



CORONERS COURT OF NEW SOUTH WALES

Inquest: Inquest into the death of Esther Marie Wallace

Hearing dates: 4 and 5 May 2026

Date of findings: 17 June 2026

Place of findings: Coroners Court, Lidcombe

Findings of: Judge Hosking, Deputy State Coroner

Catchwords: Missing person, search and rescue operations.

File number: 2022/374691

Representation: Counsel Assisting: Dr Claire Palmer instructed by Sian Pickard, Department of Communities and Justice
(Assisting team)

Findings: NSW Commissioner of Police: Patrick Rooney instructed by Alison Hendricks, Crown Solicitor's Office

Esther Marie Wallace died approximately 1.7km from Federal Falls Carpark (-33.2424, 148.96628) between 30 November and 9 December 2022.

I am unable to determine Esther's precise cause of death but it is informed by her manner of death being that she became lost in dense bushland at night and despite the best efforts of the NSWPF Officers, SES, RFS and POLAIR and additional volunteers, Esther was unable to be located before she died.

I find that the search for Esther was appropriately conducted and that it was the persistence and commitment of those involved in her search that resulted in her remains being found and returned to her family.

Recommendations: Not applicable

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Introduction

- 1 Esther Marie Wallace, date of birth 25 October 1975, was last seen alive aged 47 in the early hours of 30 November 2022 by her then partner, Alan Smith¹ in bushland approximately 1.7km from the Federal Falls Carpark (**Carpark**). She was reported missing by Alan, a search ensued and she was located, deceased, on 9 December 2022 about 1.6km from where Alan last saw her.
- 2 These are my findings following an inquest into Esther's death which was held in the Coroners Court sitting at Orange Courthouse on 4 and 5 May 2026.

Role of the coroner

- 3 The role of the coroner is to make findings as to the identity of the nominated person and in relation to the place and date of their death. The coroner is also to address issues concerning the manner and cause of the person's death.² A coroner may make recommendations, arising from the evidence, in relation to matters that have the capacity to improve public health and safety in the future.³

The issues examined at the inquest

- 4 The following issues were identified in the coronial investigation:
 - (1) whether the areas identified for search were appropriate and logically selected, having regard to the available intelligence and circumstances of Esther's disappearance
 - (2) whether statistical information and methodologies (e.g. LPB⁴ analysis) were appropriately utilised to inform the selection and prioritisation of search area

¹ Their relationship was described as 'on and off'.

² S 81 of the *Coroners Act 2009* (NSW) (**the Act**)

³ S 82 of the Act.

⁴ Lost Person Behaviour.

- (3) whether the search strategy appropriately considered Esther's mental health issues, possible drug use, and other personal attributes
- (4) whether Senior Constable Mark Whieldon's designation of Esther as 'hiker' was appropriate
- (5) whether the search was resourced adequately, both in terms of personnel and equipment, at each stage of the operation
- (6) whether the persons and teams deployed were suitably qualified and equipped, given the arduous terrain and the complexity of the search areas
- (7) why general-purpose search dogs were not deployed at the outset of the operation or at later stages; and whether the earlier deployment of general purpose dogs would have been appropriate or beneficial
- (8) whether it was appropriate to deploy a significant number of personnel into the field before the use of general-purpose search dogs, and what impact, if any, this sequencing had on the efficacy of the search
- (9) what aerial search activities, if any, were conducted overnight during the 'survivability window' (30 November to 3 December), and if none were undertaken, whether overnight aerial searches should have been conducted
- (10) whether the information provided to search personnel was adequate and appropriate, particularly in relation to Esther's mental health condition (noting reports that certain mental health information may not have been disclosed to searchers)
- (11) whether the handover processes and the documentation prepared at the conclusion of each day of the search were adequate and clear

- (12) whether the search was carried out consistently with the Incident and Emergency Standing Operating Procedures (**IESOPs**) and any other relevant standards
- (13) with the benefit of hindsight, how – if at all – could the search for Esther have been improved
- (14) was the advice provided on: (i) 2 December 2022; and (ii) 10 December 2022 by survivability expert Dr Paul Luckin utilised appropriately by those responsible for coordinating the search
- (15) did the search coordinators engage with a medical consultant at an appropriate time
- (16) whether it is necessary or desirable to make any recommendations in relation to any matter connected to Esther’s death pursuant to s 82 of the Act.

5 In the course of the inquest, some of these issues became more prevalent and some fell away.

The evidence

6 A 5 volume brief of evidence⁵ was tendered at the inquest and marked Exhibit 1.

7 Oral evidence was adduced from:

- (1) Det. Sgt. Thomas Casey, NSWPF⁶ OIC⁷
- (2) Snr. Cst. Mark Whieldon, NSWPF officer involved in the search

⁵ Prepared by the officer in charge (**OIC**) of the coronial investigation, Det. Sgt. Casey, and supplemented by the Assisting team.

⁶ NSW Police Force.

⁷ Officer in charge of the coronial investigation.

- (3) Sgt. Shannon Pendlebury, NSWPF officer involved in the search
- (4) Chief Insp. Robert Danks, NSWPF Dog and Mounted Command (**Dog Unit**)

Experts

- (5) Dr James Whitehead, Search & Rescue (**SAR**) expert, report dated 1 July 2025
- (6) Dr Benjamin Butson, Consultant in Emergency Medicine, Pre-Hospital and Retrieval Physician and Search & Rescue Consultant (Medical Survival), report dated 30 October 2025

Findings and recommendations

- 8 As will be seen, I find that the search for Esther was appropriately conducted and I do not consider it necessary or appropriate to make any recommendations.

