



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 44/16

I, *Barry Paul King*, Coroner, having investigated the suspected death of **Colin John Johnston** with an inquest held at **Perth Coroner's Court** on **28 November 2016**, find that the death has been established beyond all reasonable doubt and that the identity of the deceased person was **Colin John Johnston** and that death occurred on **an unknown date in or near Kennedy Range National Park** from **an unknown cause** in the following circumstances:

Counsel Appearing:

Sergeant Lyle Housiaux assisting the Coroner

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INTRODUCTION

1. Colin John Johnston (**the deceased**) was 46 years old when he was last known to be alive on 24 October 2008.
2. The deceased was a residential accommodation manager at a college in Moora.
3. On 23 October 2008 police officers executed a search warrant at his home and seized items thought to contain child exploitation material. The next day, he resigned from his job and drove to Carnarvon and then on to Kennedy Range National Park. He parked at camping grounds, left his vehicle and was not seen again.
4. On 30 March 2015 Ms Glenys Hayes, the deceased's ex-wife and the mother of his son, wrote to the State Coroner's Office on behalf of her son to request that the deceased's disappearance be investigated.
5. On 30 April 2015 the State Coroner wrote to the officer in charge of the missing persons unit of the Western Australia Police to request any information available about the deceased's disappearance.
6. Under section 23 of the *Coroners Act 1996* (**the Act**), where a person is missing and the State Coroner has reasonable cause to suspect that the person has died and that the death was a reportable death, the State Coroner may direct that the suspected death of the person be investigated. Where the State Coroner has given such a direction, a coroner must hold an inquest into the circumstances of the suspected death of the person and, if the coroner finds that the death of the person has been established beyond all reasonable doubt, into how the death occurred and the cause of the death.

7. On 9 May 2016 police sent the State Coroner a report on the deceased's disappearance. After reviewing further information, on 1 June 2016 the State Coroner determined that she had reasonable cause to suspect that the deceased had died and that his death was a reportable death as defined in section 4 of the Act. Accordingly, she directed that the deceased's suspected death be investigated.
8. On 5 August 2016 an inquest into the deceased's death was listed to be held on 28 November 2016.
9. On 28 November 2016 I held an inquest at the Perth Coroner's Court into the deceased's suspected death. The documentary evidence adduced was a brief of evidence comprising a report by Senior Constable Jessica Anderson-Stevens of the Missing Persons Team in the Major Crime Squad, together with relevant material.¹ Senior Constable Anderson-Stevens also provided brief oral evidence.²
10. I have found that the death of the deceased has been established beyond all reasonable doubt. I have not been able to find how the death occurred or the cause of the death.

THE DECEASED

11. The following information was primarily provided by the deceased's brother, Trevor Johnston.³
12. The deceased was born in Albany on 6 July 1962. He was the youngest of three boys, who were all raised in Albany.
13. As a teenager and into his early twenties, the deceased was an accomplished athlete, especially as a tri-athlete, a soccer player and a general athlete. He held

¹ Exhibit 1

² ts 4-28 per Clifford, C S

³ Exhibit 1, Tab 1

several school titles and was involved in local sport in Albany, including as a junior athletics coach.

14. The deceased began dating Ms Hayes (then Herbertson) in 1985. They married in 1987 and had a son, Nicholas, in August 1988. They separated in 1989. They were divorced in 1990 and had little to do with each other after that, though it seems that the deceased was contributing to his son's education at the time of his disappearance.
15. In 1990 the deceased left Albany to obtain a sports science degree at Edith Cowan University in Perth. He helped finance his study by working as a night manager at several motels in Perth.
16. The deceased went on to commence a master's degree in sports science but did not complete it.
17. While at university the deceased began to experience health problems. He had been a sprinter and middle distance runner, but when he was about 35 years old he began exercising with a view to take up distance running in an effort to reduce his weight. He developed chronic compartment syndrome in his calves, which restricted blood flow to the muscles during exertion. In 1997 he underwent bilateral fasciotomies, but he gained weight and his health deteriorated.
18. While studying for the master's degree, the deceased worked as a lecturer at the university. When he stopped his studies, he joined the workforce. In about 2000 he worked as a residential college supervisor in Narrogin, after which he moved to Moora to work as senior supervisor. In about 2002 he was appointed manager of the Saint James Residential College in Moora.
19. In 2003 the deceased's brother, Trevor, went to Moora with his wife to do a tiling job. They were offered positions as supervisors at the college, which they

accepted. They tended to move in different circles and had different interests from the deceased, so they did not socialise with him much out of work hours.

