



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2021 002006

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 63(1)

Section 67 of the Coroners Act 2008

Deceased: Michael Molony

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

Hearing date: 26 March 2024

Findings of: Coroner Paresa Antoniadis Spanos

Coroner's assistant: Leading Senior Constable Dragos Panoschi, Police
Coronial Support Unit

Key words: Missing person

INTRODUCTION

1. Michael Molony 68 years old when he was last seen alive on 3 January 2020. At the time of his disappearance, he lived alone in Yarraville.
2. Mr Molony grew up in Yarraville with two younger sisters.¹ He was described as a reserved person, who had a limited social circle, including minimal contact with his family. He maintained contact with his sister, Christine Bentley, but did not have any contact with his other sister, Helen Molony. Ms Bentley described her brother as a generous person, but one with a quick temper.²
3. In the 1980s and 1990s, Mr Molony was in a long-term relationship with Christine Molony.³ They had two children together – William born in 1982 and Charmaine born in 1990. At the time, the family resided together in Frankston. In about 1998, Mr and Ms Molony separated. Mr Molony remained in contact with Ms Molony and continued to see his children, but they eventually became estranged.⁴
4. Mr Molony lived with his mother until she moved into aged care and the family home was sold in late 2009. In her last few years, Mr Molony visited his mother every day at the aged care facility where she resided.⁵
5. Mr Molony had worked in furniture sales for at least 20 years. According to his sister, he was retrenched in 2015 when the furniture company where he was employed closed down.⁶ Following his retirement, he was in receipt of a fortnightly age pension.⁷
6. In about 2015, Mr Molony was diagnosed with skin cancer. He received treatment at the Peter MacCallum Cancer Centre in Parkville and had part of his ear removed, leaving him with a distinctive pointy shaped ear.⁸
7. In 2017, Mr Molony's mother passed away.⁹

¹ Coronial Brief (CB), p 8.

² CB, pp 8-9.

³ Ms Molony changed her last name to Molony, but she and Michael Molony were never married.

⁴ CB, pp 22-5.

⁵ CB, p 8, 14.

⁶ CB, pp 9-10.

⁷ CB, p 138.

⁸ CB, p 11, 13-14.

⁹ CB, pp 10-11.

8. At about this time, Charmaine Molony reconnected with her father. However, William Molony had not had any contact with his father for several years and they did not reconnect before Mr Molony's disappearance.¹⁰
9. According to Ms Bentley, Mr Molony had further appointments or treatment at the Peter MacCallum Cancer Centre in 2018 and early 2019.¹¹ However, Medicare records indicate he had not received treatment there since 2017.
10. In June 2019, Mr Molony informed Ms Bentley via text message that he needed to have radiation therapy on his right eye as two growths had been found behind his left eye.¹² However, Mr Molony's Medicare records do not record him as receiving such treatment at this time. Medicare records in fact show that Mr Molony did not make any claims after May 2019.¹³
11. At about this time he also informed his old work colleague and long-term friend, Phillip Morrice, that he had been advised he needed another operation, which he had refused. Mr Molony and Mr Morrice had not seen each other since about 2014 but had stayed in touch via text message.¹⁴
12. Toward the end of 2019, Ms Bentley invited her brother over for Christmas, but he declined stating that he was having stomach issues. He explained that he was eating a different diet to help with this issue. She recalled, "*He said he was eating like a sparrow and his energy was zapped.*"¹⁵
13. However, according to Mr Morrice, Mr Molony told him he was spending Christmas with his sister and family that year. Mr Morrice stated that Mr Molony had not responded to his messages since Christmas 2019.¹⁶
14. Ms Bentley last contacted her brother on the evening of 31 December 2019. She sent him a text message to wish him a happy new year and asked him about his Christmas. He responded that Christmas day was quiet and wished her happy new year in return.¹⁷

¹⁰ CB, pp 14, 26, 30.

¹¹ CB, p 11.

¹² CB, p 11.

¹³ CB, p 129.

¹⁴ CB, p 33.

¹⁵ CB, p 11.

¹⁶ CB, p 35.

¹⁷ CB, p14.

