



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Stephen Raymond Carey, Coroner, having investigated the deaths of Meagan Wilton and Benjamin Samuel Eyles

Find That:

- (a) The identity of the deceased is Meagan Wilton;
- (b) The identity of the deceased is Benjamin Samuel Eyles;
- (c) Ms Wilton and Mr Eyles died in the circumstances described in this finding;
- (d) Ms Wilton and Mr Eyles died on 16 December 2012 at Hamilton;
- (e) Ms Wilton died as a result of shotgun wounds of the chest and arm;
- (f) Mr Eyles died as a result of shotgun wounds of the chest and arm;
- (g) Ms Wilton was born in New Norfolk on 4 March 1981 and was aged 31 years at the time of her death;
- (h) Mr Eyles was born in Ouse on 18 June 1978 and was aged 34 years at the time of his death;
- (i) Ms Wilton was an unmarried mother of three children and her occupation at the date of death was home duties;
- (j) Mr Eyles was a single man whose occupation at the date of his death was farm hand;
- (k) Ms Wilton and Mr Eyles were murdered by Patrick Stanley Daley.

Circumstances Surrounding the Death:

Ms Wilton and Mr Patrick Stanley Daley had been in a relationship for approximately 5 years, which ended in approximately July 2012. A male child was born of that relationship, who was aged 21 months at the time of his mother's death. At some time after the breakup of her relationship with Mr Daley, Ms Wilton commenced a

relationship with Mr Eyles who resided with her at her residence in Hamilton. At the time of her death, Ms Wilton was the mother three children.

The police investigation has determined that there were indications of domestic violence within the relationship of Mr Daley and Ms Wilton with both parties making allegations in that regard. There was contact between both Ms Wilton and Mr Daley in November 2012 with Relationships Australia. The initial contact was made by Mr Daley on 20 November 2012. He was seeking assistance for some form of mediation between himself and Ms Wilton and in discussions with a counsellor disclosed that he had struck Ms Wilton on one occasion but also outlined that Ms Wilton had been physically violent towards him. Ms Wilton contacted Relationships Australia on 10 December 2012 in response to a letter being sent to her after the initial contact they had with Mr Daley. On this occasion there was discussion over property settlement and custody issues and further indications of mutual violence between the parties in their relationship. A follow-up phone appointment for Ms Wilton was made for 18 December 2012. There appears to have developed significant issues between Mr Daley and Ms Wilton in relation to alleged difficulties that Mr Daley was having in gaining contact with his son, and also claims by Ms Wilton in respect of property entitlements from their failed relationship and also support for their child. Mr Daley is reported to have complained in the week prior to the fatal incident that he had been denied contact with his child.

At about 4:00am on 16 December 2012, Mr Daley travelled to Ms Wilton's home. In the days leading up to this time he had taken steps to put his affairs in order, leaving a note and some documents in an envelope at his home intended for his adult children by an earlier marriage. Ms Wilton, Mr Eyles and the two youngest children were asleep at the house. It appears that Mr Daley has forced entry to the house and has shot both Ms Wilton and Mr Eyles twice with a shotgun to their chest area. Both had been shot once from a distance and then a second shot with forensic examination identifying that the shotgun was touching their skin at the time of discharge.

Following this, Mr Daley has left the property taking his son with him. As matters developed, he contacted police with a police vehicle travelling to the location identified. As the police vehicle approached, he got out of his vehicle, stood beside it and then shot himself. Mr Daley was grievously injured; however he survived but has suffered brain injury with significant damage to the right frontal temporal and parietal lobes.

Mr Daley was charged with two counts of murder, pleaded guilty, was convicted and on 19 August 2014 he was sentenced to 45 years imprisonment with a non-parole period of 25 years.

Comments and Recommendations:

This matter was the subject of an extensive police investigation and I have determined that in light of the material available to me from that investigation and the conviction for murder of Mr Daley that the holding of an inquest is unnecessary and would be unlikely to elicit any significant information that has not already been disclosed by investigations to date.

The circumstances of Ms Wilton's and Mr Eyle's deaths are not such as to require me to make any comments or recommendations pursuant to s28 of the *Coroners Act* 1995.