20. At the time of his disappearance the deceased was in an on-off relationship with Rebecca Field who, I infer, lived in Moora at the time. He had had several girlfriends over the previous five year period, but never settled into a permanent relationship.
21. The deceased had financial problems because his income was not large and he had several ongoing debts and expenses. He wanted to return to Perth to be close to his friends and social life, and he applied for numerous jobs over the previous 12 months, but without success.
22. In about 2004 the deceased bought a four-wheel drive utility vehicle which he used to visit wilderness parks such as Mt Augustus National Park, Kennedy Range National Park and Fitzgerald National Park. While travelling north in early in 2008, he had a bad fall due to his poor health and physical condition. Apparently, that incident convinced him that he would not be able to continue to undertake that sort of activity much longer.⁴

OPERATION CENTURION

23. In August 2007 a legitimate astronomy web-site was hacked and 99 images, including 43 images classified as child exploitation material, were up-loaded. There were 12 million hits on the web-site from almost 150,000 IP addresses in 170 countries. Interpol referred cases involving Australian IP addresses to the Australian Federal Police, who referred individual cases to state and territory police to follow up. The operation was code-named Centurion.⁵

⁴ Exhibit 1, Tab 2

⁵ Exhibit 1, Tabs 3 and 4

24. The investigation into relevant IP addresses in Western Australia identified the deceased as a suspect.
25. On 23 October 2008, police officers from the Cyber Predator Team in the Sex Crimes Division attended the deceased's house. They spoke with him and executed a search warrant to search his house, seizing his computer and storage devices, including compact discs.
26. The deceased was cooperative with police, but made no admissions about deliberately possessing or accessing child exploitation material. He appeared calm and confident that police would find no illicit material. He chatted about topics such as camping and other activities.
27. The police officers told the deceased that the seized items would be examined and that he would be contacted in due course. They then left without further actions.
28. On the evening of 23 October 2008 the deceased was the master of ceremonies at the end of year awards at the college. His brother Trevor thought that he seemed perfectly normal.⁶

EVENTS LEADING UP TO THE DECEASED'S DISAPPEARANCE

29. On the morning of 24 October 2008 the deceased called in sick to work. At about 10.00 am he called Mr Hopkins, the Director of County High School Hostels Authority, by telephone and resigned. Just after 10.00 am, the deceased was seen leaving the college area in his utility.⁷
30. On 24 October 2008 the police officers inspected the items seized from the deceased and discovered that it

⁶ Exhibit 1, Tab 1

⁷ Exhibit 1, Tab 7

contained videos of child exploitation material. Given the deceased's job being involved with children, at about 12.30 pm they contacted Jim Hopkins to advise him of the results of the investigation into the deceased. Mr Hopkins indicated that the deceased would be standing down from his position.⁸

31. Possibly from the information provided by police by phone, Mr Hopkins became concerned about the deceased's state of mind, so he called Trevor to ask him to check on the deceased.
32. Trevor went to the deceased's house. The deceased and his utility were gone but the house was open and his camping gear was still there. The deceased had left his mobile phone and his house keys behind.
33. Trevor went to Perth to search for the deceased and called friends and family, but no-one had heard from him.
34. It seems that the deceased drove to Carnarvon and then on to Kennedy Range National Park. While in Carnarvon he posted a brief note to Mr Hopkins in which he provided security passwords and details of the location of the house budget. He wrote: 'Everything in house belongs to Nick Johnston now' and 'Return all mail to sender. Deceased'.⁹
35. The deceased sent a second message to Mr Hopkins at about the same time:¹⁰

WHAT I DON'T UNDERSTAND
IS depression
Alcoholism
+ A life time of
Self Destructive tendencies
It was MORBID CURIOSITY
Fueled by the Above on

⁸ Exhibit 1, Tab 3

⁹ Exhibit 1, Tab 23

¹⁰ Exhibit 1, Tab 24

a few occasions, never sexual.
I haven't been coping for quite
a while
In some ways it's a release
+ Relief

