



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Soo Lan Chuah

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

- a) The identity of the deceased is Soo Lan Chuah (Ms Chuah);
- b) Ms Chuah died in the circumstances set out below;
- c) Ms Chuah's cause of death was not able to be determined; and
- d) Ms Chuah died on or about 11 August 2020 at Cranbrook, Tasmania.

In making these findings I have had regard to the evidence gained in the comprehensive investigation into Ms Chuah's death. The evidence includes:

- The Tasmania Police Report of Death;
- Affidavits as to identity and life extinct;
- Affidavit of the forensic pathologist Dr Andrew Reid;
- Affidavit of the forensic scientist Mr Neil McLachlan – Troup of Forensic Science Service Tasmania (FSST);
- Report of the consultant forensic odontologist Dr Tom Pacza;
- Report of the forensic scientist Mr Carl Grosser of FSST;
- Statutory declarations of Dr Roger Puckridge;
- Affidavit of Mr John Perry;
- Statutory declaration of Mrs Charmaine Perry;
- Statutory declaration of Ms Vicki Giarraputo;
- Statutory declaration of Ms Marilyn Pickett;
- Transcripts of police records of interview with Mr Olaf Vennik;
- Transcript of police record of interview with Mrs Johanna Donald;
- Transcript of police record of interview with Mr Anthony Donald;
- Affidavit of Sergeant Kim Norton;
- Affidavit of Detective Sergeant Alexander Bonde;

- Affidavit of Sergeant Marcus Pearce;
- Affidavit of Phillip Rule, police officer (rank not stated);
- Affidavit of Detective Senior Constable Craig Stockdale;
- Affidavit of Detective Constable Rebecca Berriman;
- Body worn camera footage; and
- Forensic evidence.

Background

Ms Chuah was born in Pulau Penang, Malaysia on 15 April 1955. At the date of her death she was aged 65, she was in a relationship with Mr Vennik and they both resided in a caravan and outbuilding on property owned by his sister and brother-in-law Mrs Johanna and Mr Anthony Donald.

Ms Chuah had been married to Khen Meng Chan however he had passed away in July 2011. They had one son together, Jin Wern Chan, who resides overseas.

Mr Vennik met Ms Chuah on an online chat site in or about 2016. They began emailing one another and commenced a romantic relationship. Mr Vennik travelled to Penang and visited Ms Chuah and they travelled throughout Asia for approximately 6 months. Mr Vennik returned to Australia and Mrs Chuah followed him here in 2017 where they resided together on his sister's property. They lived on Mr Vennik's single pension. Subsequently Ms Chuah's visa expired and she did not renew it. Mr Vennik says she avoided getting to know local people and they did their shopping together in Launceston to avoid being recognised. He says she was a very private person and had only a few close friends. She spoke to her family and friends via the WhatsApp application.

Around a month before moving to Australia Ms Chuah mentioned she had a small growth on her tongue. In late 2019 she advised Mr Vennik the growth had increased in size. It started to inhibit her ability to talk and she began eating pureed rather than solid food. Mr Vennik subsequently took Ms Chuah to the dentist to have a tooth removed as it was causing her pain. The dentist queried the growth on her tongue however she did not wish to talk about it. Both she and Mr Vennik assumed the growth was cancer but she would only use alternative medicines as treatment. She received massages, used a sauna and bathed in magnesium salt flakes. In addition she used oils, oral rinses and pulse therapy. Mr Vennik says he encouraged Ms Chuah to see a doctor but she refused. She said she would die anyway. She was also concerned that because her Visa had expired she would be deported if she sought regular medical treatment. After the dentist appointment Mr Vennik says the oral cancer began to

spread and Ms Chuah started having further issues with other teeth becoming loose and painful. One tooth was manually removed by Mr Vennik.

Circumstances Leading to Death

In the weeks leading up to her death Ms Chuah's health deteriorated. In her last week she required Mr Vennik to assist with her activities of daily living. She became incontinent, she was lethargic and she could speak very little. She became short of breath and felt cold so Mr Vennik kept the fire going for her. Mrs Donald provided Ms Chuah oils administered under the tongue to ease her pain. No medical assistance was sought due to the fear of deportation coupled with an acceptance she was going to die.

On the morning of 11 August 2020 Mr Vennik attended his sister's home seeking assistance in caring for Ms Chuah. He told his sister he thought Ms Chuah was dying. They returned to the caravan and located Mrs Chuah deceased in her bed which was located inside the caravan.

A few weeks prior to Ms Chuah's death Mr Vennik spoke to his sister about what to do when she passed away. A decision was made that Mr Vennik could bury Ms Chau on the property of Mr and Mrs Donald in order to avoid detection. There was general concern that if Ms Chuah's death was reported they may face charges in relation to harbouring an illegal immigrant.

Investigation

On 23 November 2020 police were contacted by a neighbour of Ms Chuah, Mr Perry. He contacted police because he and his wife were concerned for the welfare of Ms Chuah who had not been seen for some time. He advised police he had been having a coffee with Mr and Mrs Donald and during that time Mrs Donald said Ms Chuah had died and was buried on their property. Mr Perry initially thought she was joking but decided to contact police after discussing the matter with his wife.

