JURISDICTION	**:**	CORONER'S COURT OF WESTERN AUSTRALIA
ACT	**:**	CORONERS ACT 1996
CORONER	**:**	SARAH HELEN LINTON, DEPUTY STATE CORONER
HEARD	**:**	22-24 NOVEMBER 2022
DELIVERED	**:**	16 JUNE 2023
FILE NO/S	**:**	CORC 1583 of 2017
DECEASED	**:**	MITCHELL, IVETA

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Ms S Markham assisted the Deputy State Coroner.
Ms R Hartley appeared for the WA Police Force.

Case(s) referred to in decision(s):

Nil

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

I, Sarah Helen Linton, Deputy State Coroner, having investigated the disappearance of ***Iveta MITCHELL*** *with an inquest held at Perth Coroners Court, Central Law Courts, Court 85, 501 Hay Street, Perth, on 22 to 24 November 2022, find that the death of* ***Iveta MITCHELL*** *has been established beyond all reasonable doubt and that the identity of the deceased person was* ***Iveta MITCHELL*** *and that death occurred on or about 3 May 2010 at an unknown place as a result of an unknown cause in the following circumstances:*

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INTRODUCTION

1. Iveta Mitchell disappeared from her home overnight on 2 to 3 May 2010. She has not been seen or heard from since. Despite extensive inquiries by the WA Police, Iveta has not been located and no person has come forward with information to suggest that she is still alive. The police investigating Iveta's disappearance believe she is deceased. They also believe that she was the victim of foul play.

2. The WA Police have considered a number of persons of interest as part of their investigation, but have not laid any charges against any person to date. In November 2017, after a full review of the case, the matter was referred to the State Coroner for possible investigation as a suspected death. At the time of referring the matter, all but one person of interest had been eliminated by police as a possible suspect in Iveta's disappearance. The only person of interest still remaining was Iveta's husband, Chad Mitchell, who was the last person to see Iveta alive.

3. On the basis of the information provided by the WA Police in relation to Iveta's disappearance, the State Coroner determined that pursuant to s 23 of the *Coroners Act 1996* (WA), there was reasonable cause to suspect that Iveta had died and her death was a reportable death. Accordingly, a direction was made that a coroner hold an inquest into the circumstances of the suspected death.[1]

4. I held an inquest at the Perth Coroner's Court from 22 to 25 November 2022. At the start of the inquest, Counsel Assisting tendered extensive documentary evidence compiled during the comprehensive police investigation conducted into Iveta's disappearance. The documentary evidence covered over 900 individual investigative actions undertaken by Major Crime Squad. The materials included a number of reports reviewing the evidence obtained and identifying further areas for investigation, with the last review completed by a senior detective from the Homicide Squad in October 2017.[2]

5. During the inquest hearing, I heard evidence from a number of witnesses who had provided statements and information to the police, to see if any additional relevant information could be obtained. The witnesses included police officers involved in the investigation into Iveta's disappearance, as well as her friends, family and neighbours.

6. The police witnesses spoke to the extensive police investigation into Iveta's disappearance and highlighted aspects of the documentary evidence before me in order to explain the conclusions of the investigators. The primary purpose was to assist me to determine whether Iveta Mitchell is deceased and, if so satisfied, to aid me in reaching any possible conclusions available on the evidence in relation to the cause and/or manner of her death.

7. The other witnesses assisted me to understand more about Iveta as a person: as a daughter, as a mother and as a friend. This helped me to determine the likelihood of whether she would harm herself or voluntarily abandon her family, job and well-

[1] Section 23 *Coroners Act* Direction of State Coroner, 29.11.2017.
[2] Exhibit 1, Tab 2.2.

established life, or if there was another reason for her disappearance. They also provided information about Iveta's plans to end her marriage at the time she disappeared.

8. Iveta's husband, Chad Mitchell, gave oral evidence voluntarily at the inquest. Chad had spoken to police a number of times during their investigation, providing written statements and participating in a lengthy interview, as well as talking to the media regularly to generate information from the public. Chad's evidence at the inquest was largely consistent with these earlier accounts. Chad denies having any involvement in Iveta's disappearance or likely death. He maintains he last saw Iveta alive and uninjured in the early hours of Monday, 3 May 2010, when she walked out of their house following an argument and went to smoke a cigarette in the park next to their home.

9. At the end of the inquest, I indicated that I was satisfied beyond reasonable doubt that Iveta is deceased. As a loving, devoted mother and daughter, I am satisfied the only reason why Iveta has not been in contact with her loved ones since 3 May 2010 is because she died on that day or the night before. If she was alive, I am satisfied Iveta would have contacted her mother and her children, whom she spoke to every day before she disappeared.

10. As to what conclusions I am able to reach in relation to Iveta's cause and manner of death, I note that it is always a difficult process to reach such conclusions without a body. However, based on the evidence that is available, I have set out my thought process and the conclusions I have reached in the remainder of this finding. It is sufficient at this stage to say that I believe that an indictable offence has been committed in connection with Iveta's death and that I should exercise my statutory function under s 27(5) of the Act to report the matter to the Director of Public Prosecutions as I am satisfied on all of the evidence before me that another person was involved in Iveta's death and has disposed of her body.

11. I note in reaching that conclusion I am able to take into account evidence that would not be available to the Director of Public Prosecutions and to be satisfied to a different standard of proof. Therefore, no conclusions should be drawn from my findings and comments that I have referred this matter in relation to any particular person, or that any particular person is guilty of an offence and will be prosecuted as a result of my referral. That is not my role as a coroner. My role is solely as a fact finder for a coronial purpose. I emphasise that it is for the Director of Public Prosecutions, in consultation with the WA Police, to review all of the materials obtained in this coronial investigation to consider what evidence is relevant and admissible for their purposes and what, if any, further steps are appropriate.

BACKGROUND

12. Iveta was born in Czechoslovakia. She was adopted by her parents, Dobromila (often referred to as Debbie or Bubi by witnesses, so I will generally refer to her by those names) and Vladomir Kneblova, when she was 12 months old. Iveta travelled to Australia with her parents and sister as refugees when Iveta was 10 years of age. Iveta came to Australia as Iveta Kneblova and gained Australian Citizenship in

December 1985 as Iveta Knebl. Iveta was only told about her adoption shortly before her disappearance, when she was trying to obtain a passport for her daughter. She apparently did not seem upset about the information and indicated that she considered Debbie and Vladomir to be her true parents. There is no evidence to suggest Iveta ever attempted to contact her biological parents in Czechoslovakia, although she was interested in going back to Czechoslovakia to learn more about her cultural history.[3]

13. Iveta went to primary school and high school in Perth. At the age of 15 years, she was the State and Australian junior judo champion. Iveta left high school in Year 10, when she was 16 years, because she was pregnant with her first child, Peter. Iveta never continued with any further studies and stopped her judo training around this time as well. After Peter's birth, Iveta found work as a waitress in the hospitality industry and eventually gained sufficient skills and experience to be employed as a manager. At the time of her disappearance, she worked at Fitzy's Tavern in the southern suburb of South Lake as a manager. She had been employed there for around 2 years and was reported to have got on well with the other staff and she enjoyed her work. However, Iveta worked long hours, including evenings and on weekends, which impacted on the time she could spend with her children and friends. Generally, Iveta worked five days on and two days off, with the days off normally Sunday and Monday each week.[4]

14. Iveta was close with her parents as an adult but had little contact with her sister, who had become involved in illicit drugs and criminal associations, resulting in an estrangement from her family. It is believed that Iveta had experimented with some low level recreational drugs when she was younger, but prior to her death her stance was very 'anti-drugs', due to the fact her sister's drug use caused her parents great pain and stress.[5] Iveta's father had died prior to her disappearance and Iveta's mother was married to Iveta's stepfather, Les. There did not appear to be any issues between Iveta and her stepfather and she continued to have a very close relationship with her mother.

15. Iveta married her first husband, Simon Read, when she was still pregnant with Peter and not quite 18 years old. She gave birth to Peter, on 15 July 1989. Iveta was married to Simon for two years before their marriage ended. They remained on reasonable terms after their divorce and there was no animosity between them at the time of her disappearance. Peter had fairly limited contact with his father during his teens, by his own choice, but his mother and father remained civil.[6]

16. Iveta then met, and entered into a de facto relationship with, Michael Kilsby. On 14 July 1996, she gave birth to her second child, her daughter Alana. Iveta and Michael became engaged but they never actually married and their relationship eventually ended after seven years. They also remained on good terms and there was no

[3] Exhibit 1, Tab 9.4 [6] – [7]; Exhibit 1, Tab 2, p. 11 and Tab 5.
[4] Exhibit 1, Tab 2, p. 11 and Tab 5 and Tab 14.3.
[5] Exhibit 1, Tab 5 and Tab 14.3.
[6] T 115; Exhibit 1, Tab 2, p. 11.

animosity between them at the time of her disappearance. They co-parented Alana quite closely.[7]

17. Four months after her break-up with Michael, Iveta commenced a relationship with Chad Mitchell. After being together for approximately two years, they married on 8 September 2001. Iveta and Chad had one son together, Kyle, who was 7 years old at the time of Iveta's disappearance. Her older son, Peter, was almost 21 years old and her only daughter Alana was 13 years old. All of Iveta's children had previously been living with her and Chad in a house at 129 Meares Avenue, Parmelia. However, prior to Iveta's disappearance, Peter was spending a lot of time at his girlfriend's home in Baldivis and Alana was spending a lot of time at her father's house and with her grandmother, as she did not want to be in the family home with Chad without her mother present. Therefore, for a lot of the time in the final months, it was just Chad, Iveta and Kyle in the house. That is the case in the final hours on the night she disappeared.[8]

MARITAL DIFFICULTIES

18. The police investigation established that Iveta and Chad were having marital problems in the preceding nine to twelve months before Iveta vanished. These issues related to, amongst other things, Chad's illicit drug use, the family finances (that were adversely affected by the drug use) and conflict between Alana and Chad. Chad had admitted this to police in a statement provided on 7 May 2010 and information was also provided by Iveta's friends and family.[9]

19. In relation to the money issues, Chad told police they had fallen behind in their mortgage about two years' prior, when he was in and out of work. After he started work again, they struggled to make up the arrears. Chad said he was selling his LandCruiser to help try to pay the money off. He also admitted that he had been using drugs on and off since he was 23 years old (generally speed/methamphetamine) and that he and Iveta would argue about him using, and spending money on, drugs. Although Chad made this admission about his illicit drug use, he denied this was the primary reason for their mortgage being in arrears.[10]

20. I note that Chad had also amassed a substantial debt in relation to telephone calls to 1900 lines, many for sexual purposes. The debt was in the range of $6000 and in Chad's name. There was evidence that Chad had an interest in alternative sexual practices, such as cross-dressing, that Iveta did not share. Iveta had become aware of Chad's interest in transvestism by chance some years before she went missing and had made it clear she did not want to see him doing it.[11] More recently, she had become aware of the telephone bill for the sex calls. One of Iveta's friends recalled Iveta had said she was disgusted and worried about how the debt would affect her credit rating, although Chad told police he didn't think Iveta knew about the calls.[12]

[7] Exhibit 1, Tab 2, p. 12.
[8] Exhibit 1, Tab 2.
[9] Exhibit 1, Tab 2 and Tab 17.1.
[10] Exhibit 1, Tab 17.1.
[11] Exhibit 1, Tab 9.4 and Tab 12.3; Exhibit 3, Tab 24.
[12] Exhibit 1, Tab 9.4 and Tab 11; Exhibit 3, Tab 7, pp. 218 - 219.

21. Chad also admitted that he had slapped Alana, Iveta's daughter, about two months earlier. He said it was after she had thrown a water bottle at him. Chad said he slapped Alana across the face with an open hand.[13] It was accepted this had caused Alana's nose to bleed. Alana had run out of the house, jumped the fence and gone to her father's house. Chad said he rang and told Iveta straight away, as he knew what he had done was wrong. From that time, Alana had only been staying at the Meares Avenue home when Iveta was home, so that she was never alone with Chad.

22. Although he admitted striking Alana, Chad denied that he had ever been physically violent to Iveta.[14] There was no evidence from her friends or family to suggest Iveta had ever spoken about Chad physically hurting her or shown signs of being subject to physical violence. At most, Iveta had mentioned that Chad had pushed her once or twice. Iveta had a strong personality and, although much smaller in size than Chad, she had practised judo in her youth, so her friends and family believed she would defend herself against any act of physical violence and would have mentioned it to them if it had occurred.

23. For example, Iveta's close friend Anne-Marie Frank recalled Iveta mentioning Chad pushing Iveta early in the relationship.[15] However, Iveta didn't say much more than that, and never mentioned any other physical contact between them. A couple of other people also mentioned seeing Chad push Iveta, but not in a way that caused her any injury. Anne-Marie saw Iveta on the last day before she disappeared, and saw no signs of physical injury, although Iveta was very upset and stressed.[16]

24. Although there was no evidence of physical violence in Chad and Iveta's relationship, there was a lot of evidence of emotional abuse and coercive control. Iveta's friends stated that Chad mentally abused Iveta by constantly putting her down. He would often yell at her and become angry, particularly when she didn't give him money. He also tried to control her behaviour to a certain extent, such as calling her constantly when she was out with friends or watching her jealously when they were out together.[17] Iveta was a very confident and independent person, so she did not submit easily to this behaviour. People described her as 'giving as good as she got', which appeared to cause volatility in the relationship.

25. In the months leading up to May 2010, Iveta and Chad no longer engaged in a sexual relationship. Iveta usually slept on the couch, in Alana's room or with her son Kyle, rather than in their marital bed. There was no evidence to suggest that Iveta was having an extra-marital affair, just that her relationship with Chad was deteriorating. I note that both of Iveta's previous relationships with the fathers of her children had ended due to infidelity, but both times it was on the part of the other party and not Iveta. None of her friends or family thought it at all likely that Iveta was having an

[13] Exhibit 1, Tab 2 and Tab 17.1.
[14] Exhibit 1, Tab 17.1, [135].
[15] Exhibit 1, Tab 9.4 [19].
[16] T 95; Exhibit 1, Tab 9.2 and 9.4.
[17] T 80; Exhibit 1, Tab 2, p. 12 and Tab 9.4 and Tab 12.2; Exhibit 3, Tab 24 and Tab 28.2 and Tab 31.

affair and even Chad admitted that, although he asked the question on the night she went missing, he didn't think it was true.[18]

26. Leading up to her disappearance, Iveta had told some of her close friends that she was planning to leave Chad and was in the process of arranging separate accommodation.[19]

27. Kerry Worthington, the wife of one of Chad's cousins, was also a good friend of Iveta. Kerry was aware of their financial issues and the fact their marriage had been rocky for a number of years due to Chad's drug use, money issues and Chad's relationship with Alana. Iveta had told Kerry that Chad had never hurt her, but she was angry with him and they no longer had a sex life. Iveta had also told her that if they lost the house she would end the marriage with Chad. In the two months leading up to her disappearance Kerry was aware Iveta had been looking for a rental property because Chad had slapped Alana, which was the final straw for Iveta. Iveta told Kerry she could put up with the drugs and money, "but him touching her child meant game over."[20]

28. Iveta saw or spoke to her mother on a daily basis until she disappeared. Like Kerry, Debbie was also aware that Iveta was looking for another place to live. Debbie told police Iveta had been sad in the month or so leading up to her disappearance and Iveta had spoken to her mother about the problems she was having in her relationship with Chad. These included money issues that made it hard to pay the bills and the fact Iveta felt Chad was lazy and never helped her out. Iveta had told her mother she was leaving Chad, selling the house and renting a house on her own with the children as she didn't want to be with Chad and felt it was better if it was just her and the kids living in a new house. Iveta told Debbie she had a friend looking for a place for her to live and Debbie told Iveta she would help her if she needed money. Debbie did not think Iveta had told Chad of her plans.[21]

