



# MAGISTRATES COURT of TASMANIA

## CORONIAL DIVISION



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## Record of Investigation into Death (With Inquest)

*Coroners Act 1995 (Sections 28-29)*

*Coroners Rules 2006 (Rule 11)*

I, Simon Cooper, Coroner, having investigated the suspected death of Tony Zachary Harras also known as Judah Zachariah Reuben Wolfe Mattathyahu

With an inquest in Hobart Coroners Court on 15, 16 December 2014 and 24 February 2015 find as follows.

### **Background:**

1. Tony Zachary Harras, known as Judah Zachariah Reuben Wolfe Mattathyahu (amongst many other names) was last certainly spoken to by anyone at about 8.30pm on Saturday 12 November 1983. I will refer to him as "Mattathyahu" throughout this finding, as this seems to have been his preferred name.
2. He was reported as a missing person to Police on 4 March 1984. He remains missing to this day.
3. When he went missing in November 1983 Mattathyahu was living in a small convict built barn-like structure on a farming property at Slopen Main on the Tasman Peninsula. The property was owned then, and is still owned now, by John Edward and Anne Roslyn Hull.
4. Since 12 November 1983 no credible sighting of Mattathyahu has ever been made. He has made no contact with family, friends or acquaintances. No record of him being alive, certainly in Australia, has ever been found.

### **Jurisdiction:**

#### **Introduction**

5. The Coronial Division of the Magistrates Court is established by section 5 of the *Coroners Act* 1995 (the 'Act'). The Act deals with the jurisdiction of coroners to investigate deaths.
6. Section 21 of the Act provides:

#### **"21. Jurisdiction of coroners to investigate a death**

- (1) A coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death."

Section 3 defines death as including a “suspected death”.

The term “reportable death” is also defined in section 3 as follows:

***reportable death*** means –

**(a)** a death where –

**(i)** the body of a deceased person is in Tasmania; or

**(ii)** the death occurred in Tasmania; or

**(iii)** the cause of the death occurred in Tasmania; or

**(iiia)** the death occurred while the person was travelling from or to Tasmania –

being a death –

**(iv)** that appears to have been unexpected, unnatural or violent or to have resulted directly or indirectly from an accident or injury; or

**(v)** that occurs during a medical procedure, or after a medical procedure where the death may be causally related to that procedure, and a medical practitioner would not, immediately before the procedure was undertaken, have reasonably expected the death; or

**(vi)** . . . . .

**(vii)** the cause of which is unknown; or

**(viii)** of a child under the age of one year which was sudden and unexpected; or

**(ix)** of a person who immediately before death was a person held in care or a person held in custody; or

**(x)** of a person whose identity is unknown; or

**(xi)** that occurs at, or as a result of an accident or injury that occurs at, the deceased person's place of work, and does not appear to be due to natural causes; or

**(b)** the death of a person who ordinarily resided in Tasmania at the time of death that occurred at a place outside Tasmania where the cause of death is not certified by a person who, under a law in force in the place, is a medical practitioner; or

**(c)** the death of a person that occurred whilst that person was escaping or attempting to escape from prison, a detention centre, a secure mental health unit, police custody or the custody of a person who had custody under an order of a court for the purposes of taking that person to or from a court; or

**(d)** the death of a person that occurred whilst a police officer, correctional officer, mental health officer or a prescribed person within the meaning of section 31 of the *Criminal Justice (Mental Impairment) Act 1999* was attempting to detain that person;”

7. In this case I am well satisfied that I have jurisdiction to investigate the matter under the *Coroners Act 1995*. The reasons why I am satisfied will emerge further in this finding but it is sufficient to say I am satisfied Mattathyahu is dead, that he died in Tasmania and that his death was unexpected. It follows that in terms of section 21(1) of the Act jurisdiction is established.

8. Section 24 of the Act deals with the circumstances in which an inquest (defined in section 3 as meaning ‘a public inquiry that is held by a coroner in respect of a death’) must be held.

9. Relevantly section 24 provides:

**“24. Jurisdiction of coroner to hold inquest into a death**

(1) Subject to section 25, a coroner who has jurisdiction to investigate a death must hold an inquest if the body is in Tasmania or it appears to the coroner that the death, or the cause of death, occurred in Tasmania or that the deceased ordinarily resided in Tasmania at the time of death and –

(a) the coroner suspects homicide; or

(2) A coroner may hold an inquest into a death which the coroner has jurisdiction to investigate if the coroner considers it desirable to do so.”

10. In this matter I determined an inquest was to be held. I did so because I considered I am obliged so to do because, for reasons which will also emerge further in this finding, I suspect Mr Mattathayahu was the victim of homicide.

11. It follows that the holding of an inquest is in such circumstances mandatory. Even if I did not suspect homicide in this case (and I have already said that I do) I would have determined to have held an inquest pursuant to section 24 (2). The reason for this is, given the circumstances surrounding Mr Mattathayahu’s disappearance and the length of time he has been missing, I consider it desirable that the matter be examined, transparently and publicly.

***The Role of Coroner***

12. The obligation of the coroner is to make the findings required by section 28 of the Act.

That section provides:

**“28. Findings of coroner investigating a death**

(1) A coroner investigating a death must find, if possible –

(a) the identity of the deceased; and

(b) how death occurred; and

(c) the cause of death; and

(d) when and where death occurred; and

(e) the particulars needed to register the death under the *Births, Deaths and Marriages Registration Act 1999*.

(f) . . . . .

(2) A coroner must, whenever appropriate, make recommendations with respect to ways of preventing further deaths and on any other matter that the coroner considers appropriate.

(3) A coroner may comment on any matter connected with the death including public health or safety or the administration of justice.

(4) A coroner must not include in a finding or comment any statement that a person is or may be guilty of an offence.

- (5) If a coroner holds an inquest into the death of a person who died whilst that person was a person held in custody or a person held in care or whilst that person was escaping or attempting to escape from prison, a secure mental health unit, a detention centre or police custody, the coroner must report on the care, supervision or treatment of that person while that person was a person held in custody or a person held in care.”
13. The inquiry conducted pursuant to the jurisdiction conferred by the Act is not one that is undertaken at large. It is necessary that the inquiry relate to the circumstances of the death under investigation. The standard of proof applicable in coronial inquests is the civil standard of proof. In other words, where findings of fact are made it is necessary for a coroner to be satisfied on the balance of probabilities as to the existence of those facts. However, if the inquiry reaches a stage where findings being made may reflect adversely upon an individual or individuals it is well settled that the standard applicable is that articulated in *Briginshaw v Briginshaw* (1938) 60 CLR 336 (see in particular Dixon J at page 362).
14. Guidance as to how a Coroner is to approach the task of identifying how a death occurred and the cause of death (see section 28 (1) (b) and (c) of the Act) is to be found in *Keown v Khan* [1999] 1 VR 64. That case, a decision of the Victorian Court of Appeal, was concerned with the review of the findings of a coroner made in inquest into a police shooting. At page 75 Calloway JA said that the role of the coroner “is to find the facts from which others may, if necessary, draw legal conclusions.”
15. The Act makes it quite clear that the Coroner must not include in any finding or comment any statement or expression of opinion that a person is, or may even may be, guilty of an offence (see section 28 (4)).
16. My role then is to make findings to the extent possible in accordance with section 28 (1) of the Act, keeping carefully in mind the prohibition in section 28 (4). Necessarily that will involve the making of findings of fact, especially if some facts are in dispute. In making such findings of fact, if they are likely to reflect adversely upon any person, I must reach a state of satisfaction on the civil standard but consistent with the observations of Dixon J in *Briginshaw* [*supra*].

### **A preliminary issue**

17. This inquest was heard over several days in December 2014 and February 2015. The inquest was then adjourned to enable the preparation, exchange and delivery of written submissions. On 21 April 2015, after the inquest had adjourned and after submissions were filed and delivered by counsel assisting the Coroner, but before submissions were filed and delivered by counsel for Mr and Mrs Hull, the Coroners Amendment Act 2015 received royal assent.
18. That Act, *inter alia*, repealed section 28 (1) (f) of the *Coroners Act* 1995. Until it was repealed section 28 (1) (f) required a coroner to find, if possible, ‘the identity of any person who contributed to the cause of death’ the subject of her or his investigation.
19. Thus a preliminary issue needs to be considered: is the amending Act (insofar as it relates to section 28 (1) (f)) prospective or retrospective in operation? Put another way, is it still necessary, because the evidence at inquest was heard before the repeal of the provision requiring a finding about contribution, to make a finding about contribution (if possible)?
20. The issue is one of ordinary statutory interpretation. The common law principle is that in the absence of a clear statement to the contrary an Act is assumed not to have retrospective operation (see *Maxwell v Murphy* (1957) 96 CLR 261 per Dixon CJ at 267). Relevant too is section 16 of the *Acts Interpretation Act* 1931 which provides that where an Act repeals any other enactment then, unless the contrary is expressly provided, such repeal shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed.

