



## RECORD OF INVESTIGATION INTO DEATH

Ref No: 40/14

I, Barry Paul King, Coroner, having investigated the suspected death of **John Joseph Moran** with an inquest held at **Perth Coroners Court, Court 51, CLC Building, 501 Hay Street, Perth, on 6 November 2014**, find that the death has been established beyond all reasonable doubt and that the identity of the deceased person was **John Joseph Moran** and that death occurred on **an unknown date at an unknown place from an unknown cause** in the following circumstances:

### Counsel Appearing :

Sergeant Lyle Housiaux assisting the Coroner

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## **INTRODUCTION**

1. John Joseph Moran (the deceased) was 69 years old when he was last seen in February 2006.
2. An unsuccessful investigation by the WA Police Missing Persons Team to find the deceased was undertaken in January 2007 after he had been reported missing.
3. On 14 February 2013 the deceased's step-daughter, Julie Ashworth, sent an email letter to the State Coroner on behalf of her mother requesting that he investigate the disappearance and the possible death of the deceased.
4. On 20 February 2013 the State Coroner sent a letter to the officer in charge of the WA Police Missing Persons Unit requesting any information available in relation to the deceased's disappearance in order for the State Coroner to determine whether he had a reasonable cause to suspect that the deceased had died and that his death was a reportable death as defined in section 4 of the *Coroners Act 1996* (the Act).
5. The State Coroner's request was taken by WA Police to be a request for a further investigation and a report into the deceased's disappearance. That investigation was undertaken by Senior Constable Michelle Beaman, who prepared a report dated 9 May 2014.
6. Under section 23 of 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 death.

7. On the assumption that the former State Coroner had made the required direction under section 23 of the Act, on 27 October 2014 I held an inquest into the deceased's suspected death. The only evidence adduced was Senior Constable Beaman's report<sup>1</sup> and brief oral evidence from her.
8. When it came to my attention that the former State Coroner may not have made that direction, I provided the current State Coroner with Senior Constable Beaman's report and requested that she make a fresh determination under section 23 of the Act as to whether she had reasonable cause to suspect that the deceased had died and that the death was a reportable death and, if she so determined, to direct me to investigate the death.
9. After considering Senior Constable Beaman's report and being satisfied that there was reasonable cause that the deceased had died and that the death was a reportable death, on 5 November 2014 the State Coroner directed me under section 23 of the Act to investigate the suspected death of the deceased. The State Coroner also directed that the requirement in section 39 of the Act for publication of the details of any fresh inquest not apply.
10. On 6 November 2014 I held another inquest into the deceased's suspected death and received in evidence the same evidence obtained in the hearing on 27 October 2014. Senior Constable Beaman's previous oral evidence was received in the form of a transcript.<sup>2</sup>

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<sup>1</sup> Exhibit 1

<sup>2</sup> Exhibit 3

## **THE DECEASED**

11. The following information was obtained by Senior Constable Beaman from the deceased's ex-wife, Christine Moran.<sup>3</sup>
12. The deceased was born into a Catholic family in South Dublin in Ireland on 13 April 1937. He was the youngest of three brothers. He immigrated to Western Australia in 1974 after working in England for quite some time. He worked in various trades, including gardener, postman, pest controller, taxi driver and hospital orderly.
13. When the deceased came to Western Australia he settled in Toodyay and joined a Pentecostal group.
14. In February 1983 the deceased married Christine Blight in a civil ceremony and became step-father to Ms Blight's six year old daughter, Julie. During the marriage he maintained his spiritual tendencies, attending evangelical churches and becoming involved with different sects.
15. In 1989 when he was 52 years old the deceased was injured while working as an orderly at Northam Hospital. He received workers' compensation and then a disability pension.
16. Following retirement from the workplace, the deceased's mental health suffered. He became erratic in making life-decisions and impatient when communicating and completing tasks. He was overly protective and controlling of his step-daughter and was prone to making frequent, aggressive and uncontrollable verbal outbursts.
17. The deceased's mental deterioration led to a breakdown of his marriage, with Mrs Moran leaving the family home and moving to York in 2002 to be near

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<sup>3</sup> Exhibit 1, Tab 2

her daughter. They were divorced in 2004 but remained in touch and occasionally met socially. The deceased moved to Beverley and then to the Swan Valley Tourist Park where he lived in a caravan.

