Hills but his mental health continued to deteriorate.
7. In about March 2001, Robb called his parents to say he was getting on a plane to come home. On returning to Melbourne, Robb became engaged with the Alfred Health Mental Health Service. There were several occasions when Robb would go missing for weeks at a time, getting as far as Wollongong, New South Wales, on one occasion and to Queensland and Perth on others. On some occasions, he took off by car, on others he flew interstate.
8. Eventually, sometime in 2002, Robb was admitted to the Alfred Hospital (the Alfred) as an involuntary psychiatric patient where he was treated for depression, anxiety and paranoia. Robb's medication regime included Olanzapine 10mg (an antipsychotic) and Citalopram 20mg (an antidepressant). During one admission, Robb absconded by jumping a courtyard wall and was found weeks later in Kilcunda in a public toilet block with a rope, apparently attempting to take his own life. Police found Robb and returned him to the Alfred.
9. Once stabilised, Robb was placed on a twelve-month Community Treatment Order (CTO) and discharged into his parents' care. After discharge from the Alfred, Robb attended the Waiora Clinic as an outpatient for a period. He remained on his medication and improved sufficiently to become independent in his living arrangements, moving into his own apartment on 101/25 Wills Street, Melbourne, and commencing work as an IT Programmer for the Herald Sun.
10. Robb's psychiatric care was transferred to consultant psychiatrist Dr Keryn Fitzpatrick from 18 February 2005. According to Dr Fitzpatrick, Robb was keen to reduce his medications and

she supported him in this decision initially. However, as the medications were reduced, it became apparent that Robb's psychotic symptoms were returning. He was re-commenced on Olanzapine but his mental state continued to deteriorate.

11. When last seen by Dr Fitzpatrick on 25 June 2007, Robb described feeling flat and stressed at work. While he denied any psychotic symptoms, it was apparent that he was struggling. Dr Fitzpatrick made a follow-up appointment with Robb for 2 July 2007, but he failed to attend.

#### I JULY 2007

12. On 30 June 2007, Robb had dinner with two friends. One of them later told Thomas Lawson that Robb appeared stressed because he tried to entertain his friends in his apartment which was too small. The following day Robb and his friends had plans to go to Daylesford, but he did not end up going, or at least did not meet up with his friends as planned.
13. On 1 July 2007, Robb telephoned his mother saying he was in Ballarat. Mrs Lawson asked him to get in touch with her brother and his wife who lived in Ballarat. Mrs Lawson heard her son ask 'a waiter or someone to borrow a pencil to write down' their contact details. This was the last time Mrs Lawson heard from her son. She later ascertained that Robb did not call his uncle or aunt as she had suggested. This was the last known contact between Robb and any member of his family.
14. Other than documented contact with various police members in July and August 2007, Robb has not been seen by his family since, has been the subject of 'missing persons' reports and investigations across two states and he was reported to the Coroners Court of Victoria on 16 December 2017 as a "suspected" death.

#### INVESTIGATION AND SOURCES OF EVIDENCE

15. This finding is based on the totality of the material the product of the coronial investigation of Mr Lawson's suspected death. That is, the investigation and brief of evidence compiled by Detective Sergeant Jason Von Tunk from Portland Crime Investigation Unit of Victoria Police and his evidence at the inquest.
16. The brief will remain on the coronial file, together with the inquest transcript.<sup>1</sup> In writing this finding, I do not purport to summarise all the material and evidence, but will refer to it only in such detail as is warranted by its forensic significance and in the interests of narrative clarity.

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<sup>1</sup> From the commencement of the *Coroners Act 2008* (the Act), that is 1 November 2009, access to documents held by the Coroners Court of Victoria is governed by section 115 of the Act. Unless otherwise stipulated, all references to legislation that follow are to provisions of the Act.

