



**STATE CORONER'S COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Dean Wallis
Hearing dates:	29 May 2019
Date of findings:	29 May 2019
Place of findings:	State Coroners Court, Lidcombe
Findings of:	A/State Coroner, Magistrate O'Sullivan
Catchwords:	CORONIAL LAW – missing person; manner and cause of death undetermined
File number:	2018/177697
Representation:	Sergeant Assisting the Coroner, Sgt Peter Bain

Findings:	<p>The <i>Coroners Act</i> in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death. These are the findings of an inquest into the death of Dean Wallis:</p> <p>Identity The person who died was Dean Wallis</p> <p>Date of death Mr Wallis died between 14 February 2016 and 6 June 2018</p> <p>Place of death Mr Wallis died near the Bedford Creek Trail, Blue Mountains National Park, Wentworth Falls NSW</p> <p>Cause of death The available evidence does not allow for any finding to be made as to the cause of Dean's death.</p> <p>Manner of death The available evidence does not allow for any finding to be made as to the manner of Dean's death.</p>
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The Coroners Act in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death. These are the findings of an inquest into the death of Dean Wallis.

Introduction

Dean Wallis was reported missing on 8 May 2016 after he had not been heard from by anyone for about 5 months. He was 46 at the time of his disappearance.

Dean lived a somewhat transient lifestyle and was estranged from his family, so it wasn't unusual for people not to hear from him. When Dean's friend, Scott Hardy notified Dean's brother Dale that Dean had not been seen or heard from for some time, Dale formally reported his brother as missing.

On 6 June 2018, a birdwatcher discovered skeletal remains in a small cave in bushland at Wentworth Falls. Later DNA testing found these remains were most likely Dean.

The role of a Coroner and purpose of this inquest

1. The role of a Coroner, as set out in s 81 of the Coroners Act, is to make findings as to:
 - (a) the identity of the deceased;
 - (b) the date and place of the person's death;
 - (c) the physical or medical cause of death; and
 - (d) the manner of death, in other words, the circumstances surrounding the death.
2. Sometimes the evidence is not sufficient to allow all these findings to be made. Unfortunately, this is the case with Dean's death.
3. Pursuant to section 27 of the Act, an inquest is required when the manner and cause of a person's death have not been sufficiently disclosed. In this case, the exact cause of Dean's death could not be readily ascertained, nor the exact circumstances of his death.
4. In addition, pursuant to section 82 of the Act, a Coroner may make recommendations in relation to matters which have the capacity to improve public health and safety in the future, arising out of the death in question.

The Evidence

Mr Wallis's Personal history

Dean was born at Seven Hills on 11 August 1970 to Sandra and Harold Wallis. He had one brother, Dale from this union. Dean's parents separated when he was young, and his mother moved with her children to their grand-parents' house, in Blacktown.

After a few years, Dean's mother remarried. Her new husband was Peter Denko, a member of the Australian Air Force. Sandra moved with her children to live with Peter at another address in Blacktown. Dean and his brother attended Blacktown West Public School, however had to move several times due to Peter being posted to different areas by the Air Force.

At around the age of 10, the family moved to Kingswood, Sydney, before moving to Sale, Victoria, 2 to 3 years later.

It appears Dean did not get on with his stepfather and Dean returned to live with his grandparents in Blacktown. Whilst living in Blacktown he attended Evans High School. He had limited contact with his brother, only seeing Dale about once a year at Christmas.

The family returned to Richmond, Sydney from Victoria in 1988. Dean, around 18 years old at the time, continued to live with his grandparents.

Whilst studying at Evans High School, Dean became good friends with Scott Hardy. They finished Year 12 together and afterwards worked together as garbage collectors with Blacktown Council.

At the age of 20, Dean was involved in a motor vehicle accident where he suffered serious pelvic injuries, requiring surgery and metal plates to be affixed. Dean also suffered a brain injury and was unable to maintain steady employment. Dean's half-brother, Nicolas Denko, believes that the accident and subsequent surgery may have led to a downward spiral in Dean's life.

Dean was close to his Grandparents. In 1994 his grandfather Leo died, devastating Dean. Scott believes that the passing of Dean's Grandfather adversely affected Dean's mental health.

Evidence suggests Dean worked for some time at Blacktown Council, before leaving to study in Murwillumbah. Little is known about this time in Dean's life. Scott Hardy states he lost contact with Dean during this period. Dean returned to Sydney in the mid 1990's, where he found work at the Toohey's Brewery in Lidcombe. Dean worked at the brewery for several years before being made redundant.

Upon redundancy, Dean travelled for a short while before returning to Sydney. Scott Hardy arranged work for Dean with Blacktown Council; however Dean was unreliable, often working for a few days before failing to turn up. Scott Hardy states he only maintained sporadic contact with Dean for the next five-year period. Scott Hardy states Dean moved around a lot during this time, sometimes staying in Cairns.

