



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 Zedric Basil Woolley

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

- a) The identity of the deceased is Zedric Basil Woolley;
- b) While satisfied Mr Woolley is dead, I am unable to determine the circumstances of his death;
- c) I am unable to determine the cause of Mr Woolley's death; and
- d) Mr Woolley died on or shortly after 7 April 2012 near Glen Huon in the Huon Valley region of Tasmania, at a location I am unable to determine.

What a coroner does

1. The investigation of deaths in Tasmania is governed by the *Coroners Act 1995* (the Act). Section 21(1) of the Act provides that "[a] coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death."
2. '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.
3. 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.
4. For reasons which will become apparent in this finding I am satisfied that jurisdiction exists to investigate the disappearance of Zedric Basil Woolley.
5. Before an analysis of the circumstances surrounding Mr Woolley's disappearance and presumed death is undertaken it is important to say something about the role of a coroner. A coroner in Tasmania has jurisdiction to investigate any death which appears to have been unexpected or unnatural.

6. When investigating any death, whether or not an inquest is held, a coroner performs a role very different to other judicial officers. The coroner's role is inquisitorial. She or he is required to thoroughly investigate a death and answer the questions (if possible) that section 28 of the Act asks. These questions include who the deceased was, the circumstances in which he or she died, the cause of the person's death and where and when the person died. This process requires the making of various findings, but without apportioning legal or moral blame for the death.¹ A coroner is required to make findings of fact from which others may draw conclusions.² A coroner is also able, if she or he thinks fit, to make comments about the death or, in appropriate circumstances, recommendations to prevent similar deaths in the future.
7. A coroner neither punishes nor awards compensation – that is for other proceedings in other courts, if appropriate. Nor does a coroner charge people with crimes or offences arising out of the death the subject of investigation. In fact, a coroner in Tasmania may not even say that he or she thinks someone is guilty of an offence.³
8. The standard of proof in coronial inquests is the civil standard. This means that where findings of fact are made a coroner needs to be satisfied on the balance of probabilities as to the existence of those facts. However, if an inquiry reaches a stage where findings being made may reflect adversely upon an individual, it is well-settled that the standard applicable is that articulated in *Briginshaw v Briginshaw*.⁴ That case stands for the proposition that it is particularly important to bear in mind the seriousness of any allegation and that the task of deciding whether a serious allegation is proved should be approached with great caution.

Background

9. Mr Woolley was born on 26 June 1930 in the Huon Valley where he was raised, educated and lived his whole life. He worked in the apple industry, forestry and the latter part of his working life in what was then known as the Department of Main Roads.
10. Married to Pauline for over 50 years (until her death in 2009) Mr Woolley was father to five adult children – David, Nerica, Louise, Lyndon and Hayden. He and Pauline raised the

¹ See *R v Tennent; Ex parte Jaeger* [2000] TASSC 64, per Cox CJ at paragraph 7.

² See *Keown v Khan* [1998] VSC 297; [1999] 1 VR 69, Calloway JA at 75 – 76

³ Section 28 (4) of the Act.

⁴ (1938) 60 CLR 336 (see in particular Dixon J at page 362).

children in the family home at Seventh Day Road, Glen Huon before moving to a home in Grove.

11. The family lifestyle changed dramatically when Mrs Woolley was seriously injured in a tractor accident on an apple orchard at which she was working. Mr Woolley stopped paid work to become her full time carer.
12. After his wife's death, approximately three years before his disappearance, Mr Woolley remained living in the family home at Grove before moving to a unit at Huon Eldercare, Franklin on 30 May 2011.
13. Described as a man of few words, Mr Woolley was, in the time leading up to his disappearance, reportedly active and enjoyed a healthy social life. He was in the habit of meeting family and friends in Huonville for lunch or coffee, attending local games of Australian Rules football or taking drives in the country. Mr Woolley was in regular contact with his children.
14. The evidence suggests he was a proficient driver. Like many people his age he did not own a mobile phone and preferred cash to electronic banking.
15. Mr Woolley was nearly 82 years old when he went missing in 2012.
16. For his age, Mr Woolley was in reasonably good health. He suffered from hypertension (high blood pressure) which was managed by medication. In addition, he had been diagnosed as suffering from ischaemic heart disease and was required to carry a GTN spray for use as and when needed. The evidence is that a failure to use the spray when he experienced chest pain would potentially result in heart failure and death.

