



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 death of James Hugh McLean

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

- a) The identity of the deceased is James Hugh McLean;
- b) While satisfied that Mr McLean is dead, I am unable to determine how he died;
- c) I am unable to determine Mr McLean's cause of death; and
- d) Mr Mclean died on or after 13 November 2018 at a location I am unable to determine in the South West National Park, Tasmania.

What a Coroner Does

1. In Tasmania, a coroner has jurisdiction to investigate any 'reportable death'. A 'reportable death' includes a suspected death which occurred in Tasmania and the cause of which is unknown.¹ For the reasons which follow, I am satisfied that Mr McLean's death meets this definition.
2. When investigating any death (including a suspected death), a coroner's role is inquisitorial. This means that she or he is required to thoroughly investigate the death and answer the questions (if possible) that section 28 of the *Coroners Act 1995* asks. Those questions include who the deceased was, how he or she died, what was the cause of the person's death and where and when it occurred. This process requires the making of various findings, but without apportioning legal or moral blame for the death. A coroner is required to make findings of fact from which others may draw conclusions.
3. A coroner does not have the power to charge anyone with crimes or offences arising out of the death the subject of investigation. I should make it clear that there is no evidence, at all, that any crime has been committed in relation to Mr McLean's death.

¹ Section 3, *Coroners Act 1995*.

4. A coroner may comment on any matter connected with the death into which he or she is enquiring. The power to make comment “arises as a consequence of the [coroner’s] obligation to make findings ... It is not free ranging. It must be a comment ‘on any matter connected with the death’”. It arises as a consequence of the exercise of the coroner’s prime function, that is, to make ‘findings’.

Mr McLean’s Background

5. Mr McLean was born on 4 June 1942 in Melbourne, Victoria and was the son of Pauline and David McLean. He was 76 years of age when he disappeared. He is survived by his sisters, Margaret and Melissa, and twin brother, Andrew (Jock).
6. He was well educated - fluent in French and with a Master’s Degree from the University of Melbourne in Building Construction. Mr McLean lived on Flinders Island in Tasmania from the 1980s.
7. The evidence suggests that Mr McLean was something of an adventurous spirit who had, in the past, found himself in what might be described as “challenging” outdoor situations. For example, in 2012, whilst attempting to sail a Dragon class yacht from Dover in the far south of Tasmania to Flinders Island, he was rescued by police after the yacht was dismantled and began taking on water near St Helens. He had set off a flare. Rescuing police described him as not wearing a PFD and being “argumentative”.
8. I observe that, on no view of it, is a Dragon class yacht a suitable vessel to sail from Dover to Flinders Island – the class is designed as an inshore racing keelboat.
9. Reportedly, in 2015 Mr McLean was airlifted to Hobart by rescue helicopter from the South West National Park suffering from both dehydration and hypothermia.
10. There were various other examples of eccentric and ill-considered behaviour on the part of Mr McLean, the most significant of which occurred shortly before his disappearance. On Monday 22 October 2018, a few weeks before he set out on his last trip, Mr McLean was found by Parks and Wildlife Service (PWS) personnel at Melaleuca, exhausted, disorientated, injured and malnourished. He was two weeks overdue on the walk he was undertaking, and had run out of food and gas for his cooker. One of those personnel later told investigators that Mr McLean was insistent that his compass was malfunctioning when clearly it was not.

11. A pilot with Par Avion, Mr Michael McGoldrick, flew Mr McLean back to Hobart from Melaleuca. Mr McGoldrick described him as fatigued and equipped with walking gear which was substandard for the area in which he was walking.
12. Mr McLean's sisters expressed the opinion that, in the lead up to his final walk, he chose to ignore advice to carry a Personal Locator Beacon (PLB) and that his behaviour had become "increasingly socially isolating...[and] risky".
13. In short, Mr McLean's decision-making in relation to his various adventures, particularly in his later years, appears to have been poor. I am satisfied that, as a matter of course, he was ill-equipped for multi-day walks in Tasmania's south-west wilderness. The clothing and bushwalking gear he had with him was inappropriate and at no stage was he equipped with a PLB. He appears to have exhibited troubling signs of disorientation and significantly overestimated his ability as a navigator and bushman. This was certainly the case when he set out on his last walk.

Circumstances of the Disappearance

14. The evidence is that on 9 November 2018 Mr McLean attended the PWS office in Huonville. He provided a hand written plan of his trip to the Senior Ranger present, Mr Ian Marmion. Mr Marmion raised concerns with Mr McLean as to what he perceived to be difficulties associated with the plan. Accordingly, Mr McLean submitted an amended plan later the same day. That plan indicated an intention for a bushwalk, alone, from Tahune to Melaleuca, commencing on 13 November 2018. Mr McLean said in the plan that he intended to spend a week around Melaleuca before walking via the Western Arthurs Mountain range to Scotts Peak Dam, then walking by road back to Huonville via Lake Pedder, Maydena, Bushy Park and Hobart.
15. The plan submitted to the PWS office was, to say the least, ambitious. It was also different to the plan he articulated to friends and also different to the plan he recorded in the logbook at the commencement of his final walk.
16. On either 9 or 10 November 2018, Mr McLean visited a friend, Mr Corey Woolley, at Glen Huon. The pair had known each other for eight to 10 years. During his visit, Mr McLean told Mr Woolley that he was intending to walk the Huon Track to Melaleuca where he had a food drop and then walk on to Lake Pedder.