18. In 1996 the deceased met Peter Kennedy and his family at a prayer meeting in Toodyay. The two men became close friends. Mr Kennedy and his family would stay with the deceased and his family for weekends and attend their church.
19. As time went on, Mr Kennedy also noticed that the deceased's behaviour became increasingly erratic. He nonetheless maintained his friendship and provided the deceased with support during the latter's divorce.
20. On 5 October 2004 the deceased was found by police in a confused state in the Scarborough Beach car park. He was taken to hospital where a chest x-ray showed pleural based opacities and a cranial CT scan showed a likely lacuna infarction. He was admitted to Sir Charles Gairdner Hospital and was diagnosed with schizophreniform psychosis.<sup>4</sup> The psychosis was characterised by delusional mood, religiosity and grandiosity, paranoia about his father's death and his own security, auditory hallucinations and passivity phenomena.<sup>5</sup>
21. The deceased was transferred to Swan Elderly Mental Health Service on 14 October 2004 and remained there for five days as a voluntary patient. He was diagnosed with an organic delusional disorder that had settled rapidly, associated with a stroke. There seemed to be little evidence for late-onset schizophrenia. He was seen to be a very religious man who described his ability to speak in tongues, in keeping with his Pentecostal faith. He denied ever being suicidal.<sup>6</sup>

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<sup>4</sup> Exhibit 1, Tab 15

<sup>5</sup> Exhibit 1, Tab 14

<sup>6</sup> Exhibit 1, Tab 14

22. The deceased was discharged from Swan Elderly Mental Health Service on 18 October 2004 with follow-up with a psychiatrist at Swan District Hospital and with his doctor. He agreed that Mr Kennedy could ring the Swan Elderly Mental Health Service if he had any concerns that the deceased was becoming unwell again.<sup>7</sup>
23. On 16 November 2004 the deceased attended the respiratory medicine outpatient clinic at Sir Charles Gairdner Hospital where he was diagnosed with a pleural plaque related to asbestos exposure. Yearly reviews were arranged.<sup>8</sup>
24. At follow-up at the Swan District Hospital on 10 December 2004 in relation to his mental health, the deceased was found to be both physically and mentally well.<sup>9</sup>
25. On 31 January 2006 Mr Kennedy received a telephone call from the proprietor of the Swan Valley Tourist Park who said that deceased had not been seen for several days. Mr Kennedy notified police that the deceased was missing.<sup>10</sup>
26. On 6 February 2006 Mr Kennedy received a phone call from police in Midland to say that the deceased had been found sitting in his car outside the police station all morning. He had been placed in a cell and an identity check had revealed that he was a missing person.<sup>11</sup>
27. Mr Kennedy went to the police station and took the deceased to the emergency department at Swan District Hospital where he was found to be fully orientated, coherent and not displaying any psychotic features. There was no evidence of an acute mental health problem so the deceased was not admitted to

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<sup>7</sup> Exhibit 1, Tab 14

<sup>8</sup> Exhibit 1, Tab 15

<sup>9</sup> Exhibit 1, Tab 2

<sup>10</sup> Exhibit 1, Tab 7

<sup>11</sup> Exhibit 1, Tab 7

the hospital, but the deceased agreed that a psychiatric nurse from Swan Elderly Mental Health Service could visit him for a welfare check and follow-up. A visit was planned for 17 February 2006.<sup>12</sup>

28. While at Swan District Hospital the deceased told Mr Kennedy that during the six days he was missing he had been driving to places like Brookton, Wongan Hills, Hyden and Norseman.
29. On 7 February 2006 Mr Kennedy called the Swan Valley Tourist Park and checked that the deceased had stayed there on the previous night.

### **EVENTS LEADING UP TO THE DECEASED'S DISAPPEARANCE**

30. Sometime after 6 February 2006 the deceased left the Perth area in his car and drove east. On 11 February 2006 he telephoned his car insurer, the State Government Insurance Office (SGIO), to advise that he had collided with a kangaroo and damaged his car. He did not say where he was.
31. On the next day the deceased ran out of petrol on Hoopers Road, east of the Wogarl-Muntadgin Road near Narembeen. A member of the local farming community contacted the officer in charge of the Narembeen Police station, Senior Constable David Mounsher, with concerns about the deceased in a broken down car.
32. Senior Constable Mounsher drove to where the deceased was stranded and organised to tow him to Muntadgin, where he could stay in a hotel and buy petrol the next morning. The deceased told Senior Constable Mounsher that he was driving to Menzies, north of Kalgoorlie, by the back way. The deceased did

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<sup>12</sup> Exhibit 1, Tab 16

not seem to Senior Constable Mounsher to be suffering from a mental illness or in need of any further assistance.<sup>13</sup>

