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**FINDINGS of Coroner Simon Cooper following the  
holding of an inquest under the *Coroners Act 1995* into  
the death of:**

**Michael John Hawkes**

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# Record of Investigation into Death (With Inquest)

*Coroners Act 1995*  
*Coroners Rules 2006*  
Rule 11

I, Simon Cooper, Coroner, having investigated the death of Michael John Hawkes with an inquest held at Hobart in Tasmania, make the following findings.

## Hearing Dates

26 June 2024

## Representation

Counsel Assisting the Coroner: Constable B Schrader

## Introduction

1. Mr Michael John Hawkes was born in Hobart, Tasmania on 6 January 1951. At the time of his death he was married to Judith and was a retired ministerial driver. The couple lived together in a relatively isolated area in Reedy Marsh, approximately 10km north of Deloraine. He died following an attack upon him and his wife at their home by Robert Harold Gerard in the evening of 12 January 2021.
2. Gerard was apprehended by police the following day and charged with Mr Hawkes' murder. He committed suicide whilst awaiting trial in Risdon Prison on 23 May 2022.

## What a coroner does

3. Before considering the circumstances of Mr Hawkes' death in detail it is necessary to say something about the general role of the coroner. In Tasmania, a coroner has jurisdiction to investigate any death that appears to have been... 'violent or resulted directly... from injury'.<sup>1</sup> I consider Mr Hawkes' death meets this definition.
4. In addition, the evidence makes it quite clear that Mr Hawkes' death was the result of homicide. As such, the *Coroners Act 1995* makes the holding of an inquest mandatory.<sup>2</sup> An inquest is a public hearing.<sup>3</sup>
5. When conducting an inquest, a coroner performs a role very different to other judicial officers. The coroner's role is inquisitorial. An inquest might be best described as a quest for the truth, rather than a contest between parties to either prove or

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<sup>1</sup> *Coroners Act 1995*, section 3.

<sup>2</sup> Section 24 (1)(a).

<sup>3</sup> Section 3.

disprove a case. When conducting an inquest, a coroner is required to thoroughly investigate the death and answer the questions (if possible) that section 28(1) of the *Coroners Act 1995* asks. Those questions include who the deceased was, how they died, the cause of the person's death, and where and when the person died. It is settled law that this process requires a coroner to make various findings, but without apportioning legal or moral blame for the death.<sup>4</sup> The job of the coroner is to make findings of fact about the death from which others may draw conclusions. A coroner may, if she or he thinks fit, make comments about the death or, in appropriate circumstances, recommendations to prevent similar deaths in the future.<sup>5</sup>

6. It is important to recognise that a coroner does not punish or award compensation to anyone. Punishment and/or compensation are for other proceedings, in other courts, if appropriate. Nor does a coroner charge people with crimes or offences arising out of a death that is the subject of investigation.
7. As was noted above, one matter that the *Coroners Act 1995* requires, is a finding (if possible) as to how the death occurred.<sup>6</sup> 'How' has been determined to mean 'by what means and in what circumstances',<sup>7</sup> a phrase which involves the application of the ordinary concepts of legal causation.<sup>8</sup> Any coronial inquest necessarily involves a consideration of the particular circumstances surrounding the particular death so as to discharge the obligation imposed by section 28(1)(b) upon the coroner.
8. The standard of proof at an inquest is the civil standard. This means that where findings of fact are made, a coroner needs to be satisfied on the balance of probabilities as to the existence of those facts.

### **Evidence at inquest**

9. The evidence presented at the inquest was in documentary form. It consisted of:
  - C1 – Police Report of Death for the Coroner (updated);
  - C1a – Police Report of Death for the Coroner;
  - C2 – Affidavit of identification – D Rigby;
  - C3 – Affidavit of identification – C O'Connor;
  - C4 – Report – Doctor Andrew Reid, Forensic Pathologist;
  - C5 – Toxicological report, Forensic Science Service Tasmania;
  - C6 – Medical Records – Deloraine Medical Centre;

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<sup>4</sup> *R v Tennent; Ex Parte Jager* [2000] TASSC 64.

<sup>5</sup> Section 28 (2) of the *Coroners Act 1995*.

<sup>6</sup> Section 28(1)(b) of the *Coroners Act 1995*.

<sup>7</sup> See *Atkinson v Morrow* [2005] QCA 353.

<sup>8</sup> See *March v E. & M.H. Stramare Pty. Limited and Another* [1990 – 1991] 171 CLR 506.

- C7 – Criminal File – Robert Harold Gerard;
- C8 – Coroners Findings – Robert Harold Gerard; and
- C9 – Miscellaneous documents.

