

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2020 5138

**FINDING INTO DEATH FOLLOWING INQUEST**

*Form 37 Rule 63(1)*

*Section 67 of the **Coroners Act 2008***

Suspected deceased: **RICHARD JAMES VANDERHELM**

Delivered On: 16 March 2022

Delivered At: Coroners Court of Victoria,  
65 Kavanagh Street, Southbank 3006

Hearing Dates: 15 March 2022

Findings of: **KATHERINE LORENZ, CORONER**

Counsel Assisting the Coroner **Mr Dylan Rae-White, Coroner's Solicitor**

Catchwords *Missing Person*

## **HER HONOUR:**

### **Background**

1. Mr Richard Vanderhelm was born on 10 November 1966. He was the youngest son of Paul and Irene Vanderhelm.
2. He was educated at Chelsea Heights Primary School and Bonbeach High School before going on to complete a plumbing apprenticeship through Dandenong TAFE and finding employment at All Seasons Heating and Airconditioning, a company part owned by his parents, where he worked for over 10 years.
3. In about 1991, Mr Vanderhelm commenced a relationship with Rachel Mead. They married and had their first child in 1993, and by 1996 they had moved into their own home in Natalie Court in Hastings.
4. In 1998, Mr Vanderhelm ceased work at All Seasons Heating and Airconditioning. His mother reported that he had become unreliable and worried that his behaviour was due to the use of illicit substances. His parents were aware that he used cannabis but now suspected he was using 'harder' drugs. Over the next few years, Mr Vanderhelm had fragmented employment and, with Ms Mead unable to work due to injury, they lost the family home.
5. Mr Vanderhelm commenced as a patient under the care of Dr Frank Imeneo at Frankston Integrated Health in 2004. He had previously attended at Dr Imeneo's practice with Ms Mead who was seeing Dr Imeneo for pain management. At his first consultation, Mr Vanderhelm disclosed that he had taken some of Ms Mead's prescribed analgesics to manage chronic dental pain. Dr Imeneo commenced Mr Vanderhelm on analgesia and antibiotic treatment and referred him to the dental hospital for care and management.
6. In 2006, Mr Vanderhelm and Ms Mead separated, and he moved back in with his parents in Somerville. He disclosed to his mother that he had been using amphetamines. And later, his parents found multiple prescription medications in his backpack while he was out at a football game which they confronted him about.
7. Following a referral from Dr Imeneo, on 20 September 2006, Mr Vanderhelm was admitted as an inpatient at SEADS, a drug rehabilitation centre now called Monash Health and Drug Alcohol Services. During his stay at SEADS, Mr Vanderhelm disclosed that he had a 15-year history of cannabis use, smoking on average seven grams every second day. He also reported

sporadic binges on Valium. At the time of the admission, he was being prescribed Physeptone 10 mg (5 tabs daily) pursuant to a permit.

8. He was discharged from SEADS after 7 days with a plan for care in the community. On being discharged, he returned to live with his parents and Dr Imeneo prescribed Physeptine tablets 10 mg (3+1/2 daily) pursuant to a permit allowing the prescription of methadone in oral form up to a maximum dose of 35 mg per day. Dr Imeneo continued to prescribe Physeptone until May 2009 pursuant to the permit.
9. In 2008, Mr Vanderhelm moved out of his parents' home and into a unit on Victoria Street in Hastings. A few months later, he commenced a relationship with Ms Darlene Mills, who he had previously known in his late teens.
10. In April 2009, Mr Vanderhelm presented to SEADS for outpatient treatment with the goal for admission to the Community Residential Drug Withdrawal Unit (**CRDWU**) to withdraw from Cannabis and Physeptone. According to the medical records, at that time he was using 1 – 3 grams of cannabis per day, 100 mg of Physeptone daily and 5 - 6 tablets of Valium per day.
11. Following an initial assessment, Mr Vanderhelm was assessed by Dr Ray Chan, staff specialist with SEADS Addiction Medicine Unit regarding his suitability for the withdrawal unit. By 14 May 2009, a plan was formulated for treatment in the community involving a “weaning” of methadone from Physeptone to a different lower dosage methadone solution, cessation of diazepam, cannabis and cigarettes, drug and alcohol outpatient support and counselling.
12. By 15 May 2009, the plan was formulated involving the reduction of methadone from 100 mg per day to 40 mg per day, with notification to Dr Imeneo of the plan and arrangements for weekly medication pick up from the pharmacy.
13. On 24 May 2009, Richard was reported as a missing person. He was last seen on Thursday 21 May 2009 by a resident at the Somers Caravan Park.
14. He has never been heard from since by either family or friends.
15. Despite extensive searches by police, Richard's body has never been located and he is presumed to be dead. All efforts to locate him have been unsuccessful and there have been no ‘proof of life’ indicators since his disappearance.