21. It seems to me that the repealed section 28 (1) (f) is procedural in nature. Moreover it does not 'affect any right, privilege, obligation or liability' in terms of section 16 of the *Acts Interpretation Act 1931* (see *State of Tasmania v Thorpe* [2011] TASSC 18 in which Evans J applied *Rodway v R* (1990) 169 CLR 515). The amending Act is silent about whether it is retrospective in operation. In my view, consistent with principle, the circumstances of this matter do not require me to make any finding in terms of the repealed section 28 (1) (f). In reaching this conclusion I respectfully adopt the reasoning of Coroner McTaggart in *Jasmine Rose Pearce* [2015] TASCDC 75.

### **Identity and History:**

22. Evidence tendered at the inquest, and not in dispute, allows me to conclude that Mattathiyahu was born Tony Harris in Leamington, County Warwick, United Kingdom on 22 July 1934. He was the son of Albert Joseph Harris and Elsie Unity Florence Harris. He was educated at the Kenilworth Secondary Modern School and after leaving school seems to have been employed in some capacity in primary industry. It seems that Mattathiyahu spent a period of time in the British Armed Forces, possibly as a Royal Marine commando. The duration of his service, the circumstances of that service, whether it was regular or reserve and the circumstances surrounding his discharge are not clear.
23. What is clear is that in about 1958 Mattathiyahu arrived in Australia having received an assisted passage. His half-brother, Christopher John Harris, gave evidence that he recalled his brother visiting him and his family at 1 Schinkel Street, Mt Gambier in 1958 and a subsequent visit at a different address (28 Shepherdson Road, Mt Gambier) 'about a year later'.
24. Mattathiyahu left Australia in February 1960, probably after visiting Christopher and his family who were then living at Hamilton in Victoria. Christopher reports no contact with his half-brother after that date.
25. Mattathiyahu seems to have spent some time in New Zealand and then returned to the United Kingdom in September 1961.
26. On 21 July 1962 he changed his name from Tony Zackary Harris to Tony Zackary Harras. The deed giving effect to that change of name records his address as 104 Arthur Street Kenilworth in the County of Warwick. In 1964 he returned to Australia once again as an assisted migrant. However by 1967 he was again back in the United Kingdom. On 11 March of that year he married Patricia McPherson. Their son Adam Harras was born on 19 August 1968 in Banbury, Oxford, United Kingdom. Mattathiyahu is described as Zackary Anthony Harras, a vermin controller, in the certified copy of Adam's entry of Birth in the sub-district of Banbury, County of Oxford. There is no evidence that during the year 1967 he was in Israel. In fact I am satisfied that he was not.
27. In 1971 or perhaps 1972, the precise date is unclear, it seems that Mattathiyahu returned to Australia again having separated from Patricia (they divorced on 3 March 1976). It is reasonably certain that by 1972 he was working at Exmouth in Western Australia.
28. After a stint in Darwin in the Northern Territory in 1974 and 1975, in 1976 Mattathiyahu came for the first time to Tasmania where he worked until 1978 in the timber industry.
29. Between 1978 and 1980 Mattathiyahu was employed as a gardener at the Botanical Gardens in Adelaide, South Australia. There is, however, evidence to suggest that during at least some of this time he also worked as a bushman near Maydena, Tasmania. Robert Watson says that he worked with Reuben in the Russell River Valley logging in 1978. In the context of this investigation details in relation to his precise movements and whereabouts are relatively unimportant and difficult to determine with any certainty.
30. At about this time, although it is far from clear when, Mattathiyahu began to call himself Judah Zachariah Reuben Wolfe Mattathiyahu or versions and/or variations of that name. In fact

there are many variations of his name. It is unclear whether the variations arise as a result of grammatical or spelling errors in various records or alternatively they were deliberate variations adopted by Mattathiyahu or a combination of both. Certainly by March 1979 he seems to have been calling himself, and therefore was known as, Judah Mattathayu. However to illustrate the difficulty of even being accurate about his name, a friend John Oldmeadow whom he met in about 1976 or 1977, knew him as Karl Wolfe but was aware that he used other names including Reuben Mattathiyahu and Zac Mattathiyahu. Mr and Mrs Hull and their family knew him as Reuben Mattathiyahu. Others knew him as Reuben or Carl (or Karl) Wolfe. Danny Swan, another friend from the time knew him as Carl Mattahyha.

31. Given that the preponderance of evidence suggests most people seem to have known him as Reuben Mattathiyahu during the time leading up to his disappearance, I find that his identity was Tony Zachary Harras also known as Reuben Mattathiyahu. As I have already said, I will refer to him by the latter name in this finding.
32. A good deal of mystery seems to have surrounded Mattathiyahu. It is difficult to escape the conclusion that Mattathiyahu deliberately fostered that air of mystery. At some stage he seems to have either converted to, or become interested in, Judaism. He appears to have told various persons that he fought in the Six Day War as part of the Israeli Defence Force (IDF). However there is no evidence at all that he did fight in that conflict or was ever a member of the IDF. I have already said that there is no evidence whatsoever he was even in Israel in 1967 when the Six Day War was fought, or at all.
33. Mattathayu told Robert Watson that he had been an Israeli commando and that he had done some mercenary "work" for unidentified and unspecified "people". He gave Watson to understand he had been in East Timor and that he was a "hit man". He claimed to Watson he was Jewish and also told him that his wife and two children were killed during a war (Watson could not recall which war).
34. Aside from the fact that he seems to have had an interest in Judaism there is absolutely no evidence to support any of these claims. There is no evidence whatsoever that he had a wife and two children killed in any war. Apart from some articles suggestive of some type of link with Israel found amongst his possessions when his disappearance was investigated by police, there is no evidence whatsoever that supports the proposition that he ever visited that country let alone was a member of its defence force.
35. Mattathiyahu told John Olsson, Mr and Mrs Hull's son-in-law, that "he had gone to Africa to destabilise a government, he had gone in there with seven other men, when it was time to pick up, the helicopter came in and he was told to kill the other seven men and then flew out on his own. The other one [story] was that men would come up and touch him and consider him good luck because he hadn't been killed, these men were in his circle of mercenaries". Whilst I accept that Mattathiyahu told these stories (or similar stories) to Mr Olsson I do not accept that there is a scintilla of truth to any of them.
36. Alan Hull, son of Mr and Mrs Hull, also gave evidence about Mattathiyahu telling him equally unlikely and fanciful stories. In his evidence at the inquest he said that Mattathiyahu told him "about chasing – Nazi hunting after, like that was his first main thing when he became a Jew he reckon [sic] he had a job with a chap, I can't think of his name, where they used to go into the country and they just kill them, like the SS men, the war criminal fellows." Once again I accept that Mattathiyahu told Mr Alan Hull this story (or something similar) but I observe that apart from Mattathiyahu's self-reporting there is no evidence whatsoever that supports this story, or indeed any of his stories.
37. There is however evidence that Mattathiyahu was employed for a time by Mr Ike Kelly in the logging industry. In fact it was whilst working for Mr Kelly that he met Mr and Mrs Hull. In an affidavit sworn by Mr Kelly on 12 April 2012, Mr Kelly said that Mattathiyahu 'told [him] that he was mixed up in the Entebbe air raid and the only one shot was his cousin". This can only be a reference to the famous IDF raid on the airport at Entebbe, Uganda on 4 July 1976. It is well known that an Israeli soldier with a name similar to the name Mattathiyahu had by then adopted was indeed killed in that raid. However Mattathiyahu could not have known when he made that claim that that soldier - the only IDF soldier killed in the raid - was in fact the

brother of Benjamin Netanyahu, who subsequently became the Prime Minister of Israel. There is no evidence at all that suggests the Prime Minister of Israel and Mattathiyahu are cousins and a good deal that suggests they are not. The only conclusion open, or so it seems to me, is that this story he told to Mr Kelly (and I have absolutely no reason to doubt Mr Kelly when he says Mattathiyahu told him the story) is fantasy. The demonstrable untruth of this story, along with the demonstrable untruth of Mattathiyahu's story of his wife and two children being killed in an unidentified war leads easily to a conclusion that he was little more than a fantasist. At the risk of repetition I observe that much of Mattathiyahu's background and history appears to be shrouded in mystery. That air of mystery seems to have been deliberately cultivated by him. None of his accounts of his background are anything other than self-reported. No evidence was uncovered that supports a conclusion that there is any basis for any of the claims - in particular the more outlandish ones of working as a mercenary and as an assassin.