### **Circumstances of death**

10. Shortly after 9am on 12 January 2021, Gerard viciously attacked his father by punching and kicking him and leaving him unconscious in a bedroom in his home. Gerard then took his father's car without permission and drove to a petrol station and a bottle shop, before driving to an address in Mowbray. At that address, he picked up two male passengers (his partner Ms Young, who had been present when he attacked his father was already in the vehicle). She and the other passengers appear to have been under the impression they were travelling to Reedy Marsh to go hunting and camping.
11. Before leaving the Launceston metropolitan area they visited at least two locations to purchase the drug ice which Gerard and his passengers used prior to continuing their journey. Gerard then drove to a supermarket in Deloraine where Ms Young purchased some supplies.
12. I note that at the time Gerard was on bail in relation to an allegation of wounding. He was initially refused bail when he appeared before a magistrate and remanded in custody. However, on 10 March 2020 Gerrard was granted bail by a supreme court judge.
13. Gerard was also the subject of a police family violence order, with which he had been served on 4 November 2020 protecting Ms Young. Despite that order, Gerard and Ms Young apparently continued their relationship.
14. In any event, during the afternoon of 12 January 2021 Gerard drove to an address in Reedy Marsh which he and Ms Young had visited several times previously. Mr Gerard pulled into the neighbouring property, stopped the vehicle and without any conversation walked to the front door of the residence armed with a club and a large knife and kicked in the front door.
15. Without warning, and for no apparent reason, Gerard attacked Mr and Mrs Hawkes in their home. He struck Mr Hawkes, who was trying to protect his wife, in the head with the club at least twice rendering him unconscious before chasing Mrs Hawkes from the property. Fortunately, she was able to get away having sustained a non-lethal injury to her head.
16. After giving up on his pursuit of Mrs Hawkes, Gerard went back into the home to "finish off" Mr Hawkes. He later told police that he intentionally stabbed Mr Hawkes in the jugular vein with the large sheath knife he had on his belt, so that he would die quickly.

Gerard then returned to the vehicle, got into it and told one of the occupants to drive to Reedy Marsh. There he got out of the vehicle, climbed a locked gate and walked towards a shed on the property.

17. In the shed, Gerard changed into camouflage pants and body armour which he had previously left there, before heading into the bush to avoid police. At approximately 3:30pm the next day, he was spotted by a police drone at a house at Maloney Road, Parkham, nearly 9km away from where he killed Mr Hawkes. He was arrested a short time later without incident.
18. Following his arrest, Gerard was presented to the custody Sergeant at Launceston Police Headquarters where his clothing and a number of forensic exhibits were collected. He was then taken to the Launceston General Hospital for a medical examination and the treatment of some minor injuries.
19. Gerard was then formally interviewed. In the interview, he freely made the admissions to killing Mr Hawkes and wounding Mrs Hawkes set out above. He also said the other occupants of the vehicle had no idea what he intended and nor did they know they were going to Mr and Mrs Hawkes' address until he pulled into the driveway. The next day, he was offered the opportunity to continue the interview but declined after seeking legal advice. He was then formally charged and processed before being remanded in custody.<sup>9</sup>
20. It seems likely that the motive, if any, for Mr Hawkes' murder may have been as follows. While Mr and Mrs Hawkes lived in Reedy Marsh they also owned the adjoining property. Mr Dion Batt rented that property from Mr and Mrs Hawkes and was friends with Gerard. On New Year's Day 2021, Mr Batt went to Mr Hawkes' property and told him that he had been assaulted by Gerard. Mr Hawkes contacted police who attended, and took Mr Batt and Gerard's son, Marco (who was also present), back to the Deloraine area. This was the last time Gerard saw his son. Thereafter, he appears to have had delusional thoughts that his son had been kidnapped and was being tortured – apparently by Mr and Mrs Hawkes. He became angry at his parents who did not believe their grandson had been kidnapped. Gerard's behaviour continued to deteriorate, which prompted his parents to temporarily move out of their own home in order to seek refuge from him as he was living with them at the time.<sup>10</sup>
21. I note the evidence was that Gerard had a lengthy history of mental illness as well as abuse of alcohol and illicit drugs and a propensity for violence.
22. I am in no doubt that Gerard, and Gerard alone, was responsible for Mr Hawkes death.

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<sup>9</sup> Exhibit C61-Police Facts for the Prosecutor.

<sup>10</sup> Exhibit C61-Tasmania Police Subject Report pages 2 and 8.

**Formal Findings**

23. On the basis of the evidence at the inquest I make the following formal findings pursuant to section 28(1) of the *Coroners Act 1995*.
- a. The identity of the deceased is Michael John Hawkes;
  - b. Mr Hawkes died in the circumstances set out earlier in this finding;
  - c. The cause of Mr Hawkes' death was head, neck and chest wounds inflicted upon him by Robert Harold Gerard; and
  - d. Mr Hawkes died aged 70 years, in Reedy Marsh in Tasmania.

**Conclusion**

24. The circumstances of Mr Hawkes' death do not require me to make any comments or recommendations pursuant to section 28 of the *Coroners Act 1995*.
25. I wish to express my particular thanks to Constable Barry Schrader for his assistance in relation to this inquest.
26. In closing, I express my sincere and respectful condolences to Mrs Hawkes on her loss.

**Dated:** 29 July 2024 at Hobart, in the State of Tasmania

**Simon Cooper**

**Coroner**