Background

- 9 I have drawn from submissions by Counsel Assisting in relation to non-contentious factual matters and issues. I am grateful for this assistance.

Esther's life

- 10 Esther was born in England on 25 October 1975. She was the much loved daughter of Lynne and Kenneth Wallace. The family migrated to Australia around 1979 settling in Albion Park, NSW. Sadly, Esther had a brother who was already deceased at the time of her death. Lynne and Kenneth and their respective partners all attended the inquest and remain devastated by their loss.
- 11 Esther is reported to have become involved in illicit drug activity at an early age which included cannabis and amphetamine use.

- 12 In early September 2022, Esther lived alone in a private rental at 81 Tilga Street, Canowindra, NSW. Around this time, Esther visited a friend, Rachel Malone, in Sydney. Rachel states that Esther was experiencing drug-induced psychosis and was paranoid about her phone being tapped.
- 13 On 9 September 2022, Esther attended the Emergency Department of Canowindra Hospital for 'Anxiety due to drug.'
- 14 In or around 2018, Esther was admitted to the mental health ward at Goulburn Hospital. She had been diagnosed with Hepatitis C.
- 15 On 11 September 2022, Esther presented to Dubbo Base Hospital following a 5-day history of paranoia, increased anxiety and panic attacks. She expressed persecutory delusions about there being devices in her car and her Bluetooth and television being hacked. She was admitted for management of a drug-induced psychotic episode, against a background of 'affective instability' and substance use disorder (methamphetamine).⁸
- 16 During this admission, Esther commenced taking olanzapine (antipsychotic). Over subsequent days, her mood and anxiety reportedly improved and psychotic symptoms resolved. She declined offers of drug and alcohol rehabilitation.
- 17 On 16 September 2022, Esther was discharged into the care of her mother Lynne with a seven-day supply of medication. Esther started working casually at the local FoodWorks stocking shelves and at a local club as a cleaner. It is unclear whether Esther was using drugs regularly. It is understood that she often ceased using illicit substances while living with her mother. Esther did not engage with the drug and alcohol counsellors or return calls made to her by such services.
- 18 A discharge assessment by NSW Health on 20 September 2022 recorded admissions of use of illicit drugs including methamphetamine, cannabis, alcohol

⁸ Her history includes reported use of ice, cannabis, cigarettes, alcohol and heroin.

and tobacco. Esther was recorded as having no evidence of frontotemporal disorder, was coherent and logical, had no thoughts of self-harm or suicidal ideation, but was experiencing persecutory delusions.

Esther's relationship with Alan Smith

- 19 Alan was born on 24 April 1975. At the time of Esther's death, Alan was living with his mother and her partner in Orange.
- 20 Esther and Alan's relationship was described as 'on and off'.
- 21 There is no record of any violence between Esther and Alan. However, it was suggested that Esther and Alan would argue on a regular basis, with Esther provoking Alan about sexual matters, and Alan threatening to harm Esther.

Esther and Alan's movements prior to her disappearance

- 22 After finishing work on Friday 25 November 2022, Alan drove his red Nissan Navara to Lynne Wallace's home. Esther and Alan spent the weekend together, remaining in bed all day and attending a local club on Saturday night.
- 23 On the afternoon of Sunday 27 November 2022, Esther and Alan attended Esther's friend's place at Tottenham, they argued about previous sexual partners and alcohol, and both left the location around 11pm. As they were leaving, a neighbour of Esther's friend observed an argument between Esther and Alan during which he heard Alan say to Esther:

...fucking cunt

Wait till I get you alone and teach you a lesson.

- 24 At around 12.30pm on 28 November 2022, Alan told Lynne that he was taking Esther to Orange. Esther was wearing a pair of blue denim jean shorts and a green midriff top. Alan drove Esther to his mother's house in Orange, where they spent time in the garage being Alan's bedroom.

- 25 At around 4.30am on 29 November 2022, Alan went to work at Orange TAFE. He finished work at 9.30am and returned home.
- 26 At around 10.30am, Esther entered the Commonwealth Bank Branch on Summer Street, Orange and withdrew \$700 then deposited \$200 into a third party's account. CCTV footage indicates that these transactions were conducted in person and that Alan was not present. Prior to returning to Alan's home, Esther went to Coles and made a small purchase.
- 27 At around 11.00am, Esther and Alan entered the Robin Hood Hotel, which is located a short distance from Alan's home. While at the hotel, the couple ate lunch, drank beer, played on the poker machines and played keno.
- 28 At 1.25pm on 29 November 2022, a text message was sent from Alan's mobile to his ex-sister-in-law. The message said, 'Can you get'.
- 29 Alan and Esther left the Robin Hood Hotel sometime prior to 6.10pm when, according to data from Alan's phone, he travelled between 45 and 60 minutes to the Bathurst area. CCTV from Terry White Chemist Bathurst showed that at 7.02pm, Esther and Alan were walking west along Stewart Street. Esther was wearing yellow sandals, black tights and a black zip up jumper with a butterfly type motif on the front.
- 30 Alan and Esther went to Alan's ex-sister-in-law's house, they smoked marijuana and drank coffee. No arguments or unusual behaviours were reported. Esther did not appear to be affected by ice and reportedly looked 'healthy'. They left around 8pm returning to Alan's home briefly before going to Orange Ex-Services Club until about 10pm when they returned to Alan's home.
- 31 Alan and Esther left Alan's home at 11.17pm arriving at the locked gates to Mount Canobolas⁹ Lookout (**Lookout**) at 11.51pm. Esther can be seen sitting