29. Iveta had remained close to her school friend, Kim Skinner, even when they were living in separate states for a while. After Kim got married and returned to Perth in 1993, she would catch up with Iveta regularly every fortnight, as well as talking on the phone and texting each other. Iveta had spoken to Kim about her marital problems and concerns about Alana. They met for the last time on Thursday, 29 April 2010, for a coffee and a walk in Rockingham. They talked about their 40th birthdays, which were coming up in a couple of years, and the fact that Kim's life was falling into place but Iveta's seemed to be going in the opposite direction. Iveta said she was unhappy in her marriage but didn't say anything unusual that caused Kim particular alarm. There was no suggestion Chad was violent or abusive and Iveta didn't mention to Kim at that time that she was planning to leave Chad, although Kim sensed that this was where their marriage was headed. Kim received a phone call and had to go run an errand around midday, so they parted early. That was

[18] Exhibit 1, Tab 2.
[19] Exhibit 1, Tab 9.2.
[20] Exhibit 3, Tab 16 [37].
[21] Exhibit 1, Tab 14.2 and 14.3.

the last time Kim saw Iveta. They exchanged some text messages on the Friday and had plans to catch up again the next week, but then Iveta went missing.[22]

30. Kristy Sharp was married to one of Chad's cousins, Chad Marsh, at the time of these events. Chad was very close to this cousin and Kristy became close to Iveta and saw her nearly every day. Iveta had mentioned to Kristy several times that she wanted to end her marriage. She was concerned about Chad's drug use and believed their financial problems were due to Chad using their money to buy drugs and he was lying to her about it. It also broke her heart having Alana not living in the house due to her issues with Chad. Iveta had told Kristy about five weeks before she disappeared that she had decided to end her relationship with Chad and was looking for a rental property. Iveta and Kristy had made plans to go out in the next few weeks to try and find a nice place for Iveta, Alana and Kyle to live (noting Peter generally wasn't living at home at the time). Iveta informed Kristy that she had told Chad of her decision to leave after they received the foreclosure notice on the house, which was about a week and a half before she went missing. However Kristy believed Iveta hadn't told Chad she had started to look for a rental property. Kristy had also heard through her husband that Chad had said he was leaving Iveta around this time. Kristy believed Chad said this only to try to save face because he knew Iveta was leaving him.[23]

31. Kristy last saw Iveta on Friday, 30 April 2010, two days before she disappeared. Iveta visited Kristy at her home to collect Kyle and they made plans to catch up on the Sunday, although it never eventuated. Kristy last spoke to Iveta on the phone on the Saturday, when Iveta was shopping with Alana. Iveta seemed fine during that conversation and they discussed catching up after school drop off on the Monday.[24]

32. Iveta also visited her good friend Tammy Dewaayer unexpectedly on the Friday evening. Iveta was on her way home from work and stopped in for a couple of hours. Iveta seemed a bit down and said she was annoyed and disappointed with Chad. Iveta mentioned the $6000 phone bill that Chad had run up and said she was upset and worried about it. Iveta also mentioned she had recently received a letter from the bank threatening to repossess their home. Iveta believed Chad had spent the mortgage repayment money on drugs and also owed people money for drugs. Tammy had previously mentioned she might know someone who would be renting out a house soon. Iveta asked Tammy for more details, so Tammy said she would check if it was still available. Iveta also told Tammy she had told Chad she was going to leave him and that Chad still wanted to be friends.[25] Iveta had previously told Tammy that when she had threatened to leave in the past, Chad told Iveta she was not going to get Kyle. Tammy believed this was why Iveta had stayed with Chad for as long as she had. However, on this night, Tammy got the impression Iveta was firm in her decision that she was going to leave Chad. Tammy knew Iveta loved her children and would never leave without them, so she was certain Iveta intended to take Kyle with her when she left.[26] Iveta had made it clear to Tammy that she didn't

[22] T 107, 111; Exhibit 1, Tab 10.
[23] Exhibit 1, Tab 12.1 and 12.2.
[24] T 97; Exhibit 1, Tab 12.1.
[25] Exhibit 1, Tab 11.
[26] T 85; Exhibit 1, Tab 11.

want Chad to know her new address if she moved out, although she still planned to allow Kyle to see his father.[27]

33. The next night, being Saturday 1 May 2010, Tammy sent Iveta a text message to Iveta about the house. She told Iveta it looked promising and the house would hopefully be available mid-May. Iveta replied that she would keep her updated. Tammy never heard from Iveta again.[28]

34. Iveta's daughter, Alana, was 13 years old when her mother disappeared and had a close relationship with her mother. Alana was only very young when her mother married Chad, so she had lived with Chad as part of her family unit for most of her life. She described them as previously a close-knit family, together with her brothers Peter and Kyle. Alana recalled fights between Peter and Chad when Peter was younger, but they had resolved when Peter started living out of home. Alana, on the other hand, had begun to fight with Chad as she became a teenager as she felt he was too strict with her and she didn't agree with his rules.[29] The incident that fundamentally changed the nature of their relationship occurred in early March 2010. Alana recalled that following an argument about a book review, Chad took Alana's phone and she threw a water bottle at him as he left. Chad became angry, walked back into the room and slapped Alana hard across the right side of her face, causing her nose to bleed. Alana fled the house and walked to her Dad's house. Iveta was notified and left work to sort things out.[30] As a result of this incident, Alana was not spending a lot of time at home, but she did tell police that she had noticed from about the beginning of the Easter school holidays that things had been tense in the Meares Avenue house and she had noticed Chad and her mother had been arguing a lot. They were verbal arguments, not physical, and generally revolved around drugs and money and Chad not paying the mortgage. Alana also noticed Iveta appeared tense and sad at home and cautious about what she said in front of Chad "because she didn't want to give him a reason for an argument."[31]

35. Iveta's oldest son, Peter, was living in Baldivis at that time to be near his employer and his girlfriend. He worked days while his mother worked nights, so he only saw Iveta intermittently but he still spoke to her multiple times a week. Peter was aware Alana was living with her father most of the time, although not the reason why. Peter gave evidence he got on well with Chad at that time, despite the two of them having had some issues when Peter was younger. Peter was unaware of the marital issues between Chad and Iveta, although he was aware they had some financial issues and they argued from time to time. Peter said he had sensed some tension in the house during visits and had seen his Mum upset on one occasion when he popped by. He had also witnessed some arguments that were about "fifty-fifty each way"[32] between his mother and Chad, but he didn't know what the arguments were about and he never perceived them as threatening. Peter gave evidence he was not aware his mother was planning to leave Chad, although he had heard a rumour to that effect

[27] T 89.
[28] T 81; Exhibit 1, Tab 11.
[29] Exhibit 1, Tab 15.1.
[30] T 144; Exhibit 1, Tab 15.1.
[31] Exhibit 1, Tab 15.2 [43].
[32] T 118.

from a friend about a week before these events. Peter did give evidence that on Sunday, 2 May 2010, he went home in the afternoon or evening to ask if he could move back in as things weren't going well in his new place. When he went to use his key the deadbolt was locked on the door, which was very unusual. Peter knocked and no one answered the door, so he eventually left. Therefore, he did not see or speak to his mother on the Sunday before she went missing.[33]

CONFIRMED EVENTS ON 2 MAY 2010

36. Anne-Marie Frank was one of Iveta's close friends at the time she disappeared. Anne-Marie is Alana's paternal aunt (Michael's sister) and Iveta and Anne-Marie had remained very close even after Iveta's relationship ended with Michael. Iveta and Anne-Marie only saw each other every couple of weeks in 2010, as Anne-Marie was working away much of the time on a mine site, but when she was home she would see Iveta regularly. They would talk about their problems and provide each other with advice and support.[34]

37. Iveta rang Anne-Marie on Sunday, 2 May 2010, and asked if she could come and visit. Anne-Marie agreed, so Iveta drove over to Anne-Marie's house in Safety Bay. She arrived sometime between 2.00 pm and 3.00 pm. Anne-Marie recalled Iveta appeared very pale, "like she had seen a ghost."[35] It was clear to her that Iveta was upset, and she seemed very agitated, which was very unlike Iveta's usual bubbly self. Anne-Marie had seen Iveta's anxiety building for a period of about 12 weeks leading up to this date, so she was not entirely surprised, although Iveta seemed worse than usual.[36]

38. Iveta told Anne-Marie that she was leaving Chad and she had received a letter from the bank telling her that she had a number of days to leave her house. Anne-Marie tried to suggest some solutions to Iveta in relation to keeping the house, but Iveta appeared resigned to the fact the bank would repossess the house. She was making plans to move somewhere else without Chad. Iveta said she had already organised another house through Tammy, which would hopefully be available to move into on 13 May 2010. Iveta said she had stashed away $600 for the move but was short about $1000 for the bond. Anne-Marie offered to lend her the missing money if she needed it.[37]

39. Anne-Marie knew that when Iveta was stressed she would pick at her chin and face constantly, and she noticed that Iveta was displaying this behaviour during their conversation. Anne-Marie recalled that she had not seen Iveta pick at her face like that for a very long time, so she knew Iveta was unusually agitated. Iveta was clearly angry with Chad and told Anne-Marie she believed he was lazy and not pulling his weight. Iveta said she had told Chad on the previous Friday night, which would have been 30 April 2010, that she was planning to leave and that she would take the kids

[33] T 122 – 124; Exhibit 1, Tab 13.1.
[34] T 60; Exhibit 1, Tab 9.2.
[35] T 61.
[36] Exhibit 1, Tab 9.2 and 9.4.
[37] T 63 - 65; Exhibit 1, Tab 9.2.

with her. Iveta said Chad had ranted and raved and was "banging and crashing."[38] Iveta also said that Kyle had overheard the conversation and he appeared teary and upset.[39]

40. While they were speaking, Iveta made comments that suggested Chad was concerned Iveta would keep Kyle from him if she left. Iveta commented that she had never done that with the fathers of her other children, so she couldn't understand why Chad thought she would do that to him. Then Iveta said words to the effect, "I am never going to get Kyle away from him."[40] Iveta mentioned her fear that she would end up leaving the house with nothing and the fact that bikies had been to the house in the past. Anne-Marie reassured her and said she would be fine, then tried to get her to change the subject as it was obvious how upset Iveta was becoming.[41]

41. Iveta changed the subject to organising passports for Peter and Alana, who both needed them to travel overseas. Iveta also mentioned possibly getting a passport for herself as well, so she could go to Czechoslovakia as she wanted to know more about her past. Talking about the passports appeared to make Iveta feel better, and their conversation turned to other matters. Anne-Marie had noticed that Iveta had switched off her phone at the start of her visit. It was unusual for Iveta to switch off her phone for such a short visit, so Anne-Marie noted it. Often in the past when Iveta visited she would leave her phone on, and Chad would ring her repeatedly and yell at her when Iveta answered. As the phone was off, Anne-Marie didn't overhear any conversations between Iveta and Chad during this visit.[42]

42. Iveta stayed at Anne-Marie's house for about an hour then said she needed to go home. Anne-Marie said in her evidence that she could see that Iveta seemed a little bit scared to go home, so she suggested she stay the night. Iveta declined and said she needed to go home and sort things out. Iveta seemed brighter by the time she left. She didn't say where she was going. Anne-Marie and Iveta arranged to speak in the morning and catch up soon, but they never saw or spoke to each other again.[43]

43. Alana had gone shopping with Iveta on Saturday, 1 May 2010. Alana recalled they had a great day shopping together. They caught the train home again at about 4.30 pm and Alana went to sleep at her dad's house.[44] Alana was dropped home by her father at about 6.00 pm on Sunday, 2 May 2010. When she walked inside, Iveta was cooking dinner and Chad and Kyle were watching television. Alana recalled "[e]verything seemed fine and relaxed."[45] Alana went into the park next door for about an hour to catch up with friends and her mum called her to come home for dinner. Chad was out while they ate dinner, but he returned just after they finished dinner. Alana told police she felt "a bit of an atmosphere in the house"[46] at that stage and she noticed Iveta and Chad didn't say hello to each other when he came home.

[38] T 66.
[39] T 62, 64; Exhibit 1, Tab 2.
[40] T 62.
[41] T 63.
[42] T 61, 63; Exhibit 1, Tab 9.4..
[43] T 63 - 66; Exhibit 1, Tab 9.2 [34].
[44] Exhibit 1, Tab 15.1 and 15.2.
[45] Exhibit 1, Tab 15.1 [67].
[46] Exhibit 1, Tab 15.1 [75].

Alana told Iveta she didn't want to stay home that night as she felt uncomfortable. She said in her evidence she felt like something was wrong. Iveta seemed a bit upset as she liked Alana to be home with her when she was off work, but she agreed to take her to her grandmother's house. Iveta then rang her mother to say she was bringing Alana over.

44. When Alana walked outside to the car, Chad followed her out and asked her where she was going. Iveta came out and joined the conversation and told Chad that Alana was going to Bubi's house. Iveta and Chad then had a disagreement about Alana leaving, but Iveta was firm and drove away with Alana to her mother's house.[47]

45. There is some discrepancy about the time. Alana recalled she arrived at her grandmother's at about 8.00 pm, while Debbie thought they arrived at about 6.00 pm. Either way, it was in the evening after dinner. Alana had to go to school the next day. Iveta would usually collect her again in the morning to take her to school, but Alana had agreed she would walk to school the next day. Accordingly, Iveta told her mother Alana would walk to school with a friend. Debbie said she was also happy to take Alana to school if needed, so it was arranged that Iveta would not be returning in the morning. Iveta didn't stay for long, and they only discussed Alana and her school before Iveta left. Debbie recalled that Iveta appeared to be in a normal mood, and she didn't notice anything out of the ordinary. That was the last time Debbie saw or heard from Iveta.[48]

46. Before she left, Iveta said goodbye to Alana and told her she would call her in the morning. They had arranged that Iveta would take Alana for her passport photo after school the next day as well. Iveta did not call Alana the next morning and Alana never saw or heard from her mother again.[49]

47. Neither Peter nor Alana spent the night at the Meares Avenue house that night. As a result, that night there was only Chad, Iveta and their son Kyle at home.[50] Therefore, as to what happened for the rest of that evening, we are reliant largely upon the account given by Chad, as well as to a limited extent the information young Kyle could provide.

CHAD'S ACCOUNT TO POLICE

48. As noted at the start, Iveta's husband Chad provided a number of written statements to police as well as participating in a lengthy recorded interview in the days and weeks after she disappeared.

49. In his initial statement that he provided to police on 7 May 2010, Chad said that on Friday, 30 April 2010, he and Iveta agreed to sit down and talk as a couple about

[47] Exhibit 1, Tab 15.2.
[48] Exhibit 1, Tab 14.2.
[49] T 148; Exhibit 1, Tab 15.1.
[50] Exhibit 1, Tab 2.

their future. They arranged to do this on Sunday, 2 May 2010, as that was Iveta's day off work.[51]

50. On the Sunday, Chad recalled Iveta woke around lunchtime. While she was sleeping, Chad had been watching television. Chad had a shower after Iveta got up and then took Kyle to a birthday party. Chad asked Iveta for some money before leaving, and Iveta gave Chad her bank card to withdraw some money to buy a birthday card and cigarettes for her. Chad said he withdrew $100 for Iveta and $60 for himself. After dropping Kyle at the party, Chad returned home and put the $100 in Iveta's handbag then drove his work ute to a service station, where he filled up two jerry cans of fuel.[52] When he got home, he put some of the fuel in one of his Land Cruiser's that he was selling. Iveta had left the house by this time to go and visit Anne-Marie Frank.

