



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2024 005220

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

Section 67 of the Coroners Act 2008

Amended pursuant to section 76 of the *Coroners Act 2008* as at 1 June 2026¹

Findings of:	Coroner David Ryan
Deceased:	John William Swiety
Date of birth:	23 March 1966
Date of death:	Around 17 March 2023
Cause of death:	Unascertained
Place of death:	Bushland near Goongerah, Victoria
Keywords:	Missing person – suspected death

¹ Mr Swiety's daughter's name has been amended in paragraph 1, and has been included in the distribution list.

INTRODUCTION

1. On 17 March 2023, John William Swiety was 56 years old when he went missing in the Errinundra National Park in Goongerah, Victoria. At the time of disappearance, Mr Swiety had been residing with a friend in Morwell. He is survived by his daughter Jazpah, and his siblings, Leslie, Evelyn and Lisa Swiety. He is warmly remembered by family and friends and was known for his love of animals.

BACKGROUND

2. Mr Swiety grew up and lived in the Gippsland district. He lived a transient lifestyle although he spent periods where he had been employed in the building and landscaping industries. He had a long history of using cannabis and alcohol and had a number of involvements with police, primarily relating to the cultivation and use of cannabis and family violence.

CORONIAL INVESTIGATION

3. On 3 September 2024, Mr Swiety's death was reported to the coroner as it fell within the definition of a reportable death in the *Coroners Act 2008 (the Act)*. Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury. Under section 3 of the Act, death includes suspected death.
4. 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. Victoria Police assigned an officer to be the Coronal Investigator for the investigation of Mr Swiety's death. The Coronal Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as family and associates, the forensic pathologist, treating clinicians and investigating officers – and submitted a coronial brief of evidence.

7. This finding draws on the totality of the coronial investigation into Mr Swiety's death. While I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.²
8. 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.
9. Absent a body or remains, the coronial investigation focuses on the last sighting of the person suspected to be deceased; any subsequent contact with family, friends or authorities; and any evidence of proof of life since the last sighting. In such cases, the coronial investigation must first endeavour to establish, on the balance of probabilities, whether the person suspected to be deceased – is deceased. Such proof of death often relies on the absence of evidence that the person is alive, such as physical searches for the person; a lack of contact with known friends, family or colleagues; a lack of banking or like activities; and the lack of an “*electronic footprint*” that is usually evident with innumerable modern everyday activities. It also relies on other circumstantial evidence such as the prevailing environmental conditions and the individual attributes of the person suspected to be deceased, including their state of health.

CIRCUMSTANCES OF DISAPPEARANCE

10. On 16 March 2023, Mr Swiety had been walking his two dogs in Morwell when he met Daniel Harrison. Mr Harrison had lived a transient lifestyle in Queensland, New South Wales and Victoria and had a long history of drug dependency. He also had a significant criminal history and had spent periods of time in prison.
11. Mr Harrison recalled that Mr Swiety told him that he had previously worked on a co-operative farm in Goongerah, called the Dead Bull Farm. He further disclosed to Mr Harrison that he had previously stolen large amounts of cannabis that were being grown near

² 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.

- the farm. Mr Harrison stated that he agreed to drive Mr Swiety to Goongerah on the condition that he paid for petrol and that he agreed to give him 10 pounds of cannabis.
12. Mr Harrison borrowed a white 1990 Toyota HiAce from a friend and later that evening at around 6.30pm, he and Mr Swiety checked into the Morwell Motel in Morwell. At 7.08pm, Mr Swiety sent a text message to his daughter Jazpah saying hello and that he loved her.
 13. In the early morning on 17 March 2023, Mr Harrison and Mr Swiety left the Morwell Hotel in the HiAce. Mr Swiety had his two dogs with him. At 2.46am, they arrived at the United service station in Traralgon where Mr Harrison obtained fuel.
 14. Mr Harrison recalled that they arrived in the Goongerah area at around 9.00am. Goongerah is on the Bonang Highway about 68 kilometres north of Orbost in eastern Victoria. It is surrounded by the Errinundra National Park which is a very remote and rugged area consisting of thick forest. Mr Swiety was familiar with the area and his daughter Jazpah reported that he was an experienced bushman.
 15. Mr Harrison turned right off the Bonang Highway onto Ironbark Track which led to the western border of Dead Bull Farm. He recalled that he stopped the HiAce about 1.5 kilometres from the farm. He and Mr Swiety then left the vehicle and walked towards the farm. Mr Harrison was carrying a black cotton bag and a large bowie knife. He said that before they left, Mr Swiety changed his clothing including his footwear.
 16. Mr Harrison has stated that as they approached the farm, they could see the owner of the property, Ian Bartram, operating an excavator in a paddock. Mr Harrison stated that he and Mr Swiety then separated so they could flank the properties where the cannabis was located.
 17. Between 9.30am and 10.00am, Mr Harrison walked to one of the dwellings on the farm and he collected a chainsaw along the way. He then entered the living room of the dwelling where Mr Bartram's wife, Helen Darbyshire, was practising yoga. Ms Darbyshire recalled that Mr Harrison had a chainsaw in one hand and a bowie knife in the other.
 18. Ms Darbyshire stated that Mr Harrison yelled, "*Where is he?*". She had thought he was referring to her husband, so she pointed in the direction of the paddock. She stated that Mr Harrison then continued to "*rant and rave*" about being owed "*10*" of marijuana. Ms Darbyshire told Mr Harrison that they had no marijuana and he then left the dwelling and unsuccessfully tried to start a black Nissan wagon belonging to Mr Bartram. He then