Circumstances of Mr Woolley's disappearance

17. At about 8.30am on Saturday, 7 April 2012 Mr Woolley's daughter, Nerica Walker, telephoned her father and made arrangements for the pair to meet for lunch. They met later in the day at Banjo's Bakery in Huonville; somewhere they often met. Nerica noticed nothing out of the ordinary or unusual about her father. Mr Woolley told her of his plans to visit Agfest with his friend Mr Osborne Cannell.⁵ After spending an hour at

⁵ Agfest was held in 2012 between 3-5 May. It is held each year from the first Thursday in May at the Quercus Rural Youth Park, on Oaks Road between Carrick and Bracknell, south-west of Launceston (between Launceston and Devonport)

lunch, Mr Woolley crossed the road to a local clothing store where he bought himself a new pair of trousers and a jumper.

18. Mr Woolley and Nerica parted company at approximately 1.30pm after visiting the clothes shop.⁶ Before they parted Nerica asked her father about his plans for the next day. He indicated he was unsure. Nerica told him she would call him at 8.30am the next day. Nerica was the last member of the Woolley family to see Mr Woolley alive.
19. Later the same day, at about 4.45pm Ms Jolene Ford, who had known Mr Woolley for over 30 years, and thus whose identification evidence I consider can be relied upon, saw him on the footpath outside John's Supermarket, Main Road Huonville.⁷ Ms Ford spoke to Mr Woolley and later told investigators he appeared a little 'vague'.
20. Not long after Ms Ford saw Mr Woolley in Huonville, Mr Neil Fletcher, a resident of the Huon Valley who also had known Mr Woolley for many years, saw him driving south on the Huon Highway towards Franklin.⁸
21. At about midnight on the evening of 7-8 April, Mrs Delores Sutcliffe who lived in the same building as Mr Woolley at Huon Eldercare Franklin, noticed Mr Woolley's car was not in its usual parking place.⁹ Although considering the absence of his car to be unusual, understandably Mrs Sutcliffe, unaware that Mr Woolley was missing, thought little of the matter until spoken to as part of the investigation into Mr Woolley's disappearance.
22. Mr Woolley did not make any calls from his home telephone (and it will be remembered that he did not own or use a mobile device) on either 7 or 8 April 2012. A call was made to his home telephone by his daughter Nerica at 9.36am on Saturday when father and daughter arranged to meet for lunch later that day.
23. Nerica rang her father's landline at about 8.30am on Sunday 8 April but the call was not answered. She tried again later that day, in the early evening and, again, the telephone was not answered.

⁶ See affidavit of Nerica Walker sworn 1 October 2012

⁷ See Statutory Declaration of Elizabeth Jolene Ford 11 April 2012.

⁸ See affidavit of Neil Frederick Fletcher sworn 2 July 2013

⁹ See affidavit of Delores Claire Sutcliffe sworn 13 June 2013

24. At about 7.30pm on Sunday 8 April Mr Woolley's son Lyndon went to his father's home (to give him his Easter present) and found he was not there.¹⁰ Considering this unusual Lyndon telephoned Nerica to see if their father was with her. Nerica called her father's landline at about 9.00pm. Again, it was not answered. By now concerned for his safety, Nerica and Lyndon went to the unit at 9.30pm. Their father was not there. They rang friends and family to try to locate Mr Woolley but had no success.
25. Early the following morning the fact of Mr Woolley's disappearance was formally reported to Police at the Huonville Police Station.

Other sightings of Mr Woolley

26. Mrs Mollie Richardson, a distant cousin of Mr Woolley, told investigators that she thought she saw him at about 8.30am on Sunday 8 April 2012 "at the Huonville side of the Huonville Bridge" talking with two females. Mrs Richardson was a passenger in a car on the way to church. She said he was dressed in brown and wearing a brown hat.¹¹
27. A further sighting of Mr Woolley was also thought to have been made by Ms Ursula Simmons, a sales assistant at Banjo's Huonville. Ms Simmons told investigators that Mr Woolley came into "Banjo's for a coffee and something to eat on Sunday 8 April 2012 in the early afternoon".¹² Ms Simmons thought this odd because he came in by himself when his daughter normally accompanied him. She described him as wearing a bone colour jacket and cap.
28. Both witnesses appear to me to be potentially reliable. Mrs Richardson was related to Mr Woolley and had known him all her life. Ms Simmons, although not knowing Mr Woolley by name said that he went into Banjo's regularly with his daughter - something consistent with his daughter's evidence. However, viewing the evidence as a whole, it seems more likely than not that both women were mistaken and both probably saw Mr Woolley on Saturday 7 April, rather than Sunday 8 April. Even if both witnesses are correct it does not change my ultimate findings.