38. In any event, by 1980 he appears to have returned to Tasmania. Sometime around April to June 1982, whilst employed on logging operations by Mr Ike Kelly, he met and become friendly with Mr and Mrs Hull. The logging work was being carried out on property owned by them on the Tasman Peninsula.
39. At around this time he moved into a small convict built structure on Mr and Mrs Hull's property. He lived there on and off until he disappeared in November 1983.

## **Circumstances Surrounding the Death:**

### ***Anne Hull's relationship with Mattathiyahu***

40. The nature of Mattathiyahu's relationship with Mrs Anne Hull was a matter of real significance in the context of the inquest. It is necessary therefore to consider that relationship in detail. There is no doubt whatsoever that the relationship was sexual. Mrs Anne Hull said so during her evidence at the inquest.
41. However I conclude that Mrs Anne Hull attempted to downplay the duration and significance of the sexual relationship. She said in her evidence that she couldn't remember how long the sexual relationship lasted but that '[i]t wasn't that often – it just wasn't that many times'.
42. She also said that that they could not have had sexual contact 'any more than monthly or whatever [sic] because [she was] a mother...a working woman' by which I find she was attempting to suggest that she simply did not have the time to engage in sexual activity with Mattathiyahu anymore regularly than that.
43. Mrs Anne Hull was asked at the inquest by counsel assisting whether the relationship involved her posing for some pictures for Mattathiyahu. Mrs Anne Hull initially denied an awareness of that, and then changed her position such that she admitted knowledge of only one photograph being taken.
44. Mrs Anne Hull's evidence about this issue was, like much of her evidence, unimpressive - even allowing for her age, the passing of time since the events she was asked about, and her health generally. In reaching that conclusion I expressly accept her own evidence about the medication she was, at the time of the inquest, taking and also her diagnosis of, and treatment for, depression and anxiety.
45. It is very clear, and I find accordingly, that the relationship was one of some considerable duration and intensity. Several friends of Mattathiyahu were well aware of the relationship. Those friends included Mr Robert Watson and Mr Danny Swan. Mr Robert Watson gave evidence at the inquest and was recalled to answer further questions. However he was not challenged, at all, about the account he gave police on 4 March 1984, about the nature of the relationship between Mrs Anne Hull and Mattathiyahu. Mr Watson said in his affidavit that Mattathiyahu told him that "Anne would come to do her washing at the vacant house next to his hut... [and that] while she was there they would have sex. Reuben said Anne would know

what to wear that would please him, his fantasy of women in black boots and black coat". Mr Watson said the Mattathyahu had told him that Anne had driven him to Hobart on occasions – something verified by other friends of Mattathyahu at Tradewear Hobart, an outdoor clothing and equipment store.

46. The fact of the affair, and in particular indications as to its duration, was also confirmed during subsequent police investigations when photographs of Mrs Anne Hull in explicit sexual poses and performing sexual acts upon Mattathyahu were discovered. Some of those photographs were tended in evidence at the inquest and were of Mrs Anne Hull either naked or clad only in black boots and a black coat.
47. Mr Danny Swan in a statement to police dated 18 March 1984 said as follows:

"Over the past 19 months I know that Carl had been living on a property at Saltwater River on a property owned by John Hull. After Carl was living at Saltwater River, he continued to visit us at the shop [Tradewear] about every two to three weeks, and on occasions would stay in the flat overnight. On one occasion I was talking to Carl and he showed me a photograph of a woman dressed in a black nightdress or frock. It was taken in his room at Saltwater River. He told me a roundabout way that he was having an affair with this woman, but he didn't tell me what her name was. He was mad on black clothing for women and told me he had bought the clothing the woman was wearing in the photograph. I realised it was Mrs Anne Hull because of previous photographs Carl had shown me and had said on that occasion who the people were. When I saw this I knew it was Mrs Anne Hull he was having an affair with. I didn't say anything to Carl, although I told John [Oldmeadow] and Paul [Minehan]."

[As noted earlier in this finding, Mr Swan knew Mattathyahu as 'Carl'].

48. Mr Swan also said in his statement that sometime during 1983 he saw Mattathyahu leave the flat at Tradewear with Mrs Anne Hull in the morning. He said it was the only time he saw Mrs Anne Hull there. This evidence was not challenged or contradicted.
49. I accept that is an accurate account given at a time when the facts would have been fresh in Mr Swan's mind. I have no reason to doubt it. I am satisfied that several people knew about the affair, which is unlikely if it was as fleeting as Mrs Anne Hull attempted to suggest. I am satisfied she visited the flat used by Mattathyahu in Hobart on at least one occasion.
50. Mr Graham Hickey, a retired police officer involved in the investigation of Mattathyahu's disappearance in 1984, gave evidence. In an affidavit sworn by him in September 2014 Mr Hickey said:

"I recalled that Mattathyahu was having an affair with Anne Hull. Anne Hull was the wife of the property owner John Hull, which was where Mattathyahu was living at the time of his disappearance".

[Mr Hickey's affidavit then went on to deal with the finding of some property of Mattathyahu's, including photographs which were located in a room he rented at Tradewear in Liverpool Street.] He went on to say:

"The photographs were of Anne Hull dressed in a red see-through negligee, open at the front showing a full frontal view of her body, with a long dark hair flowing down to her crutch area. There are at least four photographs in various poses wearing this clothing apparel and they were taken in the Liverpool Street flat... The photographs were shown to Anne Hull who was very embarrassed, and seemed not to be telling the truth about Mattathyahu. Anne Hull had told Constable Colleen Banks she was having sexual intercourse with Mattathyahu three times a day and would get a phone call from him saying he needed his shirt washed. This would be the indicator for her to go to his hut".

51. Mr Hickey's evidence about this was not challenged. I accept it.

52. I reject Mrs Anne Hull's evidence about the nature and frequency of the sexual relationship between her and Mattathياهو. I find that even allowing for the factors I have already mentioned – her age, the passage of time since the incidents described, and her ill health (and I specifically have regard to the content of the letter from her general practitioner), as well as making proper allowance for her understandable sense of embarrassment and shame, the evidence that she gave to the inquest was deliberately designed to mislead it and to downplay the significance of that relationship.
53. I find that the sexual relationship was of considerable intensity and that in the course of the relationship a number of photographs of Mrs Anne Hull in various states of undress, and in some cases performing sexual acts upon Mattathياهو, were taken. I am satisfied a number of people were aware of the affair. I am satisfied that Mrs Anne Hull was deliberately untruthful in her answers to questions at the inquest relating to the nature, extent and duration of her relationship with Mattathياهو.

### ***When Did John Hull become aware of the affair?***

54. Another issue of real significance at the inquest was when John Hull became aware of the fact that his wife was involved in a sexual relationship with Mattathياهو.
55. His evidence was that he only became aware of that relationship in about 2012 when his wife, when police were present at the property investigating the matter, confessed the fact of her involvement in that sexual relationship for the very first time.
56. This evidence I find also to be untrue.
57. Graham Hickey, in addition to the evidence referred to above, said in another affidavit made on 26 September 2014:

“I recall and am confident to say that I approached John Hull at the time of the investigation. During that approach I showed him naked photographs of his wife and Mattathياهو and put to him that he knew Anne was having an affair with Judah Mattathياهو. John Hull denied knowing that Anne was having an affair and stated that he was fishing at the Lakes on the weekend of Mattathياهو's disappearance.”

58. Mr Hickey's evidence about this was not challenged or contradicted. I accept his evidence about this issue. The consequence of this is that I find that at least as early as March 1984 Mr John Hull was well aware of his wife's infidelity with Mattathياهو.
59. Mr John Hull in his evidence at the inquest was asked questions about his knowledge of his wife's affair with Mattathياهو. I set out below the relevant exchange:

“Now Mr John Hull I need to ask you about Reuben's relationship with your wife Mrs Anne Hull. Are you aware today that there was a sexual relationship –.....Yes.

–.....going on between Mrs Anne Hull and Reuben?..... [no audible reply]

When did you first become aware of that?..... About two or three years ago.

