



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2018 0876

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

Deceased: **Trevor John Tascas**

Findings of: **John Olle Coroner**

Delivered on: 11 February 2020

Delivered at: Coroners Court of Victoria,  
65 Kavanagh Street, Southbank

Hearing date: 11 February 2020

Coroners Assistant: LSC Kelly Ramsey

Catchwords: Suspected homicide, missing person, no person  
charged with indictable offence in respect of a  
reportable death

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I, John Olle, Coroner having investigated the death of Trevor John Tascas

AND having held an Inquest in relation to this death on 11 February 2020

at Melbourne

find that the identity of the deceased was Trevor John Tascas born 22 January 1978

and that the death occurred on or between 7 to 10 October 2005

at 4 Thatcher Court Whittington, 3219 Victoria,

from:

### **1(a) UNASCERTAINED CAUSES**

in the following summary of circumstances:

1. Between 7 to 10 October 2005, Trevor John Tascas (also known as Trevor John Vanderwel) disappeared whilst residing in Whittington, Victoria. Almost 14 years have now passed, and Mr Tascas has not yet been located or attempted to contact any friends or family.
2. On 31 January 2018, Detective Senior Constable (DSC) Anna Dickinson of the Victoria Police Missing Persons Squad reported the suspected death of Mr Tascas. The *Coroners Act 2008* (Vic) (**the Act**) provides a definition of death in section 3 of the Act to include a 'suspected death.' As the Coroner Investigator in this matter, DSC Dickinson compiled the coronial brief which included *inter alia*, multiple statements from witnesses as well as information from the Victoria Police investigation into Mr Tascas' disappearance.

### **THE PURPOSE OF A CORONIAL INVESTIGATION:**

3. Mr Tascas' death constitutes a '*reportable death*' under the Act, as Mr Tascas ordinarily resided in Victoria<sup>1</sup> and his death appears to have been unexpected and unnatural.<sup>2</sup>
4. The jurisdiction of the Coroners Court of Victoria is inquisitorial.<sup>3</sup> The Act provides for a system whereby reportable deaths are independently investigated to ascertain, if possible, the

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<sup>1</sup> Section 4 *Coroners Act 2008*

<sup>2</sup> Section 4(2)(a) *Coroners Act 2008*

<sup>3</sup> *Coroners Act 2008* (Vic) s 89(4),

identity of the deceased person, the cause of death and the circumstances in which death occurred.<sup>4</sup>

5. It is not the role of the coroner to lay or apportion blame, but to establish the facts.<sup>5</sup> It is not the coroner's role to determine criminal or civil liability arising from the death under investigation,<sup>6</sup> or to determine disciplinary matters.
6. The expression "*cause of death*" refers to the medical cause of death, incorporating where possible, the mode or mechanism of death.
7. For coronial purposes, the phrase "*circumstances in which death occurred*,"<sup>7</sup> refers to the context or background and surrounding circumstances of the death. Rather than being a consideration of all circumstances which might form part of a narrative culminating in the death, it is confined to those circumstances which are sufficiently proximate and causally relevant to the death.
8. The broader purpose of coronial investigations is to contribute to a reduction in the number of preventable deaths, both through the observations made in the investigation findings and by the making of recommendations by coroners. This is generally referred to as the Court's "*prevention*" role.
9. Coroners are also empowered:
  - (a) to report to the Attorney-General on a death;<sup>8</sup>
  - (b) to comment on any matter connected with the death they have investigated, including matters of public health or safety and the administration of justice;<sup>9</sup> and
  - (c) 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>10</sup> These powers are the vehicles by which the prevention role may be advanced.
10. All coronial findings must be made based on proof of relevant facts on the balance of probabilities.<sup>11</sup> In determining these matters, I am guided by the principles enunciated in

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<sup>4</sup> *Coroners Act 2008* (Vic) preamble and s 67.

<sup>5</sup> *Keown v Khan* (1999) 1 VR 69.

<sup>6</sup> *Coroners Act 2008* (Vic) s 69 (1).

<sup>7</sup> *Coroners Act 2008* (Vic) s 67(1)(c).

<sup>8</sup> *Coroners Act 2008* (Vic) s 72(1).

<sup>9</sup> *Coroners Act 2008* (Vic) s 67(3).

<sup>10</sup> *Coroners Act 2008* (Vic) s 72(2).

*Briginshaw v Briginshaw*.<sup>12</sup> The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about individuals, unless the evidence provides a comfortable level of satisfaction that they caused or contributed to the death.