## **The Coronial Investigation**

16. Reportable deaths under the Coroners Act 2008 (Vic) (**the Act**) include deaths that appear to be unexpected, unnatural or violent, or to have resulted, directly or indirectly, from an accident or injury. ‘Death’ is defined to include a suspected death.
17. A coroner independently investigates 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. Coroners make findings on the balance of probabilities, not proof beyond reasonable doubt.<sup>1</sup>
18. On 16 September 2020, Acting Senior Detective Sergeant Stephen Reidy (**A-DSS Reidy**) notified the Coroners Court that Richard had been missing since 24 May 2009 and, despite extensive searches being conducted at that time, all of which proved unsuccessful, he suspected that he was deceased, presumed drowned near Somers Beach.
19. Following the notification, Coroner Leveasque Peterson made a direction for the Coroner’s Court to commence an investigation into Richard’s disappearance.
20. The police submitted a coronial brief of evidence on 29 January 2021. The brief included statements from Richard’s mother, his general practitioner (**GP**) Dr Frank Imeneo, persons who had contact with Richard proximate to when he was reported missing, Richard’s medical records, case notes and relevant documentation relating to his medical treatment, pharmaceutical history and documents comprising correspondence between Irene Vanderhelm and the Medical Practitioners Board of Victoria and the Australian Health Practitioner Regulation Agency (**AHPRA**).
21. Coroner Leveasque Peterson originally had carriage of this investigation until my appointment as a Coroner on 8 February 2021, at which point, I assumed responsibility for the investigation.
22. Following consideration of the evidence, I determined that all avenues of investigation were exhausted, and an Inquest was appropriate.

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<sup>1</sup> In the coronial jurisdiction facts must be established on the balance of probabilities subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. 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.

23. Prior to the Inquest, I requested that the Victorian Institute of Forensic Medicine undertake a check of the unidentified remains stored at their facility. I was subsequently advised that following consideration of all the available ante-mortem information held for Richard, no match was found.
24. At the Inquest, A-DSS Reidy gave evidence and Ms Irene Vanderhelm was present by WebEx link.
25. Whilst I have reviewed all the material gathered as part of the investigation and the evidence given at Inquest, this finding includes only those matters which are directly relevant to the investigation and, allow the findings to be understood.

### **Circumstances leading to Richard's disappearance**

26. In the days leading up to his disappearance, Mr Vanderhelm had been trying to reduce his dependency of these drugs, with the support of his family and Ms Mills, in accordance with the plan agreed with Dr Chan to reduce his usage of Physepton from 100 mg per day to 40 mg per day.
27. Ms Mills owned a caravan at the Somers Caravan Park and gave Mr Vanderhelm access to it to detox. She observed that as Mr Vanderhelm lowered the dosages, he would vomit and break into severe sweats to the point where he would remove his clothing and sit in front of a fan.
28. On Wednesday, 20 May 2009, Ms Vanderhelm drove Mr Vanderhelm to an appointment with Dr Imeneo in Frankston at about 8:00am. On arrival, they were informed that he could not get in to see Dr Imeneo. Ms Vanderhelm then drove Mr Vanderhelm to a bus stop, on Frankston-Flinders Road in Somerville so he could catch a bus back to Hastings.
29. At about 1:15pm that afternoon, Ms Mills picked up Mr Vanderhelm and drove him to Somers Caravan Park. He had a few clothes with him, his medication, some tools and a radio. The plan was for him to stay at the caravan until Friday, 22 May 2009, to assist him with his detoxification. He had also planned that during his stay he would clean-up around the caravan and make a garden at the front.
30. On Thursday 21 May 2009, Ms Mills received a text from Mr Vanderhelm in the late afternoon. She reported that they texted most nights. The text read "wej our". Ms Mills texted back, as this didn't make any sense to her, but received no reply.

