

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: 2018 002284

FINDING INTO DEATH FOLLOWING INQUEST

Form 37 Rule 63(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of Therase PACE

Delivered On: 17 April 2020

Delivered At: Southbank

Hearing Dates: 17 April 2020

Findings of: Simon McGregor, Coroner

Representation: N/A

Police Coronial Support Unit Ross Treverton

I, Simon McGregor, Coroner, having investigated the death of Therase PACE, and having held an inquest in relation to this death on 17 April 2020

at Southbank, in the State of Victoria,

find that the identity of the deceased was Therase PACE

born on 4th of September 1963

and the death occurred on an unascertained date, after Wednesday 22nd January 1997

at an unascertained place

from an unascertained cause.

HIS HONOUR:

INTRODUCTION

1. This investigation sets out what is known of the circumstances which lead to the suspicious disappearance of Therase PACE (Therase). Therase was last seen on the morning of Wednesday the 22nd of January 1997. She was aged 33 at the time.
2. In the ensuing 22 years, Victoria Police investigations, initially by Sunshine Criminal Investigation Unit, then the former Homicide Squad (Missing Persons Unit) and in later years, by the Cold Case Taskforce, have failed to locate any trace of her. Therase's body has never been located and no person or persons have been charged with any offences relating to her disappearance.

THE PURPOSE OF A CORONIAL INVESTIGATION

3. Therase's case was reported to me by Detective Senior Constable Andrew Zarb on 15 May 2018 as "suspected death," which fell within the definition of a reportable death in the *Coroners Act 2008* ('Act').¹
4. The jurisdiction of the Coroners Court of Victoria is inquisitorial.² The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
5. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
6. In the coronial jurisdiction facts must be established on the balance of probabilities. This is subject to the principles enunciated in *Briginshaw v Briginshaw*.³ 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 as to those matters, taking into account the consequences of such findings or comments.
7. A coronial brief was prepared in this matter by Detective Senior Constable Zarb. I have made a thorough forensic examination of the evidence contained therein, including reading and considering the statements and other documents contained in the coronial brief. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity.
8. In considering the issues associated with this finding, I have been mindful of Therase's basic human rights to dignity and wellbeing, as espoused in the *Charter of Human Rights and Responsibilities Act 2006*, in particular sections 8, 9 and 10.

¹ See sections 3 and 4 of the Act.

² Section 89(4).

³ (1938) 60 CLR 336.

BACKGROUND

9. Therase was born the 4th of September 1963 in Malta. Therase travelled to Australia in June 1982. At this time she was the girlfriend of Joseph PACE, who arrived in Australia, also from Malta, in February 1981.⁴
10. As she only had a visitor's Visa, she married Joseph PACE a short time after her arrival. They had been preparing to get married, but the issue with the visa hastened their preparations. Therase and Joseph resided at 2/11 Grant Street, St Albans from 1982 until 1985, and then at 116 Opie Road, St Albans.⁵
11. There are three children to this marriage, two daughters and a son, all of whom are now adults.⁶
12. Therase worked as a cleaner for a company known as 'Pete's Cleaning', a position she obtained during 1996.⁷ Prior to this she performed home duties and was described by Joseph as 'a good wife and mother'.⁸ Joseph PACE was employed as a textile mechanic for 'Capital Carpets', in Braybrook from the 10th of March 1981 until the 23rd of November 1995, when he received a retrenchment, disability and superannuation payout for a back injury.⁹
13. According to Joseph PACE, the marriage was quite normal and happy until about two or three years prior to Therase's disappearance. It was around this time that Joe was working permanent night shift. One day in late 1995, he came home early one morning from work to find Therase in bed with another male, Carmel (also known as Charlie) SPITERI.¹⁰
14. Charlie SPITERI (hereinafter referred to as SPITERI) is also from Malta and at the time of Therase's disappearance resided at 1 Penfold Place, St Albans. SPITERI is married to Josephine SPITERI and they have two children together. Both the SPITERI and PACE children attended the Albanvale Primary School together.¹¹ Therase's aunt is married to Spiteri's brother in Malta so there is that connection as well.¹²
15. Therase and SPITERI commenced their relationship in late 1992. The relationship started with talking and kissing and an intimate sexual relationship began six months later. They