51. Chad collected Kyle from the party and returned home. Chad remembered that Iveta returned home sometime later with Alana, who had been at her father's house.[53] Iveta then cooked dinner and Chad went to visit his cousin. Chad returned home at a time he estimated to be about 7.00 pm, by which time it was dark. He had dinner and they then had a discussion about Alana going to stay at Iveta's mother's house. Chad said he wasn't happy about it, but Iveta said Alana was going and then left the house to drive Alana there.[54]

52. Chad told police he was 'pissed off'[55] but not angry by the time Iveta returned home. Kyle was still up, so he gave his mum a hug and a kiss and was put to bed. Chad sat on his own bed for about ten minutes, purportedly trying to calm himself so he could have a discussion with Iveta. He then went into the TV room and sat on a couch opposite Iveta, who was lying down on another couch. Chad said he and Iveta started to talk about their marital issues at about 9.00 pm. Chad maintained that the conversation remained calm for the most part until the last few minutes. They discussed various relationship issues and Chad maintained that at the end of their discussion Iveta agreed to stay in the relationship on the proviso that Chad would 'stay off the gear' (drugs). Chad said he got angry in the last couple of minutes of the conversation when the conversation turned to Alana. They both began raising their voices and Chad said he then got up and walked away.[56]

53. Chad initially told police he went into his room and lay on his bed for the next few hours. He then looked at the clock and noted it was about 1.00 am, before he got up and returned to the TV room. Iveta was still there. She was lying on the couch with the TV on and her eyes closed, but she wasn't asleep. Chad asked if Iveta had cheated on him, and she said she hadn't. He then spoke about Alana again and asked if things were going to change. Chad said Iveta began yelling and screaming at him and he then got up to walk away. As he left, he told her he couldn't deal with 'the

[51] Exhibit 1, Tab 2 and Tab 17.1.
[52] Exhibit 1, Tab 2 and Tab 17.1.
[53] Exhibit 1, Tab 2.
[54] Exhibit 1, Tab 2 and Tab 17.1.
[55] Exhibit 1, Tab 17.1 [67].
[56] Exhibit 1, Tab 2 and Tab 17.1.

Alana stuff' anymore. At that time Kyle began crying, so they both went to check on him.[57]

54. Chad said he became angry that their arguing had woken up Kyle. He told Iveta not to come into Kyle's room, but she followed him anyway. Whilst in the hallway, he turned around and put his hands out and bumped into Iveta. Chad said it appeared to him that Iveta thought he was going to hit her as she took two steps backwards away from him. This is despite the fact that Chad said he had never hit or been physical towards Iveta during their relationship. Chad said he then walked into Kyle's bedroom and sat next to Kyle. Iveta followed him into the room. Chad said he covered Kyle's ears with his arm and told Iveta to, "Get the fuck out."[58] Chad said that Iveta sat down on the end of the bed and began rubbing Kyle's legs, so he told her angrily again to "get the fuck out now."[59] Iveta then left the room.

55. A couple of seconds later, Chad said he heard Iveta light a cigarette and then heard the front security door slam. Shortly after, he went out the front to look for her. He said he walked down to the footpath, where he observed Iveta in black clothing walking on the footpath through the park that adjoins their house. She was on the northern side of the park from the house at that stage. Chad told police that was the last time he saw Iveta. Chad later estimated the time to be around 1.00 am on Monday, 3 May 2010, based on the time he'd seen on the clock earlier.[60]

56. Chad maintained that at the time Iveta left the house, she was uninjured and had given no indication that she might harm herself or leave her children and family. Chad told police the longest Iveta had ever been gone on a walk after a fight before was two hours, so he assumed she would return home in a short time period.[61]

57. Chad said he stayed with Kyle in Kyle's room and fell asleep. When he woke up at 5.00 am for work, he noticed Iveta had not come home. Chad said he sat around until 6.00 am to see if she would turn up, then contacted his work and advised he wouldn't be coming in that day. Chad told police he had worked out by this time that Iveta had only taken her packet of Winfield Blue cigarettes and her cigarette lighter as he could see her handbag with the purse inside, her keys and her phone.[62] Chad took Kyle to school, as usual, at 8.30 am.[63]

58. Iveta was meant to start work at midday on the Monday, but she did not arrive for her shift. This was very unusual for her. The office manager at Fitzy's rang Iveta repeatedly from just after midday but the phone kept ringing out, so she eventually rang Chad at about 2.30 pm to say that Iveta hadn't turned up for her shift. Chad told the caller that he and Iveta had a domestic argument and she had walked out and

[57] Exhibit 1, Tab 2 and Tab 17.1.
[58] Exhibit 1, Tab 17.1, [87].
[59] Exhibit 1, Tab 17.1, [89].
[60] Exhibit 1, Tab 2 and Tab 17.1.
[61] Exhibit 1, Tab 17.1.
[62] Exhibit 2, Tab 7, pp. 114 – 115, 118 – 119.
[63] Exhibit 1, Tab 2.

never returned.[64] The office manager recalled Chad was quite blasé during the conversation and "sounded out of it."[65]

59. Chad collected Kyle again at the end of the school day. Despite the fact that Iveta was missing, Chad did not make a report to police and instead drove to Madora Bay, where he and Kyle stayed the night at his Dad's house.[66]

60. Chad told police he locked the front door when he left the house so that it couldn't be opened from the front. Chad told police he did this so he would know if Iveta had been home as she would be forced to break in through the back of the house. He said he believed she would come home while he wasn't there. When he got home on Tuesday, 4 May 2010, at about 12.30 pm, the top lock was still locked.[67]

61. Chad did not take Kyle to school on Tuesday, 4 May 2010. Chad and Kyle instead stayed with Chad Marsh in Windsor Hill.[68] That day, Chad told Chad Marsh and his wife Kristy about Iveta being missing, and Kristy began to use Iveta's phone to contact family and friends to see if anyone had seen her.[69]

62. On the Tuesday afternoon, Iveta's son Peter became aware through a family friend that Iveta had not been seen for a couple of days and nobody could get in touch with her. Peter contacted Chad, who confirmed that Iveta had not been seen since the early hours of Monday morning. Peter made his own attempts to contact his mother, without success. Chad recalled Peter then sent Chad a text message telling him that he was going to report Iveta missing. Chad said he hadn't done it himself as he believed you had to wait 48 hours before reporting a missing person to police.[70]

63. At 9.45 pm on the Tuesday night, Chad said he met Peter at their house in Parmelia and he was there when the police came to the house about an hour later to take some details for the missing person report. When everybody left, Chad returned to his cousin's house, where he had left Kyle.[71]

64. Chad told police he went and visited Iveta's work on the Wednesday to explain the situation. He then returned to his cousin's house. Chad told police it was at this time that he began to think that something might have happened to Iveta.[72]

65. Chad generally maintained a similar version of these events when providing other information to police. One significant change was that Chad told police on 7 May 2010 that he had not used drugs for three weeks leading up to Iveta's disappearance. He also did not mention leaving the house on the Sunday night between the first and second argument with Iveta. However, police obtained other evidence that suggested Chad had gone out to his drug dealer's house on the night of 2 May 2010 and bought

[64] Exhibit 1, Tab 17.1; Exhibit 3, Tab 29.
[65] Exhibit 3, Tab 29 [31].
[66] Exhibit 1, Tab 2 and Tab 17.1.
[67] Exhibit 1, Tab 17.1.
[68] Exhibit 1, Tab 2.
[69] Exhibit 1, Tab 17.1.
[70] Exhibit 1, Tab 17.1.
[71] Exhibit 1, Tab 17.1.
[72] Exhibit 1, Tab 17.1.

and injected amphetamine/speed before he returned home. The dealer recalled that Chad said he couldn't stay long because his young son Kyle was at home. He also mentioned that he believed his wife was going to leave him, although it was unclear if Chad's wife was at home at the time.[73]

66. In the police interview in which Chad participated on 19 May 2010, Chad eventually admitted he had gone out on the Sunday night after Kyle had gone to bed and following his first argument with Iveta. Chad told police in the interview that (without Iveta knowing) he went and took Iveta's bank keycard out of her purse that was in her handbag, drove his work ute to the bank and withdrew $200 from Iveta's bank account and then went and bought four points of speed. Chad's explanation for not mentioning it earlier was that he had forgotten. Chad denied in the interview that he used the drugs that night, saying he realised he had "fucked up"[74] and Iveta would be angry, so he didn't inject it. Chad claimed that he only used the drugs he had bought that night on the Wednesday after Iveta went missing.[75] Later in this finding, I will refer to Chad's evidence at the inquest, which differs again from this account. At this stage, it is enough to add that Chad admitted at the inquest that he lied again to the police in this interview, and he did inject himself with the drugs that night, prior to his final argument with Iveta.

67. Chad also denied in his original statements to police that he knew Iveta was planning to leave him and rent a new house. However, in the interview on 19 May 2010, Chad admitted that his cousin had told him on the Sunday night that Iveta was looking for another house. Chad then told police he asked Iveta about it that night and asked if she was leaving him, but she said that she wasn't so he hoped she might have just been looking for another house for all of them in case they lost their current house to the bank.[76]

68. I will come back later in this finding to some of the other variations in Chad's accounts of events and explanations for his behaviour. At this stage, I simply note that Chad was aware from at least the Monday morning that Iveta had not come home and was without her handbag, phone or car keys. By the end of the day, he was also aware she had not turned up for her shift at work and had not contacted her mother, who was very concerned. Nevertheless, Chad took no action to try to find Iveta at that time.

REALISATION THAT IVETA WAS MISSING

69. The first family member other than Chad to realise Iveta was missing was her mother, Debbie. On the Monday morning, Debbie took Alana to school as Alana's friend didn't arrive. Usually Iveta would drop in to visit or call Debbie every day after dropping Kyle to school, but she didn't call or drop by on the Monday morning. Debbie was immediately concerned because she would always hear from Iveta, without fail. Debbie tried calling Iveta at about 9.00 am but there was no answer,

[73] Exhibit 1, Tab 2; Exhibit 3, Tab 56.
[74] T 139.
[75] Exhibit 2, Tab 7, pp. 130 – 139.
[76] Exhibit 2, Tab 7,pp. 198 – 199.

which made Debbie more worried. Chad called her in the afternoon and said he would pick up Kyle from school. He asked Debbie if Iveta was at her house, and Debbie told him she wasn't and that she had not seen Iveta. Chad then said, "Ok bye,"[77] and hung up. Debbie picked up Alana from school and told her she couldn't get hold of Iveta. Alana was upset and worried too. That night, Debbie became very worried and felt something was wrong, so she went to Iveta's house at about 8.00 pm. She knocked on the front and back doors and the windows but there was no answer and the house was in darkness, so she left again.[78]

70. On the Tuesday morning at about 9.00 am, Debbie called Chad three times in a row on his mobile but he did not answer. Chad returned Debbie's call at about midday. She asked him where he was and he told her he was in Mandurah. Debbie asked, "What happened? Where's Iveta?"[79] Chad said they had argued and Iveta had left at 1 o'clock. He suggested she might be with friends, but Debbie told Chad he should call the police as she has been missing for nearly 24 hours. Debbie expressed her fear that Iveta might be dead, with the hope that this would prompt Chad to involve the police. Chad started to cry then replied, "No worries, I'm coming back from Mandurah. I'll call every friend she has, I'm finding her, I promise."[80] He also promised Debbie he would call the police.[81]

71. Debbie called Chad again about two hours later. He was crying on the phone and was unable to talk properly. Debbie also started crying and the call ended soon after. Debbie went to the house that same day to collect and then return a cat that had to be taken to the vet. When she brought the cat back to the house that evening, she went inside the house and spoke to Chad. Chad was crying and hugging Debbie, but he didn't say a lot. He told Debbie, "Iveta's not coming home tonight, I'll call the Police tomorrow."[82] Debbie became even more concerned when Chad said that, because Iveta would never normally stay away from her family for any length of time and she would always call her mother to tell her she was okay. When Iveta had left before after a fight with Chad, she had taken Alana and Kyle with her to Debbie's house. Her lack of contact this time was completely out of character. After this conversation with Chad, Debbie went that night to a local police station with Peter and other family members (but not Chad) and reported Iveta as a missing person.[83]

72. The next person, after Debbie, to realise Iveta was missing was Kristy Sharp, who was married to Chad's cousin Chad Marsh at the time. Kristy told police she dropped by on the Monday morning to visit Iveta and told Chad to put the kettle on, but Chad said that Iveta had taken off the night before and wasn't home. Kristy asked, "What did you say?"[84] and Chad responded, "Me and my mouth, I don't know when to shut it" [85] and indicated they had been arguing about the house. After being informed

[77] Exhibit 1, Tab 14.3 [96].
[78] Exhibit 1, Tab 14.2 and 14.3.
[79] Exhibit 1, Tab 14.2 [31].
[80] Exhibit 1, Tab 14.2 [35].
[81] Exhibit 1, Tab 14.3.
[82] Exhibit 1, Tab 14.2 [44].
[83] Exhibit 1, Tab 14.2.
[84] Exhibit 1, Tab 12.1 [42].
[85] T 97; Exhibit 1, Tab 12.1 [43].

Iveta wasn't there, Kristy went back home. Later that night, Chad called and Kristy spoke to him briefly before going back to sleep.[86]

73. The next morning, Chad rang Kristy and said he still didn't know where Iveta was, so she went around to the Mitchell's house after school drop off. Kristy looked at Iveta's phone then rang or sent an SMS to everyone in Iveta's phone. Many of the people responded and told Kristy the last time they had seen Iveta. None of them had seen her since she went missing in the early hours of the Monday morning, including Iveta's mother. Kristy said she thought it was strange Iveta had left without her phone, handbag or car and not taken the children, as in the past when she had argued with Chad she would simply take her kids and personal items and go and stay with her mother or Tammy. However, Kristy just assumed Iveta had simply needed a break and she still believed at that early stage that Iveta would be back in a few days. After messaging everyone on Iveta's phone, Kristy sat down and spoke to Chad. He described the argument with Iveta and said he had told her to leave Kyle's room and she walked out. Kristy described to police in a statement signed in 2010 that Chad also said he had pushed Iveta that night but he didn't provide any more detail and she could not recall this conversation at the time of the inquest.[87]

74. Kristy spoke to both Peter and Alana on the Tuesday. Both of them were upset and Peter queried why he hadn't been told his mother was missing before then. The first time Peter had become aware that Iveta was missing was when Kim Skinner called him on the Tuesday morning, after she had received the text message from Kristy. Peter said he was very angry and yelled at Kristy.[88] After speaking to Kristy, Peter then spoke to Chad, who explained he had argued with Iveta and she had walked off and hadn't returned., Peter said he started putting thing together in his head in terms of the deadbolt and locked door on the Sunday, then not being told she was missing until the Tuesday, and felt "something is not right here."[89] Peter immediately left work and went to the house in Meares Avenue, stopping along the way to check with his mother's friends if any of them had seen her. Peter said he was very confused and concerned by this stage.[90]

75. When he got to the house, Peter recalled Chad was home and was crying. Peter said he made a comment to Chad that queried whether Chad had hit his mother, but Chad did not respond. Peter then went and visited his grandmother, Debbie, and started thinking what to do next. Eventually, it was decided they would go to the police and report Iveta missing.[91]

INITIAL MISSING PERSON INVESTIGATION

76. Peter went first to a local police station, then was directed to the Perth Police Station on the evening of Tuesday, 4 May 2010, to report Iveta missing. Peter went there along with Alana, Alana's father Michael and Iveta's mother, Debbie. Chad did not

[86] T 98 – 100; Exhibit 1, Tab 12.1 and 12.2.
[87] T 104; Exhibit 1, Tab 12.2.
[88] Exhibit 1, Tab 12.1 and 12.2.
[89] T 125.
[90] Exhibit 1, Tab 13.1 and 13.2
[91] Exhibit 1, Tab 13.1 and 13.2.

attend with the other family members to make the report. As noted above, Chad later told police he had not made such a report himself as he mistakenly believed a person had to be missing for 48 hours before they could be reported to police as a missing person. Peter's recollection is that the group who went to the station were very worried as "everyone knew that something had gone down. Something had happened, whether it was accidental or deliberate or anything. Something bad had happened." Things became a bit heated at the station as they insisted that police immediately get involved, with Iveta's mother refusing to leave until something was done.[92]

77. Officers from Kwinana Police Station went to Chad and Iveta's home in Parmelia at about 11.00 pm that evening to take a detailed missing person report from Peter. Chad was present at the time but did not participate as much in discussions with police. Indeed, it was not until one of the officers asked who he was that Chad divulged he was Iveta's husband.[93] Chad then volunteered to the police that he had an argument with Iveta at 1.00 am on the Monday morning and she had walked out of the house with nothing but her cigarettes. Chad did not engage much more than that with police, but Peter was obviously very concerned and indicated it was very out of character for his mother to not be contactable.[94]

