



MAGISTRATES COURT of TASMANIA  
CORONIAL DIVISION



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## Record of Investigation into Death (With Inquest)

*Coroners Act 1995*  
*Coroners Rules 2006*  
*Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Kerry Lyn Michael

With an inquest at Hobart on 14 March 2018

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

- a) The identity of the deceased is Kerry Lyn Michael;
- b) Mrs Michael died in the circumstances set out below;
- c) The cause of Mrs Michael's death was blunt force head injuries; and
- d) Mrs Michael died on 11 February 2015 on the Face Track, just below the summit of Mount Roland, Tasmania.

### **The Role of the Coroner**

1. A coroner in Tasmania has jurisdiction to investigate a death and must hold an inquest if she or he suspects homicide. In this case there is no doubt that Mrs Michael died as a result of homicide and therefore her death had to be investigated in the coronial jurisdiction, irrespective of what other investigations had taken place and no matter what other legal proceedings had arisen from it.
2. 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 to make findings with respect to that death. This process requires the making of various findings, but without apportioning legal or moral blame for the death (see *R v Tennent; ex parte Jaeger* [2000] TASSC 64, per Cox CJ at paragraph 7). A coroner is required to make findings of fact from which conclusions may be drawn by others (see *Keown v Khan* [1998] VSC 297; [1999] 1 VR 69, Calloway JA at 75 – 76).

3. 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 death the subject of investigation. In fact a coroner in Tasmania may not even say that he or she thinks someone is guilty of a crime or offence (see section 28 (4) of the *Coroners Act* 1995).
4. One matter that the *Act* requires a finding to be made about is how death occurred (see section 28 (1) (b) of the *Act*). It is well-settled that this phrase involves the application of the ordinary concepts of legal causation (see *March v E. & M.H. Stramare Pty. Limited and Another* [1990 – 1991] 171 CLR 506). Any coronial inquiry necessarily involves a consideration of the particular circumstances surrounding the particular death so as to discharge the obligation imposed by section 28 (1) (b) upon the coroner.
5. It is also important to recognise that where someone is charged with a crime in relation to a particular death, no finding by a coroner about the same death may ‘contain a finding which is inconsistent’ with the result of the proceedings relating to that charge (see section 25 (4) of the *Act*). Given that although her husband was charged with her murder, he committed suicide before trial, this prohibition is effectively irrelevant in this case.
6. Finally, I note that the standard of proof in coronial inquests is the civil standard, that is 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 enquiry 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* (1938) 60 CLR 336 (see in particular Dixon J at page 362). *Briginshaw (supra)* stands for the proposition that it is particularly important to bear in mind the seriousness of any allegation and approach the task of deciding whether a serious allegation is proved with caution.

### **Mrs Michael’s Background**

7. Mrs Michael was born in Adelaide on 11 June 1970, the daughter of Cheryl and Ronald Heanes. Mrs Michael had a brother, Matt, and a sister, Tracey. She was educated at Seaton High School and was described as a fun-loving person with a bubbly personality, active in a myriad of sports.