⁴ Statement of Joseph Pace dated 6 June 1997

⁵ Statement of Joseph Pace dated 6 June 1997

⁶ Statement of Joseph Pace dated 6 June 1997

⁷ Statement of Peter Stojcevski dated 31 August 1999

⁸ Statement of Joseph Pace dated 6 June 1997

⁹ Statement of Joseph Pace dated 6 June 1997

¹⁰ Statement of Joseph Pace dated 6 June 1997

¹¹ Statement of Charlie Spiteri dated 25 August 1997

would meet outside the St Albans Bingo Centre and the Deer Park Shopping Centre and have sex in SPITERI's car.¹³

16. After discovering Therase in bed with SPITERI, Joseph PACE realised that this affair had been going on for some time prior. At this time a heated argument occurred between them, where Therase promised she would not see SPITERI anymore.¹⁴ Joseph states that from this point onwards, he started looking at Tessie and Charlie's movements more closely. He states, "because of this, I would often see them talking together. He would often walk past the house. He would drive past slowly. Charlie would also follow our car for a distance to see who was driving it. If I was driving, he would continue on and then turn around and he went away. I couldn't tell you how many times this happened but it was on a very regular basis".¹⁵
17. It has been established that Therase and SPITERI continued their affair right up to the time of her disappearance. Various witnesses saw them together on numerous occasions and Joseph saw them to-gether in the carpark of the St. Albans Hotel in the week between Christmas and New Year 1996 after following them there. Another argument took place between Therase and Joseph following that confrontation, with their son calling 000 whereupon police arrived. Joseph states it was not the first time police had been called following an argument between the two.¹⁶
18. In late 1996, Therase was working on a casual basis for 'Pete's Cleaning'. 'Pete's Cleaning' was run by Peter STOJCEVSKI (hereinafter referred to as STOJCEVSKI). STOJCEVSKI made a statement to police on the 31st of August 1999 where he states that in late 1996, he dropped his daughter off at Therase's house as she was friends with her eldest daughter. As he drove home he noticed a yellow Torana was following him. He drove into the Safeway Shopping Centre in Main Road East, St Albans and parked his car. The Torana parked behind him and he noticed there was a man inside the car. He went inside Safeway and when he returned to his car he noticed the man from the Torana was leaning against his car. The man then asked STOJCEVSKI if he had a job for his wife, apparently referring to Therase. STOJCEVSKI later identified the man as SPITERI.¹⁷
19. STOJCEVSKI further states that in late 1996, Therase was working for him at the Macedonian Community Centre in St Albans when SPITERI attended the premises.

¹² Statement of Joseph Pace dated 6 June 1997

¹³ Statement of Charlie Spiteri dated 25 August 1997

¹⁴ Statement of Joseph Spiteri dated 6 June 1997

¹⁵ Statement of Joseph Spiteri dated 6 September 2001

¹⁶ Statement of Joseph Spiteri dated 6 June 1997

¹⁷ Statement of Peter Stojcevski dated 31 August 1999

STOJCEVSKI observed SPITERI screaming at Therase, 'Why are you here? If you want money, I'll give it to you, but get out of here', whereupon he grabbed her on the arm and shook her. STOJCEVSKI went to call police, but Therase became upset and told him not to call, because the man was crazy and that it would cause big problems for her.¹⁸