⁹ The Mount Canobolas Conservation Area is a large area of densely forested mountain terrain surrounding the peak of Mount Canobolas, about 10 kilometres west of Orange. The area has numerous walking tracks and fire trails. The Conservation Area is adjacent to Glenwood State Forest to the east and Canobolas State Forest to the south. It is managed by NSW National Parks and Wildlife Service (**NPWS**).

in the passenger seat shinning a torch out the window. The temperature was recorded as -4°C. Alan said that they travelled to the Lookout for the purpose of looking at the lights.

- 32 Finding the gates to the Lookout locked, Alan and Esther drove to the Carpark, which is adjacent to a campground and about one kilometre from the Lookout (**Campground**). Alan suggested that they walk to Federal Falls. A 4km loop track starts and finishes at the Campground and passes through snow gum forest on its way down to Federal Falls (**Walking Trail**).¹⁰ Esther left her handbag and mobile phone in Alan's car. Alan took his Ryobi torch and together they set off down the Walking Trail towards Federal Falls. While walking, Esther slipped several times. Alan gave her one of his shoes and put on one of her sandals.

30 November 2022

- 33 At around 1am, Esther and Alan reached Federal Falls, and at 1.06am, Alan took a short video of the waterfall on his phone. After about ten minutes, Esther and Alan started the walk back up the Walking Trail using the handrail as a guide. A short distance after the handrail finishes, where the Walking Trail veers steeply to the right up steep rock, Esther and Alan mistakenly turned left.
- 34 Alan and Esther continued to walk along what they thought was the Walking Track until it stopped (approximately 10 meters from the actual trail). They continued into the bush with Alan snapping branches as he walked. Realising they were lost, Esther became scared and started to panic. They continued uphill but a short time later, Esther sat down and refused to move.

¹⁰ The Walking Track is a four-kilometre loop and considered a challenging walk. It takes between one to two hours to complete. NPWS list it as a grade three track at either the northern or southern end of the campground. It is recommended to take the northern track for an easy return trip to the falls or, if planning to walk the loop, to do so in a clockwise direction starting at the southern end (as this part of the track is steeper).

- 35 Between 1.43am and 4.33am, Alan used his mobile phone to try and find a way out.¹¹
- 36 As the sun started to come up, Esther spotted tracks on the other side of the gully and wanted to walk in that direction. Alan, aware that the Carpark was uphill, refused to walk down into the gully. They argued and Alan started walking uphill leaving Esther sitting on his orange high-vis jacket with his Ryobi torch. Alan returned twice and tried to convince Esther to go with him, but she kept refusing to walk uphill.
- 37 After walking for approximately two hours, Alan spotted a blinking red light on a tower in the distance. He continued to walk uphill until he reached the Campground, returned to his car and briefly charged his phone. Alan then walked back down the Walking Trail to look for Esther. He was unable to find her and made his way back to the Campground.

The Search for Esther

Day 1: 30 November 2022

- 38 At 7.48am, Alan contacted the NSWPF and reported Esther as missing – he was unsure if this was before or after he walked back down the Walking Trail to look for Esther.
- 39 At around 8.30am, Snr. Const. Woods and Cst. Mottram arrived at the Campground and were flagged down by Alan. After speaking to Alan, Woods and Mottram proceeded down the northern side of the Walking Trail calling out for Esther as they went. At about 9am, they arrived at the split in the track and searched the nearby area for signs of Esther. They did not find anything relevant. Mottram then continued to the base of the falls (where she carried on searching), while Woods stayed at the halfway point down and made phone calls to A/Sgt. Little and the rescue coordinator. Mottram then returned, and the

¹¹ Mobile phone data places the phone between 60m and 14.4km from the Federal Falls Campground. This may be attributable to the mobile phone service signal ‘spilling’ (when the coverage extends across borders into an unintended geographical area) due to the undulating terrain in the area around Federal Falls.

two continued the hike from the split in the track on the southern/left track from the Carpark. This continued until 10am when Mottram and Woods returned to the Carpark.

- 40 By the time Woods and Mottram arrived back at the Campground, additional officers had arrived and set up a forward command post (**FCP**) at the Campground. Chief Insp. Maher, Det. Morgan, Det. Sweet, Sgt. Hill and Snr. Const. Hodge were at the car park speaking with Alan. The SES¹² then arrived at the Carpark, and together the NSWPF Officers and the SES members had a briefing. Woods provided information regarding the areas he and Mottram had canvassed. The SES personnel then left to look for Esther.
- 41 Maher assumed the role of Search Controller – he requested assistance from SES and NSWPF Aviation Command (**POLAIR**) and he requested that an accredited Land Search and Rescue (**LANDSAR**) Coordinator be assigned to the incident.
- 42 Woods started a log at Maher's request. This log was later passed on to Intelligence Analyst James Collins.
- 43 A short time later Det. Newman from Chifley Rural Crime Investigations arrived with an All-Terrain Vehicle (**ATV**). With Woods navigating, Newman set out in the ATV to the north and west to patrol the vicinity of Glenwood State Forest. Newman and Woods searched for a considerable amount of time on the trails, including Mt Towac Track, Federal Falls Road, Glengariff Road, Coolamatong Road, Canomodine Creek Road, Alf Meyers Way, Mitchells Way and other unlisted fire trails and tracks. They did not find anything relevant to the search during these patrols.
- 44 At 11.03am, POLAIR4 arrived and commenced an aerial search. By 11.30am, four SES crews had arrived and were assigned to search the northern section

¹² State Emergency Services.

of Federal Falls Track, around the Federal Falls, before proceeding to Hopetown Falls Fire Trail.