Can you tell the court how you first became aware of that?..... The Cold Case people were looking into it again. And one was sitting right next to me –.....

Whereabouts was this?..... Pardon?

Whereabouts was this?..... Out there in front of the house out at Black Jack.

Okay. One was sitting next to you. And what happened?..... And the other one was talking to Roslyn. And Roslyn then came around and said to me that she'd had an affair with Reuben – Do you want me to leave? In fact I heard her say it here in court which reminded me of it. And I said – No. Sex doesn't mean a terrible lot to me I'm afraid.

Now do you remember who it was from what you've described as the "Cold Case Unit" who was present when that conversation occurred?..... It would have been Detective Howard I reckon. [indistinct word(s)] sure.

Well you said you reckon. Do you actually remember her specifically being there?..... Yes.

You do?..... [no audible reply]

And who else? You said there were two –.....There was another detective that was sitting next to me when we were out in the garden.

And do you remember the name of that detective at all?..... No.

Do you remember if it was a male or a female?..... A female.

Okay. So you said that was when you first heard. Can you remember exactly what was said?..... Exactly what I just said. Roslyn came out and she said – I had an affair with Reuben.

Okay –.....Do you want me to leave?"

60. Mr John Hull also said in his evidence at the inquest that after his wife's revelation of her affair with Mattathياهو it was never discussed again by them. I do not accept Mr John Hull's evidence in this regard. I do not accept his evidence about the issue generally. I am quite satisfied he was told about the fact of the affair by then Detective Hickey in 1984. It is in my view incredible in the literal sense of that word that Mr John Hull might have forgotten completely about being confronted by a detective with naked photographs of his wife. This is especially so when regard is had to the fact that, on his own account, he must have known that the police were investigating by then the apparent disappearance of Mattathياهو. Making full allowance for his age, the passage of time between the events he was asked when he gave evidence about, having specific regard to the contents of the letter from Dr Paul Luckman, his general practitioner, and being mindful of the *Briginshaw* standard, I am affirmatively satisfied that Mr John Hull knew about his wife's affair with Mattathياهو at least as early as March 1984 when he was told about it by Detectives investigating Mattathياهو's disappearance. I am satisfied the evidence he gave the inquest about his knowledge of his wife's infidelity was deliberately untruthful. However, whilst I suspect he had knowledge of his wife's affair with Mattathياهو before March 1984, there is insufficient material to affirmatively satisfy me that this is so, or even if there was, when he had that knowledge.

### ***The last week or so of Mattathياهو's life***

61. Mr John Olsson in his affidavit said that in the weeks before Mattathياهو went missing "he didn't want anyone near him". He described a degree of tension between him and Mattathياهو over the taking of some rocks. He described him as being "fearful" and "agitated" and avoiding company in the period of weeks leading up to his disappearance. The inference that might be drawn from this evidence is of course that Mattathياهو was preparing to leave because his past was catching up with him. However it needs to be recognised that the source of Mr Olsson's evidence about Mattathياهو's demeanour in the lead up to his disappearance was clearly Mr and Mrs Hull, as Olsson said he did not speak to Mattathياهو during the 10 days leading up to his disappearance.
62. Mr Alan Hull, with whom Mattathياهو had a good deal of contact, said he did not recall seeing him all that much in the last couple of weeks before his disappearance explaining that he was away shearing and mostly at home only on weekends. He then gave an account in answer to questions from Ms Avery, counsel assisting, which it is necessary to set out in full:
- "Can you recall seeing him at all in the couple of weeks leading up to his disappearance?..... Well, I got a – I got a little story that I ain't never told no one, but I don't know when that was. I told Fiona about this on one interview but we never got to finish it in our interview –....."

HIS HONOUR: By Fiona you mean Detective Howard?

WITNESS: That's her. I seen an altercation there. And I got a sneaky suspicion that was – that was on that – it could have been real close because I don't – there was only one other time I seen him after that. And there was – what had happened leading up to this particular thing, oh, Dad rings me up, tells me not to come home – Reuben is behaving really badly, he's about to go, and you – it's not a good place to be. Well, one thing I've never been real good at is doing as I'm told. So I toddles home. Anyway I – I got a feeling, but I don't know that I could really swear by this though, that I – that was on the Friday night that I seen that altercation you know –.....

MS AVERY: [resuming] Now when you say Friday night are we talking about potentially Friday the 11th November 1983?..... I've got an awful – I wouldn't like to pin but that –.....

Okay. But you think it was close –..... – I've got an awful feeling – around that time.

Close to the time –.....Yeah.

–.....of the disappearance? Now – okay. So what happened when you got to the property?..... Well, because of the information that I was given I didn't drive in like I normally do. I parked me vehicle up the bush out of the way, where the old gate used to be up – and I walked in. But I just walked down along the fence line, over the fence line, where I could come in without being seen and just see what was going on before I showed meself. Well, I was still in the bush just above the – there is a bit of a hill that runs up like that and you look down – you'd be looking west I suspect. And you look down out at the shed there – well I could hear this – there was a car parked down on the flat piece there –.....

Did you recognise the car?..... No. It was a flash looking car. And it's not quite dark at the time.

A flash looking car? What type of car was it?..... I don't know. It was just – compared to what we had it was a new looking car. Anyway – yeah – well, like I said there was a fair bit of hollering and hooting going on in there, and a bit of noise and clonking and banging you could hear, and a bit of squealing happening, and –.....

Going on in where?..... Hey?

Going on in where? The hut?..... In the shed. Well, they managed to – whoever they were they actually had hold of him – one had him like this behind –.....

By him you mean Reuben?..... Yes. And the other one had him by the feet as they come out the door.

So there were two of them?..... Yes.

Males or females?..... Males.

Did you recognise them?..... No.

Can you describe them?..... The same style as –.....

Well, what do you mean the same style?..... Oh, well, they were definitely well sort of –.....

Built?..... Well built, but one of them ended up being very badly hurt.

Okay. Well, just tell us what happened. What did you see?..... Well, as he come out of the door – as he come out of the door the blooming – well, he give a big shove somehow or other, broke one of them free, and the other one sort of partially fell in the process. Well, he got back on his feet and got mobile. And one of those blokes got a helluva punishing.

And I would have said even Reuben himself was probably a little bit hurt out of that deal because it's the most horrific thing that I have ever watched or seen in my life.

When you say – what do you mean? Can you just describe it for us a bit, bearing in mind – .....Well I've described it all I'm going to.

HIS HONOUR: No. You've been asked a question Mr John Hull and you will answer the question please.

WITNESS: Well, you'd better repeat the question.

MS AVERY: [resuming] You said that there was a hell of a beating. What exactly did you see?..... Oh, well, you know like it's just fists and kicking and – I don't know. That sort of thing.

And is this by the other men to Reuben or is he giving it back to them –.....He was giving it back to them once he broke away. They didn't have a hope in hell.

Okay. So whereabouts was he connecting with and how?..... Uh?

How was he making that connect with them?..... Physically.

Was it punching? Kicking?..... It was punching you know like – and there was a little bit of kicking but not a lot. It was mainly pretty – pretty savage blows. Pretty savage blows.

What happened to the other two males?..... Well, one of them was put in the car by Reuben, and the other one – they just drove out.

Who drove out?..... One of those two fellows.

Where did Reuben go?..... He [indistinct word(s)] around like a mad bull beating his chest going on about Nazi hunter and killer and all that sort of stuff and, um – and um then –.....

Well, did you ask him what this was all about?..... I never spoke to him. I never spoke to him. I never went near.

So you didn't make yourself known?..... No I did not. No I did not.

Why didn't you make yourself known?..... Well, would you?

So you were scared?..... Very.

Okay –.....I am to this day. I have never seen anything like it.

Well, if it was that terrifying why did you not immediately ring the police?..... Well, I've never been – never really give it that much thing – well, I didn't know those two individuals and me main man had survived so there was no need that I could see to call the police.

There was a phone, a landline in the main residence wasn't there –.....Well I wasn't going – making myself present and going down there.

Okay. So these two males can you describe them in anyway further for us?..... Not really – .....

Can you describe what –..... – because by the time this was over it was getting pretty – it was getting towards evening time.

Can you remember what they were wearing at all?..... Well, I don't know, just dark sort of clothes.

Now you said when you first arrived you could hear a lot of shouting coming from inside the building. Can you recall anything in particular that was being said?..... No.

Okay. And you would agree that not only did you not report it to the police that incident, but you in fact never told police –.....I've never told anybody ever.