Police attended Mr and Mrs Donald's property on 24 November 2020 at which time they spoke to Mr Vennik and Mr and Mrs Donald. Police were shown the grave in which Mr Vennik had buried Ms Chuah and it was agreed she had died on or around 11 August 2020. An investigation commenced and a crime scene declared. The body of Ms Chuah was exhumed with the assistance of FSST. Statements were obtained from relevant witnesses and Mr Vennik and Mr and Mrs Donald participated in recorded interviews with Tasmania police. Subsequently Criminal Code charges were laid against Mr Vennik in relation to neglecting to bury Ms Chuah¹

¹ Section 139(a) *Criminal Code* 1924.

and interfering with her human remains² however the Office of the Director of Public Prosecutions did not proceed with those charges. Instead Mr Vennik was proceeded against in respect of the summary charges of failing to notify a death³ and of unlawfully disposing of human remains⁴. He pleaded guilty to those charges in the Magistrates Court and he was convicted and fined.

Ms Chuah was identified via 2 methods. First Dr Pacza examined ante-mortem dental records belonging to Ms Chuah which were obtained from Dr Puckridge. He then examined the deceased. In addition intra-oral dental radiographs and digital photographs were taken. As a result of his examination of the records and the deceased he determined the ontology remains he examined are those of Ms Chuah. Second Mr Grosser compared the DNA samples taken from some of Ms Chuah's belongings with the DNA from the deceased's spleen. He was satisfied there was extremely strong support for the deceased being a contributor to DNA recovered from Ms Chuah's belongings. I accept the opinions of Dr Pacza and Mr Grosser.

During the investigation the dentist who Ms Chuah saw, Dr Puckridge, provided 2 statutory declarations and his consultation notes. He confirmed he saw Ms Chuah on 30 April 2020 and during that consultation he removed a molar tooth which was loose and which was causing pain. The gum around the tooth was swollen and infected with puss. At the conclusion of the appointment he offered Ms Chuah a prescription for antibiotics however she declined. She advised Dr Puckridge she was aware of the growth on her tongue but she did not want to talk about it. On examination he observed a severe cancer which he says was a squamous cell carcinoma (SCC) which in his view was terminal. He believed at the time he saw her she would have only had up to 6 months left to live. He says it was the most severe advanced case of SCC he had ever seen in his 31 year career as a dentist. He says this cancer is rapidly invasive, aggressive and malignant. He says it is also capable of spreading to other parts of the body and it destroys bone, soft tissue, muscle and blood vessels. Ms Chuah indicated to him she was receiving alternative treatment for the cancer. He respected her wishes in that regard. In his view in order to treat the cancer most of the tongue would have to be removed as would the lower jaw and upper jaw which was not feasible. Essentially the cancer was inoperable. I accept his opinions.

A post-mortem examination was conducted by Dr Andrew Reid on 26 November 2020. In addition a post-mortem CT scan was performed and routine sections were taken for

² Section 139(b) *Criminal Code* 1924.

³ Section 22 *Burial and Cremation Act* 2019.

⁴ Section 23 *Burial and Cremation Act* 2019.

histological examination and a blood sample, spleen and liver samples were taken for toxicological examination. Dr Reid says the autopsy revealed moderate to severe decomposition changes. He confirmed there was no evidence of violence or recent injury. A tumour on the left side of the tongue was found and was consistent with a SCC. This could not be confirmed histologically due to decomposition and autolysis. He says there was no macroscopic metastatic lymphadenopathy or obvious bone metastases. Therefore there was insufficient evidence to determine whether the tumour was a probable primary cause of, or contributory condition to, death. There was calcified coronary atherosclerosis with stenosis and some changes indicative of ischaemic heart disease in the myocardium. Interpretation of autopsy findings however was limited because of the effects of decomposition and autolysis. The evidence he found of calcified coronary atherosclerosis and myocardial fibrosis may have been sufficient to cause death by ischaemic heart disease. Dr Reid says coronary atherosclerosis occurs when lipid (fatty) material builds up within the walls of the blood vessels supplying the heart muscle. This limits blood flow through the vessel which may result in a lack of oxygen supply to the heart muscle. It is a common cause of sudden unexpected death. The terminal event is often loss of heart muscle function due to an abnormal irreversible heart rhythm (arrhythmia) precipitated by the impaired blood supply to the heart. The results of forensic toxicology did not assist in determining the cause and circumstances of death. Accordingly Dr Reid could not determine the cause of death. I accept his opinion.

Comments and Recommendations

The standard of proof applicable to a coronial investigation 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. That is, it is more probable than not that something occurred. In this case I cannot determine Ms Chuah's cause of death because the evidence does not satisfy me to the requisite standard that the cause of death has been identified. However I am satisfied her death was not the result of violence or injury or any other unnatural cause. I can say the cause was not inconsistent with a natural cause of death because what was found at autopsy suggested Ms Chuah may have died as a result of ischaemic heart disease or as a result of cancer. The latter cause is the more likely given the opinion of Dr Puckridge however there may also have been some other natural cause that was not able to be identified. Accordingly my finding is the cause of death is undetermined.

I thank Mr and Mrs Perry for raising their concerns in this case with Tasmania Police. They were correct to do so.

I extend my appreciation to investigating officer Sergeant Marcus Pearce and to Constable Rosemary Cassidy for her report.

The circumstances of Ms Chuah's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of Ms Chuah.

Dated: 4 May 2023 at Hobart in the State of Tasmania.

Robert Webster
Coroner