- 45 At midday, Snr. Cst. Whieldon and Snr Cst. Richards¹³ arrived at the FCP and received a briefing from Maher. They assumed the role of LANDSAR Coordinators. Earlier that day, Whieldon had contacted Maher and requested that he make all possible arrangements for SES, NSWPF Officers and any other agencies to be made available. Maher said that SES were sending 5 members and POLAIR4 would attend to assist with the operation.
- 46 By 12.30pm, an NPWS employee had arrived to assist with the search and was tasked with driving along the fire trails within the Glenwood State Forest.
- 47 At approximately 12.45pm, Whieldon, Richards, and Detectives from Orange Police Station walked down the Walking Track with Alan. Alan had difficulty identifying where he had last seen Esther but remembered that the pair were together at the top of the steps on the walk back from Federal Falls (the steps had a handrail providing a distinct landmark). They continued along the Walking Track for approximately 50m before Alan identified the point where he believed they had left the Walking Track. Whieldon, Richards, and Alan walked for approximately 20m along a game trail. Alan identified this area¹⁴ as where he believed he separated from Esther and commenced walking straight up the hill in an easterly direction. This location became known as Esther's Last Known Position 1 (**LKP1**)¹⁵.
- 48 Whieldon described the environment at this location as follows:

The terrain in this area was extremely arduous, consisting largely of a dense tree canopy and under growth with rock outcrops and steep terrain. Visibility was limited and in areas it was less than a metre however other patches were less dense and somewhat open as it varied.

¹³ Members of the Bathurst Police Rescue Squad.

¹⁴ -33.34894, 148.96276.

¹⁵ -33.34894, 148.96276.

- 49 Alan told police that he believed Esther had stayed in that area as he walked up the hill 'bush bashing' through the dense vegetation. Alan recalled that Esther had made a comment about seeing a fire trail to the west of their location.
- 50 Upon returning to the FCP, around 3pm, this information was relayed to Insp. Peter Atkins, who had taken over as the Search Controller, and to POLAIR4. Richards provided details of the LKP1 coordinates and a description of Esther to POLAIR4 by police radio and they were tasked with commencing a search of that area. POLAIR4 landed at the command post and was debriefed in relation to its search taskings. No items of interest were identified during that search. Whieldon inputted the GPS data from POLAIR4 into the POLSAR¹⁶ mapping system.
- 51 At 3.20pm, two SES members and two NSWPF officers were tasked with searching the surrounding roads and fire trails using an ATV. Meanwhile, Whieldon made urgent inquiries regarding Esther and Alan's mobile phones and requested an aircraft equipped with Forward Looking Infrared (**FLIR**) capabilities to continue the search for Esther overnight. Atkins told Whieldon that POLAIR had been in contact and advised they were unavailable to attend and complete the overnight search due to low cloud cover forecast.
- 52 At 4pm Richards and Whieldon held a briefing with Atkins and A/Insp. Lawson. Whieldon requested detectives make urgent enquires regarding mobile phone activity and location services to determine if any further information could be established to assist with the search operation.
- 53 At 5.30pm, three NSWPF Officers and two SES members were tasked with completing a ground search north of LKP1, following the contour before heading downhill in a westerly direction towards the Federal Falls Fire Trail. At 5.45pm, two SES members were assigned to drive along the fire trails in the Glenwood State Forest.

¹⁶ NSWPF Search and Rescue.

54 By 7.30pm, search operations ceased, and crews were debriefed. Whieldon requested ATVs, trail bikes, and additional NSWPF and SES personnel to assist with the next day's search. He reviewed the data to ensure the areas tasked had been searched. Whieldon noted that not all search taskings were able to be captured by GPS due to GPS devices being used for another search operation and not becoming available until mid-afternoon.

Day 2: 1 December 2022

55 At around 8am, crews arrived at the FCP for a briefing by Whieldon,¹⁷ and the search commenced at about 8.30am.

56 The search focused on the areas around LKP1, the Walking Track, plus Federal Falls and the surrounding roads and fire trails. Throughout the morning, Whieldon requested further resources, including from the SES BSAR.¹⁸ About 12.35pm, he was contacted by the SES BSAR Duty Officer, who advised he had arranged 3 BSAR personnel to attend and who should arrive at the command post around 4pm. Whieldon requested further BSAR personnel to assist with the search operation going forward however those resources were not confirmed at that time.

57 Whieldon also spoke with Atkins and requested POLAIR for a search from LKP1 out to a 5km radius. At around 12.30pm, POLAIR4 arrived and commenced searching within a 5km radius from LKP1. Throughout the afternoon, the search continued. Whieldon requested specialist assistance from the NSWPF Special Operations Group, the local NPWS service personnel and a FLIR equipped aircraft to continue searching a 5km radius from LKP1 overnight.

58 At about 4.40pm, Whieldon briefed Insp. Harvey.¹⁹ Whieldon requested: additional NSWPF Officers from the Operation Support Group (**OSG**); local officers from NPWS for the purpose of providing their local knowledge of the

¹⁷ The then Search Coordinator.