15. In early January 2020, Mr Morrice received an envelope. There was no letter or card, just a silver Australian threepence minted in 1951, which was the year of Mr Morrice's birth. There was no return address on the envelope, but he recognised Mr Molony's distinctive handwriting. He tried to call Mr Molony several times after this but there was no response.¹⁸
16. On 4 January 2020, Ms Molony telephoned Mr Molony and left a voicemail message. He texted her back informing her that he was going to the doctor but did not say why. She noted that did not give any indication he was going away or had plans to take his own life.¹⁹
17. On 6 or 7 January 2020, Charmaine Molony received a card in the mail via express post. It read as follows:²⁰

Hi Char

Thanks for getting in touch with me.

I am very sick in pain day and night. I can't take more. I spend most of my time in bed except for bus trips for milk.

Love Dad

Please tell mum as I don't have her address and my phone disconnected.

I am past being healed and am going to take my destiny in own hands. I have gone through my money but if I had lots still can't be fixed.

18. On 6 January 2020, the real estate office managing the property at which Mr Molony was residing – 28 Fehon Street, Yarraville – received a letter which read as follows:²¹

My name is Michael Molony and I rent 27 Fehon St, Yarraville. I am very sorry but have needed to vacate above due to severe illness so much so I don't expect to be alive when you read this.

I tried to get hard rubbish done but ran out of time and energy.

¹⁸ CB, p 35.

¹⁹ CB, p 27.

²⁰ CB, pp 16, 27, 82-85.

²¹ CB, pp 37, 77.

I left keys on kitchen bench. Also an electric mountain bike and TV for David the owner.

Sincerely, Mike Molony.

19. On 7 January 2020, Ms Bentley received a card from Mr Molony in the mail via express post. It read as follows:²²

To Chris + Jim

Thank you so much for all the things you did over the years for me.

It's also goodbye. I am in pain day & night and spend most of my time in bed. I don't want to be a name in the crem or hospital like mum. So I am putting me destiny in me own hands where I want to end.

Love you both heaps, Mike xx.

20. Ms Bentley stated she immediately interpreted the card as a suicide note and texted her brother.
21. Mr Molony's family and friends did not indicate he experienced any mental health symptoms, mental ill health, suicidal ideation, or previous suicide attempts. Medicare records proximate to his death confirm he did not receive any mental health care. However, Ms Bentley noted that in previous casual discussions, Mr Molony had stated he would jump off the Westgate Bridge if his health deteriorated like that of their mother.²³

PURPOSE OF A CORONIAL INVESTIGATION

22. The purpose of a coronial investigation of a 'reportable death'²⁴ is to ascertain, if possible, the identity of the deceased person, the cause of death and the circumstances in which death occurred.²⁵ For coronial purposes, 'death' includes suspected death.²⁶

²² CB, pp 15, 79-80.

²³ CB, p 14.

²⁴ 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). Some deaths fall within the definition irrespective of the section 4(2)(a) characterisation of the 'type of death' and turn solely on the status of the deceased immediately before they died – section 4(2)(c) to (f) inclusive.

²⁵ Section 67(1).

²⁶ See the definition of 'death' in section 3(1) of the Act

23. 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.²⁷
24. 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.²⁸
25. 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.²⁹ These are effectively the vehicles by which the coroner's prevention role can be advanced.³⁰
26. 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.³¹

INVESTIGATION AND SOURCES OF EVIDENCE

27. This finding draws on the totality of the coronial investigation of Mr Molony's suspected death. That is, the investigation and brief of evidence compiled by Detective Senior Constable Erin Gleeson from the Maribyrnong Crime Investigation Unit of Victoria Police and her evidence at inquest. Following her departure from the Maribyrnong Crime Investigation Unit, Detective Senior Constable James Moriarty took over as Coroner's Investigator and conducted further proof of life checks at my direction. He also gave evidence at the inquest.

²⁷ 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.)

²⁸ 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'.

²⁹ See sections 72(1), 67(3) and 72(2) regarding reports, comments, and recommendations respectively.

³⁰ 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.

³¹ 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).

28. All of this material, together with the inquest transcript, will remain on the coronial file.³² In writing this finding, I do not purport to summarise all the material and evidence but will only refer to it in such detail as is warranted by its forensic significance and the interests of narrative clarity.

THE FOCUS OF THE CORONIAL INVESTIGATION AND INQUEST

29. 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, where possible, the circumstances in which the death occurred.
30. 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.