78. The initial attending officers conducted some patrols then returned to the house at about 12.40 am on the Wednesday morning, but no one answered the door. They returned the next night at about 8.00 pm on Thursday, 6 May 2010, where they spoke to Chad and asked if they could search the house. Chad let them inside and they noted some other people were there printing missing person flyers. The state of the house was quite untidy and smelt dirty but there was no sign of an obvious disturbance. Chad advised he and Iveta had been sleeping separately and she had been sleeping on the lounge. Iveta's mobile phone, car keys, wallet, diary and handbag were all located inside the house in the games room and Chad later confirmed to police that Iveta had left all her personal belongings at home and her car was still at the house.[95] This suggested to police that if she voluntarily left the house that night, Iveta did so without any of her essential personal belongings and on foot. The police also established that Iveta had two bank accounts (only one of which Chad had been aware of prior to her disappearance) and she had not touched her bank accounts, so she had no obvious access to money.[96]

79. Police enquiries confirmed Iveta had not made any contact with her children, family members, friends or her employer. It was also noted that this lack of contact was very out of character for Iveta. She was not the kind of person who would disappear for days without making contact with her loved ones and she was a reliable employee. There was no suggestion she was suicidal or involved in another relationship. Her disappearance could not be accounted for by the people who knew her best. The police were unable to identify any leads as to where Iveta might have gone.[97] The

[92] T 128 - 129; Exhibit 1, Tab 2.
[93] Exhibit 1, Tab 2.
[94] Exhibit 3, Tab 55.
[95] Exhibit 1, Tab 17.1.
[96] Exhibit 1, Tab 2; Exhibit 3, Tab 55.
[97] Exhibit 1, Tab 2.

attending police had also spoken to Chad briefly and had an opportunity to visually inspect their home, and they had not seen any obvious signs of suspicious activity. It therefore remained simply a missing person investigation at that stage.[98]

80. Some of Iveta and Chad's friends from his side of the family, including Kristy, spent some time at the Mitchell house on Wednesday, 5 May 2010, tidying up. Kristy said they did it as they didn't want Iveta to come back to a messy house. They cleaned the kitchen and did some laundry and swept the floors, but said they did not mop the floors. They also printed some missing person flyers to hand out to people in the community trying to get information about Iveta's movements. Kristy contacted the media on Friday, 7 May 2010, as she wanted help from the media to put out a request to the public to try to find Iveta, although Chad was less receptive to dealing with the media.[99]

81. Also on the Friday, police received information from Francis Ellis that he had purchased a Toyota LandCruiser from Chad on Wednesday, 5 May 2010, and had since discovered what appeared to be blood within the vehicle. Officers from Kwinana Police immediately went to Mr Ellis' home and secured the vehicle. A visual inspection of the car failed to identify the composition of the matter that Mr Ellis had reported to possibly be blood. The matter was located on the interior windscreen of the vehicle. The vehicle was secured and Rockingham Detectives were notified. They then assumed ownership of the investigation, in consultation with the Missing Persons Unit and the Major Crime Squad.[100]

ROCKINGHAM DETECTIVES

82. Detective Sergeant Thomas from Rockingham Detectives attended the location of the car and conducted a visual inspection. The matter did not appear to be blood but Peel Forensic Officers attended and conducted presumptive testing just in case. The testing confirmed the matter was not blood. A visual inspection of the rest of the car was conducted and no other deposits of suspicious matter were located.[101]

83. The purchaser of the car, Mr Ellis, was interviewed and he revealed the Toyota LandCruiser had been for sale for a number of weeks prior to Iveta disappearing, so it did not appear that the sale was an attempt to dispose of evidence.[102]

84. Chad was taken to Kwinana Police Station, where he was interviewed by Detective Sergeant Turner as a witness. He voluntarily provided a statement on 7 May 2010, which as noted above indicated that Chad said he had last seen Iveta when she left the house at about 1.00 am on 3 May 2010.[103]

85. Chad told Detective Turner a number of unusual things while being interviewed for the preparation of the statement. In particular, Detective Turner noted in his day

[98] Exhibit 1, Tab 2.
[99] T 102 - 103; Exhibit 1, Tab 12.2.
[100] Exhibit 1, Tab 2.
[101] Exhibit 1, Tab 2.
[102] Exhibit 1, Tab 2.
[103] Exhibit 1, Tab 17.1.

book, which was later transcribed in the electronic running sheet, that Chad said he "should have tied her up and put her in the shed to stop her from leaving"[104] and that he had already told Kyle his "Mummy isn't coming home,"[105] even though Iveta had only been missing for a few days and Chad purported to have no knowledge of where she had gone or why. Chad was later asked about some of these comments when being interviewed by police. He said the reference to the shed was a joke and denied he said he had told Kyle that Iveta was not coming home at all, but only that he had told Kyle, "Mum's missing"[106] and that "she might not be coming home."[107]

86. At around 10.45 pm that evening, Rockingham Detectives executed a search warrant at the Mitchell residence to allow Forensic Crime Scene Unit to conduct a preliminary examination of the residence and vehicles owned by Chad and Iveta. The examination did not show any signs of criminality or evidence of a 'clean up'. A small number of blood droplets were located within the premises, but they did not appear to be recent and were not consistent with a serious assault.[108]

87. A media broadcast was conducted by Missing Persons Unit whilst Rockingham Detectives were continuing their investigation.[109]

88. A Major Incident Briefing Note, which summarises the initial investigative actions taken, was submitted by Rockingham Detectives on Saturday, 8 May 2010, and by 1.00 pm that day, Major Crime Squad Detectives (Major Crime) had taken carriage of the investigation.[110]

89. Acting Inspector Paul Robinson was involved in the Major Crime Squad investigation and gave evidence at the inquest. He indicated it is not unusual for a missing person investigation to become a suspected homicide at an early stage in circumstances such as these, where someone disappears without a trace and involves a domestic-related incident.[111]

MAJOR CRIME SQUAD INVESTIGATION

90. The Major Crime investigation was codenamed Operation Oakland and was investigated in accordance with the WA Police Investigative Doctrine. Over 900 individual investigative actions were undertaken by Major Crime using the ViPER case management system as part of the investigation into Iveta's disappearance.[112]

91. The focus of the early investigation was at the primary incident scene, the Mitchell residence in Meares Ave, which was the last place Iveta was known to have been alive. As noted above, the Mitchell residence was subjected to a full forensic

[104] Exhibit 1, Tab 2, p. 6.
[105] Exhibit 1, Tab 2, p. 6.
[106] Exhibit 3, Tab 7, p. 225.
[107] Exhibit 3, Tab 7, p. 226.
[108] Exhibit 1, Tab 2, p. 6.
[109] Exhibit 1, Tab 2, p. 6.
[110] Exhibit 1, Tab 2, p. 6.
[111] T 7.
[112] Exhibit 1, Tab 2, p. 6.

examination on 7 and 8 May 2010 by forensic investigation officers from the Crime Scene Unit. The examination included the house and surrounding yard. The forensic officers were there to record the scene and to look for any sign of Iveta or indications of a significant blood-shedding event.[113] Obviously, not every cause of death is associated with significant blood loss, but the forensic officers can only look for certain types of evidence and given it was Iveta's home, other kinds of evidence like fingerprints and DNA were less relevant.

92. The house was noted to be untidy and dirty but there was no sign of a major disturbance and no sign of an obvious 'clean up'. The examination did detect bleach on the floor within the house, which can be a sign of someone having cleaned a crime scene, but bleach is also a common agent in household cleaning, so its presence was not considered to be significant in this case.[114] Some swabs were taken that were identified as positive for blood, but the DNA belonged to Chad and it was noted that he had a skin condition (eczema) that resulted in bleeding on the skin surface. He was seen to be visibly bleeding at the time of the forensic examination so blood spotting from Chad was expected.[115] Several items belonging to Iveta were seized to provide a DNA reference sample for future use.

93. The park adjacent to the property, where Chad said he last saw Iveta walking and smoking a cigarette, was also searched and no items of interest were found.[116] The park was relatively small and not very wooded. I note that the Mitchell home was also located opposite a large area of bushland, which was searched by police but obviously was more difficult to search than the park. It left open the possibility that Iveta's body could be in there and yet not be found.[117]

94. Three vehicles from the house were seized and closely examined, including the LandCruiser recently sold by Chad and Iveta's blue Ford Falcon, as well as another LandCruiser owned by Chad. Forensic Investigation Officer Ferguson noted that as well as looking for any obvious relevant materials related to the event, a lot of the work done in that situation is to collect particles and samples that may, through advancements in the investigation or through science, be useful in the future.[118] Some items of interest were located, including a rope 'hangman's noose' in the boot of Iveta's vehicle, which was seized for analysis. This rope was a central focus of investigation for quite a long time and went through extensive testing, but did not provide reportable results. There was evidence from witnesses that the rope in the shape of a noose had been seen in the back of Iveta's car from at least before Christmas 2009 and Iveta was aware it was there, although no one knew the purpose of it.[119]

95. A couch that had been in the living room of the Mitchell residence and on which Iveta usually sat had been donated locally by Chad after her disappearance. The

[113] T 20 – 23; Exhibit 2, Tab 6.3.
[114] Exhibit 1, Tab 2, p. 8.
[115] T 22 - 23; Exhibit 1, Tab 2, p. 8.
[116] T 24 - 25; Exhibit 1, Tab 2, p. 8.
[117] T 11.
[118] T 25 - 26.
[119] T 26 – 27, 29; Exhibit 1, Tab 2, p. 8 and Tab 15.2.

couch, along with a mattress that went with it, as well as some other mattresses, were seized and also underwent forensic examination including luminol examination for a blood event. The testing was negative.[120]

96. On 16 May 2010, almost two weeks after Iveta was last seen, Chad contacted police and said he had found Iveta's wedding ring and engagement ring on the door mat at the front door of their home. Chad told police he did not see who put them there. The two rings were seized by police and forensically tested. The only reportable DNA match was to Chad. Given he had told police he had handled the rings before they were forensically tested, this result was not of any forensic significance.[121] Iveta's DNA was not found on the rings.[122] The rings were shown to other family members of Iveta and her friends and they failed to positively identify the rings as belonging to Iveta, although they do appear similar in appearance to photographs of Iveta wearing her wedding and engagement rings. Therefore, the only person who was willing to positively say the rings were Iveta's was Chad, who reported finding them, and there was no information as to how the rings got there. Chad said he could identify at least one of the rings as Iveta's as it had an engraving inside.[123]

97. The rings were an important piece of evidence. There was evidence before the inquest to the effect that Iveta never took her jewellery off and had told at least one of her friends that her jewellery was her financial safety net. I will come back to what conclusions I have drawn from the finding of the rings later in this finding.

98. Forensic Crime Scene Unit officers re-attended at the Mitchell residence on 18 May 2010 and conducted further examinations specific to identifying any more evidence of a bloodletting event or clean-up of such an event. Extensive searching was conducted within the house and the exterior yards. A portion of the tiles were identified as being positive for what was suspected to be bleach used during recent cleaning. The area was sampled by a PathWest Scientist, who advised blood was not detected after further testing.[124]

99. Exploratory work was done in the back yard, front yard and around the swimming pool of the Mitchell's home. The garden beds were excavated and a large amount of probing of the ground completed, as well as lifting of paving near the pool and laundry to identify any areas of disturbance within the ground that might suggest anything buried there, including a body or implements. Nothing that appeared related to Iveta's disappearance was found.[125]

100. At the relevant time, Chad worked as a loader operator.[126] He worked at a number of sites in that position. With the view of locating Iveta's body, a thorough search of the Kwinana Landfill Site was undertaken. This is the location where Chad usually worked and he was later discovered to have had access to the site outside of working

[120] T 27; Exhibit 3, Tab 41 and Tab 43.
[121] Exhibit 1, Tab 2, p. 8.
[122] T 12.
[123] T 11; Exhibit 1, Tab 2, p. 9.
[124] Exhibit 1, Tab 2, p. 8; Exhibit 2, Tab 6.2.
[125] T 24.
[126] Exhibit 1, Tab 17.1.

hours, although the fact he had access to the site was denied by Chad during an interview. The search of the Kwinana Landfill site did not locate any sign of Iveta. However, there were parts of the site they were not permitted to search due to potential exposure to asbestos or other hazardous materials.[127]

101. Numerous other areas of interest in Kwinana and the surrounding area were also searched, including the North Dandalup Sandpit (Chad's secondary place of employment), bushland near the Kwinana Landfill Site, wetlands close to the Mitchell residence, Chad's parents' home in Madora Bay where he went the night after she disappeared and the Spectacles (a bush area that Chad went to during the investigation). No items of interest were located at any of these sites that might assist in locating Iveta.[128]

102. During the course of the investigation, a large volume of documentation was obtained from various businesses, banks, telecommunication providers and government agencies, but none of the materials significantly progressed the investigation.[129]

103. On 7 and 8 September 2010, Forensic Crime Scene Unit conducted another forensic examination at the Mitchell home, with a focus on the exterior. This included extensive probing of areas in the front and rear yards of the property. The Water Authority also attended to assist with a search of a sewage access point in the rear yard. No areas of interest were located.[130]

104. Extensive Luminol treatments were also conducted throughout all rooms in the house, which identified several areas of potential blood staining. One area on the surface of the lounge room couch tested positive to a presumptive blood test, but the blood was later found to belong to Chad.[131]

105. In the end, following extensive forensic testing, the WA Police Force found no evidence of a crime scene at the Mitchell house.[132] Other than the noose found in Iveta's car, which was the subject of close forensic attention due to its possibly sinister connotation, there was also nothing of significance found in the cars seized from the Mitchell residence.[133]

106. Forensic Investigation Officer Ferguson gave evidence that a domestic situation is difficult for forensic examiners as fingerprints and DNA are less significant. In addition, a lack of evidence does not exclude the possibility an incident occurred, only that there is no forensic evidence to support such a conclusion. Therefore, all that can be said is that the forensic examiners found no evidence to support a significant blood-letting event, or clean-up of the same, and nothing to point towards

[127] T 12; Exhibit 1, Tab 2, p. 10; Exhibit 2, Tab 6.2.
[128] T 12 – 13; Exhibit 1, Tab 2, p. 10; Exhibit 2, Tab 6.2.
[129] Exhibit 1, Tab 2, p. 10.
[130] Exhibit 1, Tab 2, p. 9.
[131] Exhibit 1, Tab 2, p. 9; Exhibit 2, Tab 6.2.
[132] T 29.
[133] Exhibit 1, Tab 15.2.

any implement or body being concealed at the house or in the yard during their searches.[134]

107. Other than Chad's report of finding Iveta's rings, no physical material has been obtained that identified Iveta as being alive post her disappearance in early May 2010.[135] However, there has also been no physical evidence found that points conclusively to her death. Therefore, in order to reach a conclusion about whether Iveta is deceased, and whether any particular person was involved in her disappearance/death, the focus must be on the witness evidence.

108. The below map depicts the Mitchell residence and surrounding area, including the park next door and bushland across from the residence.

Exhibit "4" depicts Aerial image of the Mitchell residence. Blue arrow indicates the residence with park adjacent to the property and bushland across the roadway

[134] T 29.
[135] Exhibit 1, Tab 2, p. 7.

WITNESS ACCOUNTS

109. Police interviewed a large number of witnesses as part of this investigation. Approximately 215 witness actions were created, which canvassed persons related to Iveta and Chad, their associates, neighbours and other people who might be able to provide useful information.[136] No independent witnesses were identified who could provide any information on Iveta's whereabouts or movements after she arrived home in the early evening of 2 May 2010, separate to the evidence of her husband Chad and, to a limited extent, her young son Kyle. There was also no eye witness information obtained that directly implicated Chad or any other person in Iveta's disappearance.[137]

Kyle Mitchell

110. Kyle, who was only a little boy of seven years at the time, was interviewed by two officers from the Child Assessment and Interview Team on 11 May 2010. The interview was recorded and was conducted in an appropriate way for a child of his age. Kyle mentioned information he had heard his father say about what time Iveta was last seen and what she was wearing. From his own perspective, Kyle told the interviewers that he remembered on the Sunday that Iveta made some bags (as products for her small business), then she sat on the couch and watched television and had dinner. He remembered that his mother "was looking very sad,"[138] but he wasn't able to say why she was sad. He remembered that Alana was also home, along with his mother and father, which she was until after dinner.