Even though you now believe that this may in fact have happened the very night prior to the disappearance?..... Well, around that timeframe I would have thought just thinking about it now, like when I mentioned it it's around – it's in that timeframe.

Why haven't you told the police to this day?..... Well I did tell Fiona once when – Constable Fiona once when she was interviewing me about it.

But you'd agree that you never actually got to tell her this part did you?..... Nah – yeah – .....

63. Mr Alan Hull claimed he had previously told Detective Fiona Howard about this story. Detective Howard was recalled to give evidence and asked about this specific issue. She denied he had said anything of the sort. I find she was entirely truthful about this issue (as with all of her evidence). I am satisfied that Mr Alan Hull's evidence about this incident was quite untruthful.
64. This story, like most surrounding Mattathياهو, is both fanciful and once again, literally incredible. I found that Mr Alan Hull was exaggerating and that at the very least his evidence was significantly embellished. I approach his evidence with a high degree of caution and have no confidence in its reliability or his reliability as a witness. Despite what he said I am well satisfied Mr Alan Hull told no one the story before giving it as part of his evidence. Mr Alan Hull's complete lack of credibility in respect of this evidence was not in any way altered by his production of a statement which was tendered to the Court and written by his wife on his behalf and dated 20 February 2012. In fact in that statement actually casts doubt on his own reliability. In it he says 'I do remember an altercation – *I think* – between Reuben and two men who I had seen before' [emphasis added]. However in his evidence at the inquest he was at pains to leave the impression that there was no doubt about the altercation. He also said at the inquest he did not recognise the two men and did not say he had seen them before. All this is inconsistent with the account, such as it is, in his statement of 20 February 2012. I reached the view that Mr Alan Hull was deliberately attempting to mislead the inquest. I watched Mr Alan Hull and listened carefully to him giving his evidence. He was evasive, garrulous and wholly unimpressive. I am satisfied that Mr Alan Hull was deliberately attempting to mislead the inquest, a finding I make reluctantly, slowly and with a good deal of caution, but the only finding I consider open in the circumstances.
65. However what is clear from the evidence about Mattathياهو's demeanour and behaviour in the weeks leading up to his death is that he was apparently agitated and making plans to depart Slopen Main. Those members of the Hull family who gave evidence were in my view at pains to present as a reason for Mattathياهو's agitation and his intention to leave the idea in some way that his colourful past as a mercenary and Nazi hunter was catching up with him. The much more likely explanation in my view for any agitation and his making arrangements to leave, in something of a hurry, is that his affair with Anne Hull had been discovered by someone and he was anxious to get away from the locality.

### ***The events of 11 and 12 November 1983***

66. Mr Howard Grant Watson was an important witness about the events of 11 and 12 November 1983. He was an acquaintance of Mattathياهو's rather than a friend. Howard Watson's cousin, Robert Stanley Watson, was a friend of Mattathياهو. Howard Watson gave evidence at the inquest. He confirmed that a statement he made to police in March 1984 was true and correct. That statement which was tendered into evidence dealt with his involvement in the events leading up to Mattathياهو's disappearance. He said that on a Friday towards the end of November 1983 (I find he must have been mistaken about the precise Friday, other evidence satisfies me that the date of Mattathياهو's disappearance was Saturday 12 November 1983) he spoke by telephone to Mattathياهو, whom he knew as Reuben Wolfe.

Mattathiyahu asked him to take a message to his cousin Robert and ask if Robert could travel to Slopem Main and bring him back to Glen Huon where the Watson cousins lived. Howard Watson told police in his statement in March 1984 that he recognised Mattathiyahu's voice. The request by Mattathiyahu to be picked up and driven somewhere was not unusual it would seem. The evidence is that he had no car and did not drive. Mr John Hull gave evidence he had driven him as far as Maydena for work.

67. In his statement to police made on 18 March 1984 Paul Minehan, a friend of Mattathiyahu, said that he spoke on the telephone to Mattathiyahu between 9.00am and 12.00pm on Saturday 12 November 1983. Paul Minehan was the manager of Tradewear, an outdoor clothing and equipment shop in Liverpool Street, Hobart. Mattathiyahu was friendly with Mr Minehan and Mr John Oldmeadow, the owner of the store. Mattathiyahu had the use of an upstairs room at the shop and stayed there from time to time. He left suitcases and trunks in the room. He had also had Mrs Anne Hull visit that room on at least one occasion (see paragraphs 48-49 of this finding).
68. Paul Minehan said that Mattathiyahu (whom he knew as Karl Wolfe) told him he was coming the next day to get some of his gear out of the trunks in the room. He also told Mr Minehan that he had had 'enough down there [at Slopem Main] and had to get out'. Mr Minehan said he did not see or hear from Mattathiyahu after that telephone call.
69. At about 4.00pm the same day Howard Watson passed the message he had received the night before from Mattathiyahu on to his cousin Robert Watson. Howard Watson said Robert Watson left Glen Huon about 7.00pm the same day (Saturday, 12 November 1983) intending to travel to Slopem Main. Robert Watson said the same thing.
70. Howard Watson gave evidence that at approximately 8.30pm the same day he was again telephoned by Mattathiyahu. Mattathiyahu asked him if Robert Watson was going to pick him up. Howard Watson told Mattathiyahu that Robert Watson had left earlier and would be there to pick him up in about half-an-hour. This is the last reliable evidence of contact any person has ever had with Mattathiyahu.
71. I accept Howard Watson's evidence about these telephone calls. He impressed me as an inherently reliable and honest witness. He had no interest in the outcome of the inquest and absolutely no reason to lie. He said the same thing to police as early as 4 March 1984 when the events that he was describing would have been fresh in his memory. Accepting his evidence as I do, I am satisfied that at 8.30pm or thereabouts on Saturday, 12 November 1983 Mattathiyahu was still alive.
72. Mr Robert Watson, who described himself as a friend of Mattathiyahu's, was, in my view an equally impressive and reliable witness. He was the person who ultimately reported Mattathiyahu as missing to police in March 1984. Like his cousin Howard he made a statement to police on 4 March 1984. That statement was tendered at the inquest and confirmed by Mr Robert Watson as being accurate. It was made at a time when the events described in it were fresh in his mind. Like the evidence of his cousin, Mr Robert Watson's evidence was delivered in a frank manner and did not bear any of the hallmarks of exaggeration.
73. Mr Robert Watson said he had known Mattathiyahu since 1978 when they had worked together logging in the Russell River Valley. He said that he had visited Mattathiyahu at the Slopem Main property on about four occasions during the time that he lived there. Mr Robert Watson described being told by his cousin Howard Watson that Mattathiyahu had phoned and wanted him to pick him up from Slopem Main and take him to Glen Huon. The arrangement was that he would stay overnight with Mr Robert Watson at his home at Glen Huon and that then the next day Mr Robert Watson would take him to Hobart. I note that this account of the proposed arrangements is entirely consistent with Mr Paul Minehan's evidence referred to above. Robert Watson described leaving Glen Huon at about 7.00pm and arriving at Mattathiyahu's Slopem Main dwelling at about 9.30pm. He said that when he got there the lights were on, the doors open, and the two dogs belonging to Mattathiyahu were in the yard. Robert Watson said he went into the building and Mattathiyahu was not there. He described waiting about 15 minutes and then going to John and Anne Hull's house

at Saltwater River, a few kilometres away. There he spoke to Mrs Anne Hull. He said he asked her if she had seen Mattathياهو and she said she had not.

