



MAGISTRATES COURT of TASMANIA
CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the suspected death of Mark David Moylan

Find pursuant to Section 28(1) of the Coroners Act 1995, that:

- (a) The identity of the deceased is Mark David Moylan;
- (b) Mr Moylan died in the circumstances set out in this finding below;
- (c) The cause of Mr Moylan's death was drowning;
- (d) Mr Moylan died on or about 25 January 2014 in the Tamar River near the Gravelly Beach marina, 200 Gravelly Beach Road, Gravelly Beach in Tasmania; and
- (e) Mr Moylan was born in New South Wales, Australia on 10 June 1971 and was aged 42 years at the time of his death; he was divorced and unemployed.

Jurisdiction:

The investigation of deaths in Tasmania is governed by the *Coroners Act 1995*. Section 21(1) of the Act provides:

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

'Death' is defined in section 3 of the Act as including a suspected death.

'Reportable death' is defined in the same section as meaning, *inter alia*, a death which occurred in Tasmania and was unexpected or the cause of which is unknown.

Thus if a Coroner suspects (on reasonable grounds) that a person has died and the death meets the definition of a reportable death, then that Coroner has jurisdiction to investigate.

For reasons which will become apparent in this finding I am satisfied that jurisdiction exists to investigate the disappearance of Mark David Moylan.

Background:

Mark David Moylan was born on 10 June 1971 at the Sutherland Hospital in New South Wales, the only son of Michael and Gail Moylan, and brother of Michelle.

Mr Moylan spent his childhood and was educated in New South Wales.

Reportedly, whilst growing up and during his early life, he was a competitive surfer. He was apparently a very strong swimmer.

Mr Moylan's family say that at aged about 20 his difficulties with substance abuse issues first manifested themselves. It is apparent from his history of offending that both alcohol and drugs caused him numerous difficulties throughout the 1990s.

Late in the 1990s Mr Moylan was diagnosed with, and treated for, depression. He continued to experience difficulties with respect to substance abuse (both alcohol and illicit drugs). A number of admissions to a psychiatric facility in New South Wales followed.

In 2002 Mr Moylan met his future wife, and shortly after the meeting, she fell pregnant with their only child and the couple married. They moved to Strahan on the West Coast of Tasmania. On 9 September 2004 Mr Moylan's daughter Carla was born.

After settling for a time in the town of Franklin, south of Hobart, the couples' marriage disintegrated. Subsequently, Mr Moylan had minimal contact with Carla in the early stages of the separation and then none at all.

It is apparent that these circumstances caused Mr Moylan significant stress and likely contributed to his depression.

Unfortunately, Mr Moylan had a number of dealings with Tasmania Police in respect of a variety of offences.

After the breakdown of his marriage Mr Moylan seems to have led an increasingly transient lifestyle in Tasmania, only working from time to time. He travelled occasionally to New South Wales to see his family. His last visit to New South Wales to see his family was in 2012.

During 2011 Mr Moylan was admitted for a lengthy period to a rehabilitation facility in northern Tasmania to receive treatment for his alcoholism.

When he last saw his family in 2012 Mr Moylan told them that he was studying a fine arts degree at the University of Tasmania and was in the process of purchasing a vessel which he planned to restore and live on. After the visit to his family he returned to Tasmania in 2013. No member of his family saw him after that visit.

The evidence suggests that upon his return to Tasmania in February 2013, Mr Moylan started living on the vessel he had purchased – the "Wrestmore" - which was moored adjacent to the Gravelly Beach marina on the Tamar River.

In the time leading up to his disappearance and presumed death Mr Moylan was admitted twice to a mental health clinic at the Launceston General Hospital. The first admission was on 30 December 2013. Mr Moylan was admitted after being conveyed to hospital by police who had found him highly intoxicated and naked in a motor vehicle in Launceston.

Upon admission it was noted that Mr Moylan had been diagnosed as having bipolar affective disorder. The diagnosis apparently related to admission at the Royal Hobart Hospital in 2011. His notes on admission indicate that he was however, on 30 December 2013, suffering what was best categorised as a major depressive disorder exacerbated by substance abuse and substance dependence.

It was noted that upon admission Mr Moylan was expressing both self-loathing and suicidal ideation.

Mr Moylan was discharged on 2 January 2014 having been prescribed antidepressant medication as well as medication to assist him in withdrawing from alcohol. He was provided with support and educational tools in an endeavour to prevent him relapsing and suffering further depressive episodes. Mr Moylan was referred, upon discharge, to the Alcohol and Drug Service support network and the Adult Community Mental Health Service.

Unfortunately, on 14 January 2014, Mr Moylan was again arrested by Tasmania Police. Once again it was as a result of alcohol-related behaviour. Once again he was found in a motor vehicle highly intoxicated, naked, and as well he was engaging in conduct which amounted to an offence of prohibited behaviour contrary to the *Police Offences Act 1935*. Again he was also expressing suicidal ideation.

Mr Moylan was again after admission diagnosed as suffering from a major depressive episode. Detoxification was commenced. The detoxification on the face of it had some measure of success once completed by Mr Moylan and he was apparently no longer expressing suicidal ideation, although was exhibiting signs of anxiety and depression.

He was discharged from the clinic on 24 January 2014 at 11.40am. He was upon discharge assessed as having a high risk of relapse without support and again referred to the Alcohol and Drug Service support network and the Adult Community Mental Health Service.

After his discharge Mr Moylan returned to the Gravelly Beach and Exeter area where he visited a number of local businesses essentially to purchase alcohol, cigarettes and some grocery items. He was subsequently able to be positively identified from CCTV footage as having been at the Exeter IGA on that day.