¹⁸ Bush Search and Rescue Unit whose members are trained to operate in arduous and remote areas.

¹⁹ The then assigned Search Controller.

area and tracks; POLAIR for search taskings overnight utilising FLIR capabilities and search personnel which were 'fit for task' and capable of effectively completing the required search taskings.

- 59 Search operations continued until around 7.30pm. By the end of the day, the search involved personnel from the NSWPF, SES, RFS, FCNSW²⁰ and NPWS. It was intended for the aerial search to continue overnight but conditions did not allow for it.
- 60 At 10:00pm, Whieldon conducted a briefing with A/Superintendent Lawson and Atkins, providing an update on the search operation. He requested Atkins contact the Dog Unit and request canine assistance for the search. He also requested enquires be made with NPWS regarding data from the track counter located on Federal Falls walking trail and possible trail cameras in area.

Day 3: 2 December 2022

- 61 At around 8am, crews²¹ arrived at the FCP and were briefed by Whieldon and Snr. Cst. Fitzpatrick.²² By about 8.30am, crews commenced searching for Esther again focusing on the areas around LKP1, the Walking Track, and Federal Falls plus the surrounding roads and fire trails.
- 62 Throughout the day, Whieldon requested further resources including from the Dog Unit (they were unable to assist).
- 63 About 9.30am, Sgt. McKenzie arrived at the command post and was assigned as the Search Controller.
- 64 About 12.30pm, Fitzpatrick and Whieldon were briefed by Det. Snr. Csts. Zwiers and Morgan in relation to their investigation and intelligence gathered to assist with relevant information for the search operation.

²⁰ Forestry Corporation.

²¹ In the course of the day, the NSWPF, SES, NPWS and RFS had been involved in the search.

²² The then Search Controllers.

- 65 About 12.45pm, Whieldon spoke with Sgt. Backway, who was the rescue coordinator on shift at the RBD²³ Unit. Backway confirmed Sgt. Atkinson²⁴ would attend the following day. Atkinson had been engaged for the purpose of reviewing the search operation and determining the general direction of the search operation going forward. At about 1.30pm, Whieldon spoke with the SES BSAR duty officer, who confirmed seven BSAR members would attend the following day for search taskings.
- 66 At 2.10pm, Ins. Jessep arrived at the command post and was assigned search controller.
- 67 At about 3.40pm, Fitzpatrick and Whieldon were briefed by Det. Snr. Cst. Ratcliffe re: investigation outcomes. It was confirmed that Alan had admitted to smoking cannabis on the night of the incident however no other drug use concerning Esther was established. The Detective also provided information relating to Alan's version of events and it was established that Alan and Esther had been further north of the LKP1. Esther's last known position was updated to -33.348602, 148.962748 after Alan informed Orange Detectives, during a walkthrough, that he last saw her further to the north than originally indicated. This became known as the Last Known Position 2 (**LKP2**) and the search area was adjusted in response.
- 68 At approximately 5.30pm, Whieldon contacted anaesthesiologist Dr Paul Luckin, a survivability expert, to determine the TFFS.²⁵
- 69 Dr Luckin opined that:
- (1) without water Esther was unlikely to survive beyond the morning to middle of 3 December, and

²³ Rescue and Bomb Disposal.

²⁴ A National Search and Rescue Coordinator from the Blue Mountains Rescue Squad.

²⁵ Time frame for survival.

- (2) unless she had reached a water source, Esther was likely to be immobile, under shelter or undergrowth and would have limited ability to assist searchers by calling out or making herself visible.

70 At approximately 7pm, search operations ceased, and crews were debriefed.

Day 4: 3 December 2022

71 Between 8am and 9am, crews²⁶ arrived at the FCP and were briefed by Fitzpatrick.²⁷ In response to Dr Luckin's opinion that if Esther made it to a water source, she would stay close to it, crews started searching for Esther focusing on the creek lines below LKP2.

72 At around 1pm, Atkinson attended the FCP, reviewed the search operations (including the POLSAR data from days 1-3) and indicated that he was satisfied with the search operations and taskings. He considered that the search efforts up to that point were logical and appropriate.

73 Atkinson recommended that they:

- (1) complete the immediate area (minimum 300m radius) search of LKP2
- (2) search all tracks out to >75% for LPB
- (3) search all creeks and sources of fresh water in the area
- (4) conduct a minimum of daily ongoing briefings with detectives
- (5) keep requesting POLAIR for day (helicopter) and night (FLIR)
- (6) extend the search for at least two more days with further review after that time.

²⁶ In the course of the day, the NSWPF, SES, RFS, NPW participated in the search.

²⁷ The then Search Coordinator.

74 By approximately 5.30pm, the search concluded for the day. According to mapping information no aerial searches were conducted during the day, however, an aerial search was conducted overnight.

Day 5: 4 December 2022

75 Between 8am and 8.30am, crews²⁸ arrived at the FCP²⁹ and were briefed by Fitzpatrick. The search commenced at about 9.10am expanding into areas further away for LKP2 and nearby creeks.³⁰

76 At around 9am, a second LANDSAR Coordinator, Sgt. Pendlebury arrived at the FCP to assist with the coordination of the search. Pendlebury requested POLAIR but was advised they would not be able to immediately assist as their assets were tied up in Sydney.