COLIN

36. On Saturday 25 October 2008, David Quay arrived at the campground at Kennedy Range National Park with his wife and two children. They were from Grays Point in New South Wales. They set up camp about 40 metres away from what was later discovered to be the deceased's utility. They noticed that no-one came to the campground or the utility that night.¹¹
37. On the following morning Mr Quay went up to the utility and saw a note on the inside of the windscreen. The note said:¹²

Inform the Police
I've gone for a walk
me and John Jameson
one last time

38. John Jameson is understood to refer to Jameson Irish Whiskey.¹³
39. Mr Quay and his family drove to Lyons Station from where, at about 10.00 am, they phoned police to inform them of the utility and the note. They then returned to their campsite and packed up to leave. Before leaving, Mr Quay walked up the nearby Temple Gorge and called out, but there was no reply.¹⁴

¹¹ Exhibit 1, Tab 8

¹² Exhibit 1, Tab 8

¹³ Exhibit 1, Tab 2

¹⁴ Exhibit 1, Tab 8

THE SEARCH

40. Kennedy Range National Park comprises an area of 1,416.6 km² about 245 km east of Carnarvon and about 60 km north of Gascoyne Junction. The terrain consists of high cliff faces, caves, and steep rocky ravines that slope down to a flat plain area with heavy scrub and bush.¹⁵
41. The park has four main attractions: Temple Gorge, Drapers Gorge, Honeycomb Gorge and Sunrise View, each accessible by a walk trail. The trails have only basic markings, and they all require either a moderate or a high level of fitness. The camping area near Temple Gorge is central to all walk trails.¹⁶
42. The weather conditions at Kennedy Range National Park for the last week of October 2008 included daily maximum temperatures ranging from 26.1 degrees to 35.0 degrees.
43. Shortly after 10.00 am on 26 October 2008, Carnarvon Police were notified of the deceased's vehicle and the probable suicide note. The officer in charge of the Carnarvon Police Station, Senior Sergeant Boehm, assumed control as the search and rescue mission controller. He directed that a land search and rescue operation commence immediately.¹⁷
44. Two police officers went to the deceased's utility to secure the scene. They searched the utility and found a notebook on the driver's seat a page containing some final musing, a note of affection to Ms Field with an apology for letting her down, and an informal will. The note ended: 'Tell everyone I'm sorry'. The deceased's ex-wife Ms Hayes confirmed that the notes in the utility appeared to be in the deceased's handwriting.

¹⁵ Exhibit 1, Tab 5

¹⁶ Exhibit 1, Tab 5

¹⁷ Exhibit 1, Tab 5

45. The officers also found medications for high blood pressure and for inflammation, as well as aspirin and paracetamol. The keys to the utility were under the floor mat.¹⁸
46. That evening, a search aircraft with spotters began a grid pattern search of the area, and police officers and a park ranger conducted a 300 metre search of the bushland surrounding the deceased's utility. The search was suspended when fading light made it futile.¹⁹
47. On the morning of 27 October 2008 the search aircraft resumed the search, but by 11.00 am it was stood down due to changing light conditions and shadows. A search team of police and SES officers, Gascoyne Junction Shire employees and ambulance officers completed grid searches of areas the deceased was likely to have walked, considering his direction of travel, his weight and health, and the weather conditions. Their search was suspended without success at 4.00 pm due to hot weather, challenging terrain and fatigue.²⁰
48. On 28 October 2008 the land search continued in Temple Gorge, Drapers Gorge and the plateau. The search was again suspended at 4.00 pm without success.
49. On 29 October 2008 the land search was augmented by nine more SES personnel, and the search area was widened to areas north and south of the three gorges. Advice was received from Chief Forensic Pathologist Dr Clive Cooke that, based on the deceased's physical condition, the weather conditions and terrain, the deceased's likely time frame for survival would end sometime that afternoon. Dr Cooke's estimate was based on the best case scenario of the deceased