20. Later, when SPITERI had left, Therase told STOJCEVSKI that the man (SPITERI) wanted her to be his wife and that she could not be free in her life because this man watched her every move.¹⁹
21. On 17 January 1997, Therase and SPITERI whilst parked in a Holden Torana registration FNJ 498 in Ingliston Road, Ballan, were spoken to by a police officer, S/C Peter McCANN. They appeared to be having an argument, although Therase claimed she was alright. McCANN observed that the man appeared sullen and not very happy at all, whilst Therase appeared to have been crying. S/C McCANN inquired of Therase whether everything was okay, to which she replied that it was. There was no police action taken as a result of this check.²⁰ SPITERI would later say that this was the last time he spoke with her.²¹
22. The affair continued to cause arguments between Therase and Joseph PACE and at times she would tell him that she was leaving and didn't want the children or the house.²² The eldest daughter states that a couple of weeks before her mother disappeared, she told her that she was going to leave the family. This was a statement her mother repeated to the eldest daughter a couple more times. Her mother didn't say where she was going or if she was going to leave with anybody, but that she did appear serious. The eldest daughter states that when she told her father about these conversations, he said he already knew.²³

¹⁸ Statement of Peter Stojcevski dated 31 August 1999

¹⁹ Statement of Peter Stojcevski dated 31 August 1999

²⁰ Statement of S/C P. McCann dated 14 September 1999

²¹ Statement of Charlie Spiteri dated 25 August 1997

²² Statement of Joseph Pace dated 6 June 1997

²³ Statement of oldest daughter Pace dated 24 August 1998

Disappearance

23. Approximately one week prior to her disappearance, Therase had left an ATM card she had, with a piece of paper with the Personal Identification Number, on a bench in the house. Joseph PACE placed the card and PIN on the microwave as Therase wasn't home at the time.²⁴ Prior to this incident, Joseph PACE had noticed Therase had left a sports bag packed with some clothes in it behind the couch. This bag was missing at the time the ATM card was left on the bench.²⁵
24. Later that day when Therase returned home, she asked him where the key card was. She and Joseph PACE had another argument and he threw the card and paper on the ground in front of her. She picked up the items and put them in her purse. Sometime after this incident, he noticed the bag had been returned behind the couch but it was empty of the clothes. It was Joseph's belief at this time that Therase was making preparations for leaving.²⁶
25. On Wednesday the 22nd of January 1997, Joseph PACE and the three children left the family residence of 116 Opie Road, St Albans. The exact time they left is uncertain but it was sometime in the morning possibly around 11:00am. Joseph PACE and Therase were not speaking to each other at the time. As Joseph and the children prepared to leave the premises, Therase was seated on the couch.²⁷ She said to her youngest daughter, 'be good for Daddy. I'll see you when you grow up'.²⁸ This is the last known sighting of Therase.
26. Joseph PACE and the children spent the day together at the beach and returned to 116 Opie Road, St Albans between 5:00pm and 6:00pm that day. Therase was not home when they returned. Joseph checked the wardrobes and a few of Therase's clothes appeared to be missing. Her wedding and engagement rings were gone, as was her passport, gold plated watch and purse containing her keycard, licence and personal papers.²⁹
27. For the next few days, Joseph PACE and the children continued on as normally as possible. He discussed Therase's absence with the children stating that he didn't think she would be coming home. This upset the children, however Joseph states that they agreed with him and

²⁴ Statement of Joseph Pace dated 6 September 2001

²⁵ Statement of Joseph Pace dated 6 September 2001

²⁶ Statement of Joseph Pace dated 6 September 2001

²⁷ Statement of Joseph Pace dated 6 June 1997

²⁸ Statement of Joseph Pace dated 6 June 1997

²⁹ Statement of Joseph Pace dated 6 June 1997

they believed she had left on her own accord.³⁰ He observes that after Therase left on that day, he never saw Charlie hanging around near the house or in the local area again.³¹

28. About a week after Therase left the house, Joseph PACE attended the Keilor Downs Police Station to report her missing. In consultation with police, no reports were taken due to the domestic situation. It was thought that she may still return home or make contact.³²