77 At 11am Pendlebury commenced an aerial search using a Remotely Piloted Aircraft System (**RPAS**).

78 At 10.25am, A/Insp. McKenzie confirmed that there were nil ATV or motor bikes available that day.

79 At 11.30am, a high visibility jacket, like the one Esther was sitting on when she was last seen by Alan, was found on the northeast edge of search area.³¹ A short time later, a black headband, like the one Esther was wearing, was found close by. In response to these discoveries, the search started to radiate out from the location of these items.

80 The search concluded at around 6.20pm.

²⁸ In the course of the day, the NSWPF, SES and RFS participated in the search.

²⁹ Which had been moved to Lidster RFS Station approx. 10km to the north-northwest of the Campground.

³⁰ Volume 1, Tab 5 (Statement of DS Casey at [108]) and Volume 3, Tab 60 (Statement of SC Fitzpatrick at [16]-[19]).

³¹ -33.343681, 148.965765.

Day 6: 5 December 2022

81 Between 8am and 8.30am, crews³² arrived at the FCP and were briefed by Fitzpatrick. They commenced searching for Esther focusing on the area around where the jacket and headband were found the previous day. Fitzpatrick requested additional resources for the following day including the assistance of cadaver dogs. This request was refused as cadaver dogs are most effective five to seven days after death.

82 By approximately 5.40pm, the search was concluded for the day. The search involved personnel from the NSWPF, SES and RFS. According to mapping information no aerial searches were conducted during the day.

Day 7: 6 December 2022

83 Between 8am and 8.30am, crews³³ arrived at the FCP and were briefed by Fitzpatrick. Searching commenced at around 9.25am focusing on the area around where the jacket was found and along the nearby creeks.

84 At approximately 12pm, a review of the search operations was conducted with Fitzpatrick and Atkinson. It was agreed that the search for Esther would continue.

85 The search concluded around 3pm. According to mapping information no aerial searches were conducted during the day.

Day 8: 7 December 2022

86 Crews arrived at the FCP at around 8.30am and were briefed by Whieldon.³⁴ By about 9am, crews commenced searching for Esther, focusing on areas further away from where the jacket was found.

³² During the day, NSWPF, SES and RFS were involved in the search.

³³ During the day the search involved NSWPF, SES and RFS.

³⁴ The then LANDSAR co-ordinator.

- 87 Whieldon requested assistance from POLAIR4 and was informed that the Westpac Rescue Helicopter Service (**WRHS**) would be assisting with the aerial search. Whieldon was informed that a cadaver dog and handler would be deployed from Monday 12 December 2022.
- 88 At about 9am, Richards and Whieldon completed a reconnaissance from Federal Falls fire trail to the junction at Hopetoun Creek Falls.
- 89 At about 11.45am, Harvey and Whieldon drove to Federal Falls fire trail and conducted briefings with Harvey regarding the understanding of arduous terrain in determining the location of search taskings.
- 90 At about 12.25pm, Richards briefed WRHS crew for search taskings.
- 91 At about 12.40pm, Richards and Whieldon held a briefing with Lawson and provided an update on the search operation and search taskings. They discussed the availability of resources for the search operation going forward and the general direction of the search considering the TFFS was given as 3 December 2022.
- 92 At about 2.30pm, Richards and Whieldon held a briefing with Det. Sgt. Casey, Det. Snr. Cst.s Perry and Beacroft, and Maher discussing the status of DNA analysis from items of clothing located.
- 93 By approximately 5.30pm, the search concluded for the day.

Day 9: 8 December 2022

- 94 Crews³⁵ arrived at the FCP at around 8.30am and were briefed by Whieldon.³⁶
- 95 At about 9.20am, Harvey advised that jacket and headband were being DNA tested in Sydney and he was waiting for results.

³⁵ During the day, officers from NSWPF, SES (including from the BSAR unit), FCNSW, WRHS and RFS were involved.

³⁶ Whieldon and Fitzpatrick were the search co-ordinators on 8 December 2022.

- 96 Crews commenced searching between LKP2 and the creek to north and along the Federal Falls Fire Trail.
- 97 Between 10.15am and 11.30am, a white blouse, identified as the one Esther was wearing, was found east of the Federal Falls Fire trail, up a spur. It was later confirmed to belong to Esther.
- 98 At around 4.45pm, a review of the search operations was conducted with Fitzpatrick, Whieldon, Atkinson and Lawson. It was agreed that the search for Esther would continue the following day.
- 99 The search concluded for the day at around 5.30pm. According to mapping information, no aerial searches were conducted during the day.

Day 10: 9 December 2022

- 100 Crews³⁷ arrived at the FCP at around 9am for a briefing by Whieldon.³⁸ Operations were to cease at 4pm due to resourcing restraints. Sgt. Turner³⁹ received a handover from Harvey.
- 101 By about 9.25am, crews commenced searching in the area between LKP2 and the creek line and the areas around Federal Falls and the Walking Track.
- 102 At around 11.30am, a Ryobi Torch and red underwear was found to the east of Federal Falls. The Ryobi Torch was identified as the one left with Esther by Alan and the underwear were identified as belonging to Esther. Cst. Hickey, Fitzpatrick and Whieldon were subsequently tasked with making a return through that location and completing a further sweep of the area. No items of interest were located.

³⁷ During the day, the search involved officers from the NSWPF and the SES BSAR unit.

³⁸ Whieldon and Fitzpatrick were the search co-ordinators.

³⁹ The Search Controller for day 10.