8. At the time of her death she was living in Belair, a south-eastern suburb of Adelaide, South Australia. She was married to Robin Michael and the mother of Nathan.
9. Mrs Michael's relationship with Robin Michael commenced in 2001. Mr Michael, born on 17 August 1954, was some 16 years her senior and the father of two adult sons. He was employed in the medical administration area and Mrs Michael met him when she was working for a medical imaging company.
10. Apart from a period of time spent in Darwin in the Northern Territory (2006-2007), Mr and Mrs Michael (who married on 26 December 2009) lived and worked in South Australia. In November 2014 the couple left South Australia to go on a caravanning holiday. They arrived in Tasmania on the Spirit of Tasmania ferry on 20 December 2014 and travelled around the state. Mrs Michael was in regular contact with family and friends and in particular her son, Nathan.
11. Mr Michael seems to have been of the view that his wife was having an affair with a close male friend of his. He made his suspicions known to both Mrs Michael and his friend. Both strongly denied the allegation. It is notable that Mr Michael, some years before, had also accused a former partner of his of having an affair with the same man. Tasmania Police actively investigated the suggestion of an affair in the aftermath of Mrs Michael's death. Absolutely no evidence of the supposed affair was uncovered. Mr Michael's friend whom he suspected of being involved with both his wife and a previous partner of his denied on oath that anything in the nature of an affair had occurred with either woman. I am affirmatively satisfied that Mr Michael's belief was utterly without foundation.
12. The investigation in relation to Mrs Michael's death necessarily involved an examination of her history and Mr Michael's history; both individually and as a couple. Substantial evidence was tendered at the inquest about Mr Michael's history in the context of previous marriages and relationships. It is unnecessary to detail that evidence but it is sufficient to say that it satisfies me that Mr Michael was by nature extremely jealous and controlling and demonstrated on occasions a propensity to violence towards his partners.

13. Notes made by Mrs Michael were found by her son, Nathan, after her death. He identified the handwriting as belonging to his mother. The notes were tendered at the inquest. They outline issues with the relationship between her and Mr Michael dealing with his possessiveness, jealousy and the fact that Mrs Michael felt “trapped” in the relationship.

### **Circumstances Surrounding the Death**

14. On Tuesday 10 February 2015, Mr and Mrs Michael arrived in Devonport. They booked into a caravan park at East Devonport. It was intended to be their last stop in Tasmania before they left on the Bass Strait ferry on 14 February 2015.
15. On the morning of Wednesday 11 February 2015, the last day of Mrs Michael’s life, she and her husband left the caravan park at East Devonport to drive to Sheffield and then hike up Mount Roland. En route they stopped and visited the “Seven Sheds Brewery” at Railton. After parking the car at the bottom of Mount Roland the couple climbed to the top of the mountain and ate lunch at the summit. Just below the summit, shortly before reaching the trig point, Mr and Mrs Michael stopped on the track and posed for a “selfie” photograph using the digital camera on a delayed timer. Subsequent interrogation of the digital records on the camera show that it was taken at 1.01pm.
16. After lunch Mr and Mrs Michael started the return journey to their car at the base of the mountain. As they did, Mr Michael attacked his wife from behind with a rock. He struck her to the rear of the head with it. The couple fought and wrestled and he struck her on a number of occasions to the head. According to the State Forensic Pathologist, Dr Christopher Hamilton Lawrence, who conducted the autopsy on Mrs Michael’s body (and whose evidence I accept), a minimum of three blows and possibly as many as eight were struck. At least one of those blows (a blow to the back of her head which shattered the base of her skull and caused massive injury to her brain stem and cerebellum) was landed when Mrs Michael was lying face down on the ground. Mrs Michael was found at autopsy to have suffered extensive injuries to the front, back and side of her head. The injuries sustained by Mrs Michael in the attack upon her by her husband were massive. Dr Lawrence said that Mrs Michael would quickly have succumbed to the injuries and that they were unsurvivable.