111. Kyle said that he went to bed at 8.30 pm, which I assume was his usual time, and then he heard his mother and father yelling at each other. Specifically, he remembered that he "could hear Dad yelling and Mum screaming."[139] Kyle couldn't recall any particular words and only recalled that it made him feel sad. He was asked specifically about who was shouting and he made it clear it was only his Dad and that he heard his Mum "yelling and screaming at the same time."[140] His father then came in to lie with him for a bit, at a time Kyle estimated was around 9.00 pm. Kyle did not mention his mother coming into the room to see him or seeing her again at any stage after he went to bed. Kyle remembered that his father ended up sleeping in the same bed overnight and when Kyle woke up in the morning, his mother was missing.[141] Kyle recalled that he didn't go to school that day, although the other evidence suggests that he went to school that day as usual, but then didn't go to school the following day or two.

112. Kyle, who is now an adult, also gave evidence at the inquest. He only had a vague recollection of the relevant events, although he did remember being interviewed by two police officers. Kyle gave evidence that his memory of his mother was that she was always there at home with him when she wasn't at work, and was present in his day to day life as much as she possibly could be, before she disappeared. His

[136] Exhibit 1, Tab 2, p. 11.
[137] Exhibit 1, Tab 2, p. 11.
[138] Exhibit 1, Tab 16, p. 9.
[139] Exhibit 1, Tab 16, p. 10
[140] Exhibit 1, Tab 16, p. 11.
[141] Exhibit 1, Tab 16.

recollection of her behaviour leading up to her disappearance was that he had not noticed any significant change in her behaviour and hadn't noticed any increased tension between his parents. He could not add much further detail about what happened on that night, other than he recalled being in bed and going to sleep, then waking up due to an argument. Kyle started crying and he recalled hearing his parents talking about him crying. He said at the inquest he believed his mother walked into his bedroom first, followed very closely behind by his father, which is different to his recollection shortly after she disappeared. Kyle said he remembered both his parents were being very comforting towards him and then one of them said words to the effect 'look what you've done or now he's crying' and then they both left the room. He gave evidence he heard something being picked up off a table and the flyscreen door opening and closing, which he assumed was Iveta going out for a smoke, and then he recalled his father came back into the room. That was the last time Kyle saw his mother.[142]

113. I have no doubt Kyle gave evidence honestly and genuinely. However, I also note that even at the time he was interviewed by police, Kyle made reference to his father's version of events that he had heard a number of times. Since that time, he has no doubt had many opportunities to discuss these events with other family members, in the hope of trying to get some answers or assist with the investigation further. Some of the more recent evidence Kyle gave about these events may, therefore, be a product of remembering what he was told rather than from his independent memory of events.

114. In relation to the argument Kyle recalled overhearing, he did not recollect any exact words spoken, only that it was clear it was an argument. He didn't hear any sounds of a crash or banging or anything being thrown.[143] However, I consider it significant that he used the term shouting in relation to his father and screaming in relation to his mother. I also consider it significant that when he was interviewed less than two weeks after his mother went missing, he did not recall seeing her come into his room that night and he was able to place the loud argument he heard at about 9.00 pm.

Debbie (aka Dobromila or Bubi) Knebl

115. Debbie was immediately concerned on the Monday morning when she did not hear from Iveta as expected and her concerns quickly escalated after speaking to Chad. It does not seem that Debbie initially had any suspicions about what had happened to Iveta. She just knew that someone was wrong. When Chad did not report Iveta missing to police, as she requested, Debbie took matters into her own hands with Iveta's older children on the Tuesday night.

116. Debbie told the police that Iveta always carried her mobile phone with her wherever she went and she always drove herself in her car. Iveta lived for her children and Debbie was sure Iveta "would not leave or go off without her children."[144] She also spoke to her mother every day, even when she went on holiday. Debbie was certain Iveta was not having an affair, as she did not have the time or inclination for that and

[142] T 155 - 157.
[143] T 158.
[144] Exhibit 1, Tab 14.3 [49].

had no history of doing so. Iveta was a 'homebody', who spent most of her time either at work or at home. She did not drink or use drugs and she was generally in good health, with no injuries or illnesses. Debbie had experience with troubled children as a result of issues with her other daughter, and she was sure that Iveta would never leave her to worry if she could prevent it.[145]

Chad's family

117. Most of the statements from Chad's family members indicate that they were fond of Iveta and recognised that Chad was a difficult person to live with and that he was the main cause of the couple's troubles. A number of them confronted Chad in the weeks following Iveta's disappearance to challenge him as to whether he had done anything to Iveta, but Chad always denied being involved in her disappearance and maintained that the last time he saw Iveta was when they fought at the house and she went out to the park.

118. Chad has a cousin, Chad Marsh, who he was particularly close to, and Chad Marsh also knew Iveta well through their marriage and through his then-wife, Kristy. Chad Marsh had contact with Chad immediately before and immediately after Iveta went missing. I have referred to him as Chad Marsh in this finding to avoid confusion between the two Chads. Chad Marsh knew there were issues in the marriage, particularly in relation to Alana as Chad felt she was disrespecting him and questioning his authority. Chad Marsh was also aware they were experiencing financial problems due to Chad's behaviour. Chad Marsh was supportive of Iveta and was aware that Chad was lazy and using drugs while Iveta worked very hard. In the weeks leading up to Iveta's disappearance, Chad Marsh had been speaking to Chad about his marriage problems and Chad told him that the bank had delivered a letter to the house advising they were in mortgage arrears, and he wasn't sure if Iveta knew about it.[146]

119. Chad told police he visited his cousin on 2 May 2010, but his cousin doesn't mention this in his statement. Chad Marsh did recall that Chad rang him on either 3 or 4 May 2010 and told him that he had an argument with Iveta the previous night and she had left. Chad said Iveta had been yelling a lot, which had upset Kyle. Chad Marsh thought this was unusual as he had never heard Iveta yell before, although he was aware Chad and Iveta argued. Chad Marsh initially said he went and stayed with Chad and Kyle on the Monday, Tuesday and Wednesday night at their house, although he later thought it might only have been the Tuesday night. Chad Marsh said he asked Chad on more than one occasion if he had hit or slapped Iveta or done anything silly, but Chad denied this and appeared visibly upset and worried for Iveta.[147]

120. On the evening of 17 May 2010, Chad rang Chad Marsh and told him he had found Iveta's wedding and engagement rings on the front door mat. He said he had taken them inside and Chad Marsh told him he was stupid for touching them as they could possibly be evidence. Chad got angry and hung up, so Chad Marsh and Kristy went

[145] Exhibit 1, Tab 14.3.
[146] Exhibit 3, Tab 10.1.
[147] Exhibit 3, Tab 10.1 and 10.2.

around to Chad's house. Nothing seemed out of the ordinary and Kristy had a look around and confirmed that none of Iveta's property seemed to have been taken from the house. Chad Marsh told police he felt it was very out of character for Iveta to leave without even her handbag, which she always had with her, and he said he had a "nasty feeling something's gone wrong, [as] Iveta is a fighter and doesn't just walk away from anything."[148] In a later statement, Chad Marsh told police he had never seen Chad be violent towards Iveta and he didn't believe Chad had done anything to Iveta.[149]

Neighbours hearing an argument

121. Cheryl Youens was living in Orelia, the next suburb over from Parmelia, in May 2010. On 3 May 2010, Ms Youens was woken up from sleep at about 2.00 am by the noise of an argument. Ms Youens could hear a male and a female voice and it seemed that the male voice was yelling over the top of the female's voice. It sounded to Ms Youens that it was a domestic dispute. She heard the female scream a couple of times and then heard the female yelling and then there was no further sound. Ms Youens wasn't willing to go outside and investigate, but it appeared to her that the sound was coming from the general vicinity of the oval at the back of the Orelia Primary School. Ms Youens did not immediately make a report to police, but did contact them a week or two later when news of Iveta's disappearance filtered through. Ms Youens had been a work colleague of Iveta's at Fitzy's until September 2009 and they had also gone to school together, so they would chat sometimes. Ms Youens recalled that Iveta was "very much devoted"[150] to her children but it didn't sound like she was happy in her marriage. Iveta never appeared depressed nor mentioned thoughts of self-harm, and Ms Youens said she absolutely did not think Iveta would ever walk away from her life and, particularly, her children.[151]

122. Russell Craze lived in the Parmelia area in May 2010. On the afternoon of 2 May 2010, he took his son to the park next door to Iveta and Chad's house. He estimated it was about 5.00 pm to 5.30 pm as it was just getting dark. At this time, Mr Craze heard a male and female arguing in front of the house on Meares Avenue that he identified from a map as the Mitchell's house. He recalled the male was approximately Caucasian, six foot four tall and stocky and said he reminded him of Little John in Robin Hood, which from my own observation could be a description of Chad Mitchell. This male was yelling really loudly. The female he was yelling at was also Caucasian, roughly five foot five and had dark brown hair, which is generally consistent with Iveta's appearance. Mr Craze remembered the male was extremely angry during the argument and was towering over the woman, who was sitting down in the front yard. He appeared to be shouting at the top of his lungs only inches from the woman's face. The man was swearing a lot and they appeared to be arguing over the money he had spent. The woman appeared very upset as she believed the man had spent the money on things other than either the mortgage or rent. Mr Craze recalled the male did most of the shouting and at one stage it appeared as if he was going to hit the woman, as he was leaning over her in a threatening manner with his

[148] Exhibit 3, Tab 10.1 [70].
[149] Exhibit 3, Tab 10.2 [74].
[150] T 32.
[151] T 32.

right fist clenched by his side in a tense manner. As the argument seemed to be continuing, Mr Craze decided to leave as he didn't want his son exposed to the harsh language coming out of the male's mouth. As they left the park, they could still hear the male shouting for some distance while they walked away.[152] The timing of this incident is difficult to match with the other known events that day, although it might be around the time when Chad and Iveta were arguing about Alana going to her grandmother's house.

123. Janet Taylor was living in Parmelia at the relevant time in a street not far from the park adjacent to the Mitchell's house. On the evening of 2 May 2010, at about 8.00 pm, Ms Taylor was out the front of her house smoking a cigarette, when she heard a male and female screaming and yelling using very derogative and vulgar language, swearing and cursing. It sounded to Ms Taylor like the voices were coming from the park. She got up and walked towards the corner of her house to see if she could see anyone arguing, but she couldn't see anything from where she was standing. Ms Taylor went inside to watch television for a period and when she came back outside for another cigarette she could still hear the voices, but when she went back outside again at about 10.15 pm she could no longer hear the voices.[153]

124. Ms Taylor was sufficiently concerned at the time to call the police to report there was an incident occurring, "because some of the stuff that was being said was a little scary"[154] and she was concerned for someone's safety. For example, Ms Taylor overheard the male voice say, "If you don't get out of my way, I will kick the shit out of you." She recalled the male voice was very loud over the female voice and you could barely hear the female voice when the male was screaming. Ms Taylor said she has often heard arguments in the neighbourhood and doesn't always call the police, but she will where she is worried that a person's safety is in peril. That is why she called the police on this night. Police officers came to her house at about 11.00 pm that night and she pointed the officers in the direction where the noises had come from. Police officers then returned later to take a formal statement.[155]

125. Other people in the area also heard a loud argument between a man and a woman coming from the park in the early hours of the morning on the date of Iveta's disappearance.[156]

Other witnesses

126. Of significance, one nearby neighbour, Debra Brown, told police that she had been outside her home at the time Chad reported Iveta walking through the park, but she did not see Iveta that night. Ms Brown lived at the opposite end of the park to Iveta and had been waiting up to see her daughter and granddaughter, who were flying home from Queensland. Ms Brown had been sitting outside smoking most of the night and was outside when she received a call from her daughter at about 12.20 am to say she was on her way. Her daughter was dropped home from the airport

[152] T 33 – 36.
[153] T 37 – 43.
[154] T 40.
[155] T 40 – 43; Exhibit 3; Tab 51.
[156] Exhibit 3, Tab 1, Tab 2,

sometime between 12.30 am and 12.50 am on 3 May 2010. They sat outside and had a coffee and a chat before her daughter went inside at about 1.00 am. Ms Brown then sat outside for about another hour and did not go inside until at about 2.00 am. At no stage that evening did Ms Brown or her daughter see Iveta or anyone else walk by.[157]

127. Ms Brown was a friend of Iveta's and would see Iveta about once a week. Even though they lived close by, Iveta would always drive her car to Ms Brown's when she dropped in to visit. Ms Brown is sure she would have recognised Iveta if she walked past and she would have expected Iveta to stop and speak to her, particularly if she was upset. Ms Brown's home was only about 300 metres from Iveta's house and she could see some distance into the end of the park with the help of the streetlights. Ms Brown's porch light was also on, so Iveta would have been able to see her if she had been heading that way. Ms Brown gave evidence that she was certain Iveta did not walk towards her house that night/morning between midnight and 2.00 am[158]

128. Mr David Roche was living in the Kwinana area in 2010 and would often walk his dogs around the perimeter of the Kwinana tip/waste management site. On Sundays, Mr Roche would also walk inside the tip area. Early on a Sunday morning in August 2010, Mr Roche was walking his dogs in the tip area, as usual, when he was surprised to see a small white Suzuki car with an orange light on it approaching. He assumed it was security or a tip worker. Mr Roche was standing only about 10 to 15 metres from the road and watched the car go past. He could see the driver was a white man with blonde curly hair and he was a "big dude."[159] The man driving didn't look at him, but "kept looking straight, like he was a zombie"[160] or in a trance. The car continued driving down the hill. Mr Roche checked on the car once or twice and noted the man remained in the car and did not get out. The man remained sitting in the car for about an hour and forty minutes, which Mr Roche thought was strange. Mr Roche did not know the person driving the car, but recognised him as Chad Mitchell that night when he was watching television and saw Chad on the TV handing out flyers in relation to his missing wife. He turned to his wife and said, "I've seen that dude at the tip today."[161] Mr Roche was reluctant to involve the authorities, but his wife rang up Crime Stoppers and he was then contacted by police. Mr Roche went with some police officers to the tip within a couple of days of making the call and showed them where he had seen the man he believed to be Chad Mitchell.[162]

129. Police were aware that Chad worked at the tip and had information that Chad had keys that allowed him entry to the site,[163] but Mr Roche's evidence assisted in showing that Chad had access to the tip outside of normal working hours.

[157] T 55 – 57; Exhibit 1, Tab 8; Exhibit 3, Tabs 35 to 37.
[158] T 55 – 57; Exhibit 1, Tab 8; Exhibit 3, Tabs 35 to 37.
[159] Exhibit 3, Tab 44 [22].
[160] T 46.
[161] T 47.
[162] T 49 – 50.
[163] Exhibit 1, Tab 2, p. 19.

130. Another associate of Iveta's was told by a man about a month after Iveta went missing that he had seen a man just sitting in a white utility with an orange light on top at the tip in between 5.00 and 6.00 am on the Monday morning that Iveta went missing. This unknown man mentioned he was sure it was Chad as it was the same kind of car Chad drove.[164]

POSSIBLE OUTLAW MOTORCYCLE GANG (OMCG) INVOLVEMENT OR OTHER PERSONS

131. There were reports that Chad was a member of an Outlaw Motorcycle Gang and this could have been relevant to Iveta's disappearance. A number of witnesses recalled Iveta had told them in the past that men on Harley Davidson motorcycles had come to her house and wanted to come in but she wouldn't let them, so Chad went with them instead.[165] Friends suggested the men were OMCG members and they had told Iveta Chad owed them money and if she signed over the house to them, it would be square, but she slammed the door in their face.[166]

132. This line of inquiry was explored by the police, and it was established that Chad was never a patched member of such a club and his involvement with any such group was limited to him having known associates affiliated with such groups. Chad personally was a member of what was referred to as more of a motorcycle enthusiast's group, known as the Harley Riders club, which did not have the same association with criminal activity, although it rented space in a building owned by the Rebels OMCG and when the Harley Riders folded, some of the members of the group later became patched members of the Rebels. Chad, however, was never a nominee or member. Some members of the groups, who were friends of Chad, were reportedly seen at Chad and Iveta's house after her disappearance providing support to Chad but there was no evidence to suggest they were involved in her disappearance.