Investigation

29. On the 27th of March 1997, Joseph PACE officially reported Therase missing at the Keilor Downs Police Station. Senior Constable Matthew BROOKS compiled the missing persons reports. He made initial enquires with Mary GALEA who is Therase's cousin and only family member in Australia. Mary GALEA had not heard from Therase since Christmas 1996 and advised police that Therase has a mother, three sisters and three brothers still living in Malta.³³
30. In the ensuing years, police investigations have resulted in requests via Interpol to have family in Malta interviewed and from those enquiries no family member in Malta has seen Therase, or had any form of contact with her, since her disappearance. Likewise, Mary Galea has not seen or had contact with Therase.
31. Enquiries were made into the automatic teller machine (ATM) card used by Therase PACE. The ATM card was linked to Commonwealth Bank Account number 00614303, in the name of Therase PACE. The number on the card was 560279 224225954. Between the 23rd January 1997 at 12.53am and 17th February 1997 at 9.13pm, there were a total of 12 occasions where that card was used to either withdraw money or attempt to withdraw money. All transactions took place at an ATM at the Deer Park Shopping Centre with the exception of the first transaction which took place in Ballarat. In total, \$3,720 was withdrawn from the account, in amounts ranging from \$800 to \$20, leaving a final balance on the 27th February 1997 of \$40.08. No closed circuit television footage was available at the ATM's where the card was used.³⁴
32. At the time of her disappearance, Therase was receiving fortnightly payments from the Department of Human Services. Payments of \$288.90 and \$311.10 went into the

³⁰ Statement of Joseph Pace dated 6 June 1997

³¹ Statement of Joseph Pace dated 6 September 2001

³² Statement of Joseph Pace dated 6 June 1997

³³ Statement of SC Brooks dated 7 September 2009

³⁴ Commonwealth Bank account in the name of Therase Pace

Commonwealth Bank account of Therase PACE on the 30th of January 1997. This was the last payment to go into the account.³⁵

33. On the 11th of December 1998, Kristel RAYMER (hereinafter referred to as RAYMER) handed the Commonwealth Bank Card of Therase PACE into the branch in Broadford.
34. RAYMER made a statement to police on the 31st of August 2001, where she stated the following:
 - (a) in 1996 she began a relationship with a man named Derryn LOBLEY (hereinafter referred to as LOBLEY);
 - (b) RAYMER and LOBLEY had a child together in February 1998;
 - (c) LOBLEY was a prolific user of drugs; namely speed and heroin, and was in and out of gaol;
 - (d) LOBLEY was violent towards her;
 - (e) around the time of Therase PACE's disappearance, LOBLEY was doing 'bag snatches' and 'de-frauding' banks with stolen credit cards with a person named 'Jason';
 - (f) they mostly stayed in the Sunshine and Deer Park area;
 - (g) Following his escape from Malmsbury prison, LOBLEY committed suicide on the 25th April 1998.
 - (h) after LOBLEY's death, RAYMER moved to Broadford to live with LOBLEY's mother in Broadford;
 - (i) at the house in Broadford RAYMER went through LOBLEY's belongings and located a Commonwealth Bank Card;
 - (j) RAYMER took the card to the Broadford Branch of the Commonwealth Bank and handed it in;
 - (k) RAYMER remembers that the name on the card was a females name that started with the letter 'T'. Subsequent enquiries with the Commonwealth Bank would confirm that this card belonged to Therase Pace.
 - (l) LOBLEY never spoke to RAYMER about the disappearance or death of Therase PACE;
 - (m) RAYMER believes that LOBLEY and Jason were very capable of killing someone;
 - (n) the only explanation she can give to LOBLEY having possession of the card is that LOBLEY or Jason robbed Therase PACE for it.³⁶
35. It is unknown how LOBLEY come to being in possession of Therase's ATM card.