11. Pursuant to section 52(2) of the Act, it is mandatory for a coroner to hold an inquest if the death (or suspected death) occurred in Victoria and a coroner suspects the death was as a result of homicide (and no person or persons have been charged with an indictable offence in respect of the death). Whilst Mr Tascas' body has not been located, there is sufficient evidence to satisfy me, that his disappearance is due to him being deceased and that the death is a suspected homicide.

### **BACKGROUND AND CIRCUMSTANCES:**

12. Trevor John Tascas was a 27-year-old man who resided in Whittington. He is survived by his mother, Ms Pamela Tascas.
13. Mr Tascas had a history of drug use which commenced at the age of 18. It was also during this time that he experienced a period of homelessness.<sup>13</sup> In January 2000, Mr Tascas was sentenced to a six-month term of imprisonment following a series of burglaries and thefts. Following his release, he returned home to reside with his mother.
14. Mr Tascas later purchased a property in Hern Hill.<sup>14</sup> During this period, he regularly used cannabis and amphetamines,<sup>15</sup> and became involved in the cultivation and trafficking of cannabis and speed.<sup>16</sup> Mr Tascas subsequently lost contact with his mother for several years.
15. In February 2005, Mr Tascas sent a typed letter to his mother in an effort to reconcile their relationship.<sup>17</sup> Shortly after, Ms Tascas visited him and observed that he had gained weight and appeared to be depressed. During May or June 2005, Ms Tascas subsequently lost contact with her son despite multiple attempts to contact him.
16. In August 2005, Mr Tascas moved into a property at 4 Thatcher Court, Whittington where he resided with Mr Lawrence Butler. Mr Butler was in a relationship with Ms Jodi Harris who also frequented the premises on a regular basis. During this period, Mr Tascas was involved

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<sup>11</sup> *Re State Coroner; ex parte Minister for Health* (2009) 261 ALR 152.

<sup>12</sup> (1938) 60 CLR 336.

<sup>13</sup> Coronial brief, Statement of Pamela Tascas dated 3 April 2007, 33.

<sup>14</sup> *Ibid*, 33-4.

<sup>15</sup> Coronial brief, Statement of Matthew Evans dated 25 October 2007, 44.

<sup>16</sup> Coronial brief, Statement of Arielle Peat undated, 83.

<sup>17</sup> Coronial brief, Statement of Pamela Tascas dated 3 April 2007, 34.

in the use and trafficking of methylamphetamine with Mr Butler and Ms Harris. There were regular visitors to the property for the purposes of purchasing drugs.<sup>18</sup>

17. Between late September and early October 2005, Mr Tascas was contacted by Ms Arielle Peat for the purpose of buying drugs.<sup>19</sup> Mr Tascas attended Ms Peat's home and she noted that he seemed scared and on edge.<sup>20</sup> Mr Tascas told Ms Peat that he had in his possession a gun but did not show it to her. He stated that he wanted the gun out of his home as he did not feel safe leaving it with Mr Butler. Ms Peat subsequently asked Mr Tascas to leave as she did not want a gun inside her home. Prior to this interaction, Mr Tascas had been in fairly regular contact with Ms Peat, but she did not hear from him again.<sup>21</sup>
18. It was also during this period that Mr Tascas spoke to his friend, Mr Michael Goldberg and disclosed to him that he was contemplating a move to Queensland. Mr Tascas said that he experienced issues with Mr Butler whereby Mr Butler had been 'snooping' in his room.<sup>22</sup> He did not disclose any immediate plans to move or the location. Mr Goldberg did not hear any further from Mr Tascas.
19. Ms Tascas became increasingly concerned when she still did not hear from her son. She spoke with other family members and friends of Mr Tascas who indicated that they had also not heard from him. A friend, Mr Kane McKay, relayed a rumour that Mr Tascas had been murdered and that his remains were disposed of in a drum.<sup>23</sup> Ms Tascas subsequently reported Mr Tascas as a missing person to the Geelong Police Station.

### **POLICE INVESTIGATION:**

20. Following the reporting of Mr Tascas as a missing person, Victoria Police commenced an investigation into the matter. During the course of their investigation, Victoria Police members formed the opinion that Mr Tascas was deceased, and his death was considered to be a homicide.
21. Section 7 of the Act specifically states that a coroner should avoid unnecessary duplication of inquiries and investigations, by liaising with other investigative authorities, official bodies or statutory officers. The rationale behind this provision is to allow for consideration of public interest principles that weigh against the potential benefits of any further investigation, such

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<sup>18</sup> Coronial brief, Statement of Michael Goldberg dated 12 September 2008, 77.