apologised to Ms Darbyshire before walking towards the paddock where Mr Bartram had been working. Mr Bartram stated that he did not see Mr Harrison or Mr Swiety.

19. Mr Harrison then left the farm and returned to the HiAce. Along the way on the Iron Bark Track, he discarded the bandana he had been wearing, a hat, the bowie knife and the black bag he had been carrying. He then drove back along the Ironbark Track and turned right onto Bonang Highway.
20. Ms Darbyshire notified other residents of the farm about the incident who went looking for Mr Harrison in their vehicle along the Iron Bark Track. They told police that they did not locate him or see Mr Swiety but they observed tyre tracks turning north onto Bonang Highway. There is no mobile phone reception in Goongerah and the incident was not reported to Victoria Police until some days later.
21. After driving a few kilometres north along Bonang Highway, Mr Harrison turned right onto Sardine Creek Track. He stated that shortly afterwards he stopped and abandoned Mr Swiety's dogs. He then continued driving before becoming bogged on Old Kent Road, about 12 kilometres from where he turned off on the Bonang Highway. He stated that he then walked about eight kilometres to the Rich River Hut where he spent the night.
22. On 18 March 2023 at around 6.30am, Mr Harrison was located by two local hunters along the Rocky River Road. Mr Harrison told them a vague story about having driven from Melbourne and becoming bogged after dropping a friend at a place that he could not remember. He told them that he had been walking all night. They drove Mr Harrison to the Orbost Police Station where he could get assistance.
23. Later that morning, the hunters dropped Mr Harrison at the Orbost Police Station which was unmanned. They were informed that police would attend from Lakes Entrance. The hunters recalled that Mr Harrison became agitated and left the area before police arrived.
24. At around 9.30am, Mr Harrison approached Matthew Marshall outside a supermarket in Orbost. He told Mr Marshall that he was seeking a lift back to his vehicle which had become bogged in the mountains near Goongerah. Mr Marshall agreed to help Mr Harrison locate his vehicle.
25. Mr Marshall drove Mr Harrison to the Goongerah area. Along the way, he told Mr Marshall that he had been dropping an associate off somewhere when they had an argument and went their separate ways. He told Mr Marshall that he then became bogged and got lost.

26. While Mr Marshall and Mr Harrison were driving along Sardine Creek Track they came across Mr Swiety's dogs. Mr Marshall recalled that Mr Harrison said, "*They're my friend's dogs, what the hell are they doing out here?*". Mr Marshall collected the dogs and they eventually returned to Mr Marshall's house in Orbost after being unsuccessful in the search for the HiAce. Mr Marshall allowed Mr Harrison to sleep in his caravan that night.
27. In the morning on 19 March 2023, Mr Marshall again drove Mr Harrison to the Goongerah area in search of the HiAce. After arriving at Old Kent Road, Mr Harrison left the vehicle on his own in search of the HiAce. He subsequently located the vehicle.
28. Later that day, Mr Marshall flagged down two members of Victoria Police and informed them that Mr Harrison was searching the area on foot for his vehicle. He also handed them a plastic bag belonging to Mr Harrison which was found to contain drugs believed to be methylamphetamine.
29. At around 3.45pm, the police members located Mr Harrison on Old Kent Road. He did not disclose to them that he had already located the HiAce. They conveyed him to the Orbost Police Station where he was arrested for drug possession. He was also found in possession of a Victorian driver licence in another person's name. He was subsequently released with an intent to issue a summons for criminal charges relating to the possession of the drugs and the driver licence.
30. On 20 March 2023 at around 10.00am, police located the HiAce in a gully along Old Kent Road. Later that day, Mr Marshall dropped Mr Harrison off at the Rich River Hut and Mr Harrison returned to the HiAce and collected two bags. When Mr Marshall collected him later that afternoon, Mr Harrison stated that there had been a police sticker on the van.
31. On 21 March 2023, Mr Swiety's shoes were located on the Ironbark Track along with a container of lip balm.
32. Around this time, Mr Swiety's sister Lisa reported him missing after she heard that his dogs had been found abandoned as "*Johnny never went anywhere without his dogs*".
33. On 23 March 2023, police attended the HiAce and seized a number of items including Mr Swiety's wallet and Victorian driver licence.
34. Also on that day, Mr Marshall and Mr Harrison again returned to the Goongerah area where they were unsuccessful in locating the HiAce. They then drove to the Orbost Police Station