33. On the next morning, 13 February 2006, Senior Constable Mounsher checked the deceased's details on the WA Police intelligence system and noted that there was an alert for police to contact Mr Kennedy if they came into contact with the deceased. Coincidentally, he knew Mr Kennedy from the time when he was working in the Perth area, so he rang him.<sup>14</sup>
34. Mr Kennedy told Senior Constable Mounsher that the deceased had mental health problems and was inclined to head off in his car without telling anyone of his plans. Senior Constable Mounsher contacted the Muntadgin Hotel to check whether the deceased was still there, but his car had gone.<sup>15</sup>
35. Later that day the deceased called SGIO again to advise that he was taking his car to a towing and repair shop in Kalgoorlie in order to obtain a quote to repair the damage from the collision with the kangaroo.<sup>16</sup> A quote was provided by the repair shop proprietor on 14 February 2006. It is notable that several parts would need to be replaced, indicating to me that there could be some delay in commencing repairs until parts could be shipped from a distributor to Kalgoorlie.<sup>17</sup>
36. On 17 February 2006 an SGIO employee completed an assessment of the damage and authorised repairs by the repair shop in Kalgoorlie.<sup>18</sup> I infer that the deceased was in Kalgoorlie on or about that day.
37. On 19 February 2006 the deceased called SGIO again to advise that he could not wait a week for the

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<sup>13</sup> Exhibit 1, Tab 9

<sup>14</sup> Exhibit 1, Tab 9

<sup>15</sup> Exhibit 1, Tab 9

<sup>16</sup> Exhibit 1, Tab 8

<sup>17</sup> Exhibit 1, Tab 12

<sup>18</sup> Exhibit 1, Tab 8

assessment to be done and that he had tried to drive home but had a punctured tyre and swerved onto an embankment. The car would then not start. He said that he had managed to get to the Menzies police station where he called from a pay phone.<sup>19</sup>

38. The SGIO employee who spoke to the deceased arranged for the proprietor of the repair shop in Kalgoorlie to tow the deceased's car to his yard. The employee then transferred the deceased's call to the proprietor of the repair shop.<sup>20</sup>
39. While it is not entirely clear on the evidence now available, it seems that the deceased did speak with the proprietor of the repair shop since a tow truck driver picked up the deceased's car on or about 19 February 2006. The car was on the side of the highway near a community near Menzies. When the driver arrived at the car, it was unlocked and the keys were in it. There was extensive damage to the car. The driver towed the car back to Kalgoorlie.<sup>21</sup>
40. The deceased called the SGIO employee again on 19 February 2006 to discuss arrangements for a hire car. As the closest hire car company was in Kalgoorlie, 150 kilometres from Menzies, the employee transferred the deceased to another employee to arrange for accommodation or transport back to his home.<sup>22</sup>
41. Also on 19 February 2006 Mr Kennedy received a call from a police officer in either Menzies or Leonora. In a statement signed on 2 February 2007 Mr Kennedy stated that the police officer was in Menzies,<sup>23</sup> but on 19 July 2013 he told Senior Constable Beaman that the police officer was in Leonora.<sup>24</sup> Telephone records are no longer available to clarify this issue.

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<sup>19</sup> Exhibit 1, Tab 8

<sup>20</sup> Exhibit 1, Tab 8

<sup>21</sup> Exhibit 1, Tab 11

<sup>22</sup> Exhibit 1, Tab 8

<sup>23</sup> Exhibit 1, Tab 7

<sup>24</sup> Exhibit 1, Tab 4

42. According to Mr Kennedy's statement, the police officer told him that at some time between 13 and 18 February 2006 the deceased had run off the road in his car and had smashed into some trees. He had been picked up by a truck driver and taken to Menzies where the police officer had organised for the car to be towed to Kalgoorlie. The deceased appeared to be OK. The police officer understood that the deceased was heading to Leonora.<sup>25</sup>
43. Mr Kennedy's statement also records that on the afternoon of 19 February 2006 or the next day the deceased called Mr Kennedy and said that he had been in an accident but that he was OK. He told Mr Kennedy that he was trying to find peace and that once he found it he would let him know. That was the last time that Mr Kennedy heard from the deceased.<sup>26</sup>
44. On or about 19 February 2006 Mrs Moran also received a telephone call from the deceased. She understood that the call took place after the deceased had called Mr Kennedy. The call was only a few minutes long and appeared to be from a pay phone. The deceased told her that he was in Leonora. He told her to keep in touch and that Leonora was a nice place.<sup>27</sup> She did not hear from him again.
45. The deceased did not make contact with the repair shop in Kalgoorlie. His car remained there for 18 months until the proprietor was authorised to sell it.<sup>28</sup>
46. On 12 January 2007 Mr Kennedy notified the police that the deceased was missing.
47. The then WA Police Missing Persons Team made a number of inquiries, including monitoring his financial activities, Medicare and pharmaceutical benefits and