74. Mr Robert Watson returned to Mattathياهو's dwelling at Slopem Main and searched for his gear. He found it in the back room of the dwelling. He said that it appeared to him that all his property was there, describing Mattathياهو's sleeping bag, two or three trunks, a toolbox, a barking spade, an axe and a wooden club.
75. He also said that he found packed bags near the front door.
76. Mr Robert Watson described then going back out to the main road to the post office and shop at Premaydena and telephoning his cousin Howard from the public telephone booth (which is still there). After this telephone call he returned to Mattathياهو's dwelling for a third time. There was still no sign of Mattathياهو. Mr Robert Watson said he left there about midnight.
77. Most importantly, he firmly rejected the suggestion put squarely to him that he had collected Mattathياهو on that evening. I accept his evidence about this issue, as I do the balance of his evidence, for the reasons I have already described. His evidence struck me as inherently plausible. The version that he gave was consistent between 1984 and 2014. He made appropriate concessions in relation to his memory. I formed the view he was reliable and honest and I accept his evidence. Like his cousin Howard he had no interest in the outcome of the inquest and no reason to lie.
78. I find that Mattathياهو was not at his accommodation at 9.30pm when Mr Robert Watson called to collect him as had been arranged.
79. Apart from the Watson cousins, three members of the Hull family – Anne, John and Alan - gave evidence about the events of 12 November 1983.
80. Mrs Anne Hull made a statement to police investigating Mattathياهو's disappearance in March 1984. When first asked about that statement she claimed to have no memory of the statement, no memory of where she was living at the time it was made, and no memory where her daughter Kate was then living. She took issue with the content of a substantial part of that statement. She said that the signature on the statement looked like her signature but said that she didn't 'know how they [police officers] came to get me to sign it unless it was just for me to shut them up from doing what they were doing to me'. Mrs Anne Hull claimed she was the subject of an interrogation of a type she said she 'hope[d] and pray[ed] no one ever has to go through.'
81. Mrs Anne Hull said three car loads of police arrived and questioned her. Although it was clear that Mrs Anne Hull was unhappy with what she described as an interrogation, I found it very difficult to understand what her complaint was. For example, she did not seem to be complaining about the duration or manner of the interrogation, other than in a very non-specific way. She acknowledged she had never complained, or even told anyone, about the incident, notwithstanding she claimed to have had nightmares about it for years and years. The lack of detail about her complaint extended to Mrs Anne Hull being unable to identify a single police officer involved in the incident. She said that when this interrogation occurred her husband was away deer shooting. I observe that their March 1984 statements were apparently taken one day apart – Mrs Anne Hull's on 22nd March and Mr John Hull's the next day.
82. Two former police officers involved in the initial enquiry – Mr Graham Hickey and Ms Colleen Banks – gave evidence at the inquest. Mr Hickey said he spoke to Mrs Anne Hull in March 1984 about Mattathياهو's disappearance and Ms Banks took Mrs Anne Hull's initial statement. Neither had any questions directed to them, at all, suggesting that anything in the nature of what Mrs Anne Hull described as an interrogation, so harsh she had nightmares for years later, occurred. I am satisfied it did not. Again, making all proper allowances for Mrs Anne Hull's age and infirmities as well as the distance in time between her giving evidence at the inquest and the events she was describing, I am well satisfied this account lacked any foundation in fact. I found her account of the questioning by police of her in March 1984 to be

extremely exaggerated and inherently implausible. I am satisfied nothing of the type she described occurred. I am also satisfied that the statement (which she seemed to deny knowledge of) was made by her, voluntarily and in not in the circumstances she described. I am satisfied that that statement is what she told police when spoken to in March 1984.

83. The statement deals briefly with the history of her knowledge of Mr Mattathياهو. There is no mention in the statement about their affair. The statement then goes on:

“During the period of time April 1982 to Nov [sic] 1983 Ruben [sic] had left the property on several occasions mainly for employment purposes. At times up to 3 to 4 months. During these times he was away I would have a forwarding address to which I wrote to but Ruben never replied.

The last time I saw Ruben was with John at Black Jack Hill gathering sheep. Ruben did not say where he was going when he left in November and I have no idea of his whereabouts. John, Ruben and myself parted of a good terms.

Last Monday, 17 March 1984 my husband and I received a phone call from a Trevor McCulloch stating he had received phone call from Ruben around Xmas time enquiring about employment.”

84. However, her evidence at the inquest as to the last time she saw Mattathياهو was materially different to this account. Mrs Anne Hull was questioned in detail by Ms Avery about the night of Mattathياهو’s disappearance. I set out, in full, the relevant portion of the transcript below:

“Okay. Now I want to take you to this night around mid-November. Do you recall at all a Robert Watson coming to your residence in Saltwater River?..... I do.

Okay. So if I said to you that that was possibly around the 12<sup>th</sup> November 1983 can you agree that was an approximate date or do you have no recollection of the date?..... I couldn’t say what date it was.

Okay –.....But he came to the door scared stiff and asked –

Okay. I’ll just ask you to go through this with me. What time approximately did he arrive at the property?..... It was darkish.

Who else was at the property?..... I can’t remember exactly who was there but there would have been family. And I know that I said I had no idea where he was –.....

Okay –.....And when –

–.....so – sorry, we’ll just take you back –..... And when I went – when he went I went through the passageway and looked through the girls’ window and I could see someone who looked like Reuben down in his car.

Okay. I just want to take you through this a bit more thoroughly. What did Mr Watson say when he came to your residence?..... I’m really not sure of his exact words.

Okay. Had you met Mr Robert Watson before?..... Not to my knowledge.

Okay. Had you ever heard of him before?..... Yes.

And how had you heard of him?..... Because he – Reuben used to say that he’d come and pick him up whenever he wanted him to come and pick him up.

So you can’t remember at all what he said?..... He just seemed to think Reuben wasn’t there. But by the look of him and the fright he was exhibiting I say he’d seen Reuben.

Why do you say that? Why did he look scared? What do you mean?..... I’m just saying what I’m saying and that’s all I can say.

So you remember him asking about Reuben –.....Mhm.

–.....something to the effect of – *Where is he?* But you say he looked scared?..... M'mm.

And by that you presumed that was because he had seen Reuben?..... Mhm.

Any reason you thought he might be scared about seeing Reuben?..... Well I just had that feeling he had seen him.

Okay. So what did you say to Mr Watson? Do you remember?..... Not exactly no.

Did Mr Watson come into the house or just remain at the front door?..... At the front door. I would not have invited him in. I didn't know him.

Okay. And was it a fairly brief conversation?..... Yes.

Okay. And just so I'm clear, you had never seen Mr Watson before?..... Not that I'm aware of.

But you still decided in your opinion you believed he looked scared but you hadn't seen him before –.....Yes.

And what happened after that conversation with Mr Watson?..... He went and I –

Did you see how he left? Was he on foot or in a car?..... He went but his car was down the drive – the road –.....

Did you actually see the car?..... But don't ask me what sort it was because I'm –.....

No, but could you see a car from the front –.....Yes. I could see the car from the girls' window.

Okay. Did you see him – did you remain at the front door while he walked back to the car?..... No. I – he was – when you go to that place you go to what we call the back door, not the front door. So I walked through the house to the front window of the girls' and I could see the car. And I could see a silhouette in it which looked like Reuben.

Okay. Where was Mr Watson? Could you see Mr Watson at that point?..... No I couldn't because I – I had a look. I saw a biggish man. And I went back because I think I – I think even my mum and aunty were there as well –.....

Your mother and aunty were there?..... M'mm. And you can forget asking them anything they're both dead.

Okay. Do you remember what this person in the car was wearing?..... No.

No? Was there anything particular about the features of this person that made you believe it was Reuben?..... Big shoulders. Big –

Big shoulders? And was that – he had a big head?..... Well, if you saw me walking along in the street knowing me now you'd say that that's humpy [indistinct word(s)] that was in the court room a while ago wouldn't you?

Do you remember the – you don't remember the type of car at all?..... No. I'm not with cars.

Whereabouts was this person you believe was Reuben? Whereabouts was he in the car?..... In the front passenger seat.

And how far away were you?..... Far enough to see.

Far enough to see or maybe far enough not to see properly?..... I didn't measure it.

Okay. Could you estimate at all?..... No.

No? Anything between you and the car?..... [no audible reply]

I mean you're looking out a window. Any trees or anything in the garden?..... At that stage they hadn't grown.

Did you have a phone number for Mr Watson at that time?..... No I never spoke to Mr Watson on the phone.

Do you have a phone number for – or did you know his cousin Howard Watson?..... No.

Did you speak to anyone in the house about the conversation you had with Mr Watson or seeing the person you believed to be Reuben in the car?..... I can't remember.

Now you said that your mother and aunty were definitely in the residence. Do you remember anyone else specifically being in the residence that night?..... Well, our place always seemed to be full of people and I can't remember who they were. All I know is I'd look sometimes and there they'd be sitting around like little birds waiting to be fed.

Did you think it was strange that Mr Watson was asking after Reuben when you say you saw him in the car?..... Knowing Reuben I wouldn't have thought anyone strange.

Okay. Now even after you've been made aware that the police were investigating a missing person case involving Reuben, why didn't you say to them *I saw him in the car with Mr Watson and you know Mr Watson was asking where he was but I saw him in the car with him that night?*..... [no audible reply]

Why didn't you tell the police?..... Well, he came and gone – he came and went as he so chose. Why?

HIS HONOUR: Put the question again please Ms Avery.