¹⁸ Exhibit 1, Tab 5

¹⁹ Exhibit 1, Tab 5

²⁰ Exhibit 1, Tab 5

carrying water. The search was suspended at 5.00 pm.²¹

50. On 30 October 2008 the land search recommenced over grids to the north, south and east of the gorges and of Sunrise View. There were three police officers, two ambulance officers, 20 SES personnel and one park ranger taking part. By 5.45 pm, when the search was called off, all the grids within the search area had been completed with no sign of the deceased being found.²²
51. A total of 8.77 km² of difficult terrain was searched. The area was considered challenging for a fit person, with shelves, caves and loose rock escarpments that were inaccessible to experienced search personnel. In Senior Constable Anderson-Stevens' view, the terrain was such that a person could have easily disappeared and not been found.²³
52. Since the deceased's disappearance, police have conducted other searches for missing persons in Kennedy Range National Park, and a multitude of tourists and hikers have attended the area without coming across the deceased's remains.²⁴

FURTHER INVESTIGATIONS

53. As a result of the deceased's unexpected disappearance, detectives in the Cyber Predator Team considered that the deceased may have staged his apparent death. With that in mind, on 1 November 2010 a detective in the Cyber Predator Team obtained an arrest warrant for the deceased on charges of possession of child pornography.²⁵ That warrant was

²¹ Exhibit 1, Tab 5

²² Exhibit 1, Tab 5

²³ ts 6 per Anderson-Stevens, J

²⁴ Exhibit 1, Tab 17

²⁵ Exhibit 1, Tabs 3 and 4

still active as at February 2016 as the deceased has not been found.²⁶

54. As part of her investigation, Senior Constable Anderson-Stevens obtained the following information:²⁷
- a. there are no claims by the deceased under the Medical and Pharmaceutical Benefits Scheme since the time of his disappearance;²⁸
 - b. no certificates have been received by the Registry of Births, Deaths and Marriages to show the deceased's death or a change of his name;²⁹
 - c. Centrelink has no record of any contact with the deceased;³⁰
 - d. there are no records at the Department of Immigration and Border Protection to indicate that the deceased has left Australia;³¹
 - e. records of Westpac Bank show no transactions on the deceased's four bank accounts;³²
 - f. the Australian Federal Police and missing persons units in all states have had no contact with the deceased;
 - g. there are no unidentified bodies or remains at the State mortuary which could be the deceased; and
 - h. the Department of Corrective Services have no records of the deceased being incarcerated.

²⁶ Exhibit 1, Tab 4

²⁷ Exhibit 1, Tab 2

²⁸ Exhibit 1, Tab 15

²⁹ Exhibit 1, Tab 11

³⁰ Exhibit 1, Tab 12

³¹ Exhibit 1, Tab 13

³² Exhibit 1, Tab 14

55. Senior Constable Anderson-Stevens concluded that the deceased was not likely to be alive due to the following factors:
- a. the harsh and remote environment in which the deceased disappeared;
 - b. the deceased's mental and physical health, which greatly increased his risk;
 - c. the deceased's lack of contact with family or friends, which is out of character;
 - d. the deceased's lack of contact with state or federal agencies;
 - e. the lack of transactions on the deceased's bank accounts;
 - f. the lack of sightings of the deceased;
 - g. the deceased's stated intention in his notes to end his life; and
 - h. the deceased's contact with police in relation to child exploitation material and his apparent remorse about letting others down.
56. An additional factor is that the deceased left his medication in his utility, consistent with an intention to end his life.

CONCLUSION AS TO WHETHER DEATH HAS BEEN ESTABLISHED

57. While there is no direct evidence to prove that the deceased is dead, given the factors identified by Senior Constable Anderson-Stevens I am satisfied that his death has been proved beyond all reasonable doubt and I so find.

HOW DEATH OCCURRED AND THE CAUSE OF THE DEATH

58. There were many possible causes of the deceased's death, including traumatic injuries and dehydration. I am therefore not able to find the cause of death.
59. As to the issue of how death occurred, it is at least arguable that in going to the Kennedy Range National Park and leaving his vehicle with the intention of ending his life, the deceased committed suicide irrespective of the precise manner in which he died.
60. However, in my view it is possible that he intended to die in a particular way, but that he died by accident before he could do so. For that reason, I make an open finding as to how death occurred.

CONCLUSION

61. It is clear that the deceased was struggling with personal problems, including alcoholism and depression, before his death.
62. He was charged with a serious criminal offence, and the evidence leaves little room for doubt that he deserved condemnation for the actions that founded the charge, but it is also apparent that a significant motivation for his decision to end his life was his remorse and regret.

B P King
Coroner
28 February 2017