## PURPOSE OF A CORONIAL INVESTIGATION

17. The purpose of a coronial investigation of a *reportable death*<sup>2</sup> is to ascertain, if possible, the identity of the deceased person, the cause of death and the circumstances in which death occurred.<sup>3</sup> For coronial purposes, *death* includes suspected death.<sup>4</sup>
18. The *cause* of death refers to the *medical* cause of death, incorporating where possible the *mode* or *mechanism* of death. For coronial purposes, the *circumstances* in which death occurred refers to the context or background and surrounding circumstances but is confined to those circumstances sufficiently proximate and causally relevant to the death, and not all those circumstances which might form part of a narrative culminating in death.<sup>5</sup>
19. The broader purpose of any coronial investigations is to contribute to the reduction of the number of preventable deaths through the findings of the investigation and the making of recommendations by coroners, generally referred to as the *prevention* role.<sup>6</sup> Coroners are empowered to report to the Attorney-General in relation to a death; to comment on any matter connected with the death they have investigated, including matters of public health or safety and the administration of justice; and to make recommendations to any Minister or public statutory authority on any matter connected with the death, including public health or safety or the administration of justice.<sup>7</sup> These are effectively the vehicles by which the coroner's prevention role can be advanced.<sup>8</sup>
20. It is important to stress that coroners are not empowered to determine the civil or criminal liability arising from the investigation of a reportable death and are specifically prohibited from including in a finding or comment any statement that a person is, or may be, guilty of an offence.<sup>9</sup>

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<sup>2</sup> The term is exhaustively defined in section 4 of the *Coroners Act 2008* [the Act]. Apart from a jurisdictional nexus with the State of Victoria a reportable death includes deaths that appear to have been unexpected, unnatural or violent or to have resulted, directly or indirectly, from an accident or injury; and, deaths that occur during or following a medical procedure where the death is or may be causally related to the medical procedure and a registered medical practitioner would not, immediately before the procedure, have reasonably expected the death (section 4(2)(a) and (b) of the Act).

<sup>3</sup> Section 67(1).

<sup>4</sup> See the definition of "death" in section 3 of the Act.

<sup>5</sup> This is the effect of the authorities – see for example *Harmsworth v The State Coroner* [1989] VR 989; *Clancy v West* (Unreported 17/08/1994, Supreme Court of Victoria, Harper J.)

<sup>6</sup> The 'prevention' role is now explicitly articulated in the Preamble and purposes of the Act, compared with the *Coroners Act 1985* where this role was generally accepted as 'implicit'.

<sup>7</sup> See sections 72(1), 67(3) and 72(2) regarding reports, comments and recommendations respectively.

<sup>8</sup> See also sections 73(1) and 72(5) which requires publication of coronial findings, comments and recommendations and responses respectively; section 72(3) and (4) which oblige the recipient of a coronial recommendation to respond within three months, specifying a statement of action which has or will be taken in relation to the recommendation.

<sup>9</sup> Section 69(1). However, a coroner may include a statement relating to a notification to the Director of Public Prosecutions if they believe an indictable offence may have been committed in connection with the death. See sections 69 (2) and 49(1).

## THE FOCUS OF THE CORONIAL INVESTIGATION AND INQUEST

21. The coronial investigation of a suspected death differs significantly from most other coronial investigations which commence with the discovery of a deceased person's body or remains. The focus in those cases is on identification of the body or remains, a forensic pathologist's examination and advice to the coroner about the medical cause of death and the circumstances in which the death occurred.
22. Absent a body or remains, the coronial investigation focuses on the last sighting of the deceased; any subsequent contact with family or the authorities; and evidence of proof of life since. In such cases, the coronial investigation is essentially an exercise in proof of death through the absence of evidence that a person has been alive or active via searches and a series of checks of records held by various authorities and data bases.
23. There were two broad phases in the investigation of Robb's disappearance and suspected death – the first in the months immediately following the last contact with his mother on 1 July 2007 and the second from Thomas Lawson's further report of Robb as a missing person to South Australian Police on 19 April 2012 until the inquest.

## FIRST PHASE OF THE INVESTIGATION

24. Having not heard from him since the phone call on 1 July 2007, Mrs Lawson reported Robb to police as a missing person on 4 July 2007. The report was taken by Constable Dingjan from Malvern Police who made enquiries with various agencies. Robb was located in Mount Gambier, South Australia, the following day 5 July 2007. Senior Constable First Class McLean from Mount Gambier Police spoke to Robb about his physical and mental state. Robb confirmed that he was okay; said he was heading west to get away from his overbearing family and did not want his whereabouts disclosed to his family. Const Dingjan advised Mrs Lawson and Dr Fitzpatrick accordingly, and the missing person report was closed.
25. On 9 July 2007, residents in the Heywood area, made a report to police of a suspicious vehicle left unattended in Kentbruck Road, Heywood. Leading Senior Constable Tognon from Heywood Police attended at the location, eight kilometres west of Heywood near a limestone quarry. The vehicle was parked on top of a stump with its wheels off the ground. It was unlocked and the ignition key was found in the boot. The vehicle was able to be started but, when searched, yielded nothing of evidentiary value. When police spoke to nearby residents, they all said they had first noticed the vehicle there at least two days earlier and had seen no-one with the vehicle.