17. Dr Lawrence identified defensive type injuries to her arms, wrists and legs as well as abrasions and bruising he considered were likely to have been sustained as she attempted to get away from her husband over rough terrain. Mr Michael's blood was found under his wife's finger nails. Her blood was found on his clothing and inside the couple's Land Cruiser. It is apparent from Dr Lawrence's evidence and that of a forensic scientist who attended the crime scene and gave evidence at the inquest (and which will be dealt with later in this finding) that the attack on Mrs Michael was brutal, vicious and sustained.
18. Mr Michael then made his way down the mountain (after having first removed Mrs Michael's mobile telephone from her backpack). He was unaware whether she was alive or dead, the extent of the injuries that she had suffered, and whether she may have been able to survive those injuries when he took her telephone and left her lying on the track. Mr Michael drove the couple's Toyota Land Cruiser back to the caravan park at East Devonport. There he drafted a document entitled 'Last Will and Testament' which he emailed to his accountant. Next he drafted and sent to his sons and step-son a document, in its terms a confession of sorts, as well as something in the nature of a suicide note. Finally, he posted a lengthy message on Facebook, also in its terms a confession to attacking his wife. Those tasks complete, Mr Michael, an insulin-dependent diabetic, attempted to take his own life by overdosing on insulin.
19. In the early hours of the next morning, Thursday 12 February 2015, a friend of Mrs Michael's saw the message from Mr Michael on Facebook. Extremely concerned for the welfare of Mrs Michael she contacted South Australia Police who duly notified their Tasmanian counterparts. An investigation was commenced immediately and Mr Michael was found unconscious in his caravan. He was taken to the Mersey Community Hospital where he received medical treatment and his condition stabilised. As soon as he was conscious he was spoken to by police. He told police that they would find his wife on the walking track at Mount Roland.
20. Police search and rescue resources were immediately mobilised. At about 2.20pm the same day, Mrs Michael's body was found face down with severe head injuries on the walking track approximately 200 metres below the summit of Mount Roland. The scene was secured and officers from Tasmania Police Criminal Investigation Branch (CIB) and Forensic Services, as well as forensic scientists from Forensic Science Service

Tasmania (FSST) all attended and examined the crime scene. The evidence obtained at the scene, and about which Dr Paul Holloway from FSST gave evidence at the inquest, satisfies me that Mr Michael used at least two different large rocks to attack his wife and that the attack upon her extended over a distance of approximately 20 metres of the track. Mrs Michael's blood was found at numerous points throughout the area of the attack, some smeared – indicative of direct contact – and some deposited on other surfaces as the result of being sprayed. Her hair was found along with her blood on several surfaces.

21. After being photographed *in situ* Mrs Michael's body was removed from the scene and transported by helicopter to Devonport, where she was formally identified by her stepson, Brett. After that, her body was transported by mortuary ambulance to the Royal Hobart Hospital where the autopsy referred to above was carried out the next day by Dr Lawrence.
22. Meanwhile Mr Michael (who had already been charged with assaulting his wife) was informed that the charge would now be one of murder. After being explained his rights he was kept in the hospital under guard and not immediately interviewed due to his medical condition. He was interviewed the next day, Friday 13 February, after advice was received by Tasmania Police from medical staff at the Mersey Community Hospital that he was sufficiently well to be interviewed. In the interview, after caution, he made full admissions to striking his wife to the head with a rock following an argument on the top of Mount Roland. He told police that he "went off his nut and completely lost it". Mr Michael could not explain why he had lost all control. After the interview he was released from hospital and conveyed to the Devonport Police Station. Once there he was formally charged with his wife's murder, processed and detained for court. Mr Michael was remanded in custody after his appearance in court.
23. During the night of 28-29 June 2015, whilst awaiting trial, Mr Michael hanged himself in his cell in the Medium Security Section of the Risdon Prison Complex, Hobart, Tasmania.

## **Conclusion**

24. I am satisfied on all of the evidence to the requisite legal standard that Mrs Kerry Lyn Michael died as a result of blunt force head injuries sustained by her when she was

struck between 3 and 8 times with a rock by her husband, Robin Michael. She died on the Face Track, near the summit of Mount Roland, shortly after 1.00pm on 11 February 2015.

### **Comments and Recommendations**

25. The circumstances of Mrs Michael's death do not require me to make any comments or recommendations pursuant to section 28 of the *Act*.
26. I wish to express my thanks to Ms Anna Norton of the Office of the Director of Public Prosecutions for her assistance in this matter. I also thank the officer in charge of the investigation, Detective Sergeant Paul Bryan, for his thorough report.
27. In concluding, I convey my sincere condolences to the family of Mrs Michael on the loss of a much loved mother, sister and daughter.

**Dated** 3 May 2018 at Hobart in Tasmania.

**Simon Cooper**  
**Coroner**