MS AVERY: [resuming] That night you had Mr Watson asking after Reuben – where he is. You saw Reuben in Mr Watson's car –.....

MR MELICK: Well, she said she saw someone – she saw a silhouette that she thought was Reuben –.....

MS AVERY: [resuming] That you believed to be Reuben –.....

HIS HONOUR: She believed it was Reuben.

MS AVERY: –.....in Mr Watson's car. Why didn't you tell the police that when they were speaking to you about Reuben's disappearance?..... I'm sure I told those police that he was – he'd be back when he was good and ready.

But you never told police you thought you'd seen Reuben in Mr Watson's car that night did you?..... I don't remember what I told the police when they interrogated me. They –.....

Well I'm going to suggest you didn't actually tell the police that at all –.....You're going to suggest that.

Is it possible you didn't tell the police that because in fact you didn't see anyone in the car that night and you're just making it up now?..... And you're putting words in my mouth.

Are you making it up now?..... No I'm not making it up now. I was always sure he went out with Mr Watson.

Okay. Did you tell – we've established that you can't remember what you told the police, but did you tell anyone in your family about your belief that you had seen Reuben that night in Mr Watson's car?..... I don't remember."

85. Her evidence at the inquest about the events of the night of 12 November 1983 was notable for her giving a version significantly at odds with that which she gave to police in March 1984 (less than six months after the night in question). Mrs Anne Hull said in the statement she made to police on 22 March 1984 that the last time she saw Mattathياهو was 'with John [Hull] at Black Jack Hill gathering sheep'. She said nothing in that statement to police about seeing 'a man who looked like Reuben' in the car with Mr Robert Watson on the night of 12 November 1983 - which was the version of events she included in a statement tendered at the inquest and was essentially the version she advanced at the inquest when she was questioned about the evening.
86. Mrs Anne Hull was unable to give any reason at all as to why she did not tell police in March 1984 that she had seen someone who she thought looked like Mattathياهو in Robert Watson's car that night. This is significant in my view because she knew in March 1984 that it was a police missing person inquiry, and must have understood any information about Mattathياهو, particularly that she had seen him leave, would have been important to police.
87. It was put to Mr Robert Watson by counsel for Mr and Mrs Hull that it was possible he had someone in his car with him when he called at the Hull's residence at Saltwater River. It was specifically put it was not Mattathياهو. He denied having anyone in the car. I accept his denial. It was, like all of his evidence, plausible and delivered in a straightforward manner which had the ring of truth. It should be added that the suggestion that Robert Watson was accompanied by someone on his trip to the Tasman Peninsula to collect Mattathياهو was only put to him when he was recalled after Alan Hull had given his evidence. I have already commented earlier on what I perceive to be Alan Hull's shortcoming as a witness, especially in the context of his account, which he agreed he had never told anyone at all about, of witnessing Mattathياهو's violent encounter with some 'soldier boy types', which he suggested may have happened on the night prior to Mattathياهو going missing.
88. In relation to the evening of 12 November 1983 Alan Hull said that he was home at the Saltwater River residence (although his mother could not recall whether he was home) and heard his mother having a discussion with someone he believed to be Robert Watson. He said he followed Mr Watson and that when he saw Watson's car he saw "there was definitely another person in the car... And remembered thinking to [himself] I thought I wonder when I'll see him again". He was asked specifically by counsel assisting "so can I take it from that that you are making the inference the other person in the car was Reuben?" And he replied "yes".
89. Mr Alan Hull claimed that he saw Mattathياهو in the vehicle. When asked whether he had told police about his observations he said that he had told Detective Constable Howard relatively recently.
90. Once again I have reluctantly, but firmly, reached the view that Mr Alan Hull's evidence about this issue was given to the inquest with the intention of deliberately misleading it. The version that he advanced was in my view utterly fanciful and untrue. His explanation as to why he told no one about it for 20 years lacked any credibility at all. Mr Alan Hull's complete lack of credibility in respect of his accounts of the events on the night of 13 November 1983, as well as the violent altercation he claimed to have witnessed possibly the evening before, was not, as I have already pointed out, in any way affected by his production of a statement which was tendered to the Court and written by his wife on his behalf and dated 20 February 2012.
91. I am quite satisfied that Robert Watson was alone, just as he said he was, when he went to collect Mattathياهو. I am quite satisfied that he did not collect Mattathياهو and drive him away as both Mrs Anne Hull and Mr Alan Hull suggested. I have already explained, in detail, why I do not accept the versions given by Mrs Anne Hull and Mr Alan Hull about seeing someone, they said either looked like or was Mattathياهو in Robert Watson's car. I have already explained my view that Mr Robert Watson gave his evidence in a frank, forthright and impressive manner. I also find that his evidence was entirely consistent with his original version, consistent with his having reported Mattathياهو to police as missing, consistent with

Howard Watson's evidence as to phone call and arrangements and consistent with the unchallenged evidence of Mr Paul Minehan as to a phone call he received and arrangements he had made with Mattathياهو.

92. In fact to accept Anne and Alan Hull's account of Mr Robert Watson's call at the Saltwater River residence requires the Court to find that Robert Watson was mistaken about being accompanied by someone (inherently improbable), had forgotten he was accompanied by someone (also inherently improbable) or was lying about being accompanied by someone. None of these explanations are in my view even remotely plausible and specifically no reason whatsoever was advanced as to why Mr Robert Watson had lied.

93. Mr John Hull was the last witness called at the inquest. A statement made by him to police on 23 March 1984 was tendered at the inquest. The statement describes how Mattathياهو began to live on the property at Slopen Main and that Mr John Hull got to know him "reasonably well" and became friendly with him. In the statement he describes seeing him twice a week.

94. The statement goes on:

"As far as I can recall the last time I saw Rueben [sic] was about Tuesday the 8-11-83, that was at his place about 5 PM. Rueben appeared to be his normal self on that day and never said anything about leaving, although I was aware he was looking for a job, he did speak of leaving the area but I didn't take much notice of him.

When I found out he had gone I didn't take much notice of it, but now I am aware of the arrangements he made, I find it strange that he didn't keep them, as he was a meticulous person.

On Sunday the 13<sup>th</sup> I went out to Rueben's [sic] camp and took possession of any dogs that the animals close the place up. I didn't go inside. I had been back to the camp several times since to get tools of mine and I took two old rifles that Rueben [sic] had of mine and a shot gun as well. The other firearms still in the camp are mine.

I have no idea where he is now and have had no letters from him.

Last Monday night 19 March 84, I received a telephone call from Trevor McCallum who said he saw the notice in the paper about Rueben and was talking to him around Christmas on the phone and Rueben was enquiring about a job. He said he asked Rueben if he was out of money and Rueben said he wasn't."

95. At the inquest he confirmed the accuracy of the statement in general terms although he could not recall the telephone conversation referred to in the last paragraph with Trevor McCallum. In fact he said he did not know or recall knowing anyone by that name. In light of the finding I have already made that Mattathياهو was almost certainly dead by then I am satisfied that there was no such telephone call from anyone in March 1984 about Mattathياهو and that Mattathياهو did not contact anyone 'around Christmas ... enquiring about a job'. A statement from Trevor McCallum taken by police in March 1984 was tendered at the inquest. Mr McCallum knew Mattathياهو from a time they had worked in the bush together. In his statement Mr McCallum said 'I am not sure when I spoke to [Mattathياهو] but it was towards the end of last year or maybe sometime in January'. He said they spoke about the possibility of jobs in the bush and in the conversation Mattathياهو told him he was living on the Peninsula with two friends. Mr McCallum must have been wrong about the date. Clearly, the conversation with Mr McCallum must have occurred before 12 November 1983, when Mattathياهو was still living at Slopen Main on the Hull property. Mattathياهو's enquiries of McCallum about alternative employment are entirely consistent with him having decided to leave Slopen Main. I am satisfied that there is no evidence Mattathياهو was alive or spoke to anyone after 12 November 1983, Mr McCallum included.

96. I have already dealt with Mr John Hull's evidence as to when he became aware of his wife's sexual relationship with Mattathياهو and explained why I reject his evidence about that. I

turn to deal with his evidence that he gave at the inquest as to his whereabouts on the evening of Saturday 12 November 1983.