In 1995, Dean's Grandmother found other accommodation due to frailty and ill health. Dale moved in with Dean, living at their grandparent's house on and off for ten years or so. Dale states this house was the only 'real home Dean had lived in.'

By 2005, Dale had moved out permanently, leaving Dean at their Grandmother's house. According to Dale, Dean was binge drinking, becoming dependent on alcohol. Dean was buying alcohol at the expense of groceries and paying bills.

In the months prior to his disappearance Dean was living with friends Scott and Julie Hardy. It appears he had been evicted or had moved out of a share house or refuge in the Blacktown area.

Dean never married and had no children. Evidence suggests Dean was disconnected from his family.

Julie Hardy stated to Police, "I remember Dean saying he was going to go bush because he had nowhere to live. I asked him if he could live with his brother Dale in Dubbo but he said he would intrude on his brother and family.'

Associates

It appears Dean did not have many associates. Julie Hardy states that she and Scott were like family to Dean, his only other known close friend being a Paul Dubos. When spoken to by Police in 2016, Paul Dubos stated he had not seen Dean for over 12 months. Dubos told Police that "near the end, Dean went a bit funny", stating that Dean would say things like, "I could kill myself and no one would miss me" and that he was going to live in the bush. Dubos told police he would not be surprised if Dean had harmed himself.

Julie Hardy told Police Dean had a friend in the mountains; however she could not remember this friend's name. Police were never able to ascertain who this friend was.

Medical history

As stated earlier, Dean was involved in a major car crash where he suffered serious injuries. Dale states this had a profound on him physically and mentally. Dean found difficulty maintaining employment after the crash and, according to Scott Hardy, started smoking cannabis casually and abusing alcohol. Scott Hardy states that Dean began smoking cannabis and drinking regularly around the late 1990's and early 2000's.

In 2013, Scott Hardy noticed Dean had several growths on his neck and rib cage. Dean said these were skin cancer, though Scott Hardy never recalled Dean attending any doctors to confirm this.

Dean received medical treatment on 7 November 2015. Medical records from Nepean Hospital show Dean was admitted there via ambulance, having been found passed out at the Penrith Westfield Shopping Centre.

These Hospital records indicate Dean was found drunk and he smelled of alcohol. Evidence showed Dean had travelled to Penrith from Blacktown to attend a skin cancer clinic. The clinic is not named. A chest x-ray taken upon his admission showed Dean had symptoms consistent with 'chronic airways disease.'

CT scans were conducted which showed no significant head and brain trauma. He was treated for cuts and was discharged at 5.22 am of 8 November 2015. The records do not indicate whether Dean was discharged into anyone's care.

The skin cancer clinic records show that Dean last visited the clinic on 21 Nov 2015 for a general skin check. A biopsy was taken which showed a basal cell carcinoma 2mm in thickness was located on Dean's neck. Dean was scheduled to attend the clinic on 4 January 2016, however never showed. The clinic tried to contact Dean on 6 January and 9 January without success.

The events leading to the disappearance

Along with the cancer screening, several traumatic events occurred in the lead up to Dean's disappearance. In November 2015, Dean's Grandmother died. Dean was devastated and found himself without a home, his Grandmother's house sold as part of the estate settlement and Dean was not able to buy the house.

In the same month, Dean's much adored dog died. Dean was extremely upset and would carry the dog's collar and bowl with him in a back pack.

Around this time, Dean was staying sporadically with friends, after being evicted from a share house in Blacktown. At one stage, Dean left Sydney to live in the bush. Dean returned about 2 weeks later, telling friends 'it was cold and raining in the mountains' and that he nearly walked off a cliff when he went to go to the toilet. Dean was described as a survivor, capable of living on little money or food.

Last seen alive

The last confirmed sighting of Dean was by Scott and Julie Hardy on the 2 or 3 January 2016. Dean had been sleeping on the Hardy's lounge. The Hardy's were assisting Dean with obtaining employment. They woke one day to find Dean gone. There is some suggestion that Dean had found some work, but this was never able to be confirmed.

The last bank activity on Dean's bank account was a withdrawal on 14 February 2016 at Springwood, in the Blue Mountains. I assume this was by Dean, however no CCTV footage of the ATM transaction is available to categorically confirm this. Dale states he last spoke to Dean via phone sometime in late February or early March 2016. Dean gave no indication he was overly despondent or wanted to harm himself. The last time Dale physically saw Dean was at their Grandmother's funeral, around November or December 2015.

Police Investigation

What caused Dean to be reported missing.

Dean was officially reported missing by his brother Dale, who lives at Dubbo. Dale had not seen or heard from Dean for some time and became concerned when Scott Hardy revealed via Facebook that he himself had not heard from Dean for some time either. Attempts by them to contact Dean were fruitless.

Initial police response

As Dean was last seen in the Blacktown area, Police from Dubbo sent the Police report to Blacktown Local Area Command (LAC) for further investigation.

On 21 June 2016, Detective Senior Constable (DSC) MAHONY from Blacktown LAC was assigned the matter. He made a number of preliminary enquiries but could not find any trace of Dean.