133. Police officers investigated these allegations thoroughly and at the end of their investigation, it was determined no member of an OMCG was a suspect in this case.[167]

134. There was also evidence from a number of witnesses that Chad owed money to people for drugs at various times and this might be relevant. In particular, police received information in 2013 that a person had allegedly made admissions to being involved in Iveta's death in company with Chad Mitchell. This person, whom I will refer to as Mr X, allegedly made admissions to another person in about February 2012 that he had gone to the Mitchell house with another person. While Mr X waited in the car, the other person went into the house. Eventually, Mr X went to the front door and saw his associate and Chad Mitchell inside and Iveta lying on the floor. Under their direction, Mr X said he returned to the car and eventually his associate and Chad Mitchell came and put Iveta in the car and then the three men allegedly

[164] Exhibit 3, Tab 30.
[165] Exhibit 1, Tab 14.3.
[166] Exhibit 3, Tab 24 [22] and Tab 28 [59].
[167] T 15 – 16; Exhibit 3, Tab 14, Tab 16 and Tab 19.

disposed of her body by either turning her into 'ash' or taking her body to a plantation. It was suggested the incident related to the collection of a drug debt.

135. Detectives took a number of steps to attempt to verify these allegations, including interviewing Mr X, who denied ever making such admissions and also denied having any involvement in Iveta's disappearance. The police eventually concluded there was no links whatsoever between Chad or Iveta Mitchell and Mr X and his associate and they were excluded by police from any involvement in Iveta's disappearance.[168]

ANY POSSIBLE SIGHTINGS OF IVETA?

136. A/Inspector Robinson gave evidence that as part of the Major Crime Squad investigation, door knocks were conducted, friends and associates were contacted and there was extensive media coverage broadcast to the public seeking any information. No report was ever received of an actual sighting of Iveta after she was last seen at her home in the early hours of 3 May 2010 and police received no information that verified that she was alive after that date.[169] A number of possible sightings were reported to police, but none were ever confirmed as being Iveta.[170]

137. In later years, there has been continued media coverage of Iveta's case with the help of her children. A reward has been offered by the government in the past as well, but it has not led to any information being provided that could assist police to find Iveta or confirm what happened to her.[171] I note that very recently a $1 million reward has been offered in relation to Iveta's case, as well as many other cold case unsolved murders and missing person matters. There remains hope that new information may be provided to Crime Stoppers that will assist the police, but I have not been informed of anything relevant at this stage.

60 MINUTES INTERVIEW

138. As part of the family's search for answers, Chad agreed to participate in an interview with journalist Liam Bartlett for the television current affairs program '60 Minutes'. That program was filmed on 9 June 2010 at the house in Meares Avenue, Parmelia. During the interview, Chad was asked directly whether he murdered Iveta, which he denied. He also denied physically harming Iveta in any way. Chad maintained that he loved his wife and had nothing to hide. Chad acknowledged that police suspected him of having harmed her and had asked him directly whether he had murdered Iveta, but he believed this was because in cases like this the husband is always the first person to be looked at closely, rather than any evidence against him.

139. At that time, in early June 2010, Chad suggested to Mr Bartlett that he felt there was still hope that Iveta might be found alive, although he also acknowledged that Iveta would usually talk to her children every day and they had not heard from her since 2 May 2010.

[168] T 218 – 219; Exhibit 1, Tab 22.
[169] T 9, 14.
[170] For example: Exhibit 3, Tab 38 to Tab 40.
[171] T 15.

140. In the interview, Chad said they argued on the night of 2 May 2010 because Iveta had become aware that they were behind on their mortgage payments. He maintained that Iveta was shouting at him but he was not shouting at her. Chad admitted in the interview that he had been spending some of the money that should have gone towards the mortgage on drugs, which was another reason that Iveta was angry. He had been able to afford his drug habit when he was working on the mines, but he couldn't afford it when he went back to working locally. Chad admitted he had been using speed around the time that they argued, but denied that it made him angry or violent.[172]

141. Chad also denied in the interview that he was aware that Iveta was planning to leave him. He maintained that Iveta had said she had thought about it but then changed her mind, and it was only afterwards that the police told him that she was making plans to move out.

142. During the interview, Liam Bartlett challenged Chad about a number of his assertions, but in particular his account of finding Iveta's rings. Chad explained he had been putting the rubbish out and when he was walking back inside the house he saw Iveta's wedding rings on the door mat. He said he was talking on the phone at the time and picked them up without thinking. Chad said the rings were engraved so he knew they were Iveta's. Liam pointed out that the only fingerprints found on the rings were Chad's. Chad acknowledged that this had been raised with him by the police, who suggested Chad put the rings there, which he denied. Mr Bartlett asked Chad directly if he put the rings there to make it look like Iveta was alive, at which point Chad ended the interview and walked out of the house. He eventually returned and continued the interview, maintaining his denial that he had anything to do with Iveta's disappearance. It was put to him very strongly a number of times during the interview that the evidence supported the conclusion that he was somehow involved in his wife's disappearance and that she was most likely dead, but Chad continued his denial throughout.

POLICE REVIEWS

143. Given the length of time since Iveta disappeared without any person being charged, it is not surprising that there have been a number of reviews of the evidence obtained in the police investigation to consider any new avenues for investigation and to ensure that nothing has been missed.

144. A/Inspector Robinson confirmed in his evidence the reviews were completed as standard for a serious homicide investigation and were designed to obtain an impartial outsider's view of the direction of the investigation and whether the investigators appear to be on the right track or whether there are lines of inquiry that haven't been considered. There was a 28-day review early in the investigation and another at the two month stage on 22 July 2010. A formal review was conducted in January 2017 and the file was then handed over to Special Crime Squad. A Concluding Review of Operation Oakland was then completed in November 2017

[172] T 173 – 174.

before the matter was referred to the State Coroner. These reviews assisted to ensure the detectives involved in the case were not guilty of tunnel vision and that they considered all options.[173]

145. The WA Police Force concluded at the end of all their investigations and reviews that there was no evidence to suggest that Iveta committed suicide or deliberately disappeared. Iveta had no history of mental health issues or suicidal ideation and the police investigation determined Iveta was devoted to her family and children, had a job that she enjoyed and was future focussed. It was noted that Iveta was said to never go anywhere without her mobile phone and handbag, and she would usually drive, but all of her personal possessions, including her phone, purse and her car keys, were found at her house after she disappeared, suggesting she had not planned to leave.

146. Iveta was generally fit and healthy and had no known chronic health issues. Her only upcoming medical appointment was for a planned tubal ligation the month after she disappeared, as she had decided she did not want any more children. Nevertheless, people can still die suddenly from a medical episode. However, if Iveta had gone for a walk, as reported, and died suddenly of a natural cause event, one would have expected someone to find her body fairly quickly. The fact her body has never been found, despite extensive searching in the areas around her home, strongly supports the conclusion someone has concealed her body.

147. The WA Police Force determined the only reasonable conclusion on the evidence obtained in their investigation was that Iveta was the victim of foul play. A total of seven suspects were identified during the investigation and police took steps to investigate each person with a view to either eliminating or incriminating those suspects. The only suspect who was not eliminated at the end of this process was her husband, Chad Mitchell. However, the police also concluded that there was no direct evidence to charge any person before the matter was referred to the State Coroner.[174]

CHAD MITCHELL'S EVIDENCE AT THE INQUEST

148. As well as providing a number of statements to police, voluntarily participating in a lengthy recorded interview and allowing police officers and forensic examiners to search his home and cars, Chad also gave evidence at the inquest. He had been advised he could seek legal advice and be represented if he wished, but he did not seek to be represented or to exercise his right to silence or request a certificate be issued pursuant to s 47 of the Act. Chad answered all questions put to him by counsel and by me and his account was generally consistent with what he told police in 2010 following Iveta's disappearance.

149. Chad admitted that he was having marital problems because Iveta had found out the mortgage was in arrears, which revealed he had not been keeping up his part of their financial arrangement. He was aware Iveta was not happy with him, both about the possibility of losing the house and his drug use, but Chad still maintained that they

[173] T 16 - 19.
[174] T 17 - 19.

had not reached the stage of separating, or at least he claimed Iveta had not said it to his face.[175] In hindsight, Chad said he had been naïve about their relationship problems, given what other witnesses had said about Iveta's plans to rent a house, but Chad still claimed he was unaware at the relevant time that Iveta intended to leave him until the Sunday night. Chad volunteered that he had watched their wedding video on the Saturday night, which he hadn't seen in years, but denied this was because Iveta had told him on the Friday night that their marriage was ending.[176]

150. Chad gave evidence at the inquest that after Iveta got home from work on the Saturday night, he went out and visited a friend so he could use some drugs.[177] This was despite Chad claiming to Iveta that he hadn't used drugs for three weeks leading up to 1 May 2010.

151. Chad also admitted in his evidence at the inquest that he went and bought drugs from a friend on the Sunday night. Chad had not initially advised the police about using drugs that night, but he had admitted it to them in the latter part of the interview on 19 May 2010 after being asked whether he had gone out again that night. The police had earlier obtained information suggesting Chad had gone out to his dealer's house and purchased amphetamine, which had prompted their questioning. The police had also received information Chad had injected himself with the drugs when he bought them, but when he was interviewed by police in May 2010, Chad denied taking the drug that night. He told police that he didn't use it until the Wednesday after Iveta had disappeared.[178]

152. Significantly, in his evidence at the inquest Chad admitted for the first time that after he bought the drugs, he took them home and injected himself with amphetamines in the bathroom. Chad admitted he injected himself with the drugs before his second argument with Iveta that night. Chad maintained the speed made him "a bit happier or less anxious"[179] and denied it made him aggressive, although he admitted that most people become violent when taking it.[180]

153. Chad's other evidence was otherwise generally consistent with his earlier accounts, although his evidence about being angry about Alana going to her grandmother's was that he "just stayed out of it as much as he could"[181] as he was only the stepfather. That was a toned down version, even based upon Chad's own previous accounts of his argument with Iveta about Alana. Chad also maintained he hadn't realised how much Alana didn't like him until he heard her evidence at the inquest.[182]

154. Chad said in evidence he didn't know Iveta had been thinking about leaving until the Sunday night that they argued. He said he only became aware on the Sunday night that Iveta was considering leaving and she had been looking at a rental. He said he

[175] T 172 – 174.
[176] T 179.
[177] T 179 – 180.
[178] T 207; Exhibit 2, Tab 7, pp. 134. – 136.
[179] T 195.
[180] T 195 - 196.
[181] T 182.
[182] T 182.

asked her then if she was cheating on him, and she looked him straight in the eye and said no, which he believed.[183]

155. Chad claimed that when Iveta mentioned leaving, he didn't turn his mind to whether that would mean he would lose custody of Kyle. Chad said he wouldn't have been happy not to be living with Kyle, but he claimed he would have been fine with it as long as he still got to see Kyle on weekends.[184] That was quite different to the impression Iveta and her friends had formed about Chad's views on losing day to day custody of Kyle. Chad denied that he had ever said to Iveta "you got your first, you got your second, but you won't be getting your third."[185] Chad claimed it was not in his nature to act that way and he would not have wanted to put Kyle through the torment of a custody battle. Therefore, Chad claimed that although he "wouldn't have been happy, happy"[186] about it, so long as he knew Kyle was safe he would not have stopped Iveta taking him.

156. I note, however, that when asked about Kyle by police in his interview in May 2010, Chad said "He's the most important thing in the world to me."[187] This was more consistent with the impression of friends and family that Chad was devoted to Kyle and would be unlikely to let him go with Iveta lightly.

157. Chad claimed in later questioning at the inquest that on the night they fought, Iveta eventually told him that she was not leaving and that she would stay and try to make the marriage work.[188] However, he said they then began fighting about Alana and things became heated again.

158. Chad described Kyle waking up and that he had been walking towards Kyle's room, with Iveta following him, when he turned around and put his hands up and she "walked straight into [his] hands."[189] Chad said it seemed Iveta thought he was going to hit her and jumped back[190] although he claims he had never done anything like that to Iveta in the past, so it is surprising that she would immediately think that was the case.

159. After continuing into Kyle's room, Chad said they both comforted Kyle and he then admitted he told Iveta to "get the fuck out,"[191] as he wanted to soothe Kyle and get him back to sleep. Such behaviour is not consistent with Chad's earlier statement that he would have been happy for Iveta to take Kyle away from him. It is much more consistent with other witness evidence that Chad was very protective and possessive of Kyle. In any event, there is some doubt about whether Iveta actually entered the room.

[183] T 175 – 176, 184 - 185.
[184] T 175 – 178..
[185] T 178.
[186] T 178.
[187] Exhibit 3, Tab 7, p. 226.
[188] T 205.
[189] T 185.
[190] T 185 - 186.
[191] T 186.

160. Chad said in his evidence that when he told Iveta to leave Kyle's bedroom, he believes she took him literally and walked out the front door. He didn't see her leave, as he was still with Kyle, but Chad gave evidence he heard the front security screen slam, so he knew she had walked out the front door. He claims he went out a short while later and walked down to the footpath, where he could see the glow of a cigarette in the park and he then saw Iveta walking east through the park towards the cul-de-sac on the other side.[192] Chad said he thought Iveta would just walk around the path then come home, so he went inside and laid down with Kyle and fell asleep.[193] I note the evidence of Debra Brown, who lived across the cul-de-sac and was outside at the time, but did not see Iveta walk out of the park.

161. Chad accepted that the next morning he was aware Iveta had not returned home and she had taken none of the things that she would normally have with her, such as her bag and phone and car keys.[194] However, he did nothing to start looking for her at that stage. When Iveta's work called up at around lunchtime to say that Iveta had not turned up for her shift, Chad still did not take any action to try to find her. He had called in sick to work, but he did not start up a search for his wife. Chad did say at the inquest that he had a look for Iveta at the shops, but then conceded he was aware the police had obtained video footage of him walking through the shopping centre that day.[195] Chad gave evidence that he simply thought "she must be really pissed off if she still hasn't come home yet."[196] Chad's response to this, was to collect Kyle from school and then go with Kyle to Chad's parents' house for the night. Chad's explanation was that he thought Iveta would come home if he wasn't there, although he locked up their home in Meares Avenue before he left, even though he knew Iveta did not have her keys.[197]

162. Chad still had not made any calls to Iveta's family or friends and he said he wasn't worried at that stage as he thought she would be with one of them. However, I note Iveta's mother's evidence that she had spoken to Chad on the Monday afternoon, when he rang to tell her that he would collect Kyle from school (which was unusual). She confirmed with him that Iveta was not with her. Debbie stated she was already worried by that time, but for some reason Chad was not.

163. Chad kept Kyle from school on the Tuesday and Chad took the day off work again. Sometime that morning he got Kristy involved, who was immediately worried about Iveta. Chad said it was only then that he also started worrying.[198] However, despite being worried, Chad did not make any attempt to report Iveta missing to police, as he claims he believed Iveta had to be missing 48 hours before they could make such a report.[199]

164. Chad also claimed that after Peter and other family members made the report to police, he was the one who provided much of the information to the uniformed

[192] T 187-188.
[193] T 188.
[194] T 189 – 190.
[195] T 209.
[196] T 190.
[197] T 190.
[198] T 191.
[199] T 192.

officers who came to the house in response to the report. However, that is inconsistent with the account of the police officers and Chad's own account at that time that they took a report from Peter and had very little to do with Chad, other than to identify him.[200]

165. Chad maintained throughout his evidence at the inquest that he had never harmed Iveta before that night and that he did nothing to harm her on the night in question. Chad said Iveta left the house in the early hours of 3 May 2010 unhurt and he had nothing to do with her disappearance. He accepted she was probably deceased but said he did not have any knowledge as to where her body might be buried.[201]

166. Chad also maintained at the inquest that he found the rings on 16 May 2010 in the circumstances he had previously described. When asked who he thought put them there, Chad gave evidence that he wasn't sure but he didn't think Iveta had put them there. Chad explained he had been told by the police that the rings appeared to have been wiped clean, which he didn't think Iveta would have done. Chad speculated that if someone had hurt Iveta they might have been taunting Chad by placing the rings there, although he could not identify any person who might do such a thing.[202]

167. In relation to Iveta's other jewellery, Chad admitted he pawned a $5000 watch and a ring to get a loan for $200 as he didn't have an income and they needed to buy food. Chad maintained he always intended to return and reclaim the jewellery, but police intervened before he could do so and seized the jewellery from the jeweller.[203]

168. A few weeks after Iveta disappeared, Chad handed the keys to the Meares Avenue home back to the bank and they foreclosed on the mortgage. He had given away some furniture before then and put the rest of his property in storage.[204]

169. In terms of what Chad thinks might have happened to Iveta, Chad did make it clear he believes Iveta is deceased as there is no way she would voluntarily stay away from her children, and now grandchildren. As to how she died, Chad gave evidence "it could have been anything, anyone,"[205] although he did not suggest there was any likelihood that an outlaw motorcycle gang was involved. Chad speculated Iveta could have died as a result of an accident involving a stranger, such as a drunk driver, although the odds of that occurring and no one finding her body seems remote.[206]

IS IVETA DECEASED?