17. Mr McLean stayed with Mr Thomas Bagley at Huonville on the night of Saturday 10 November.
18. The following day, Sunday, 11 November 2018, Mr Woolley drove Mr McLean to the start of the Huon Track. They travelled on Lonnvale Road in the direction of Tahune Airwalk, near where the Huon Track starts. Mr Woolley said that at a point, roughly 40km past Judbury, they encountered a large log across the road, which they could not drive around. Mr Woolley therefore dropped Mr McLean at that point. Mr Woolley later told investigators that Mr McLean “stated that he was happy to walk from that point, stating that he was going to eat some fresh vegetables and finish his cask of wine off”.²
19. Mr Woolley subsequently told investigators that Mr McLean was unprepared for the walk and did not have a PLB.³
20. The last thing he apparently said was “I’ll see you in four weeks”. Mr Woolley did not see or hear from Mr McLean after 11 November 2018.
21. Mr Bagley said in his affidavit, obtained as part of the investigation in relation to Mr McLean’s disappearance and suspected death, that Mr McLean had told him he did not like to take a PLB with him. Mr McLean also said he was “good at navigating”.
22. The following day, police were called to the Tahune area following reports that an elderly male who appeared to be disoriented was walking on Edwards Road, about 500 metres from the Arve Road intersection, near the Tahune Airwalk. The “elderly, disoriented male” proved to be Mr McLean. He told the police officer who located him that he was looking for the original starting point of the track and had “spent the previous few days trying to locate it”. I observe that the evidence from Mr Woolley and Mr Bagley as to Mr McLean’s movements in the immediate lead up to 12 November 2018 suggests that this may not have in fact been the case. Very little turns on it in the circumstances. In any event, the police officer who located Mr McLean drove him back to his campsite, which he had established near a water hole off Edwards Road. The officer who dealt with Mr Maclean presented to him as “confident, healthy and capable”.⁴

² See affidavit of Corey James Woolley, sworn 10 October 2019, page 2.

³ *Supra*.

⁴ See affidavit of First Class Constable Paul Kruse sworn 11 May 2019, page 2 of 3.

When and Where the Death Occurred

23. The evidence leads me to conclude that Mr McLean was last verifiably alive the following day, 13 November 2018, when he was seen by a guide on the Tahune River and made an entry in the Huon Track log book.⁵ 13 November 2018 is also, I am satisfied, the day upon which Mr McLean set out on his walk. The guide said that when he saw Mr McLean (who he had met a month earlier) he was ill, vomiting and coughing and that he “didn’t seem to be in a stable mind frame”. He described Mr McLean as wearing a pair of dark trousers and flannelette shirt. The guide said that the equipment Mr McLean had with him was inadequate for the walk that he was about to undertake, describing it as cheap and of poor quality. I accept that a professional rafting river guide is in a position to make comment on the adequacy or otherwise of Mr McLean’s equipment. It is also consistent with the observations of Mr Woolley. I am satisfied that Mr McLean was ill-equipped for the journey he was about to undertake.
24. Mr McLean’s entry in the Huon Track logbook indicated an intention to walk the Huon (or ‘Yo-Yo’) Track to Melaleuca at Port Davey and return (and not as he told Mr Woolley or Mr Marmion). The entry indicated it was his intention to return on 13 December 2018. The logbook is set out in such a way that it requires a walker who returns to where they started the walk (i.e. completes an outback track) to “sign out”.
25. Despite extensive police enquiries, there is no evidence of anyone seeing Mr McLean again after late morning 13 November 2018 when he was seen by the river guide.
26. At 9.00am on 14 December 2018, Mr Marmion sent an email to Tasmania Police advising that Mr McLean had not signed out at the Tahune River logbook.
27. Because of the email from Mr Marmion, police commenced enquiries to attempt to locate Mr McLean. The initial focus of those enquiries was to confirm whether or not Mr McLean had actually completed the walk. Accordingly, police checked with Par Avion airline to ascertain whether they had flown Mr McLean from Melaleuca to Hobart. It was confirmed they had not. Next, Mr Woolley was contacted. So was Mr McLean’s sister. Neither could assist in relation to Mr McLean’s whereabouts.

⁵ See affidavit of Tarran Corrigan-Greaves sworn 17 September 2019.