<sup>19</sup> Coronial brief, Statement of Arielle Peat undated, 84.

<sup>20</sup> Ibid, 84.

<sup>21</sup> Ibid, 84.

<sup>22</sup> Coronial brief, Statement of Michael Goldberg dated 12 September 2008, 79.

<sup>23</sup> Ibid, 39.

as further cost to the community. It also acknowledges that although a number of authorities or organisations may have the mandate to investigate, some are more appropriately placed than others to do so in any given circumstance.

22. I note the observations of the Victorian Court of Appeal in *Priest v West*,<sup>24</sup> where it was stated:

*“If, in the course of the investigation of a death it appears that a person may have caused the death, then the Coroner must undertake such investigations as may lead to the identification of that person. Otherwise the required investigation into the cause of the death and the circumstances in which it occurred will be incomplete; and the obligation to find, if possible, that cause, and those circumstances will not have been discharged.”*

23. Consistent with this judgment, and mindful that the Act mandates that I must conduct an inquest, one of the purposes of the inquest is to investigate any evidence that may lead to the identification of the person (or persons) who may have caused the death, bearing in mind that I am required to make findings of fact and not express any judgment or evaluation of the legal effect of those findings.<sup>25</sup>
24. In this case, I acknowledge that Victoria Police through the Missing Persons and Homicide Squads, have conducted a thorough investigation in this matter. During the course of the coronial investigation, I have been careful not to compromise any further potential criminal prosecution, mindful that Mr Tascas’ death remains an unsolved homicide case. The brief of evidence indicates that the matters below have been established and are able to be disclosed.
25. On 9 July 2008, a forensic examination took place of the Whittington property.<sup>26</sup> Ms Harris and Mr Butler were also interviewed by police investigators.<sup>27</sup> On 10 July 2008, Ms Harris gave a formal statement to police in which she asserted the following:
- (a) Approximately two weeks after Mr Tascas moved into the Whittington property, there were several conversations between Mr Tascas and Mr Butler about Mr Tascas having

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<sup>24</sup> (2012) VSCA 327.

<sup>25</sup> *Perre v Chivell* (2000) 77 SASR 282.

<sup>26</sup> Coronial brief, Statement of Tracy Starr dated 17 August 2008, 133.

<sup>27</sup> Coronial brief, Transcript of video interview of Jodi Harris dated 9 July 2008, 516; Coronial brief, Transcript of video interview of Lawrence Butler dated 9 July 2008, 581.

fallen behind on rent, which upset Mr Butler. Ms Harris was unaware of the arrangements they had regarding rent.<sup>28</sup>

- (b) During the Bathurst Weekend which was held between 7 to 10 October 2005, Ms Harris attended the Whittington property with Mr Butler the only person home. She could not recall the exact day she attended but she requested to use the shower. Mr Butler asked her to wait whilst he went into the bathroom. Ms Harris followed Mr Butler to the bathroom and observed a *'large white coloured Hessian type of bag in the bathtub. The bag was full of something and there was another white Hessian type bag shoved over the top of it...I noticed that there was like water leaking out of the bag into the bath tub. The water was red in colour and I immediately thought it was blood mixed in with the water.'* When Ms Harris questioned Mr Butler as to the contents of the bag, Mr Butler said that it was fish following his friend's fishing trip.<sup>29</sup>
- (c) Following a shower, Ms Harris walked past Mr Tascas' room and *'noticed a white or cream coloured sheet that had a large amount of blood on it, sort of half on the bed and half on the floor.'*<sup>30</sup> She told Mr Butler that she had to leave and exited the house. Mr Butler followed her out of the house and said to her, *'You know what you've seen, you are now a part of this.'*<sup>31</sup>
- (d) In an effort to calm her, Mr Butler invited Ms Harris back into the house. The two used the drug speed and Mr Butler advised Ms Harris that Mr Tascas had failed to pay his rent which resulted in an argument and that Mr Tascas *'fell and his head and got knocked out.'* When Mr Butler questioned Ms Harris as to what she thought had happened, she jokingly asked whether it was Mr Tascas in the bag in the bathtub. Mr Butler then told her *'if you think that then you can come and help me.'*<sup>32</sup>
- (e) Ms Harris then witnessed Mr Butler drag the bag from the bathroom and outside to the backyard where he lifted it into a large barrel. He then lit a rag and placed it within the barrel. The barrel was smouldering, and Ms Harris could see a lot of smoke coming from it.<sup>33</sup>

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<sup>28</sup> Coronial brief, Statement of Jodi Harris dated 10 July 2008, 103.