170. Iveta's mother was very worried about Iveta from the first morning of her disappearance when she did not hear from her. Her mother's instinct told her from the outset that something had happened to Iveta or she would have been in contact. It

[200] T 193.
[201] T 197.
[202] T 199.
[203] T 200.
[204] T 201.
[205] T 201.
[206] T 201 - 202.

is clear that Debbie has not given up hope of finding out what happened to Iveta, but she knows in her heart that Iveta is gone.[207]

171. Iveta's children are now all adults with their own families. They went through their milestones to adulthood without their mother's loving presence and support and their children have never met their grandmother. It is clear that Iveta's disappearance left a large hole in their lives. While that hole cannot be filled, they all attended the inquest to provide what information they could and, I understand, in the hope of finding some answers to what happened to their mother so many years ago. They have been denied the chance to give Iveta a funeral and to properly mourn her. Without her body being discovered, they will always, understandably, hold out some hope that she is still alive and might one day come home. However, they were also realistic about the fact that their mother most likely died in May 2010.

172. A number of witnesses mentioned that Iveta had been planning a big party for her son Peter's 21st birthday in a few weeks' time. The fact that she did not turn up on his birthday made it clear to them that something had happened to her.[208] Peter himself made it clear to police in July 2010 that he had already come to accept that something had happened to his mother and she was not coming back.[209] He confirmed at the inquest that he does not believe his mother is still alive.[210] Alana was also asked at the inquest, and she also said she does not think her mother is still alive.[211] Kyle appears to be the most open to the slim hope that his mother might still be alive. Kyle has maintained regular contact with the police and media over the ensuing years with the intention of keeping his Mum's case in the public eye in the hope of eliciting new information.[212]

173. Kyle was asked whether he believed his mother would have voluntarily left him and his brother and sister, and he indicated he did not believe she would, at least without leaving a note to say where she was going or even saying goodbye. Kyle spent a lot of time with his maternal grandmother, Debbie, after Iveta disappeared, and she had helped Kyle to retain memories of his mother, including how much she loved and cared for all her children, which helped him to understand how she would normally have behaved.[213] Kyle gave evidence he still holds some hope Iveta might still be alive somewhere, although he also appeared to accept this is unlikely, given the length of time that has passed.[214]

174. Iveta's close friend Anne-Marie gave evidence Iveta always kept in close touch with her children, particularly Alana, and was a wonderful mother and aunty. Anne-Marie believes Iveta "would not let anything or anyone come between her and her kids."[215] Anne-Marie has not heard from Iveta since that last visit on the afternoon of 2 May 2010. Anne-Marie and her brother Michael and other family members searched the

[207] Exhibit 1, Tab 14.3.
[208] T 89.
[209] Exhibit 1, Tab 13.2 [32].
[210] T 130.
[211] T 152.
[212] T 158.
[213] T 161.
[214] T 160.
[215] Exhibit 1, Tab 9.4 [12].

park next door, the bushland across the road and other locations in the area, including the drains, extensively from the Wednesday, when it became clear Iveta wasn't coming home. Anne-Marie even went into the city by train in case Iveta had gone there to get away, but never found anything to indicate where Iveta had gone. Chad did not search with them. Anne-Marie told police in a statement she signed on 11 August 2010 that she believed Iveta was dead as she would not have stayed away from her kids, her mum or her friends for that long (at that time only a few months) and she would never want them to worry about her.[216]

175. Tammy Dewaayer also expressed the belief Iveta is deceased. She told police on 10 May 2010 that alarm bells rang straight away when she found out on the Tuesday that Iveta was missing, because it was out of character for Iveta to do something like that. She believes Iveta loved her children and her mother too much to just leave them.[217]

176. As noted above, Chad has conceded that he also believes Iveta is deceased although he maintains he had no involvement in her death. Chad told the police that Iveta loved her children and he believed she was "one of the best mums"[218] he's known. Chad told police Iveta had never talked of self-harm or killing herself and he had not noticed any sudden change in her behaviour. He acknowledged it was totally out of character for Iveta to have left her children and not made contact. She had never disappeared before, and the longest she had ever gone for a walk after a fight was two hours. There was nowhere he could think that she might be and no one he hadn't contacted who might know where she could have gone.[219]

177. Detective Sergeant Justin Meeres became involved in the investigation of Iveta's disappearance as part of the Cold Case Homicide Squad investigation. Det Sgt Meeres was requested to conduct 'proof of life' checks with various government agencies to establish whether Iveta had been in contact with any government agencies or institutions since her disappearance. These agencies include Medicare, Centrelink, the most common banking institutions, Australian Border Force and police. They are the kinds of organisations that people will generally need to access at some stage while conducting everyday activities in Australia, so if Iveta was alive and simply concealing her whereabouts from family and friends, she might be expected to have come into contact with one of them in the many years since she was last seen.[220]

178. In October 2022, Det Sgt Meeres made the relevant 'proof of life' enquiries and confirmed that Iveta has not had any financial transactions since May 2010 and there is no record of any international travel in her name, either leaving or coming into Australia. She has not been a customer of Centrelink or Medicare. All police databases were checked, including the police intelligence database, and there is no record of Iveta having any contact with police since she was reported missing. In

[216] T 67 – 70, 73; Exhibit 1, Tab 9.4.
[217] T 87; Exhibit 1, Tab 11.
[218] T 168; Exhibit 1, Tab 17.1 [136].
[219] Exhibit 1, Tab 17.1.
[220] T 214 – 217; Exhibit 1, Tab 22.

conclusion, Det Sgt Meeres' enquiries established that there was no sign that Iveta was alive and interacting with the usual agencies after May 2010.[221]

179. There is no new information available to suggest that the police conclusion that Iveta died on or about 3 May 2010 is incorrect. As I indicated to Iveta's family at the conclusion of the inquest, I am satisfied beyond reasonable doubt on all of the evidence before me that Iveta Mitchell died around the time of her disappearance overnight on 2 to 3 May 2010. I have no doubt that if Iveta was alive, she would have made contact with her mother and her three children as she would never have deliberately left them to worry in this way. The only explicable reason Iveta has not contacted them is because she is no longer alive.

CAUSE OF DEATH

180. Without a body, there is very limited evidence to draw upon. Forensic examiners ruled out any evidence of a significant blood-letting event at the Mitchell's home, although I note they did not commence an examination until a number of days after Iveta disappeared and there was evidence of some cleaning, but nothing to suggest a major clean-up of a blood-letting event. Obviously, there are many different ways a person can die that does not involve blood being left at a scene, but there is no evidence before me in relation to any such other kind of cause of death. Accordingly, the cause of death must remain unascertained.

IS THERE EVIDENCE TO DETERMINE HOW IVETA DIED?

181. It is difficult to reach a conclusion as to the manner of death when no body has been found and there is no cause of death. However, there is material available to consider in terms of motive, opportunity and means that then allows me to draw conclusions as to how Iveta died, even without knowing exactly what caused the death. There is no direct evidence to implicate any person in Iveta's death and no admissions made by any person that have been found to be reliable and accurate. Accordingly, I am required to draw upon the circumstantial evidence to see what, if any, conclusions I can reach about how Iveta died.

182. I am expressly not bound by the rules of evidence in undertaking this task, although it is important to reiterate that this is because my function in this inquest is to undertake a fact finding exercise and not to apportion guilt to any person. Indeed, I am precluded from suggesting that any person is guilty of an offence.[222] However, I am permitted to make comments or findings that may be adverse to the interests of an interested person, which includes a person whose act or omission may in the opinion of the coroner have caused, or contributed, to the death of the deceased person.[223] Pursuant to s 44(2) of the *Coroners Act*, before I make any finding adverse to the interests of an interested person, that person must be given the opportunity to present submissions against the making of such a finding.

[221] T 214 – 217; Exhibit 1, Tab 22.
[222] Sections 25(5) and 41 *Coroners Act 1996* (WA); *Annetts v McCann* (1990) 179 CLR 596, 616 (Toohey J).
[223] Section 44(3) *Coroners Act 1996* (WA) and Reg 17(e) *Coroners Regulations 1997* (WA).

183. After the inquest, and prior to the release of this finding, I provided Chad Mitchell with an opportunity to provide submissions, if he desired, as he was the only person who had been identified as a relevant interested person prior to the inquest. Mr Mitchell provided some information that prompted minor changes to factual information, for the sake of correctness, and confirmed he had read the finding and did not seek to make any submissions on any of the conclusions I have drawn.

184. In making my findings as to the possible cause or manner of death, I have applied the standard of proof as set out in *Briginshaw v Briginshaw*,[224] which requires a consideration of the nature and gravity of the conduct when deciding whether a matter has been proved on the balance of probabilities, and the conclusions are to be approached with a good deal of caution. I make my comments within the context of fact finding, and not to suggest that I have reached any conclusion as to the lawfulness or otherwise of any conduct.

General Evidence of Family and Friends

185. It is difficult for Iveta and Chad's family members to have clarity in their thoughts about what might have happened to Iveta, given the limited information available and the different emotional ties that impact upon them. It is clear that Kyle and Peter continue to have a close relationship with Chad. Alana, on the other hand, does not have the same connection with Chad. Her relationship with Chad had been irrevocably damaged well before her mother's disappearance. However, despite these differences, none of Iveta's three children indicated they had formed a strong belief that Chad was involved in their mother's death.

186. Kyle gave evidence that his relationship with his father, Chad, is a positive one. Kyle said that Chad was "always as caring and … as loving as anyone could ask in a father."[225] I asked Kyle whether he had ever spoken to his father about the events on that night. Kyle indicated he had never specifically asked Chad about what happened, but he did recall a conversation when Kyle's partner was pregnant with their first child, during which they discussed fatherhood. It was one of the only times Kyle could remember seeing his father cry, and Chad repeatedly told Kyle he was sorry. Chad didn't specify exactly what he was sorry for, and Kyle speculated that it might simply have been not being as good a father as he wanted to be, although it obviously also left open other possibilities. However, Chad has never made any express admission to Kyle that differs in any way from the version of events Chad has given to the police and the media.[226] As to what he think may have happened to her, Kyle indicated he still had an open mind.[227]

187. Alana said she did not feel comfortable at Meares Avenue well before the incident when Chad struck her, and after that day her mother ensured Alana was never there unless Iveta was also present. Alana described Chad as being very controlling with

[224] (1938) 60 CLR 336, 361 – 362 (Dixon J).
[225] T 155.
[226] T 161.
[227] T 160.

her and she felt she "didn't have a voice."[228] Alana remembered Chad using his size to intimidate both herself and Iveta during arguments, using his bulk to his advantage over the much smaller females.[229] In terms of what she thinks might have happened to her mother, Alana expressed the view that her mother would never have left the house that night without Kyle and she would never have just walked away from her life, as she wasn't that type of person. Alana also was concerned that Iveta had left the house without her handbag, which suggested to her that Iveta did not leave voluntarily. Alana described her mother as a fighter and believes she would have fought to the end if someone had acted to harm her. Alana believes "someone has done something"[230] to her, although she could not say if it was an accident or done as an act of anger. Alana has absolutely nothing to do with Chad now and had nothing to add in terms of anything Chad might have said over the years since Iveta's disappearance.[231]

188. Peter was 20 years old at the time his Mum disappeared, and Iveta was helping him plan his 21st birthday party. As a young man he was caught up in his own life at that time, so he didn't know a lot about what was going on in his mother's life. However, they were always close and he was certain Iveta did not have any mental health problems. He was confident she would never hurt herself as she had told him before that "suicide is a selfish way out."[232] Peter considered his mother to be very street smart and did not believe she would put herself in a dangerous position, but if she did, he believed she was not afraid to fight if she had to do so.[233] Peter said he had thrown myriad ideas around in his head over the years as to what could have happened, including the possibility she was hit by a drunk driver who panicked and put her body in the car to dispose of the act, or someone may have targeted Iveta deliberately.[234]

189. Peter told the police in his statements, and confirmed in his evidence at the inquest, that he has challenged Chad a number of times as to whether he had hurt Iveta or had any involvement with her disappearance. The conversations have often been angry and loud, at least on Peter's part. Peter confirmed at the inquest that Chad has never said to him that he hurt Iveta in any way, although Chad did get upset once and say repeatedly, "Why couldn't I have been a better husband?"[235]

190. Peter also mentioned in his statement an incident on Mother's Day when he was at his grandmother's house and read a false report on Facebook that the police had found Iveta deceased in a house at a specific address. Peter stormed outside and indicated he was going to go and speak to the girl who had posted the information, but Chad followed him and said, "Don't go because it's not true."[236] Peter was angry

[228] T 142.
[229] T 151.
[230] T 153.
[231] T 153.
[232] Exhibit 1, Tab 12 [32].
[233] Exhibit 1, Tab 13.1.
[234] T 130.
[235] T 127.
[236] Exhibit 1, Tab 13.2 [28].

and replied, "If this is true and you did kill her I'll slit your throat."[237] Chad didn't respond and Peter left to find the girl and established it was only a rumour.

191. Peter was asked directly at the inquest whether he believed now that Chad had anything to do with Iveta's disappearance. Peter indicated he continues to have a good relationship with Chad and he has come to believe that Chad had nothing to do with his mother going missing. Peter gave evidence he believes Chad is quite a genuine person and "you would have to have no conscience to be able to do something like that"[238] then assist the police and cooperate with the media, etc. However, Peter also acknowledged that it is important to keep an open mind at this stage and he is open to all possibilities.[239] Peter commented that there are "so many different things that could have happened that you just can't pick one,"[240] although he believes strongly she did not take her own life and that someone else was involved in her death. Peter commented that "if there was foul play involved, someone is going to slip"[241] eventually, so he remains hopeful that the truth will eventually be discovered.

192. I note in Peter's second statement he provided to the police, signed on 15 July 2010, he indicated that he understood why the police were investigating Chad, as he was the last person to see Iveta and they were arguing when she went missing. However, Peter also said candidly that he had "to think about Kyle growing up with a dad. That happened to me and I don't want it to happen to Kyle."[242] It is very clear that Peter loved his mother, but Chad had also become a father figure to him in the absence of a close relationship with his own father. Peter also wanted Kyle, who was still very young, to have a different father/son relationship to the one he had experienced. Both Peter and Kyle don't believe Chad harmed their mother, but it is very clear they understandably also don't want to believe that Chad harmed their mother as they will then effectively lose another parental figure.

193. A number of Chad's family members, including his mother, one of his brothers and some cousins, also spoke to police and indicated they were aware Chad and Iveta had been having marital problems but they did not believe Chad had harmed Iveta or had anything to do with her disappearance. However, a number of Chad's relatives also commented on Iveta's devotion to her children and acknowledged it was totally out of character for her not to be in contact with them. Some of them had suggested, when providing statements in 2010, that Iveta was probably embarrassed by the publicity and would turn up when the media attention had diminished, but that obviously didn't happen as more than 13 years have now passed with no sign of Iveta.[243]

194. If Chad's account is correct, Iveta took only her cigarettes when she left the house, and did not take her phone, bag or car keys. The witnesses who knew Iveta well were

[237] Exhibit 1, Tab 13.2 [29].
[238] T 131,
[239] T 130 - 131.
[240] T 130.
[241] T 133.
[242] Exhibit 1, Tab 13.2 [33].
[243] Exhibit 3, Tabs 11 to 14.

all firm in their opinion that this was totally out of character for Iveta, as she never went anywhere without her handbag and phone and she almost always drove. Anne-Marie Frank gave evidence she was sure Iveta would not have walked out without her bag, phone and smokes, so she did not believe Iveta ever left the house that night. At the inquest, Anne-Marie reiterated her belief that Iveta is deceased as she would never voluntarily leave her children and she expressed her belief Chad may either intentionally or unintentionally had some involvement in Iveta's death.[244] Tammy gave evidence that if Iveta needed time away from Chad, she would usually just jump in her car and go and visit a friend, and that is what she would have expected her to do on this night if things happened the way they were described. She would never choose to simply disappear.[245]

195. None of the witnesses, including Chad, provided any evidence to suggest that Iveta was likely to have harmed herself or taken her own life. All of the witnesses who were asked expressed their strong belief that Iveta would never have deliberately harmed herself. She was a strong and proud woman who was known to fight for what she wanted, had no history of mental health issues and was devoted to her mother and her children.