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<sup>25</sup> Exhibit 1, Tab 7

<sup>26</sup> Exhibit 1, Tab 7

<sup>27</sup> Exhibit 1, Tab 4

<sup>28</sup> Exhibit 1, Tab 10

pension payments, making media releases about his disappearance and obtaining statements from Mrs Moran and Mr Kennedy. They obtained no evidence indicating that the deceased was still alive, let alone evidence of his whereabouts.

## **FURTHER INVESTIGATIONS**

48. Senior Constable Beaman commenced her investigation in March 2013. She obtained the deceased's medical records and conducted interviews with witnesses who provided information upon which the foregoing account was based.
49. She made inquiries with the Registry of Births, Deaths and Marriages and found that there had been no registration of the deceased's death or change of name.
50. Inquiries with Centrelink established that the deceased's aged pension had ceased in May 2006 after mail sent to him was returned to sender. The deceased had made no contact with Centrelink since 1 January 2006.<sup>29</sup>
51. The deceased held Australian, Irish and British passports. The Department of Immigration and Border Protection indicated that the deceased was listed as 'onshore', which I understand to mean that he did not leave Australia using a passport in his name.<sup>30</sup> Sergeant Housiaux made inquiries of that department and received confirmation that the department's information related to any passport held by the deceased.<sup>31</sup>

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<sup>29</sup> Exhibit 1, Tab 21

<sup>30</sup> Exhibit 1, Tab 22;

<sup>31</sup> Exhibit 2; Exhibit 3 ts

52. The deceased's financial records indicate that he held about \$160,000 in three accounts but that there had been no transactions on any of the accounts since his disappearance.<sup>32</sup>
53. There is no record of the deceased having contact with State or Federal police. He is not on the Department of Corrective Services' database. Records held at the State Mortuary show no unidentified human remains that could be his.<sup>33</sup>
54. On 8 February 2014 Leonora Police attended the community near the location where the deceased's car was picked up by the tow truck driver. Inquiries there did not result in any information of the deceased's whereabouts. Officers who were stationed in Leonora in 2006 had no recollection of an interaction with the deceased around that time.<sup>34</sup>
55. Senior Constable Beaman's opinion was that all possible avenues of investigation into the deceased's disappearance and his possible whereabouts have been exhausted. She concluded that there is no direct evidence to confirm that he is dead, but that the following circumstances suggest that it is unlikely that he is alive:<sup>35</sup>
  - a. The environment where the deceased was last seen is remote and harsh, increasing the likelihood of him having perished without being located;
  - b. The deceased's poor mental health placed him at an increased risk to his personal welfare;

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<sup>32</sup> Exhibit 1, Tabs 23 and 24

<sup>33</sup> Exhibit 1, Tab 2

<sup>34</sup> Exhibit 1, Tab 2

<sup>35</sup> Exhibit 1, Tab 2

- c. He had not contacted any family or friends since 2006, which was out of character;
  - d. He had no interaction with Federal or State agencies since 2006;
  - e. His bank accounts hold significant funds which have not been accessed since 2006; and
  - f. There have been no reported sightings of the deceased despite extensive public awareness campaigns.
56. The deceased's age and his past medical history of stroke and pleural plaque are added factors which support the conclusion that the deceased is no longer alive.

### **CONCLUSION AS TO WHETHER DEATH HAS BEEN ESTABLISHED**

57. In my view the evidence taken as a whole establishes the death of the deceased beyond all reasonable doubt. While it is, perhaps, not absolutely impossible that the deceased could have continued to live somewhere in Australia for the past eight and two third years, the chances of that having occurred are, in the circumstances identified above, too remote to be reasonably possible.
58. However, on the basis of the evidence available to me, I am unable to determine when or where the deceased died. It appears that when he left his car beside the highway near Menzies on 19 February 2006, he went to Menzies and then on to Leonora that same day. No information is available to me of his whereabouts after that time.

## **CONCLUSION AS TO HOW DEATH OCCURRED AND THE CAUSE OF THE DEATH**

59. I find that the deceased died from an unknown cause.
60. I make an open finding as to how death occurred.

B P King  
Coroner  
7 November 2014