¹⁰ See statutory declaration of Lyndon Phillip Woolley made 9 April 2012.

¹¹ See statutory declaration of Mollie Carol Richardson made 11 April 2012.

¹² See statutory declaration of Ursula Simmons made 9 April 2012.

The search for Mr Woolley

29. The search for Mr Woolley started when two police officers searched his unit. His medication was found in a “Webster pack”. The medication had each day clearly marked. His medication for Saturday, 7 April 2012 had been taken but the rest of his medication for the following week remained in the packet. Nothing else was found at the unit which gave any clue as to when Mr Woolley had disappeared or where he had gone. Specifically, nothing in the nature of a suicide note or similar was located. Police (and family) are unable to ascertain whether Mr Woolley had his GTN spray with him when he disappeared.
30. Police commenced searching for Mr Woolley in the general Huon Valley area. Initial searches were conducted at the surrounds of Huon Eldercare at Franklin, his previous home at Mountain River and some other areas in the Huon Valley area identified by family members as being important.
31. Police also posted a KALOF (“Keep A Look Out For”) message to all police, submitted a missing person report, commenced to interview witnesses, issued a media release, obtained a recent photo of Mr Woolley and conducted inquiries at various Hobart hospitals. However, a significant difficulty initially encountered by police was the fact that there was no obvious starting point for the search. In tandem with the police search members of Mr Woolley’s immediate and extended family searched areas where it was considered he may have frequented.
32. As the information began to be circulated throughout local media about Mr Woolley’s disappearance various members of the public contacted police with information. This led to searches being conducted as far afield as New Norfolk and the Great Lake and Bronte region in the Central Highlands. At the same time searching continued in the Huon Valley area.

Discovery of his car

33. On 14 April 2012 at about 12.40pm Mr Woolley’s daughter-in-law, Teeanna Woolley, located Mr Woolley’s blue Hyundai I30 car on a bush track near the top of Watsons Road, Glen Huon.¹³ She was with two other people at the time. She said that the car was

¹³ See affidavit of Teeanna Maree Woolley sworn 27 June 2013

locked, the driver's window slightly down and that it appeared to be bogged in soft earth. She described seeing a shopping bag in the front passenger seat, an empty bottle in the centre console and mud on the inside of the door, the window, and the steering wheel on the floor pan. She described a muddy handprint on the driver side rear bumper. There was no sign of Mr Woolley. She took photographs of Mr Woolley's car where it was found and notified police.

34. Before police arrived, a number of members of the public and family members attended the scene. One of them, Mr Peter Ford, later told investigators he saw a set of footprints which he estimated to be a narrow size 8, leading away from the vehicle. He also said that the footprints appeared to have been made by someone who took short steps and appeared to rest frequently every 5 metres or so. Mr Ford followed the footprints which led down to a path and circle back after approximately 1 km onto the gravel road that Mr Woolley's car had likely travelled down to where it was found.¹⁴
35. No photographs of the footprints were taken, nor were the prints able to be forensically examined. Whilst it is possible Mr Woolley made them, there is no evidence that would enable a concluded view about the issue to be reached.
36. Mr Ford is reportedly a highly experienced bushman. He expressed the opinion that the vehicle had been in the location for several days due to the amount of sand and other material that had been washed up against it. I accept that this was so.
37. Unfortunately, the presence of family and friends, although doubtless very well intentioned, meant that evidence that may have been available to trained investigators was obscured and/or destroyed. The first police to arrive at the scene got there at about 2.25pm. Their observations were essentially consistent with those of Teeanna Woolley. Initial observations of detectives at the scene did not suggest there was anything suspicious about where Mr Woolley's vehicle was found. It was removed by tow truck from where it was found and taken to the Huonville police station for forensic examination.