196. If Iveta had died of natural causes, it would have been expected that her body would have been discovered.

197. Having ruled out the possibility of Iveta dying as a result of suicide or natural causes, and with nothing to suggest misadventure, the evidence points to Iveta dying as a result of accident or homicide (whether lawful or not). Someone has then concealed her body. There are offences under the *Criminal Code* (WA) relating to the crime of interfering with a corpse, with a higher penalty applying where the act is done to prevent or prejudice any investigation into the death of the person.[246]

Key Evidence identified in the Police Investigation

198. Det Sgt Gregory McDonald was appointed as the Senior Investigating Officer for Operation Oakland in April 2012 in order to continue the police investigation into Iveta's disappearance. At the time Det Sgt McDonald became involved, it was clear that Chad Mitchell was suspected of being involved in Iveta's disappearance, based upon the results of the police investigation at that stage. As the Senior Investigating Officer, Det Sgt McDonald oversaw a number of additional investigative strategies and actions to progress the investigation.[247] The WA Police pursued a large number of further investigative leads to try to resolve this matter and establish what happened to Iveta. Det Sgt McDonald confirmed that the police have concluded that all evidence points to Iveta being deceased on or about 2 or 3 May 2010 and the police suspect Iveta died as a result of foul play. Following the more recent police reviews and at the end of the lengthy police investigation, the only possible suspect identified by police that had not been excluded was Chad.[248]

[244] T 67 – 70, 73; Exhibit 1, Tab 9.4.
[245] T 87; Exhibit 1, Tab 11.
[246] Sections 214 and 215 *Criminal Code* (WA).
[247] T 217 – 218; Exhibit 1, Tab 22.
[248] T 219.

199. In the Investigator's Analysis section of the most recent police review, it was observed that numerous features through the investigation demonstrated that Chad could not be eliminated from the investigation and, on the balance of probabilities, he remained a suspect in Iveta's death. The police have identified that Chad had the means, motive and opportunity to have been involved in Iveta's death. I set out some of the more prominent points of the police report:[249]

    1. Chad was the last person to see Iveta alive and was the only adult in the house. While Chad says Kyle saw his mother in the bedroom after their fight, Kyle did not mention this when interviewed by police and Kyle also places the last time he saw or heard his mother much earlier in the night.

    2. By his own admission, Chad had a heated verbal argument with Iveta before she left the house and was never seen again. Neighbours heard arguing between a woman and man coming from the vicinity of the Mitchell house at a level that caused at least one neighbour to make a call to the police out of concern someone might be harmed. Most of the witnesses said it was the male voice that dominated. Kyle, who was the only other person in the house, told police he heard his father shouting and his mother screaming. It was acknowledged by Chad that Kyle was woken up by the noise of their argument, but he told police it was primarily Iveta who was shouting.

    3. There is a significant body of evidence to the effect that Iveta was making plans to leave Chad and to take Chad's only son, to whom he was devoted, with her against his wishes. Iveta's friends believed Iveta stayed with Chad as long as she did because of Chad's threat that she would not be able to take Kyle, but in May 2010 she had decided she had to leave and intended to take Kyle with her.[250] Iveta's friends also believe Chad would have done anything to stop her taking Kyle, his only child, away from him.[251] Two work colleagues of Chad's were with him on the Friday prior to Iveta's disappearance. Chad mentioned he was in substantial arrears on his mortgage. He also talked about Iveta and gave the impression things weren't going well at home. Chad then talked about his son and indicated that if they broke up, "She won't be taking him."[252] He gave the impression he was very serious when he said this.[253] It was suggested that if Iveta did try to leave with Chad, this would likely have made Chad angry, and this could have led to an altercation between Iveta and Chad.[254]

    4. Chad admitted at the inquest that he purchased, and injected himself with, amphetamines the night that Iveta disappeared, prior to their final argument. He had previously lied about this to police.

[249] Exhibit 1, Tab 2, p. 21.
[250] Exhibit 1, Tab 11.
[251] Exhibit 3, Tab 24.
[252] Exhibit 3, Tab 5 [23].
[253] Exhibit 3, Tab 5 and Tab 6.
[254] T 103, 105; Exhibit 1, Tab 12.2.

5. It is known that Iveta left behind her handbag, purse with bank keycards and money, mobile phone and car keys. This was completely out of character for Iveta and meant that she had no means to buy food or transport without help from family or friends, none of whom have heard from her. Just after her disappearance, Chad withdrew the last remaining funds from Iveta's bank account.

6. Chad was aware that Iveta had left the house without anything but her cigarettes and he was not expecting her to go far or for long. However, he did not raise the alarm with family, friends or police the next morning when he became aware she had not returned home. Nor did he make any attempt to search for her when he became aware that she had not turned up to work and not spoken to her mother, as normal. Instead, Chad took the day off work and dropped Kyle to school, which gave him opportunity to clean anything and dispose of anything he needed to, with access to a large number of places for that purpose.

7. In fact, Chad never reported Iveta's disappearance to police. He stayed at his mothers' house on the Monday night rather than staying home to see if she showed up. The next day, when Iveta's mother suggested he go to the police, he said he would but didn't. That task was ultimately left to Iveta's mother and children, two days after she was last seen by Chad. When police officers then began to investigate, Chad played a limited role in providing information at the early stage, although he did cooperate with allowing access to his home and cars and providing information later.

8. Less than two weeks after Iveta disappeared, Chad reported that he had found Iveta's wedding ring and engagement ring on the front doormat. No one else saw the rings there and the only forensic evidence detected on the rings was Chad's DNA, which was not surprising given he said he had picked them up before calling police. There was a general consensus amongst witnesses who knew Iveta that they could imagine Iveta taking off the rings and throwing them in a fight, but they did not think Iveta would have taken her rings off and just left them on the doorstep without saying anything or leaving a message for her children.[255] It is clear Chad's account of finding the rings made a number of people close to Chad and Iveta more suspicious about his story, particularly as she viewed all of her jewellery as her financial safety net if she ever left Chad. One person challenged him and Chad suggested the rings could have been there for weeks and he just didn't see them, which they did not believe.[256] In the interview with Liam Bartlett, Chad stormed out of the interview after being pressed about finding the rings and the possibility that he had left them there to make people think Iveta was still alive.

9. Within weeks of Iveta's disappearance, Chad had offered to sell an associate items of Iveta's jewellery and he also pawned other items of Iveta's jewellery.[257] Police made enquiries and established Chad had taken a

[255] Exhibit 3, Tab 14, Tab 16, Tab 24.
[256] Exhibit 3, Tab 21.
[257] Exhibit 1, Tab 13.2; Exhibit 3, Tab 22.

quantity of gold jewellery to a jewellers on 20 August 2010 and arranged for it to be melted down.[258]

10. Shortly after Iveta's disappearance, Chad began talking about Iveta as if he was aware she was never coming home. He reportedly said to a police officer that he had told Kyle that his mother was not coming home only days after she had disappeared. Also, an associate of Chad's saw him in May 2010 after hearing about Iveta's disappearance and during their conversation Chad mentioned he was considering getting a tattoo with "In memory of Iveta." His friend got angry and asked him why he was talking about Iveta as if she was dead when she had only been missing two weeks. He then asked Chad what he had done to Iveta. Chad denied that he had done something to Iveta, but said he thought the police believed he had.[259]

11. There is general evidence that Chad lived a life of concealment from Iveta in terms of his drug use, sexual practices and non-payment of the mortgage. There is also evidence he as lied overtly and by omission to the police about his drug use, minimising what he was using around the time of Iveta's disappearance.

12. Chad maintains he was never violent towards Iveta, although she had mentioned to some friends that he had pushed her in the past and he told police on the night he laid hands on Iveta in the hallway outside Kyle's room and she reacted like she thought he was going to hit her. This was in the context of allegations Chad behaved in an overbearing and controlling way towards Iveta and Alana, and it is not disputed that Chad had recently lost his temper and struck Alana across the face, causing her nose to bleed. Iveta was described as strong-willed and very proud. She was capable of taking care of herself and would not back down from anyone. If Chad had been violent towards her, everyone who knew her felt strongly she would fight back. However, there is no doubt there was a significant size difference between Iveta and Chad, so she would have been at a great disadvantage if they ever had a physical altercation.[260]

13. In terms of Chad's account of what occurred on the last night that Iveta was known to be alive, there is a large gap between their argument that occurred at about 8.00 to 9.00 pm on 2 May 2010 and then the later argument Chad claims occurred at about 1.00 am on 3 May 2010 immediately before Iveta reportedly left the house. Chad can provide almost no detail about the hours between 9.00 pm and midnight, other than that he said he was lying on his bed in his room and he know says he also left the house to buy drugs without Iveta's knowledge. Kyle's interview with the police and some of the neighbour's accounts support the loud argument occurring at the earlier time and Chad being the main protagonist. There is only Chad's evidence that they had another argument later in the night that led to Iveta leaving, although some neighbours did also hear arguing around this time. Debbie

[258] Exhibit 3, Tab 42.
[259] Exhibit 3, Tab 21 [28] – [34].
[260] T 112; Exhibit 3, Tab 24 [23].

> Brown is adamant Iveta did not walk out of the park near her home at that time. No other witnesses have come forward to say they saw Iveta after Chad says she walked out. It is, of course, possible she was attacked in the park by a stranger, but it would be incredibly coincidental.

200. Based on the above, the WA Police continue to hold a reasonable suspicion that Chad was involved in some way in Iveta's disappearance and death. The evidence has not changed in any significant way from the inquest, other than there is new information in the form of Chad's admission that he injected amphetamines on the night in question. This would arguably add to their suspicion. However, as the police have previously acknowledged, they have not to date laid any charge against Chad or any other person as they have not formed the conclusion they have a *prima facie* case against any person. Therefore, it is important to note that Chad remains only a person of interest to the WA Police in this matter.

201. Statistically, in Australia today, women are more likely than men to be killed by an intimate partner, and relationship separation is identified as a key risk factor for intimate partner femicide, often on a background of offender coercive and controlling behaviour that has entrapped them in the relationship and romantic jealousy.[261] In a recent study by the Australian Institute of Criminology, researchers found that a common theme across a study of eight such cases was that the victims were trying their best to maintain or regain their autonomy, most significantly by considering or actually separating from their partner.[262]

202. In this case, Iveta had reached that critical stage of deciding to separate from Chad. It is clear that the decision was not Chad's. Chad was facing losing his home, his wife and then his son, who he told police he would "fight to keep"[263] as Kyle was the most important thing in the world to him.[264] Chad took amphetamine around the time of this discussion, which can alter the user's behaviour and thought processes. Chad admitted he asked Iveta that night if she was leaving him and if she was having an affair, but claims that she denied both and said she wasn't going to leave. Chad told police it was Iveta who became angry and started shouting, whereas he said he kept his cool and didn't raise his voice, although he also admitted that he became angry when Kyle woke up. Chad described Iveta bumping into him around that time and being scared of him, although he denied harming her and couldn't explain why Iveta seemed scared of him.[265]

203. At the end of the interview, Chad told the interviewing detectives that he didn't take any steps to find Iveta on the Monday as he was scared and blamed himself for Iveta being missing, but then said he did not do anything to her. Chad told the police, "I have never hit her. I've got to look after that boy. I've got to face him every day for the rest of my life and say, 'This is my fault'."[266] Chad maintains this is because he

[261] https://www.aic.gov.au/statistics/homicide.
[262] Giving voice to the silenced victims: A qualitative study of intimate partner femicide (aic.gov.au).
[263] Exhibit 2, Tab 7, p. 255.
[264] Exhibit 2, Tab 7, p. 226.
[265] Exhibit 2, Tab 7, pp. 90 – 96.
[266] Exhibit 2, Tab 7, p. 249.

told Iveta to leave that night and she took him at his word. There are obviously strong alternative interpretations of this statement.

204. When all of these different strands of evidence are carefully considered together, I am satisfied to the requisite standard that Iveta died as a result of the involvement of another person or persons and that her manner of death was by way of homicide. I note that homicide encompasses manslaughter as well as murder and I also do not reach any conclusion as to the lawfulness of any act. I am simply satisfied based on the evidence before me that another person was involved in her death and that she did not die by natural causes, accident or misadventure. Accordingly, I believe that an indictable offence has been committed in connection with Iveta's death and concealment of her body. I consider it is appropriate that I exercise my statutory function under s 27(5) of the Act to report the matter to the Director of Public Prosecutions as it is appropriate for the Director to consider whether there is sufficient admissible evidence to lay a charge against any person. As noted previously, that is expressly not my function as coroner.

CONCLUSION

205. Iveta Mitchell was a kind, bubbly, hard working woman who was also a doting mother and a loving daughter. Iveta had been in three long-term relationships, and at the time of her death she was still married to Chad Mitchell, but her fulfilment came from her children rather than the men in her life. It was well known amongst Iveta and Chad's family and friends that their marriage was in trouble. Iveta had made it clear to her friends that she wanted to separate, but the main sticking point was their son Kyle. Iveta knew how much Chad loved Kyle and Chad had made it clear to her that he wouldn't let her leave with Kyle, but Iveta couldn't contemplate leaving without him.

206. Things had come to a critical point in the marriage in the weeks prior to Iveta's disappearance, as their house was about to be repossessed by the bank due to Chad's failure to keep up with the mortgage repayments. Iveta blamed Chad's drug use. He had also run up other debts and Iveta realised there was no way they could save the house. She had made the decision to leave. There is evidence Iveta had told Chad the marriage was over on the Friday night, although he disputed that he was aware. In any event, it was agreed that on the Sunday night they were to have further discussions about their marriage.

207. After Kyle went to bed, they had a violent verbal argument, which Kyle overheard. Chad says they both went in to see Kyle before Iveta left the house to have a cigarette and never returned. Chad maintains Iveta was uninjured when she left the house and he does not know what happened to her.

208. Iveta had strong ties with her family and friends, quite separate from Chad. In the past, when she had fought with Chad, she would get in her car and drive to her mother's house or to visit a friend. She knew she had many people she could turn to if she needed somewhere to stay, or money or help with anything else in her life. However, on this night in May 2010, Iveta did not seek out any of her support people, and instead she has vanished from their lives. Everyone who knew Iveta,

including Chad's own family members and Chad himself, accepts that Iveta would never deliberately disappear and voluntarily cease all contact with her children and her mother. If she was able to contact them, she would have done so.

209. I have the task of confirming formally what Iveta's family and friends already know in their hearts. I have determined that I am satisfied beyond reasonable doubt that Iveta is deceased and she died on either the night of 2 May 2010 or the early hours of 3 May 2010. There is no other explanation for why she has not been seen or heard from again. I am also satisfied that another person or persons was involved in Iveta's death and they have concealed her body in order to hinder the investigation into her death. The absence of her body makes it harder to investigate Iveta's death, but not impossible. I have set out carefully in this finding all of the evidence obtained by the WA Police to explain why I still consider I am able to reach certain findings as to the manner of Iveta's death, despite not knowing where her body is buried.

210. The WA Government has recently authorised the WA Police to offer up to a $1 million reward for information in relation to Iveta's suspected death. Hopefully, this may prompt new lines of enquiry. Any person with new information is encouraged to contact Crime Stoppers WA. I mention this particularly to emphasise that this inquest is not the end of this investigation. I want to reassure Iveta's mother and children and other family and friends that the WA Police will continue to investigate Iveta's disappearance and suspected death with the hope of bringing answers to her family and seeking justice for Iveta.

S H Linton
Deputy State Coroner
16 June 2023