97. He said that when Robert Watson called at the Hull residence at Saltwater River he was not present in the house but was 200 or 300 yards away in what he described as a killing shed killing some sheep. He said that he was uncertain of the time but it was after dark. He said no one was with him. He did not recall what time he left the killing shed but that when he did he returned to the residence where his wife told him of Robert Watson's visit. Although he had never seen Watson before he had heard of him and knew him to be an associate of Mattathياهو. He said that they (his wife and son) "both thought that they saw there was a passenger with Watson".
98. This version is completely different to the version contained in his statement to police in March 1984. In that statement, the material parts of which have already been set out early in this finding, he made no mention whatsoever of having been in the killing shed and critically made no mention of the visit reported to him of Watson with the passenger in his car as reported to him by his wife and son. The version Mr John Hull gave in evidence at the inquest is also completely different to the evidence of Mr Graham Hickey about his whereabouts. Mr Hickey said in his affidavit:

"John Hull told me [in March 1984] that he wasn't home when Robert Watson came to collect, he said he was at the Lakes fishing, I believe he went on his own."
99. Mr Hickey's evidence on this point was not challenged. There is no reason at all not to accept it. No reason was suggested. I observe also that Mrs Anne Hull made no mention of her husband being present at the Saltwater River residence, or fishing at the lakes. She said nothing at all about his whereabouts. Mr Alan Hull was asked about whether his father was present at Saltwater River on the evening of 12 November 1983 but was unable to say.
100. Finally, on this point Mr John Hull said in answer to questions at the inquest that he had only been fishing at the Lakes in the past twice (although he often went to the Lakes deer shooting).
101. I reject Mr John Hull's evidence at the inquest as to his whereabouts on the night of Saturday 12 November 2013. I am satisfied he was not in the killing shed at the Saltwater River residence as he claimed. I also consider he was being deliberately untruthful when he told Mr Hickey in March 1984 that he had been at the Lakes fishing. However, the evidence does not allow me to make an affirmative finding as to his whereabouts on the night of 12 November 1983.
102. Although Mattathياهو had a history of leaving where he was living at relatively short notice, it seems to have been his invariable practice to have left a forwarding address. Mrs Anne Hull said this is what he had done in the past – which he did not do on this occasion. It is ridiculous to suggest Mattathياهو would have left without taking the bags he had packed in anticipation of his being collected by Mr Robert Watson – and found near the door of the hut by Mr Robert Watson and retained by Mr and Mrs Hull.
103. Equally unsatisfactory is the evidence relating to Mr and Mrs Hull's behaviour after 12 November 1983. Mrs Anne Hull said in her evidence that she went to the Slopen Main hut a few days after she thought Mattathياهو had gone to 'check on the house and everything around there, the animals, and so on'. Mrs Anne Hull went into the hut where Mattathياهو had been living and let herself in to 'check on things'. Mrs Anne Hull did not think anyone was with her. After entering the hut she found a note written by Mattathياهو which in its terms was a goodbye letter from him to her and Mr John Hull. The note was tendered. Aside from being a farewell letter the note says that he was intending to leave that weekend and that Rob was coming down to get him and a few of his things. Contextually "Rob" can only refer to Mr Robert Watson. The note goes on to say "I'll leave the rest [of his possessions] here till I return". The note finishes, "Look after all the things I love, until I return". Neither Mr Hull nor Mrs Hull told police about finding the note when they were spoken to in March 1984. That the note even existed did not come to light for many, many years. As best as I could

understand Mrs Anne Hull's evidence about this issue, she retained the note for many years and at some stage (when was not clear) it was given to her then solicitor, Mr Tyson. It is not clear to me why the existence of the letters was not volunteered to investigation police in 1984 or anytime thereafter. Why this would be so is very difficult to understand.

104. I return to events immediately after Saturday 12 November 1983. Mr John Hull said in his statement made in March 1984 that he went the next day (i.e. Sunday 13 November 1983) to the hut at Slopen Main where he "took possession of any [sic] dogs and fed the animals and closed the place up." He said that he did not go inside. He told police he went back to the hut at Slopen Main several times after that date to get tools belonging to him. Mr John Hull said that he also took back two old rifles and a shot gun of his that Mattathyahu had apparently had in his possession.
105. He was asked by counsel assisting about Mattathyahu's possessions in the hut at Slopen Main. Mr John Hull agreed that there was a large amount of Mattathyahu's possessions in the hut and in fact there did not appear to be anything missing at all. He said at no stage, ever, did he go through Mattathyahu's property left behind in the hut but that all of the property was simply kept in the hut where, as I understood it, it had been left. Mr John Hull said he did this because he'd been asked so to do by Mattathyahu, although he could not point to any particular discussion in which this request had been made by Mattathyahu. Finally he said nothing about finding the note left by Mattathyahu.
106. Mr John Hull said he last saw Mattathyahu on or about 8 November 1983 near the hut at Slopen Main. He said that Mattathyahu told him and Mrs Anne Hull that 'he was going to leave and didn't want to see anybody', although Mr John Hull was far from certain that he was accompanied by his wife. Mr John Hull also said that what Mattathyahu "actually said was that [he] shouldn't let the police have [his possessions] if they came looking". I formed the view that this testimony was simply made up by Mr John Hull. Other than this, Mr John Hull said there was nothing out of the ordinary about Mattathyahu's demeanour or behaviour on the last occasion that he saw him (or indeed in the time leading up to his disappearance).

## Conclusion

107. As I have already said I am satisfied that Mattathyahu was alive at about 8.30 pm on Saturday 12 November 1983. He was anxious to leave the property where he had been living at Slopen Main not because, as the various members of the Hull family attempted to suggest, his colourful and nefarious past was catching up with him, but because more prosaically his then present (in the sense of his affair with Mrs Anne Hull) was catching up with him. He had made arrangements to leave which involved, inter alia, organising a lift to Glen Huon, arranging to visit someone in Hobart the next day, packing his bags to leave and writing a 'goodbye' letter to Mr and Mrs Hull. It makes no sense at all to suggest he left Slopen Main without taking his bags with him – bags clearly packed in anticipation of his being picked up by Mr Robert Watson.
108. I am satisfied Mattathyahu did not leave Slopen Main with Mr Robert Watson. He did not drive or own a car and thus had no practical alternative means of leaving the area. It might be said that he may have left on foot or perhaps with another person but these possibilities are so remote as to be fanciful, particularly given the arrangements he had made with the Watsons and the fact that his bags were found near the door by Mr Robert Watson.
109. I am satisfied that when Robert Watson arrived at approximately 9.30 pm Mattathyahu was probably dead or if not then dead, was dead shortly thereafter. Looking at the evidence as a whole I am satisfied he was most likely the victim of homicide. No other conclusion is open on the evidence. There is nothing to suggest that his death was as a result of misadventure, accident or suicide. However, cognizant of the test in *Briginshaw (supra)* I cannot be satisfied as to who killed Mattathyahu although the evidence suggests strongly Mr John Hull, Mrs Anne Roslyn Hull and Mr Alan Hull know considerably more about Mattathyahu's death than they told the inquest.

110. The evidence does not allow me to make any finding as to the precise cause and mechanism of his death. There is insufficient evidence to enable me to make any finding as to what became of Mattathياهو's body.

111. I recommend that the file remain open pending the coming to light of additional information.

### **Formal Findings:**

112. In conclusion the evidence allows me to make the following formal findings pursuant to section 28 of the *Coroners Act* 1995.

- (a) The identity of the deceased is Tony Zachary Harras also know as:  
Judah Zachariah Reuben Wolfe Mattathياهو;  
Karl Wolfe;  
Carl Wolf;  
Reuben Wolfe;  
Zac Mattathياهو;  
Reuben Mattathياهو;  
Carl Mattathياهو; and  
Karl Mattathياهو.
- (b) Mr Mattathياهو died in the circumstances described in this finding;
- (c) The cause of Mr Mattathياهو's death was homicide, the precise mechanism of which I am unable to determine;
- (d) Mr Mattathياهو died on or about the 12 November 1983 at or near Slopem Main, Tasmania; and
- (e) Mr Mattathياهو was born in Leamington, Warwickshire, United Kingdom on 22 July 1934 and was aged 49 years at the time of his death; he was divorced and his occupation was bushman.

### **Comments and Recommendations:**

The circumstances surrounding this matter do not require me to make any comments or recommendations pursuant to section 28 of the Act.

I wish to express my thanks to counsel for their assistance in this matter. I also acknowledge the professional, competent and detailed investigation conducted by the members of the Tasmania Police Cold Case unit and in particular Detective Constable Howard after that unit was disbanded.

In concluding, I convey my sincere condolences to the family of Mr Mattathياهو.

**Dated:** 2 October 2015 at Hobart Coroners Court in the State of Tasmania.

**Simon Cooper**  
**CORONER**