26. The vehicle was eventually towed to the Heywood Garage and, following a registration search, a card left by police at Robb's apartment in Melbourne. Mrs Lawson found the card and organised for the vehicle to be delivered to Melbourne. The vehicle was sold by the family a short time after receipt.
27. Having still not heard from Robb, on 11 August 2007, Thomas Lawson reported him missing to Constable Devlin of Malvern Police. The following day 12 August 2007, Const Devlin contacted Robb on his mobile who said he was safe and well. Const Devlin asked Robb to contact his family.
28. On 13 August 2007, Const Devlin spoke to Dr Fitzpatrick who recommended that Robb be detained for psychiatric assessment when found. When Const Devin attempted to contact Robb on his mobile there was no answer and he left a message for him to return his call. Const Devlin then contacted Mount Gambier police who checked his last known address at the Tower Motor Inn and found he was no longer there.
29. On 7 September 2007, the missing person investigation was reassigned to Constable Disney from Malvern Police. On 17 September 2007, Const Disney attempted to contact Robb on his mobile but found his service disconnected. He made further attempts to locate Robb without success.
30. The investigation was reassigned to Detective Senior Constable Dwyer from Stonnington Crime Investigation Unit (CIU) on 28 May 2008. Once again Robb's whereabouts remained unknown despite enquiries. The missing person file was marked "complete" on 22 July 2008, apparently on the basis that Robb had been spoken to by police on 5 July 2007, said he was distancing himself from his family and did not want his whereabouts divulged. It was also deemed that Robb was not a missing person in Victoria as he had been last located in Mount Gambier and the matter was referred via State Intelligence Operations to the South Australian Police.

## SECOND PHASE OF THE INVESTIGATION

31. On 19 April 2012, having heard nothing more either from or about his brother, Thomas Lawson contacted Mount Gambier Police to report his brother Robb missing once again. At this time, Mr Lawson was aware that there had been no activity on Robb's bank account since July 2007. Senior Constable Robyn Ferraro from the South Australia Missing Persons Investigation Section conducted checks of local hospitals, banks and a Centrelink search and none of the searches yielded any information as to Robb's whereabouts.



32. The investigation was then transferred from South Australia to Portland CIU, the region where Robb's vehicle had been found, then to Stonnington CIU which covers the Malvern area where Robb grew up. It is not known what, if any, enquiries were made into Robb's whereabouts at this time.
33. Finally, in early 2015, the investigation into Robb's disappearance was taken up by Det Sgt Von Tunk from Portland CIU. Having conducted some enquiries, on 16 October 2017, Det Sgt Von Tunk submitted a report to the Coroners Court of Victoria requesting that Robb's disappearance be considered for investigation as a suspected death.
34. On 21 February 2018, I asked Det Sgt Von Tunk to compile a full coronial brief of evidence and he made a number of enquires, the details of which are set out in the brief, and include -
- a. An extensive media campaign during Missing Persons Week August 2017, using the most recent photograph of Robb supplied by his family with no new information being forthcoming.
  - b. A search in September 2017 of the immediate vicinity where Robb's vehicle was found in Kentbruck Road, Heywood, involving 50 personnel from the State Emergency Services, Victoria Police Search & Rescue and an Anthropologist on stand-by in case human remains were found. The search failed to reveal any further evidence relating to Robb's disappearance.
  - c. Obtaining the South Australian Police records pertaining to Robb's stay at the Tower Motor Inn, Mount Gambier.
  - d. Obtaining statements from Emmie King who lives near the location where Robb's vehicle was found on 9 July 2007 in the Heywood area.
  - e. Enquiries of the Department of Foreign Affairs and Trade (DFAT) whose records indicate that Robb's last Australian Passport expired on 3 March 2009 and there is no record of this passport leaving Australia.
  - f. Enquiries with the National Australia Bank where Robb held a bank account with a substantial credit balance that has not been accessed since he was first reported missing 1 July 2007.
  - g. Similarly, Robb was the holder of incoming producing shares which had not been touched since he was first reported missing in July 2007.

