



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the suspected death of Geoffrey Robert Hay

Find, pursuant to Section 28(1) of the Coroners Act 1995, that

- a) The identity of the deceased is Geoffrey Robert Hay;
- b) While satisfied Mr Hay is dead, I am unable to determine the circumstances of his death;
- c) I am unable to determine the cause of Mr Hay's death; and
- d) Mr Hay died on or shortly after 28 August 2013 in Tasmania, at a location I am unable to determine.

What a coroner does

1. The investigation of deaths in Tasmania is governed by the *Coroners Act 1995* (the Act). Section 21(1) of the Act provides that “[a] coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death.”
2. ‘Death’ is defined in section 3 of the Act as including a suspected death. ‘Reportable death’ is defined in the same section as meaning, inter alia, a death which occurred in Tasmania and was unexpected or the cause of which is unknown.
3. Thus if a coroner suspects (on reasonable grounds) that a person has died and the death meets the definition of a reportable death, then that coroner has jurisdiction to investigate.
4. For reasons which will become apparent in this finding, I am satisfied that jurisdiction exists to investigate the disappearance of Geoffrey Robert Hay.

5. Before an analysis of the circumstances surrounding Mr Hay's disappearance and presumed death is undertaken it is important to say something about the role of a coroner. A coroner in Tasmania has jurisdiction to investigate any death which appears to have been unexpected or unnatural.
6. When investigating any death, whether or not an inquest is held, a coroner performs a role very different to other judicial officers. The coroner's role is inquisitorial. She or he is required to thoroughly investigate a death and answer the questions (if possible) that section 28 of the Act asks. These questions include who the deceased was, the circumstances in which he or she died, the cause of the person's death and where and when the person died. This process requires the making of various findings, but without apportioning legal or moral blame for the death.¹ A coroner is required to make findings of fact from which others may draw conclusions.² A coroner is also able, if she or he thinks fit, to make comments about the death or, in appropriate circumstances, recommendations to prevent similar deaths in the future.

Background

7. Mr Hay was born on 14 December 1946, son of Robert and Madge Hay. Both his parents are dead. He had one sibling, a sister, from whom he was estranged.
8. Mr Hay grew up in the Circular Head area. He worked as a farmer on family farms. There is no evidence he ever married, was in a relationship, or had any children.
9. After the death of his parents, he remained at the family property at 136 – 138 Nixon Street, Devonport where he lived the rest of his life.
10. It is evident Mr Hay lived a reclusive life with limited social interaction. He appears to have enjoyed camping and boating. He owned or had owned several boats and four-wheel drives.
11. As at August 2013, Mr Hay was the owner of three (3) motor vehicles including a 2001 white Suzuki 'Jimny' four-wheel drive, registered number EE9974.

¹ See *R v Tennent; Ex parte Jaeger* [2000] TASSC 64, per Cox CJ at paragraph 7.

² See *Keown v Khan* [1998] VSC 297; [1999] 1 VR 69, per Calloway JA at paragraphs 75 – 76.

12. In the lead up to his disappearance there is evidence that Mr Hay had discussed suicide. There is also evidence that he was experiencing pain in his hips and mobility issues as consequence. Mr Hay does not appear to have consulted a medical practitioner about his hips, or at all.
13. The last verifiable sighting of Mr Hay was at about 2.00pm on 27 August 2013. Ms Carolyne Beaumont who had been Mr Hay's neighbour for 13 years said she saw him, walking "very slowly with both hands on [a] walking stick" on his property.³ There is no reliable evidence of Mr Hay being seen by anyone, alive or dead, after this time.

Circumstances of Mr Hay's disappearance

14. In the early hours of 28 August 2013, Police and Fire service personnel attended a significant fire at Mr Hay's home in Nixon Street. The response to the fire was hampered by the fact that the property was surrounded with high fences, the gates of which were all locked. All of the windows and doors of the house were covered with steel plates and nearby fire plugs were rendered inoperable as a result of concrete having been poured into them. The house was destroyed in the fire. There was no sign of Mr Hay.
15. Once the fire was extinguished, investigations at the scene were able to take place. An experienced Fire Investigator concluded that all available evidence pointed to the fire having been planned and ignited with a view of completely destroying the property. Having regard to the fact that various physical impairments were in place to make the task of firefighters extinguishing the blaze difficult, I have no difficulty in accepting that this was the case.
16. In reaching this conclusion, I have regard to the fact that in the course of the investigation, police forensic examiners found a blue bucket with a red handle at Mr Hay's property which contained a mixture of gravel and sand similar in appearance to that used to cover the access to the fire plugs. In addition, the Fire Investigator found clear evidence of the use of an accelerant at the property.

³ Affidavit – Carolyne Jayne Beaumont, sworn 30 August 2013.

Subsequent investigations

17. After the fire at Mr Hay's property several media releases were issued by Tasmania Police attempting to elicit information with a view to locating Mr Hay. Several members of the public came forward with information. Relevantly, Mr Dean Glann contacted Devonport Police with information which led to police focusing their attention in the area of gravel pits near Dalgarth Road, Bakers Beach.
18. Searches were conducted in that area for several days in late September 2013. No trace of Mr Hay was found on that occasion.
19. However, on 4 June 2016, police were conducting a search in the same general area as indicated by Mr Glann. The search was related to another missing person. At about 2.00pm that day, Detective Constable Philip Vanderwal found a Suzuki Jimny burnt out in a bush clearing approximately 600 metres north of Browns Creek Road.
20. On 7 November 2016, police, including forensic specialists, returned to the scene. The Suzuki was examined and photographed. Grass and vegetation was noted to be growing around and through the vehicle – indicating that it had been *in situ* for some considerable period of time. The vehicle was extensively damaged and a vehicle identification number not able to be located.
21. On 2 February 2017, police returned to the vehicle and conducted an assessment of how to recover it for further forensic examination. The area around the vehicle was cleared and a tow truck was used to remove it and take it to the nearby Latrobe Police compound. Eventually the engine number was able to be restored using a combination of emery paper and methylated spirits. That number – M13A-1091917 – matched the engine number of Mr Hay's Suzuki Jimny. Further forensic examination of the scene and the vehicle did not find any trace of human remains and, particularly, not of Mr Hay.

Why I am satisfied Mr Hay is dead

22. Since August 2013, no trace at all of Mr Hay has been found. He has not used his bank account with Bendigo Bank since then. There is no record of him with Centrelink, Medicare, any other bank or financial institution, births deaths and marriages or indeed anywhere at all in the country. No one has seen him. Despite an extensive media

campaign, which included him featuring in Missing Persons Week, no information has been received which would help locate Mr Hay.

23. I am satisfied to the requisite legal standard that Mr Hay is dead and has been since around late August 2013. How, where, and in what circumstances he met his death is not something I am able to determine on the evidence.

Comments and Recommendations

24. The circumstances of Mr Hay's disappearance and suspected death are not such as to require me to make any comments or recommendations pursuant to section 28 of the *Coroners Act 1995*.
25. I convey my sincere condolences to the loved ones of Mr Hay.

Dated 5 January 2022 at Hobart in the State of Tasmania.

Simon Cooper
Coroner