28. Logbooks at other potential endpoints for a walk along the Huon Track such as at the end of the Western Arthurs and Scotts Peak Dam were examined. None of those enquiries elicited any information as to Mr McLean's whereabouts.
29. On 18 December 2018, further enquiries were conducted to ascertain whether Mr McLean had used his food drop at Melaleuca (he had not - which leads me to conclude that he did not reach Melaleuca). A phone triangulation on his phone was carried out. The triangulation returned no result, indicating that it was switched off or had run out of battery for some time. On the same day, police contacted the Bendigo Bank, and ascertained that the last transaction completed by Mr McLean with that bank was on 9 November 2018 at the Caltex Service Station, Huonville.
30. Because none of the enquiries suggested Mr McLean had completed his walk, and indeed suggested that he was still somewhere in the South West National Park, Tasmania Police Search and Rescue were briefed and preparations made for a formal search to be commenced.
31. The following day, 19 December 2018, the search commenced with the Tasmania Police helicopter being deployed. Search and Rescue officers completed the flyover of the Huon Track area without finding any trace of Mr McLean. The helicopter landed and officers spoke with several walkers but elicited no information in relation to the whereabouts of Mr McLean.
32. On 21 December 2018, four two-person Tasmania Police Search and Rescue specialist ground crews completed walks along the tracks that it was anticipated Mr McLean would have used. The teams covered the area from Melaleuca to the start of the Huon Track at the Tahune River. Three of the four teams found nothing that provided any clue in relation to Mr McLean's whereabouts. Team four, which had started at the commencement of the Huon Track and walked west towards Cracroft Crossing, located evidence of campfires and rubbish along the track. It may be that the remains of the campfires and rubbish are related to Mr McLean. There is information to suggest he was known to light fires in National Parks and the World Heritage area in the past. However, there is no direct evidence that would enable me to conclude in this case that the remnants of fires and rubbish located was from Mr McLean, although I suspect it was.
33. Once team four went beyond Cracroft Crossing, the members of the team found no rubbish or evidence of campfires. This may indicate that Mr McLean, if the rubbish and

campfires were attributable to him, did not venture beyond Cracroft River. Apart from that, no sign of Mr McLean was found. On 24 December 2018, four more two-person teams commenced searching on foot in different areas, adjacent the main Huon Track. Those areas included areas around Lake Cygnus area and Lake Oberon, as well as the vicinity of High Moor and Haven Lake. No trace of Mr McLean was found. On 26 December 2018, further searching utilising the police rescue helicopter was carried out, again without result.

34. A media release was made, which elicited several phone calls but no information that assisted in relation to locating Mr McLean. Further potential sightings were investigated well into January 2019 but no trace, at all, of Mr McLean was found.
35. I am satisfied that the search conducted for Mr McLean was as extensive and comprehensive as the circumstances allowed.

Conclusion

36. I am satisfied to the requisite legal standard that James Hugh McLean is dead. There is no evidence of anyone seeing him alive at any time after 13 November 2018. It is clear on the evidence that he ventured into the remote South West National Park alone and ill-equipped. There is no evidence that he emerged from the National Park, nor completed the walk via a different route, nor reached Melaleuca. It is quite clear on the evidence that he did not return to the commencement point of the walk, which was his intention. No one – friends, acquaintances or family – have seen him alive, or heard from him, since he set out on the walk. He has not accessed his bank account nor returned to his home since setting out on the walk.
37. The area where Mr McLean went walking in south west Tasmania, and where he went missing, is notorious for cold and unpredictable weather. Records obtained from the Bureau of Meteorology indicate that in the month of November 2018 there were several large scale rain and snow events with low temperatures in the general area where Mr McLean was known to be walking. The weather is likely to have been a factor contributing to his death, possibly due to hypothermia.
38. Higher rainfalls may have made the Cracroft River Crossing increasingly hazardous, which, if he were trying to cross, may have caused his death by drowning or contributed to his death by hypothermia.

39. In addition, as I have already mentioned earlier in this finding, I am satisfied that Mr McLean was inappropriately prepared for his walk with a low quality tent and sleeping bag as well as inadequate clothing and wet weather equipment. He did not have a PLB despite urgings of his family. I am satisfied that his lack of appropriate equipment, including a PLB, may have contributed to his death due to hypothermia.
40. Finally, Mr McLean's death may have been due to natural causes such as cardiac event or similar.
41. There is nothing to suggest that there are any suspicious circumstances surrounding Mr McLean's death nor that it was due to suicide.
42. However, in the absence of any direct evidence about the issue, I cannot reach a concluded view as to the cause, circumstances or place and time of his death.

Comments and Recommendations

43. I extend my appreciation to investigating officer Senior Constable Richard Pascoe for his investigation and report.
44. Because I am unable to determine the circumstances of Mr McLean's death I do not consider it appropriate to make any recommendations pursuant to Section 28 of the *Coroners Act 1995*. I do, however, consider it appropriate to **comment** that it is very clear that Mr McLean was woefully ill-equipped for the bushwalk that he was undertaking and that there is no end of advice available from a variety of sources including the PWS website as to the appropriate equipment walkers should have.
45. I also **comment** that all walkers in Tasmania should heed advice to carry PLBs.
46. I convey my sincere condolences to the family and loved ones of Mr McLean.

Dated 8 May 2020 at Hobart in the State of Tasmania.

Simon Cooper
Coroner