<sup>29</sup> Ibid, 103-104.

<sup>30</sup> Ibid, 104.

<sup>31</sup> Ibid, 104

<sup>32</sup> Ibid, 104.

<sup>33</sup> Ibid, 104-105.



- (f) A few days later, Ms Harris reattended the Whittington property at Mr Butler's request to help him clean up the backyard. Ms Harris witnessed Mr Butler empty the contents of the barrel into plastic shopping bags and dispose of the contents in a small maroon coloured rubbish wheelie bin. Ms Harris observed bone fragments on the ground in the ash and that some of them were around the size of a finger. Mr Butler then rolled the barrel to Mr Tascas' vehicle, '*a maroon coloured VS Calais*,' and placed it in the boot with plastic bags filled with the contents of the barrel.<sup>34</sup>
- (g) Mr Butler then drove Ms Harris home in the same vehicle. He did not indicate where he was going or what he was going to do with the barrel and bags in the boot. He subsequently returned to her residence later in the day, without the barrel and bags. He did not indicate to Ms Harris where he had been or what he had done with them.<sup>35</sup> Ms Harris' ex-husband, Mr Troy Harris, had attended her home in Mr Butler's absence, which prompted Mr Butler to leave shortly after. Ms Harris told Mr Harris about the incident with the bag in the bathtub and that she suspected Mr Tascas' remains were in the bag.<sup>36</sup>
- (h) Several days later, Mr Butler and Ms Harris drove Mr Tascas' car to Queensland and sold it to a male who paid cash for it. They then purchased a '*blue coloured VT Commodore*' car from another male and drove it back to Melbourne.<sup>37</sup> Approximately two days later, Mr Butler and Ms Harris sold the VT Commodore to a friend of Mr Butler's.<sup>38</sup>
- (i) Some weeks later, a friend of Ms Harris attended the Whittington property and Mr Butler informed her she could have Mr Tascas' dog.<sup>39</sup> Mr Butler also sold various items of Mr Tascas' furniture.<sup>40</sup>
- (j) Several months after the events of the Bathurst Weekend, Ms Harris took Mr Tascas' wallet that remained at the Whittington property, which contained his driver's license and ATM card. She contacted Mr Harris and the two attended two separate bank branches, withdrawing a total of \$10,000. Ms Harris then purchased a '*white coloured*

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<sup>34</sup> Coronial brief, Statement of Jodi Harris dated 10 July 2008, 105-106.

<sup>35</sup> Ibid, 106

<sup>36</sup> Ibid, 105-106.

<sup>37</sup> Ibid, 106-107.

<sup>38</sup> Ibid, 107.

<sup>39</sup> Ibid, 107.

<sup>40</sup> Ibid, 107-108.

*Ford Laser* for \$1200 and Mr Harris purchased a *'blue coloured sports car with a sunroof'* for \$3800.<sup>41</sup> They spent the remaining funds on drugs.<sup>42</sup>

26. In her statement dated 9 May 2007, Ms Hayley Dawkins, a friend of Ms Harris, confirmed that in a conversation in October 2006, Ms Harris had described the above events.<sup>43</sup>
27. Police investigators also conducted enquiries of several organisations to ascertain whether Mr Tascas had utilised their services following his disappearance, either in the surname of Tascas or Vanderwel. It was established that;
  - (a) Mr Tascas had not made any claims on Medicare or the Pharmaceutical Benefits Scheme since 7 October 2005;<sup>44</sup>
  - (b) The last recorded contact Mr Tascas had with Centrelink was on 6 September 2005;<sup>45</sup>
  - (c) Mr Tascas' Westpac bank account was last accessed on 28 July 2006, 31 July 2006 and 1 August 2006. It was established that Mr Tascas was not responsible for withdrawals that took place on these dates;<sup>46</sup>
  - (d) Mr Tascas last used his mobile phone through service provider Telstra on 7 October 2005;<sup>47</sup>
  - (e) Mr Tascas' driver license expired on 27 May 2006 and has not since been renewed;<sup>48</sup> and there are no records of a motor vehicle currently registered to Mr Tascas.<sup>49</sup>