THE INITIAL POLICE INVESTIGATION

31. Following receipt of the card, Ms Bentley unsuccessfully tried to contact her brother. When there was no response, she reported Mr Molony as a missing person to Footscray Police on 7 January 2020.³³
32. That day, Victoria Police members attended Mr Molony's address at 28 Fehon Street, Yarraville, but no one was there.
33. On 8 January 2020, Detective Senior Constable Gleeson was notified of the missing person report. She immediately contacted Public Transport Victoria to enquire whether he had a Myki card. However, there was no registered Myki so his travel history could not be interrogated. Detective Senior Constable Gleeson also submitted a request to check Mr Molony's phone records.³⁴

³² 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.

³³ CB, p 15.

³⁴ CB, p 39.

34. She also spoke with Christine Bentley about various aspects of Mr Molony's life. This revealed few avenues of enquiry.³⁵
35. On 9 January 2020, Constable Thomas Schwarz, made enquiries with the Commonwealth Bank of Australia (**CBA**) transaction statements which revealed the following:³⁶
- (a) at 9.59am on the morning of 27 December 2019, Mr Molony attended a CBA automated teller machine (**ATM**) at Highpoint Shopping Centre where he withdrew \$520;
 - (b) at 8.42am on 29 December 2019, Mr Molony attended a CBA ATM at Highpoint Shopping Centre and withdrew \$1480;
 - (c) on 31 December 2019, Mr Molony transferred \$700 from his CBA savings account into his transaction account;
 - (d) at 8.37am on 1 January 2020, Mr Molony attended a CBA ATM in Kingsville and withdrew \$1000;
 - (e) at 7.23am on 3 January 2020, Mr Molony attended a CBA ATM at Highpoint Shopping Centre and withdrew \$200.
36. Mr Molony did not thereafter access his CBA bank accounts. His pension payments and other government payments continued to be deposited into his account but there were no further withdrawals or person deposits.³⁷
37. Enquiries with the Peter MacCallum Cancer Centre revealed he had not been a patient there since July 2017.³⁸
38. Mr Molony's mobile phone records revealed that he was in the Frankston area on 4 January 2020; that Christine Molony left a 23 second voicemail message at 10.42am; that Mr Molony had accessed his message bank at 11.13am; and then sent several messages back and forth.³⁹

³⁵ CB, pp 16, 39.

³⁶ CB, p 39.

³⁷ CB, p 138.

³⁸ CB, p 40.

³⁹ CB, pp 27, 40.

39. Furthermore, the phone records revealed that after sending a text message to Ms Molony at 11.31am on 4 January 2020, Mr Molony did not use his mobile phone again. He received 24 incoming calls over the following four to five days, but they all went to voicemail.⁴⁰
40. When police spoke to Ms Molony, she stated she previously had sporadic communication with her former partner, mostly via text message. When she was informed that phone records indicated that Mr Molony was in Frankston at the time of his last communication, she said, “*He’s gone home*”, a reference to the fact that they had lived in Frankston as a couple with their children over 20 years ago but none of them still lived there. Ms Molony also noted that Mr Molony like to fish and stated that she would not be surprised if he hired a dinghy or kayak and went out into the water to take his own life.⁴¹ Detective Senior Constable Gleeson stated that no other potential avenues of enquiry were identified from her conversation with Ms Molony.⁴²
41. Detective Senior Constable Gleeson canvassed reports about any empty kayaks or boats that may have washed up and made enquiries about a kayak that had been located by a member of the public in the water between Queenscliff and Portsea on 12 January 2020. However, she was unable to make any connection between that kayak and Mr Molony.⁴³
42. On 13 January 2020, Detective Senior Constable Gleeson attended Mr Molony’s home. No one was observed at the house and the windows and doors were locked. The inside of the house had been cleared out with no furniture or belongings visible through the windows. The only things left inside were an electric bike, a vacuum cleaner, and a bed base propped on its side. Police members searched Mr Molony’s general waste and recycling bins on the front porch and found they contained clothing, household items, belongings, and documents in Mr Molony’s name.⁴⁴
43. She also attended Highpoint Shopping Centre to obtain Closed-Circuit Television (CCTV) footage corresponding to the times and locations of the ATM withdrawals from Mr Molony’s bank account. The footage confirmed that the withdrawals had been made by Mr Molony and also revealed that:⁴⁵

⁴⁰ CB, pp 72-75.

⁴¹ CB, pp 27-28.

⁴² CB, p 40.

⁴³ CB, p 40.

⁴⁴ CB, p 40.

⁴⁵ CB, p 41; Transcript (T), p 12.