This matter serves, unfortunately, as yet another example of unaccepted domestic violence where one partner has been unable to appropriately deal with the end of a relationship and with the issues that may accompany such circumstances. Mr Daley was apparently upset and frustrated by recent difficulties in obtaining access to his son, but the action he took was in no way justified. I repeat the comments of His Honour Porter J in passing sentence upon Mr Daley:

"The killings of Mr Eyles and Ms Wilton were pre-planned, and determined and callous in nature. The conduct is significantly aggravated by the presence of the children. There is a need for clear denunciation of violent manifestations of obsessive and possessive behaviour following the breakup of relationships, and of course the taking of human life."

I note that during the course of the police investigation of this double murder it became apparent that police intervention may have been warranted at some stage during the relationship between Ms Wilton and Mr Daley. This aspect was the subject of a separate detailed police enquiry. It is apparent that others who are associated with Ms Wilton and Mr Daley were aware of complaints as to a number of incidents of violence between the two and were under the belief that police were fully aware of the full extent of those incidents. I accept the findings of the police enquiry that in fact Tasmania Police were not fully aware of those details.

One matter of concern, however, relates to the attendance by Tasmania Police at the residence occupied by Ms Wilton and Mr Daley on 28 February 2012. On this occasion it was noted that the weapons owned by Mr Daley were not stored in a safe that complied with the requirements of the *Firearms Act* 1996. No prosecution was instituted in that regard. However, I accept that the exercise of discretion by the police officer at that time may have been appropriate given his belief that there were no ongoing details of domestic violence. Additionally, the police officer attended at that time due to a request by Mr Daley, who asked police to seize his weapons as he intended to move out of the house and did not want the weapons to remain there whilst he was not living at the residence. This occurred, the weapons were later returned to him at that residence when he moved back and had suitable storage for them. They were later handed in again to police when Mr Daley again moved out

and they were returned to him when he established a separate residence and installed his approved storage cabinet.

On 28 February 2012, it appears from police records that the responding police officer was given advice relayed from both parties which indicated that violence may have occurred; the police officer, on one occasion, responds that this may "...be *nothing more than a PFVO* (Police Family Violence Order)". The attending police officer did not characterise the circumstance between the parties as a domestic violence incident after he spoke with them. On this occasion there had been a complaint by Ms Wilton that Mr Daley had assaulted her but the observation by the police officer was that Ms Wilton had no sign of injury whilst Mr Daley had abrasions on his face. The attending police officer says he was advised by both parties that they did not want further police action although Ms Wilton requested the matter be recorded. The attending police officer categorised this incident as "*just a family argument*".

Unfortunately, the attending police officer who knew both the parties has decided to take a non-intervention approach. I accept that due to his belief that this was an isolated incident and not in the context of ongoing domestic violence issues between the parties that he did not respond appropriately.

Tragically, had this incident been categorised as a domestic violence incident and formally dealt with even to the extent of issuing a PFVO against both parties, this would have initiated a number of responses including:

- Referral of Ms Wilton to the Family Violence Counselling & Support Service during which contact she may have disclosed other incidents of violence;
- The investigation of possible assault charges against either or both parties on that occasion;
- The formal consideration of charges relating to the unsafe storage of Mr Daley's weapons; and
- Any of the above actions would have led to the seizure of Mr Daley's firearms.

I cannot determine whether any of these possible interventions, if taken, would have prevented the murder of Ms Wilton and Mr Eyles, however, the risk of this tragic event would have been lessened.

I commend for implementation the recommendation of the police inquiry that Tasmania Police promulgate an organisation-wide reminder and implement strategies to ensure that members of the police force strictly comply with the provisions of the Tasmania Police Family Violence Manual 2013, regardless of how minor the incident might appear. This matter serves as a reminder and an example that unless incidents of domestic violence are dealt with appropriately, they can ultimately lead to fatal outcomes. Tasmania Police must ensure that due to the

unacceptable high incidents of domestic violence within the community that all such incidents are dealt with in strict compliance with the *Family Violence Act 2004* and that appropriate policy from Tasmania Police gives priority to proactive and intervention-style action in response to every such circumstance.

I note and commend, recent details provided by the Tasmanian Commissioner of Police as to his personal commitment to address the unacceptable level of domestic violence within our society. However this is not merely a matter that is the responsibility of police or other government agencies; it concerns everyone in our society to have a no tolerance attitude and to do what we can to influence a change of the unacceptable culture that has developed concerning domestic violence.

I wish to convey my sincere condolences to the families of both Ms Wilton and Mr Eyles.

Dated: 29 July 2015 at Hobart in the state of Tasmania

Stephen Raymond Carey
Coroner