#### **CRIMINAL PROCEEDINGS AGAINST MR BUTLER AND MS HARRIS:**

28. On 9 July 2008, Mr Butler was charged with the murder of Mr Tascas and Ms Harris was charged with being an accessory after the fact.
29. On 27 February 2009, Ms Harris pleaded guilty to one count of accessory after the fact to manslaughter and two counts of obtaining property by deception.<sup>50</sup> She was sentenced to three years' imprisonment, wholly suspended, with a non-parole period of two years.<sup>51</sup>

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<sup>41</sup> Coronial brief, Statement of Jodi Harris dated 10 July 2008, 108.

<sup>42</sup> Ibid, 109.

<sup>43</sup> Coronial brief, Statement of Hayley Dawkins dated 9 May 2007, 90-91

<sup>44</sup> Coronial brief, Statement of Detective Senior Constable Timothy Peck dated 29 October 2008, 149.

<sup>45</sup> Ibid, 149.

<sup>46</sup> Ibid, 151-152.

<sup>47</sup> Ibid, 152.

<sup>48</sup> Ibid, 152.

<sup>49</sup> Ibid, 152.

30. On 15 December 2009, Mr Butler was sentenced to 23 years' imprisonment with a non-parole period of 20 years.<sup>52</sup>
31. On 20 December 2011, Mr Butler's appealed his murder conviction in the Court of Appeal. The Court subsequently quashed the conviction but directed a retrial on the charge of manslaughter.<sup>53</sup>
32. On 26 November 2012, a retrial was to commence on a fresh indictment charging Mr Butler with manslaughter. However, complications arose with the Crown's principal witness, Ms Harris, and the matter was adjourned.<sup>54</sup> The hearing recommenced on 9 September 2013 and Mr Butler pleaded not guilty to the charge of manslaughter.<sup>55</sup> On 19 September 2013, the jury were given a *Prasad* direction.<sup>56</sup> They declined to hear the trial further and returned a verdict of not guilty.<sup>57</sup>

### **FINDINGS AND CONCLUSION:**

33. Having investigated the death of Mr Tascas, I make the following findings, pursuant to section 67(1) of the Act:
- (a) Whilst Mr Tascas' body has not been located, the prolonged absence of contact with any persons, together with the totality of the evidence of the circumstances surrounding his disappearance, supports a Finding on the balance of probabilities that he is deceased. Therefore, I find that the identity of the deceased is Trevor John Tascas, born 22 January 1978;
  - (b) I am satisfied on the balance of probabilities that Mr Tascas died on or between 7 to 10 October 2005 at 4 Thatcher Court Whittington 3219, Victoria;
  - (c) That the cause of his death is unascertained; and
  - (d) That the death occurred in the circumstances set out above.

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<sup>50</sup> *R v Harris* [2009] VSC 78, 1.

<sup>51</sup> *R v Harris* [2009] VSC 78, 15.

<sup>52</sup> *R v Butler* [2009] VSC 630.

<sup>53</sup> *Butler v The Queen* [2011] VSCA 417.

<sup>54</sup> *R v Butler (Rulings 1-10)* [2013] VSC 688, 8.

<sup>55</sup> *R v Butler (Rulings 1-10)* [2013] VSC 688, 1.

<sup>56</sup> A *Prasad* direction is an invitation to the jury at the conclusion of the prosecution case to consider whether they are satisfied that the Crown's evidence is sufficient to justify a conviction and if not to satisfied, to bring a verdict of not guilty. Following the High Court decision in *Director of Public Prosecutions Reference No 1 of 2017* [2019] HCA 9, the *Prasad* direction is no longer to be used in criminal trials.

<sup>57</sup> *R v Butler (Rulings 1-10)* [2013] VSC 688, 2.

34. I convey my sincerest sympathy to the family of Mr Tascas.
35. I note that if new facts and circumstances become available in the future, section 77 of the Act allows any person to apply to the Court for an order that some or all of these findings be set aside. Any such application would be assessed on its merits at that time.
36. Pursuant to section 73(1) of the Act, I order that this Finding be published on the internet.

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

- (a) The Tascas and Vanderwel families;
- (b) Detective Senior Constable Anna Dickson, Coroner's Investigator; and
- (c) Detective Senior Constable Timothy Peck, Homicide Squad, Victoria Police.

Signature:

**JOHN OLLE**  
**CORONER**

Date: 11 February 2020