- (a) he immediately attended the TAB at Highpoint; after withdrawing money on the mornings of 27 and 29 December 2019; and
- (b) after withdrawing money on 3 January 2020, Mr Molony immediately attended the Highpoint TAB, where he waited approximately 30 minutes until it opened at 8.00am. This is the last time Mr Molony was captured on CCTV footage and his last known movements.

44. Further police enquiries revealed:

- (a) Mr Molony's driver's licence had expired in 2009 and there were no vehicles registered in his name;
- (b) he had not attempted to formally change his name through Births, Deaths and Marriages;
- (c) Mr Molony had not changed his address or bank account details with Centrelink;⁴⁶
- (d) Pharmaceutical Benefits Scheme (**PBS**) records revealed that he had not had any prescription medication prescribed to him since July 2017 and he had not been dispensed any prescribed medication since April 2018;⁴⁷ and
- (e) Medicare records revealed that Mr Molony last visited a doctor in September 2017. This was Dr Benjamin Dixon at the Peter MacCallum Cancer Centre. Thereafter he only attended an optometrist in Yarraville and this was in May 2019.⁴⁸

45. In late January 2020, Victoria Police made a public appeal for information in relation to Mr Molony's whereabouts on its Facebook page. This was repeated in March 2020. An off-duty police member reported that she believed she saw someone who looked similar to Mr Molony in the Frankston South area on or about 19 March 2020, however this sighting could not be confirmed.⁴⁹

⁴⁶ CB, pp 117, 119.

⁴⁷ CB, p 132.

⁴⁸ CB, p 129.

⁴⁹ CB, p 41.

46. Detective Senior Constable Gleeson continued her enquiries:⁵⁰
- (a) in August 2020, she made enquiries with the Residential Tenancies Bond Authority who confirmed that no bonds had been lodged with Mr Molony's name and details; and,
 - (b) in September 2020, she re-submitted checks regarding Mr Molony's bank account, Medicare, Centrelink, and Births, Deaths and Marriages and the results did not reveal any new information about Mr Molony's whereabouts.
47. In February 2021, a further check of Mr Molony's bank records confirmed it was still unused but now contained a large sum due to ongoing pension deposits.

THE CORONIAL INVESTIGATION

48. In April 2021, Detective Senior Constable Gleeson contacted the Police Coronial Support Unit, which is a police unit connected to this Court, and was advised to submit a report about Mr Molony's disappearance for consideration.
49. On 20 April 2021, the Court was informed of Mr Molony's disappearance. The following day, I received a form titled *Police Report of Death for the Coroner* (VP Form 83), which is the standard a Victoria Police form used to report a death to the Court. I also received a memorandum prepared by Detective Senior Constable Gleeson setting out the circumstances of Mr Molony's disappearance and some of the enquiries that had been undertaken.⁵¹
50. In her memorandum, Detective Senior Constable Gleeson suggested that the available evidence led to the conclusion that Mr Molony had likely taken his own life in an unknown manner and in an unknown location, possibly in the Frankston area, on or about 4 January 2020.
51. I subsequently asked Detective Senior Constable Gleeson to compile a full brief of evidence, including all possible proof of life checks. She undertook a thorough and comprehensive investigation including the product of earlier investigations and more recent proof of life

⁵⁰ CB, p 41.

⁵¹ CB, p 42,

checks as out in the coronial brief of evidence. From September 2023, Detective Senior Constable Moriarty continued the investigation at my direction.

52. Their combined efforts revealed the following:

- (a) Mr Molony's mobile phone has now been disconnected likely due to unpaid bills as call records did not indicate Mr Molony had called the phone carrier to cancel his service;⁵²
- (b) Mr Molony's bank accounts contain an accumulation of his fortnightly pension and three government payments made during the COVID-19 pandemic. There had been no personal deposits, withdrawals, or outgoing transactions since his disappearance;⁵³
- (c) enquiries with Highpoint Hotel, Tabcorp, and Sportsbet all indicated Mr Molony was not a subscribed member of any of their services. Enquiries with Crown Casino indicated no record of Mr Molony since 2013;⁵⁴
- (d) enquiries with Latitude Finance in relation to a credit card held by Mr Molony revealed that it had not been used since his disappearance. The card was paid off and had no money owing;
- (e) confirmation with the Residential Tenancies Bond Authority that Mr Molony had not lodged any tenant bonds;⁵⁵
- (f) Mr Molony had still not made any Pharmaceutical Benefits Scheme claims since 19 April 2018 and no Medicare claims since 16 May 2019;⁵⁶
- (g) Centrelink has continued to pay the aged pension to Mr Molony. There last record of Mr Molony contacting Centrelink was on 14 May 2018 in relation to a general enquiry regarding the age pension;⁵⁷
- (h) Mr Molony had no contact with Victoria Police or police in any other state or territory;⁵⁸

⁵² CB, pp 5, 71.