Mr Moylan was next seen at about 3.30pm the same afternoon near a boat ramp adjacent to the Gravelly Beach marina. A witness reported him as appearing to be under the influence of some substance and he was described as being "spaced out" and having glassy eyes.

The next recorded sighting of him is at the local pizza store at Gravelly Beach (Krusty's Pizza) at approximately 7.00pm. At this time he has again been reported as appearing to be under the influence of drugs. Mr Moylan purchased a pizza before driving off from the area and parking at the Gravelly Beach marina near the pontoon. It was apparently his custom to park his car in that area.

Circumstances Surrounding the Death:

The next day, 25 January 2014, Mr Moylan was seen by a member of the public, who knew him and had spoken to him the previous day, attempting to untie his dinghy from the pontoon at the marina and apparently row to his vessel around 250 metres away.

The member of the public, Mr Jeffery, had known Mr Moylan since September 2013 after Mr Moylan had been rescued trying to row his dinghy in bad weather to his vessel. On this occasion, Mr Moylan was only using one oar to try to make his way to the "Wrestmore".

Mr Jeffery subsequently told investigating officers that on the evening of 25 January 2014, Mr Moylan appeared to be deep in concentration and didn't respond to him when he waved. Mr Jeffery was only 20-30 metres away from Mr Moylan at the time. Mr Moylan was alone.

Mr Jeffery became concerned when Mr Moylan still had approximately 100 metres left to row to his vessel and was not wearing a lifejacket.

Mr Jeffery turned and started walking back towards the marina. By the time he got there Mr Moylan was within 50 metres of his vessel and the dinghy he was in was amongst other moored yachts. Mr Jeffery told investigating officers that the wind had died off a little and he thought that Mr Moylan would be fine. The time was approximately 9.00pm.

Mr Moylan has not been seen alive, or at all, since this time.

Three days later, on 28 January 2014, Mr Jeffery contacted police because he was concerned that Mr Moylan's vehicle was still parked where it had been left on 25 January 2014.

A missing person investigation was immediately commenced. Mr Moylan's vessel was checked and there was no sign of him on it.

A comprehensive search was undertaken. It was discovered that Mr Moylan's dinghy had been located at Swan Point on 26 January 2014 by a member of the public. Swan Point is approximately four kilometres north of Gravelly Beach.

The dinghy was found to contain a medication box in Mr Moylan's name. Subsequently, a yellow bladed oar was located in Spring Bay, further north of Swan Point and on the opposite side of the river. The oar almost certainly came from Mr Moylan's dinghy.

Enquiries were conducted by police, with family, friends and associates of Mr Moylan. The Launceston General Hospital was checked and extensive land, sea and air searches were undertaken on both sides of the Tamar River from Rosevears to Low Head at the mouth of the river.

Despite these efforts no trace was found of Mr Moylan.

Police officers conducted a forensic examination of both Mr Moylan's vessel and vehicle. Nothing of significance, and certainly nothing giving rise to any suspicion, was located. An examination was also undertaken of his recovered dinghy (which had been flooded) and no evidence giving rise to suspicion was found in it either.

Also recovered by police was a quantity of prescription medication (Diazepam) which had been filled on 24 January 2014. Only 11 tablets were found in his vehicle. If Mr Moylan had ingested the other 39 in the space of less than 24 hours (this seems highly probable in all of the circumstances) then it would account for witness descriptions of him appearing "spaced out" and apparently under the influence of drugs.

Extensive bank and mobile phone record checks have been undertaken in regards to his disappearance. Mr Moylan held one bank account (with the Commonwealth Bank) and there has been no activity on this account since 25 January 2014. Similarly, there have been no outgoing calls on his mobile phone since he spoke to an associate at 8.00pm on 25 January 2014. The associate, subsequently spoken to by police, described Mr Moylan as stating that he felt "weird".

No friend, associate or family member has been identified as having any contact whatsoever with Mr Moylan since 25 January 2014. No one has seen or heard from him since Mr Jeffery did at about 9.00pm on that day.

The police investigation revealed that it was Mr Moylan's habit to attend the Exeter Hotel on a near daily basis to purchase alcohol, but he had not been seen there since shortly before his disappearance.

No personal belongings or any sign of him has been found during the searches of the Tamar River following his disappearance. No suicide note has been found by police.

In all the circumstances I am satisfied on the evidence to the requisite degree that Mr Moylan is dead. In my view it is likely that he was under the influence of prescription medication and/or alcohol on the evening of 25 January 2014 whilst he attempted to row to his vessel.

The most likely explanation for his disappearance is that he encountered difficulties when trying to board his vessel and has fallen into the water. Although it is clear that Mr Moylan was a strong swimmer, at least as a younger man, given the fact that he was not wearing a lifejacket, was clothed, and likely affected by prescription drugs and/or alcohol, he has been unable to rescue himself when he fell into the water.

There is no evidence to suggest that any person played any role in Mr Moylan's disappearance and death. There is no evidence of foul play. There is no evidence either that would allow a conclusion that Mr Moylan's death was the result of suicide. The most likely explanation, in my view, is that his entry into the water and his subsequent drowning was an accident.

Comments and Recommendations:

The circumstances of Mr Moylan's death do not require me to make any comment or recommendation pursuant to section 28 of the *Coroners Act 1995*.

I commend Constable Woodgate for the extremely professional and comprehensive investigation carried out by him.

I convey my sincere condolences to the family and friends of Mr Moylan on their loss.

Dated: 24 June 2016 at Hobart in the State of Tasmania.

Simon Cooper
CORONER