On 18 September 2016, DSC MAHONY transferred out of the Blacktown Local Area Command and the case was handed to Detective Senior Constable Pierre Rehayem.

Further police enquiries

Senior Constable Rehayem pursued a number of lines of enquiry in an attempt to determine what happened to Dean.

These enquiries included:

(a) Conducting what are commonly referred to as *signs of life checks* with a number of government departments, including Medicare, Centrelink, Births Deaths and Marriages, and local and interstate law enforcement databases for any records or activity to suggest that Dean was still alive;

(b) Obtaining a DNA sample from Dale so that comparative DNA testing could be performed against samples taken from a number of unidentified human remains;

(c) Examining Dean's financial activity which revealed that he had a Commonwealth Bank of Australia (CBA) account in his own name. This account was closed by the CBA in August 2016, due to inactivity. No wages were deposited into his bank account between 1 November 2015 and 16 August 2016;

CBA records showed \$100 dollars was withdrawn from Dean's account on 14 February 2016, from a Springwood Automatic Teller Machine (ATM). This is the last known action of Dean;

(d) Examining Dean's phone records;

(e) Contacting local Hospitals. This revealed Dean had been admitted to Nepean Hospital on 7 November 2015, after being found lying on the ground outside Penrith Westfields smelling strongly alcohol. He was discharged the following day. Enquires were made with skin cancer clinics within the Penrith area which revealed he was a patient at the Penrith Skin Cancer Foundation;

(f) Speaking with Dean's family and friends.

Regrettably, none of the above lines of enquiry produced any definitive evidence as to what happened to Dean after 14 February 2016.

Discovery

On 6 June 2018, a birdwatcher walking along the Bedford Creek Trail in Wentworth Falls found some human remains and clothing in a small cave not far from the trail. Police were notified and attended. A further land search by Police and SES on 9 June 2018 located further skeletal remains along with identification documentation. These documents were all in Dean's name.

Identity

The remains were examined by forensic anthropologist, Dr Denise Donlon, who was of the opinion that they consisted of remains from the same individual, likely a male of Caucasoid ancestry over 40 years of age and of estimated stature 163 - 180 cm or 5'4" to 5'9". She estimated a time since death of probably 1-3 years.

A sample of the remains was also examined by Forensic Biologist, Jeremy Watherston, who conducted a DNA comparison between the remains and a DNA sample obtained from Dale. Mr Watherston determined the DNA from the remains was male, and was greater than 23,000 times more likely to originate from a full biological sibling of Dale than it originating from another male unrelated to Dale.

Significantly, the remains showed evidence of remote injury and surgical repair, with a surgical plate and pins found in the pelvic bone. These discoveries were consistent with the treatment Dean had received after his motor vehicle collision.

Time and place of death

Given the likelihood that the last bank transaction on Dean's account was made by him, it could be safely concluded that Dean died sometime between 14 February 2016 and 6 June 2018 near the Bedford Creek Trail, in the Blue Mountains National Park.

What caused Dean's death?

Forensic Pathologist, Dr Pokorny, conducted a post mortem examination of Mr Wallis. Unfortunately, due to decomposition changes in Mr Wallis's body, the cause of death could not be definitively ascertained, though no acute injuries were able to be identified which would have suggested a traumatic cause of death. Damage to the bones was said to have been caused by animals in the bush.

Circumstances of the death

Due to Mr Wallis's generally solitary life there is a lack of evidence about the specific circumstances of his death. Clear and cogent evidence is needed to find someone took their own life. Dean had made remarks such as "why bother, I'm going to die anyway" and "I could kill myself and no one would miss me". His friend Julie Hardy told Police she thought that Dean was giving up, and he had certainly been affected by the death of his Grandmother and his dog.

However, there is no direct evidence such as a note to indicate Dean intended to take his life when he disappeared in January 2016. There is little evidence of his mental state at the time of his disappearance. According to the Hardy's, it was common for Dean to disappear for extended periods of time. Dean had previously told his brother Dale that suicide was cheating and his friend Scott Hardy believes that Dean would not have taken his own life.

Given the high evidentiary burden to establish suicide, there is insufficient evidence to find Dean took his own life. The circumstances of Dean's death cannot be accurately determined.

Findings required by s81(1)

As a result of considering all of the documentary evidence and the oral evidence given at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it:

The identity of the deceased

The person who died was Dean Wallis

Date of death

Mr Wallis died between 14 February 2016 and 6 June 2018

Place of death

Mr Wallis died near the Bedford Creek Trail, Blue Mountains National Park, Wentworth Falls, NSW

Cause of death

The available evidence does not allow for any finding to be made as to the cause of Dean's death.

Manner of death

The available evidence does not allow for any finding to be made as to the manner of Dean's death.

I offer my sincere condolences to Dean's family and friends for their sad loss.

I close this inquest.

Magistrate Teresa O'Sullivan

A/NSW State Coroner

Date 29 May 2019