⁵³ CB, pp 42-43, 67-70, 113-115; Exhibit C, pp 2-4.

⁵⁴ CB, pp 43, 146-158.

⁵⁵ CB, pp 43, 140-142.

⁵⁶ CB, pp 117-134.

⁵⁷ CB, p 136, 138.

⁵⁸ Exhibit C, p 4.

(i) there was no record of Mr Molony having ever travelled offshore.⁵⁹

53. As part of the coronial investigation, Detective Senior Constable Gleeson obtained statements from Christine Molony, Christine Bentley, and Philip Morrice.
54. Ms Molony stated that in the weeks before his disappearance, Mr Molony had given his daughter “*things that he never would’ve normally given away*”, such as furniture and his father’s binoculars, which were very sentimental to him. Charmaine Molony had also told her mother that her father had asked whether she needed a fridge, microwave, or couch. Ms Molony asked him why he was giving away his furniture and he replied that Charmaine needed it more than he did.⁶⁰ Ms Molony stated she interpreted Mr Molony’s handwritten card to their daughter as an indication he was moving away to escape from his family and financial obligations to them. She believes that he has not taken his own life, that he is currently living somewhere, and someone is helping him. She stated, “*He’s a smart guy, and if he doesn’t want to be found he won’t be*”.⁶¹
55. In her statement, Ms Bentley stated she believed her brother had taken his own life because he was ill. She also outlined some of the conversations she had with family members and friends following her brother’s disappearance.⁶² Ms Bentley confirmed that her brother had given his lounge suite and microwave to his daughter. She does not know what happened to his fish tanks. She stated that when she visited the house, she found that Mr Molony had left sticky notes on the electric bike with instructions on how to use it. She did not find any other notes including no suicide note.⁶³
56. Mr Morrice was of the opinion that Mr Molony had taken his own life because he was terminally ill.⁶⁴
57. Detective Senior Constable Moriarty obtained an unsigned statement from William Molony and statements from medical practitioners regarding Mr Molony’s medical history, his last medical appointments, and their opinion as to whether the symptoms he was said to be suffering proximate to his death indicated a return of cancer or another serious illness.

⁵⁹ Exhibit C, p 4.

⁶⁰ CB, p 26.

⁶¹ CB, p 27.

⁶² CB, pp 16, 19.

⁶³ CB, p 17.

⁶⁴ CB, p 36.

58. William Molony expressed a belief that his father was capable of orchestrating a new life somewhere as himself or under an alias.⁶⁵
59. Dr Alison Wong at Peep Optical was the last medical practitioner that Mr Molony consulted. She stated that Mr Molony had attended on 2 May 2019 with a swollen right eyelid. Mr Molony was advised to use warm compresses. On 9 May 2019, Mr Molony reattended to collect his new reading glasses and it was noted that the lump had reduced. On 16 May 2019 Mr Molony reattended at which time referral to an ophthalmologist scheduled for 21 May 2019 was cancelled as the lump had sufficiently reduced.⁶⁶
60. Dr Tsien Fei Fua, specialist radiation oncologist at the Peter MacCallum Cancer Centre, explained that following surgery in March 2016 for removal of a basal cell carcinoma on his right ear, Mr Molony underwent a course of radiation from April to June 2016. Mr Molony was last seen at Peter MacCallum Cancer Centre on 18 July 2017 at which time he was doing well. He declined further follow-up appointments when telephoned in March 2018. Dr Fua noted that the symptoms of which Mr Molony reportedly complained prior to his disappearance did not indicate a recurrence of the cancer.⁶⁷
61. Finally, on 22 January 2024, I received a report from Dr Dadna Hartman, Manager, Chief Molecular Biologist at the Victorian Institute of Forensic Medicine, which compared DNA results obtained from Christine Bentley against the Victoria Missing Persons DNA database. No reportable matches were found.⁶⁸

THE INQUEST

62. The only witnesses called at inquest were Detective Senior Constable Erin Gleeson and Detective Senior Constable James Moriarty who provided an overview of the various efforts made by police to locate Mr Molony since his disappearance and proof of life checks conducted as part of the coronial investigation.
63. In regard to whether there was any evidence Mr Molony had travelled anywhere following his disappearance, Detective Senior Constable Gleeson confirmed that she had enquired with taxi services, Uber, V/line, and Border Force. Mr Molony did not have a passport. While he previously had a driver's licence, it was her understanding that Mr Molony had not driven a

⁶⁵ CB, p 30.