¹⁴ See affidavit of Peter David Ford sworn 16 April 2012

38. Viewing the evidence as a whole it would appear that Mr Woolley has driven his car to where it was found. The subsequent examination of the vehicle indicated no damage to it. It would seem that vehicle became stuck or bogged and Mr Woolley has left it, after locking it and walked away. Where he walked to and what became of him is however unfortunately almost impossible to determine.
39. In any event, formal searching commenced the next morning. Search parties were briefed, allocated areas and dispatched throughout the day. The search parties consisted of experienced and qualified police and SES personnel. No sign of Mr Woolley was found. The search coordinator consulted Dr Paul Luckin, a nationally recognised expert on issues of survivability in the context of search and rescue operations. Dr Luckin's advice was that in all of the circumstances there was virtually no chance whatsoever that Mr Woolley could still be alive on 15 April 2012, assuming his disappearance was 7 or 8 days before.
40. Searching continued the next day but again without success. The scrub in the area around where Mr Woolley's car was located was very thick which hampered search efforts. Search and rescue personnel were directed again to search tracks and trails in the area with particular emphasis on bushland 3 to 5 metres either side. A decision was made not to utilise a helicopter on 16 April due to the density of the undergrowth that was being searched.
41. I am satisfied on the basis of the material forwarded to me that the search was conducted appropriately. I am also satisfied that the decision to suspend the search in the evening of 16 April 2012 was also appropriate.¹⁵ Finally, I am also satisfied that Mr Woolley's family were kept apprised of developments.

Ongoing investigations

42. Mr Woolley's car was forensically examined. Traces of what appeared to be potting mix were found in the vehicle but it is difficult to determine what the significance of this discovery is, if anything. I note that the evidence is that Mr Woolley grew vegetables in garden beds near his unit which may account for the presence of the potting mix in the vehicle. Nothing of any significance to the investigation into his disappearance was found

¹⁵ See in particular the affidavit of the search control officer Senior Constable Joshua Peach sworn 14 May 2012.

from that forensic examination. In particular, there was no evidence of a struggle in the vehicle; no evidence that the vehicle had been searched for property and no evidence that more than one person had been in the vehicle when it was abandoned.

43. On 18 June 2013 members of the Tasmania Police Dive Squad conducted a search of a small dam approximately 2 km from where Mr Woolley's car was found. The search appears to have been conducted as a result of information from a psychic consulted by Mr Woolley's family. The search did not yield any result. I observe that it is unusual, indeed in my experience unprecedented, for Tasmania police to conduct enquiries based on information received from psychics.
44. Members of Mr Woolley's family continued to search for him for a long time after the official search efforts were suspended.
45. The police investigation also continued long after the search was suspended. Numerous potential witnesses were identified and interviewed. Mr Woolley's bank accounts were examined. His medical records were obtained and interrogated. Telephone records were obtained and analysed. All the information obtained as a result of the ongoing investigation has informed these findings.

Rumours of foul play

46. A number of completely unsubstantiated rumours of foul play surrounding Mr Woolley's disappearance have been reported to police and investigated at various times since April 2012. In the context of this finding I do not consider it necessary to address the various allegations other than to say that none has a rational foundation and there is no evidence, at all, to substantiate any of them.

Subsequent recent enquiries

47. The area where Mr Woolley's vehicle was located, and logically from where he went missing, was, during the summer of 2018/2019, severely impacted by bushfire. The result of those fires in that area was to remove all undergrowth. In light of this further searching for Mr Woolley's remains were carried out in early April 2019. Approximately 20 police officers carried out coordinated searching of the area.¹⁶

¹⁶ See affidavit of Detective Senior Sergeant James Semmens sworn 6 July 2019 for details of the search

48. A number of bones were located and photographed in the general area. The position of each was marked by GPS but they were otherwise left undisturbed. A suitably qualified expert subsequently examined all photographs but none was identified as being human. Nothing at all was found as a result of the April 2019 search which assisted in resolving the mystery of Mr Woolley's disappearance.

Conclusion

49. All the evidence supports the conclusion that Mr Woolley drove his own vehicle, alone, to the place on the track where it was found, not far from Glen Huon. It seems clear enough that after the vehicle became stuck on sticky, soft ground Mr Woolley secured his vehicle and walked away from it.
50. Furthermore, the evidence satisfies me that Zedric Basil Woolley died on or after 7 April 2012 at or near an area in the Huon Valley, probably near Watson's Road, Glen Huon in Tasmania.
51. However, beyond that I cannot reach a conclusion. There is insufficient evidence to enable me to determine why Mr Woolley drove where he did. There is no evidence to enable me to determine why Mr Woolley walked away from the car nor where he went. Nor is there evidence that would enable me to make a finding as to the cause or more specific circumstances of Mr Woolley's death.
52. I express my thanks to the investigators involved in this matter in particular Senior Sergeant Semmens and Senior Constable Turnbull.
53. I recommend that the file in relation to Mr Woolley's disappearance remain open.
54. In conclusion, I express my sincere condolences to Mr Woolley's family on their loss.

Dated 9 December 2019 at Hobart in Tasmania

Simon Cooper
Coroner