- h. On 26 March 2018, Mrs Lawson provided a DNA sample which was compared against the Missing Person DNA Database and no reportable matches were found. Furthermore, mitochondrial DNA obtained from the sample was compared with the database on 26 January 2019 and no reportable matches were found.
  - i. Robb's dental records were obtained from his dentist in Prahran for future comparison in the event that any remains are found in the future.
  - j. A Medicare and Pharmaceutical Benefits Scheme records were checked as at 24 September 2018 and revealed no claims made by Robb since July 2007, and Centrelink records checked as at 28 September 2018 revealed no payments since July 2005.
  - k. Checks with the Office of the Chief Psychiatrist in each State and Territory indicated that Robb had contact with mental health services in New South Wales (Lismore 2001), South Australia (Flinders 2004) and was registered with the Alfred in Victoria on 17 May 2005 but did not reveal any more recent contacts with any public mental health service in any State or Territory.
  - l. In September 2018, checks of Births, Deaths and Marriages registries in each State and Territory relevantly revealed no death records and no change of name records from 1 July 2007 to 2 October 2018, returning a "no records" result for each.
  - m. On 10 July 2019, a check of Robb's Victorian Driver's Licence showed no infringements or police contacts between his disappearance in July 2007 and 10 July 2019 and indicated that the licence had expired on 26 January 2016 through effluxion of time. Further checks performed outside Victoria indicate that no drivers licence is issued in the name of Robb Thomas Lawson (or similar) in any other State or Territory.
35. The only witness called at inquest was Det Sgt Von Tunk who provided an overview of the various efforts made by police to locate Robb since his disappearance in July 2007 and answered any questions from Robb's family members who attended the inquest, including Mrs Lawson and Thomas Lawson and his other brother and sisters.
36. At the conclusion of his evidence at inquest, Det Sgt Von Tunk reiterated his belief that while the possibility could not be entirely excluded that he was still alive and living somewhere "off the grid" to use a colloquial expressions, he did not believe that Robb could have lived off the grid without coming to the attention of the authorities for a as longa period as thirteen years (from 2007 to 2020).

## CONCLUSIONS/FINDINGS

37. The standard of proof for coronial finding of fact is the civil standard of proof on the balance of probabilities, with the *Briginshaw* gloss or explication.<sup>10</sup> It is self-evident that a finding that a person who remains have not been found is deceased is a serious matter with significant legal consequences that is not made lightly and requires me to reach a comfortable level of satisfaction as to facts based on the evidence.

38. Having applied that standard to the available evidence, I find that:

- a. Robb Thomas Lawson born on 28 September 1968, whose last known residential address was 101/25 Wills Street, Melbourne, is now deceased.
- b. Robb had a history of mental illness and had made at least two previous suicide attempts by means of high lethality.
- c. Robb also had a history of flight when things got difficult for him and had previously fled interstate on at least three occasions, generally returning to his family within weeks.
- d. When last seen by consultant psychiatrist Dr Keryn Fitzpatrick on 25 June 2007, Robb's mental state was deteriorating.
- e. When last in the company of his friends on 30 June 2007, Robb appeared stressed and depressed.
- f. Robb had plans to meet friends in Daylesford on 1 July 2007 but for reasons which remain unknown, did not meet up with them.
- g. Robb's phone call to his mother on 1 July 2007 was the last time he contacted her or any other member of his immediate family.
- h. Robb was at the Tower Motor Inn when contacted by police on 5 July 2007.
- i. Between 5 and about 7 July 2007, Robb drove to the Heywood area and abandoned his motor vehicle where it was found by police on 9 July 2007.
- j. The last known documented contact with Robb was the phone call placed by police to his mobile on 12 August 2007.

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<sup>10</sup> *Briginshaw v Briginshaw* (1938) 60 C.L.R. 336 esp 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..."

- k. As at 13 August 2007, Dr Keryn Fitzpatrick opinion was that Robb required urgent assessment of his mental state.
- l. While I have considered the possibility that Robb is simply staying away from his family and could be living off the grid somewhere to this day, I find it unlikely that he could do so for such a long period of time without coming to the attention of the police, a mental health service or any other public authority.
- m. The weight of the evidence supports a finding that Robb likely died in late August or September 2007.
- n. The evidence does not enable me to determine the place of Robb's death, the cause of his death or whether or not he intentionally took his own life.

#### PUBLICATION OF FINDING

39. Pursuant to section 73(1) of the Act, unless otherwise ordered by a coroner, the findings, comments and recommendations made following an inquest must be published on the Internet in accordance with the rules, and I make no such order.

#### DISTRIBUTION OF FINDING

40. I direct that a copy of this finding is provided:

Mrs Marie Lawson

Dr Keryn Fitzpatrick

Alfred Health

The Office of the Chief Psychiatrist

The Registrar of Births, Deaths and Marriages for Victoria

Signature:



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PARESA ANTONIADIS SPANOS

Coroner

Date: 28 February 2020