⁶⁶ CB, p 45.

⁶⁷ CB, pp 46-48.

⁶⁸ Exhibit C, p 2; Exhibit D.

car for several years; did not own a motor vehicle; and that his only known private means of commuting was his electric bicycle.⁶⁹

64. Detective Senior Constable Gleeson also confirmed the information gained from Mr Molony's mobile phone records, which indicated his last phone call was on 4 January 2020 in the Frankston area. She noted that the records revealed that Christine Molony left a 23 second voicemail for Mr Molony at 10.42am. At 11.13am, Mr Molony accessed his message bank and presumably listened to the voicemail. Between 11.15am and 11.31 am, four text messages were sent between Mr Molony and Christine Molony. She stated:⁷⁰

Christine has stated to me in these text messages she said that something like, where are you? Are you okay? Is there something wrong? And Mr Molony ah, sorry Michael said 'He was waiting to see a doctor and his stomach was sore.' He did not elaborate or indicate which doctor. Christine stated ah, 'Michael's messages were blunt.'

65. Following his last text message to Christine Molony at 11.31am on 4 January 2020, Mr Molony did not use his phone again. And all 24 incoming calls over the next 27 four to five days went straight to voicemail as his phone was turned off and never re-activated. Further checks indicated the service is now disconnected, which Detective Senior Constable Gleeson presumed was due to unpaid bills.⁷¹
66. Detective Senior Constable Gleeson noted that the Frankston area was important to him. When she conveyed this information to Christine Molony, she replied, "*He's gone home*", as that was the last place that they had all lived together as a family over 20 years ago. When informed Mr Molony had withdrawn money before his death, Ms Molony stated that she would not be surprised if he hired a dinghy or kayak and went out onto the water to take his own life and his unusual behaviour, such as sending things to his daughter, indicating he had been planning his actions for a couple of months.⁷² However, Detective Senior Constable Gleeson explained that Ms Molony had since changed her mind and now thought that Mr Molony was hiding somewhere.⁷³

⁶⁹ T, pp 11-12.

⁷⁰ T, p 13.

⁷¹ T, pp 13-14.

⁷² T, p 15.

⁷³ T, p 16.

67. Regarding the kayak found on 12 January 2020 found near Queenscliff and Portsea, Detective Senior Constable Gleeson stated there was no evidence to establish any link to Mr Molony's disappearance. However, she was also not able to say whether a linked could be ruled out.⁷⁴
68. Asked about the three letters/cards sent to Ms Bentley, Charmaine Molony, and the real estate agent, Detective Senior Constable Gleeson noted that the handwriting on all three were similar. Mr Morrice recognised the handwriting on the envelope he received as belonging to Mr Molony. Ms Bentley also recognised her brother's distinctive handwriting and the sender details on the back of her envelope was noted to be 'Mike'.⁷⁵
69. Detective Senior Constable Gleeson stated she made enquires in relation to the lodgement details of where and when those letters/cards were sent. She only had the tracking details for Charmaine Molony's card, which was lodged at the Frankston Post Office at about 11.20 am on 4 January 2020. This location corresponded with the location of Mr Molony's last phone call at 11.31am.⁷⁶ In evidence, Detective Senior Constable Moriarty added that his enquiries with Australia Post revealed that the letter sent to Ms Bentley was lodged at 9.29am January 2020 at the Yarraville Post Office.⁷⁷
70. As regards DNA testing, Detective Senior Constable Moriarty explained that the Victorian Institute of Forensic Medicine held a sample from Mr Molony's mother, which had been uploaded to the Victorian database but was unable to be uploaded to a national database due to lack of the appropriate consent. A sample had since been obtained from Ms Bentley, which had been uploaded to both the Victorian and national databases, which did not provide any matches. However, the samples obtained will remain in their respective databases for any future comparison should any remains be located.⁷⁸
71. Detective Senior Constable Gleeson concluded her evidence by stating she believed Mr Molony had taken his own life. She noted that he was experiencing several stressors at the time of his disappearance, including health issues (whether perceived or real), financial issues (noting that he was on a pension and had no savings), and his beloved mother had passed away. There was no evidence of any suspicious circumstances surrounding his disappearance.