³⁵ Commonwealth Bank account in the name of Therase Pace

³⁶ Statement of Kristel Lee Raymer dated 31 August 2001

Interview of Charlie SPITERI

36. On the 25th of March 1998, SPITERI was formally interviewed by Detective Sergeant Michael MACKENDER and Detective Senior Constable Sue THWAITES of the Sunshine Criminal Investigation Branch. SPITERI stated the following:
- (a) the last time he spoke with Therase was on the 17th of January 1997;
 - (b) he was driving and saw her walking to the Deer Park Shopping Centre;
 - (c) he picked her up off the street and noted she was visibly upset;
 - (d) SPITERI drove Therase to Bacchus Marsh where they stopped for fish and chips;
 - (e) they drove to Ballan where they were checked by police;
 - (f) Therase said she was upset about Joseph PACE and the kids;
 - (g) Therase showed SPITERI a large bruise she had on her arm, she said it was caused when Joseph PACE pulled her hand;
 - (h) They didn't have sex on this day;
 - (i) SPITERI believes Therase was also having an affair with the postman;
 - (j) two to five days after this encounter, SPITERI saw Therase in an unknown four wheel drive which was towing a trailer;
 - (k) she was in the front passenger seat and he did not know who the male driver of the vehicle was;
 - (l) the sighting was in St Albans.³⁷
37. An investigation was undertaken at the time of the disappearance of Therase by the Sunshine Criminal Investigation Branch. Witnesses were spoken to and numerous proof of life checks were conducted. It seems that investigators concluded that at that time that there was not sufficient evidence to suggest that Therase was deceased.
38. In January 1999, the investigation was moved to the Missing Persons Unit. Further statements were taken before the investigation was placed on hold.
39. In 2006, a review of the investigation was undertaken by the Cold Case Task Force. The investigation was filed in 2006 as the substantial resources required for the investigation were not available.

³⁷ Tape recorded police interview conducted with Charlie Spiteri on 25 March 1998

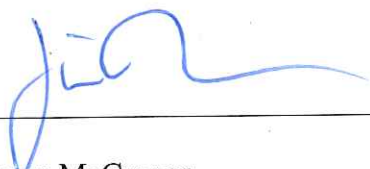
40. Comprehensive proof of life checks have been conducted in 2018 and there is no record that would indicate that Therase was alive after the 22nd of January 1997. What is apparent is that the last time Therase was seen alive was at her home address on the morning of the 22nd of January 1997 by her husband and children. From enquiries made throughout this investigation, no record of a transaction of any type with Therase can be found after this date. It is likely Therase is deceased and died on or shortly after the 22nd of January 1997.
41. I suspect Therase met with foul play and was murdered sometime after the morning of the 22nd of January 1997, but this cannot be established to the requisite standard of proof.³⁸ I do however find that she is now deceased.
42. My determination that Therase is deceased is based on the following material:
- (a) There has been no recorded contact with family members by Therase; the children have never received telephone calls, letters or any other form of communication from her.
 - (b) There has been no recorded transactions on accounts held by Therase. It is unlikely she could survive without access to these funds;
 - (c) There has been no recorded contact between Therase and Medicare since her disappearance;
 - (d) There has been no recorded contact between Therase and Centrelink since her disappearance. Her primary source of income was a Centrelink payment directly deposited into her bank account. Without access to these funds, it is unlikely that Therase could have survived in the community;
 - (e) Australia wide proof of life checks have been conducted, all of which support the hypothesis that Therase is deceased.
 - (f) Enquiries with relatives in Malta have failed to shed any further light on her whereabouts.
43. To this date there has been no substantial intelligence received as to the location of the remains of Therase. Though SPITERI has been a suspect, no specific evidence has ever been found to implicate him in Therase's disappearance.
44. The matter remains the subject of an ongoing criminal investigation.

³⁸ See n4.

FINDINGS AND CONCLUSION

45. I express my sincere condolences to Mrs Pace's family and friends for their loss.
46. Having investigated the death by holding an inquest, I make the following findings pursuant to section 67(1) of the *Coroners Act 2008*:
- (a) The identity of the deceased was Therase Pace, born 4th September 1963;
 - (b) The death occurred on an unascertained date by an unascertained cause; and
 - (c) The death occurred in the circumstances described above.
47. Pursuant to section 73(1) of the *Coroners Act 2008* (Vic), I order that this Finding be published on the internet.
48. I direct that a copy of this finding be provided to the following:
- (a) Mr Joseph Pace, senior next of kin;
 - (b) Mr Charles Spiteri, interested person; and
 - (c) Detective Senior Constable Andrew Zarb, Coroner's Investigator.

Signature:



Simon McGregor
Coroner

Date: 17 April 2020



NOTE: Under section 83 of the **Coroners Act 2008** ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