103 By 6pm, the search for the day had concluded. The search involved personnel from NSWPF and the SES BSAR unit. According to mapping information, no aerial searches were conducted during the day.

Day 11: 10 December 2022

104 Crews⁴⁰ arrived at the FCP at around 8am, were briefed by Whieldon and Fitzpatrick. By about 9.20am, the search commenced concentrating on a 150m radius from where Esther's underwear was found the previous day. This decision was based on updated advice from Dr Luckin in which he opined that that Esther would likely be found within 100 meters from where items of her clothing had been located.

105 By 5pm, the search for the day had concluded.

Day 12: 11 December 2022

106 Crews arrived at the FCP at around 8am and were briefed by Snr. Cst. King and Sgt. Wallace.⁴¹

107 At around 9.30am, the BSAR and OSG teams were deployed out into the field to locations of interest which had not been searched on previous deployments. The search areas the subject of focus were marked down as areas '2' and '3' which were numbered down on the POLSAR program. Due to the areas '2' and '3' being saturated by other search teams, King and Wallace decided to track north along a contour line which was not in the immediate search area (it was 1km north of areas '2' and '3').

108 Before lunch, while walking along this contour line, King and Wallace detected a smell they thought could be from a deceased person. They recorded the GPS location and returned to the FCP for lunch. After lunch, crews were tasked with conducting a line search in the area where the odour was detected. All teams drove to a location on Federal Falls Road East. From this location, a line search

⁴⁰ During the day, officers from NSWPF and the SES BSAR Unit were involved in the search.

⁴¹ The then LANDSAR co-ordinators.

was initiated walking back towards the area where King and Wallace had smelt the odour. The teams conducted a first sweep up the hill, towards Federal Falls ridge, before walking south along the ridge line to the point of their initial location. The teams were then turned around and tasked to search the eastern side of the ridge line back towards the starting point.

- 109 At 3.55pm, SES member Stephanie Lews and Snr. Cst. Kent discovered Esther's body on the northeastern side of a ridge approximately 150 meters from the fire trail and approximately 1.7km northwest of the Campground. Esther was wearing a black bra and long active-wear pants that were inside out. Her body was covered by fallen logs and showing signs of decomposition.
- 110 At around 6.30pm, Snr. Cst. Hatton conducted a forensic examination of the site and concluded that there were no suspicious circumstances. The decision was made to leave Esther's body in situ overnight.

Issues

Cause of death: Post-Mortem Report

- 111 A post-mortem examination of Esther was performed on 19 December 2022 by Dr Leah Clifton. Dr Clifton concluded that Ester's cause of death was 'unascertained'. Esther was, at the time of the examination, in a moderate state of decomposition. No identifiable skeletal trauma, or significant abrasions or natural disease were identified.
- 112 While the most plausible explanations for Esther's death include exposure, hypothermia and dehydration, on the available evidence I am unable to reach a concluded view.

Was the search for Esther appropriately conducted considering the issues identified in the coronial investigation?

- 113 The issues identified in the coronial investigation (outlined in paragraph 4 above) can be more broadly characterised as requiring an inquiry into whether the search was conducted appropriately.

Dr James Whitehead

114 Dr Whitehead opined that the search strategy and methodologies adopted were appropriate and consistent with accepted practices. The salient aspects are summarised below.

- (1) In all SAR incidents, planning revolves around the LKP. Considerable efforts were made to identify Esther's LKP including returning Alan to the scene.
- (2) Once the LKP has been established, searching generally radiates out from that location. Subsequent discoveries such as Esther's clothing continued to inform the search areas.
- (3) A 'reflex' task was undertaken at first instance which involved the tracks from the Carpark to the falls being walked. In 81% of SAR cases, a missing person is located via the reflex task. This can have an impact on future search strategy – including, as will be discussed below, the use of dogs. Notwithstanding any adverse impact of that nature, it was appropriate to deploy the reflex task given the known statistical benefit in the vast majority of cases.
- (4) The search areas identified each day were progressive and logical, expanding outwards from the LKP.
- (5) Information from the LPB⁴² database was appropriately used to aid in developing search strategies.

115 Dr Whitehead considered the placing of Esther by Whieldon into the LPB category as a 'hiker/walker' was appropriate.

- (1) While Esther's mother reported that she was not a bushwalker or hiker, the characterisation of a missing person as a hiker for the purposes of

⁴² Lost Person Behaviour.

determining the search strategy included day walkers and those that entered the bush for recreational purposes – i.e. to visit the falls.

- (2) It is a classification which is a generalisation and not meant to be definitive. Esther's behaviours in many (but not all) ways were consistent with the classification including:
 - (a) becoming disorientated when Esther and Alan came off the track
 - (b) exhibiting signs of anxiety and paranoia on realising she was lost, and
 - (c) being poorly prepared for the weather and conditions.
- (3) Where a person can fall into two categories, it important to select the one which has the largest search radius to avoid prematurely constraining the search. In this case, this was the 'hiker/walker' category. In this case, the hiker and 'psychological' categories gave 80% search distances as 5.76km and 4.3km respectively.

116 Dr Whitehead also considered that the search was conducted appropriately in relation to Esther's mental health issues and possible drug issues. Dr Whitehead indicated that while people with psychological issues can panic and act irrationally, more rational decision making processes can take over. There is no evidence which indicates that Esther was suffering from a mental health or drug induced episode which ought to have been factored into the conduct of the search.