⁷⁴ T, pp 16-17.

⁷⁵ T, p 17.

⁷⁶ T, p 20.

⁷⁷ T, p 26.

⁷⁸ T, p 27.

And there was no reason why Mr Molony would choose to go into hiding or establish a new life under an alias.⁷⁹

72. Detective Senior Constable Moriarty shared this view. He referred to the letters, the money in Mr Molony's bank account, and the phone records. When considered in combination, these factors lead him to conclude that Mr Molony has likely taken his own life.⁸⁰
73. At the end of the inquest, I provided Ms Bentley with an opportunity to tell me about her brother. She noted Mr Molony had done a good job of tidying up his unit before his disappearance.⁸¹ And she explained that her brother had previously asked her whether she wanted their father's binoculars.⁸²
74. Ms Bentley also elaborated on the conversation she had with her brother about Christmas 2019:⁸³

... he used to always have Christmas with Mum and my sister.

And when Mum passed in 2017 he didn't have a lot to do with my sister after that. But 2019 I – we were going to my sister-in-law's at Trentham and um I asked him if he wanted to come and he said he had stomach problems and um – and he couldn't get there. And I said, yeah, that's fine. We'll come to Melbourne. We'll pick you up and we'll bring you home um 'cause I come from Albury.

And um he said that he had constant diarrhoea and he didn't think he'd be able to sit in the car and that was an excuse he made.

And then after I'd spoken to Phillip after Michael went missing um you know, Phillip said, 'Well he had Christmas with you', and I went, 'Oh no, he didn't'. So um that was, yeah, him obviously not telling the sort of – well any of us the truth about what was going on. ...

75. Ms Bentley was adamant that her brother was not in hiding or living under an alias and it appeared he had planned things well.⁸⁴

⁷⁹ T, pp 21-22.

⁸⁰ T, pp 28-29.

⁸¹ T, p 32.

⁸² T, pp 33-34.

⁸³ T, pp 34-35.

⁸⁴ T, p 36.

FINDINGS AND CONCLUSION

76. The applicable standard of proof for coronial findings is the civil standard of proof on the balance of probabilities, with the *Briginshaw* gloss or explications.⁸⁵ 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
77. Having applied the applicable standard of proof to the available evidence, I find that:
- (a) Michael Molony, born 3 August 1951, formally of 28 Fehon Street, Yarraville, Victoria, is now deceased and has been so since about 4 January 2020.
 - (b) Absent his remains, I am unable to determine the cause of Mr Molony's death.
 - (c) There is no evidence to support a finding that any third party was involved in Mr Molony's death or that he otherwise died in suspicious circumstances.
 - (d) The weight of the evidence supports a finding that Mr Molony has likely taken his own life by unknown means.
 - (e) His last known location was in Frankston and so it is *possible* he died in or around the Frankston area.
 - (f) In the weeks before his death, Mr Molony reported to family and friends that he was seeking further medical treatment and that his health had worsened. While he may have been experiencing some sort of deterioration in his health in the lead up to his disappearance, there was no medical evidence to suggest this was the case. It is therefore unclear whether he genuinely held a belief that he was terminally ill and chose not to seek treatment or whether this was a ruse he told to those in his life.
78. I convey my sincere condolences to Mr Molony's family for their loss.

⁸⁵ *Briginshaw v Briginshaw* (1938) 60 C.L.R. 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...".

PUBLICATION OF FINDING

79. Pursuant to section 73(1A) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

DISTRIBUTION OF FINDING

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

Christine Bentley

Christine Molony

Registrar of Births, Deaths and Marriages for Victoria

Detective Senior Constable Erin Gleeson, Victoria Police, Coroner's Investigator

Detective Senior Constable James Moriarty, Victoria Police, Coroner's Investigator

Leading Senior Constable Dragos Panoschi, Police Coronial Support Unit

Signature:



Deputy State Coroner Paresa Antoniadis Spanos

Date: 19 April 2024



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.