31. At approximately 5:15pm, Ms Vanderhelm called Mr Vanderhelm on his mobile telephone. He said to her that he couldn't speak for long as his phone battery was going flat and he had left his charger at home. Ms Vanderhelm could hear noise in the background and on enquiring, Mr Vanderhelm told her it was the surf and that he was going for a walk along the beach.
32. Sometime between about 6:00pm and 8:00pm, Mr Ian Punt, a Somers Caravan Park resident observed Mr Vanderhelm walking past his van and towards the office and main driveway entry/exit area. They didn't engage in any conversation but the resident reported that Mr Vanderhelm was wearing dark clothes.
33. On Friday 22 May 2009, Ms Mills returned to the caravan as planned at around 9.30am. But Mr Vanderhelm wasn't there. Many of his belongings were still present, including his backpack, keys, a morning paper and his clothes. Ms Mills saw some loose change on the table and a coffee spill on the floor, which had been walked in. Ms Mills cleaned up the mess, left a note and returned home. She tried to call and text Mr Vanderhelm but could not reach him.
34. On Sunday, 24 May 2009, Ms Mills returned to the caravan. She noticed that nothing had been moved since her last visit and Mr Vanderhelm did not appear to have returned. She went to the office and was informed by two individuals that they had seen him on Thursday night but not since. Ms Mills called Ms Vanderhelm who confirmed she had not heard from Mr Vanderhelm since Thursday, when they spoke on the telephone.
35. Victoria Police were contacted and Mr Vanderhelm's disappearance was reported.
36. A search of the surrounding area and bushland commenced that day, undertaken by police, SES and family. Several items of clothing were located on the foreshore near the local yacht club including Mr Vanderhelm's windcheater, tracksuit pants, pair of work boots and a jacket containing his mobile telephone, a lighter and a \$5 note.
37. Bay rescue resources were used to conduct water borne recovery searches of Western Port Bay. Land and air search efforts were maintained between 25 May 2009 and 29 May 2009 to no avail.
38. Relevant telecommunication checks indicate that Mr Vanderhelm's mobile telephone had not been used other than the contacts with Ms Vanderhelm and Ms Mills on Thursday, 21 May 2009.

## Police investigation

39. On 24 May 2009, Victoria Police commenced an investigation following the missing person's report being made and attended at the Somers Caravan Park. A search of the onsite caravan owned by Darlene was undertaken and Richard's personal belongings were accounted for. SES and CFA personnel along with Richard's family conducted a search of bushland along the Somers foreshore. Blue coloured tracksuit pants and a pair of pull-on work boots were located on the foreshore area near the Yacht Club.
40. Following the initial search, Victoria Police conducted the following enquiries in an effort to locate Mr Vanderhelm:
  - a. Bay rescue resources conducted water borne recovery searches on 24 May 2009.
  - b. Land and air searches were undertaken between 25 May and 29 May 2009.
  - c. On 27 May 2009, Acting Sergeant Paxton of the Hastings Police Station submitted relevant phone checks on Richard's mobile phone. The results indicated that the phone had not been used other than the contacts with Irene and Darlene on 21 May 2009.
41. On 23 June 2009, the missing person investigation was transferred to Detective Senior Constable (DSC) Tyler attached to the Hastings Crime Investigation Unit. DSC Tyler since made the following enquiries:
  - a. Obtained statements from relevant witnesses, including Irene Vanderhelm, Darlene Mills and Ian Punt.
  - b. Made numerous requests to meet with Rachel Mead to obtain a statement from her. Rachel failed to keep the appointments and died in 2013.
  - c. Checked Mr Vanderhelm's NAB bank records. No transactions recorded after 21 May 2009.
  - d. On 27 March 2018, obtained DNA samples from Paul and Irene Vanderhelm. As no body had been recovered, the DNA samples were forwarded to the DNA Management Unit at Victoria Police Forensic Science Centre.
42. As part of the investigation review and in the lead up to the Inquest, A-DSS Reidy made further enquiries, including:

- a. Checking NAB records again. It was determined that the last recorded entries on the NAB bank account of Mr Vanderhelm was in June 2009 when a payment default was recorded and again on 5 February 2011 when a bankruptcy notice was recorded on the account. Otherwise, no incoming payments or withdrawals had been recorded since Mr Vanderhelm's disappearance.
  - b. Submitting a Residential Tenancy Bonds Authority check. The result returned showed that the last record on Mr Vanderhelm was on 14 March 2008 when a \$640 bond was lodged for a rental property at 2/119 Victoria Street, Hastings.
  - c. Submitting Medicare and Pharmaceutical Benefits Scheme (PBS) checks. Results showed that Mr Vanderhelm had not made any Medicare claims or received any pharmaceutical items on the PBS since the date of his disappearance.
43. The last confirmed sighting was between 6.00 pm and 8 pm at Somers Caravan Park when Mr Punt saw Mr Vanderhelm.
44. A-DSS Reidy concluded that Mr Vanderhelm was most likely deceased.
45. A-DSS Reidy did not believe there were any suspicious circumstances including the involvement of a third party.
46. At Inquest, A-DSS Reidy noted that between the time of Mr Vanderhelm's disappearance and his submission of the coronial brief, there have not been any verifiable signs of life. In addition, Mr Vanderhelm has not been linked to any unidentified human remains in the state of Victoria or nationwide.
47. A-DSS Reidy, who had given considerable thought to what was likely to have happened to Mr Vanderhelm gave evidence that he had most likely drowned or suffered a medical event in the area near Somers Beach on or around 21 May 2009.
48. While I am unable to make findings with respect to the precise circumstances surrounding Mr Vanderhelm's death, a theory involving some form of misadventure or accident at the beach near his home, appears open on the available evidence.

### **AHPRA investigation**

49. On 7 July 2009, Irene lodged a complaint with the Medical Practitioner's Board of Victoria (now the Medical Board of Australia supported by the Australian Health Practitioner Regulation Agency (AHPRA)) regarding concerns about Mr Vanderhelm's clinical care and

management by Dr Imeneo. Specifically, Irene was concerned about the prescription of narcotic analgesic medication and overall pain management.

50. The complaint progressed to a Performance and Professional Standards Panel hearing in August 2013. The Panel found pursuant to sections 63(1)(a) and 3(1)(a) of the *Health Professions Registrations Act 2005* that Dr Imeneo had engaged in unprofessional conduct. It found, *inter alia*, that Dr Imeneo had failed to adequately diagnose the extent of Mr Vanderhelm's drug dependence in his initial consultations and that he subsequently prescribed excessive doses of drugs of dependence without proper safeguards.
51. The Panel determined to reprimand Dr Imeneo and impose conditions on his registration as a medical practitioner.
52. Absent Mr Vanderhelm's remains, there is insufficient evidence available to support any finding that Mr Vanderhelm's use of illicit and prescription drugs caused or contributed to his disappearance or death.

## **FINDINGS AND CONCLUSION**

53. A finding that a missing person is deceased where there is no forensic evidence of their death is a serious matter that carries significant legal consequences.
54. Having investigated the suspected death of Richard James Vanderhelm, in the absence of human remains and based on the the weight of available, circumstantial evidence and having held an Inquest on 15 March 2022, at Melbourne, I make the following findings, pursuant to section 67(1) of the Act that:
  - a. Richard James Vanderhelm, born 10 November 1966 is likely to be deceased;
  - b. The cause of his death is unascertained;
  - c. The death is likely to have occurred on or about 21 to 24 May 2009;
  - d. The death occurred in the circumstances set out above.
55. Despite searches having been conducted by Victoria Police, Mr Vanderhelm's remains have not been located. Should this change, 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.

2. I convey my sincerest sympathy to Mr Vanderhelm's family for their loss and thank Ms Irene Vanderhelm for her attendance and participation in the Inquest.
56. Pursuant to section 73(1) of the Act, I order that this Finding be published on the Internet.
57. I direct that a copy of this finding be provided to the following:

**Mrs Irene Vanderhelm, senior next of kin**

**Acting Detective Senior Sergeant Reidy, Mornington Peninsula Criminal Investigation Unit, Victoria Police.**

Signature:



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**KATHERINE LORENZ**

**CORONER**

Date: 16 March 2022

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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.

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