117 Dr Whitehead opined that the persons and teams deployed to search for Esther were 'fit for purpose'. While reliance was placed on local volunteers, this included park rangers and forestry workers who had appropriate local knowledge and an understanding of the conditions. There was also appropriate use of ATV.

118 In relation to the use of dogs, as a search tool it is most beneficial when the scent is less than an hour old, though dogs can respond to scents up to 3 or 4 hours old. If a search area has been entered or contaminated by other people prior to the dog arriving, then the freshest scent will not necessarily be that of the missing person. In essence, the reflex task would have contaminated the area. As outlined above, the time it would have taken to deploy dogs and the potential benefits of the reflex task were such that it was appropriate not to delay it by waiting for the arrival of the Dog Unit.

119 While POLAIR with FLIR⁴³ capability was requested by Whieldon during the TFFS period, it was not provided. However, as Dr Whitehead explained:

- (1) low cloud cover and other weather conditions can impact its use
- (2) there is not always a pilot available who is able to undertake FLIR searching
- (3) the density of the terrain impacts FLIR's capacity
- (4) the use of FLIR is difficult on a broad level in terms of distinguishing between the missing person and wildlife – it's optimal use involves ground teams to assist in distinguishing other heat sources.

120 Dr Whitehead also concluded that:

- (1) the documentation and handover processes were appropriately conducted
- (2) the IESOPs and the National SAR Manual were complied with

⁴³ FLIR is an infra-red or thermal heat detecting system that is used in SAR to potentially identify people or bodies during searches. It is often fitted to helicopters that can slowly fly over a defined area to detect any potential heat sources such as lost people.

- (3) the search coordinators appropriately applied the four land search strategies being theoretical, statistical, subjective and deductive
- (4) the data inputted into POLSAR was appropriate and sufficient for the efficient coordination and management of the incident and the use of POLSAR contributed to the accuracy of the mapping produced.

121 Even applying the 'benefit of hindsight', Dr Whitehead did not identify any inadequacies in the search.

Dr Butson

122 Dr Butson opined that the advice provided by Dr Luckin in relation to Esther's TFFS was appropriate and, to the extent that this is within his expertise, he considered it was appropriately relied upon by the search coordinators.

Findings

123 As I indicated in the course of the inquest, it was abundantly clear that every officer from the NSWPF, SES, RFS, POLAIR and other volunteers involved in the process of searching for Esther were doing so with the aim and hope of her being found alive. Despite the best efforts of all involved, that outcome was not achieved. However, even after it was clear that Esther was not going to be found alive, the dedicated officers and volunteers continued the search well beyond the period a search would ordinarily be terminated. This, using Dr Whitehead's words, was a testament to the dedication of the search coordinators and overseeing commissioned officers. They recovered Esther so the mourning and grieving process of Esther's family could run its full course.

124 I find, consistent with the opinion of Dr Whitehead, that the search for Esther was appropriately conducted and in particular:

- (1) the areas identified for the search were appropriate and logically selected, having regard to the available intelligence and circumstances of Esther's disappearance

- (2) the statistical information and methodologies (e.g. LPB) were appropriately utilised to inform the selection and prioritisation of search area
- (3) the search strategy appropriately considered Esther's mental health issues, possible drug use, and other personal attributes
- (4) Whieldon's designation of Esther as 'hiker' was appropriate
- (5) the search was resourced adequately, both in terms of personnel and equipment, at each stage of the operation
- (6) the persons and teams deployed were suitably qualified and equipped, given the arduous terrain and the complexity of the search areas
- (7) there were valid reasons why general-purpose search dogs were not deployed and the earlier deployment of general-purpose dogs would have been unlikely to have influenced the outcome
- (8) the reflex task was appropriate notwithstanding it precluded any beneficial use of general-purpose search dogs
- (9) there were valid reasons why overnight aerial searches were not undertaken in the TFFS period
- (10) the information provided to search personnel was adequate and appropriate
- (11) the handover processes and the documentation prepared at the conclusion of each day of the search was adequate and clear
- (12) the search was carried out consistently with the IESOPs
- (13) medical opinion, particularly in relation to Esther's TFFS, was appropriately sought, provided and relied upon.

Is it necessary or appropriate to make recommendations

125 Having considered the evidence and submissions in this inquest, I do not consider it necessary or desirable to make recommendations.

Concluding remarks

126 I will close by conveying to Esther's family my sympathy for their tragic loss.

127 I thank the Assisting team for their outstanding support in the conduct of this inquest.

128 I thank the officer in charge, Det. Sgt. Casey, for his work in conducting the investigation and compiling the brief of evidence which was supplemented by the Assisting team.

Statutory findings required by s 81(1) of the Act

129 As a result of considering all the documentary and the oral evidence heard at the inquest, I make the following findings:

Identity

The person who has died is Esther Marie Wallace

Place of death

Esther died approximately 1.7km from Federal Falls Carpark (-33.2424, 148.96628)

Date of death

Esther died between 30 November 2022 and 9 December 2022.

Cause of death

I am unable to determine Esther's precise cause of death but it is informed by her manner of death

Manner of death

Esther became lost in dense bushland at night and despite the best efforts of the NSWPF Officers, SES, RFS and POLAIR and additional volunteers, Esther was unable to be located before she died.

I close this inquest.

A handwritten signature in black ink, appearing to read 'R Hosking', written in a cursive style.

Judge R Hosking
Deputy State Coroner
Lidcombe