to obtain assistance in establishing the vehicle's location on a map. Mr Harrison also made a statement to police detailing his involvement with Mr Swiety. The statement was vague and did not include the incident at the farm with Ms Darbyshire. Mr Harrison continued to stay at Mr Marshall's residence over the next couple of days.

35. On 24 March 2023, police executed a search warrant at Mr Marshall's residence and seized a number of items including various fraudulent driver licences depicting photographs of Mr Harrison and a debit card belonging to another person.
36. Later that day, Mr Harrison agreed to participate in a recorded interview with police in relation to Mr Swiety's disappearance. Again, he did not disclose the incident at the farm with Ms Darbyshire.
37. On 25 March 2023, police obtained a further statement from Mr Harrison and advised him that the HiAce had been seized as part of their investigation. As with his previous statement, Mr Harrison did not disclose the incident at the farm with Ms Darbyshire.
38. On 26 March 2023, Mr Harrison returned to Morwell.
39. In June 2023, a Covert Operative from Victoria Police initiated contact with Mr Harrison and continued to interact with him over the next few months. Meetings between them and other covert operatives were recorded on 17 October 2023 during which Mr Harrison disclosed a version of events in relation to Mr Swiety's disappearance which was broadly consistent with the circumstances described above. He emphatically denied having been involved in Mr Swiety's death.
40. On 19 October 2023, Mr Harrison was arrested for aggravated burglary in relation to the incident at Dead Bull Farm. Later that day police commenced a record of interview with him. He was uncooperative and largely incoherent. The police then arranged for him to be assessed by a Forensic Medical Officer. Mr Harrison did not cooperate in the assessment and he was assessed to be unfit for interview. He was then charged with aggravated burglary and various dishonesty offences. On 28 August 2024, Mr Harrison pleaded guilty to these offences in the Magistrates' Court of Victoria and was sentenced to two years imprisonment.
41. Despite a detailed and thorough criminal investigation, Mr Harrison has not been charged with any offences in relation to Mr Swiety's disappearance. Mr Harrison gradually and consecutively provided more information in relation to his involvement with Mr Swiety in his discussions with Victoria Police (including with covert operatives). Although his various

accounts contain a number of troubling inconsistencies and omissions, there is no direct evidence that he was involved in Mr Swiety's death and he explicitly denied any involvement in his conversations with the covert operatives.

42. Victoria Police conducted a large-scale search of the Dead Bull Farm and surrounding areas with the assistance of the State Emergency Service. Members of Mr Swiety's family also searched for him.³ Police also obtained statements from residents of the farm. There has been no sign of Mr Swiety since his disappearance. Police have conducted various "proof of life" inquiries including with Medicare, Centrelink, hospitals, relevant telecommunications providers and banks. The inquiries did not reveal any activity in relation to Mr Swiety since his disappearance. Police have advised that they have exhausted their inquiries.

FINDINGS AND CONCLUSION

43. I am satisfied that Mr Swiety is deceased. Further, I am satisfied that there are no further avenues of investigation reasonably open at this stage to elicit further evidence about the cause and circumstances of his death.

44. The evidence does not enable me to be satisfied as to the exact circumstances or cause of Mr Swiety's death. I am satisfied that he died on 17 March 2023 or in the days following, and that his death occurred in the Goongerah area. Possibilities include that he passed away from exposure to the elements or from misadventure after becoming lost in bushland, or that his death was the result of homicide.

45. Pursuant to section 67(1) of the Act, I make the following findings:

- a) the identity of the deceased was John William Swiety, born 23 March 1966;
- b) the death occurred on or in the days following 17 March 2023 in bushland near Goongerah, Victoria, from unascertained causes; and
- c) the death occurred in the circumstances described above.

46. It is acknowledged that the fact that Mr Swiety has not been found is very distressing for his family and they have not had an opportunity to have greater clarity in relation to the exact circumstances of his passing.

³ On 30 March 2023, Les Swiety located the black bag, cap and bowie knife discarded by Mr Harrison. No useful traces were found of Mr Swiety's DNA, including on the knife.

I convey my sincerest sympathy to Mr Swiety's family.

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.

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

Leslie Swiety

Jazpah Kind

Detective Sergeant Maurice Ryan, Coronial Investigator

Signature:



Coroner David Ryan

Date: 01 June 2026

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 investigation. 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.
