



**CORONERS COURT  
OF NEW SOUTH WALES**

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| <b>Inquest:</b>           | Inquest into the death of Eeva Dorendahl and Greg Hutchings   |
| <b>Hearing dates:</b>     | 10-14 December 2018   |
| <b>Date of findings:</b>  | 26 March 2019   |
| <b>Place of findings:</b> | State Coroner's Court, Lidcombe   |
| <b>Findings of:</b>       | <b>Acting State Coroner, Magistrate Teresa O'Sullivan</b>   |
| <b>Catchwords:</b>        | CORONIAL LAW – Cause and manner of death; unknown cause; likely drug overdose; suicide; death of child by actions of father   |
| <b>File number:</b>       | 2014/27636<br><br>2014/27576  |
| <b>Representation:</b>    | Ms P Dwyer, Counsel Assisting the Coroner<br><br>Mr P O'Brien for Michelle Dorendahl<br><br>Mr R Hewson of counsel for Dr V Shawpan<br><br>Mr P Madden of counsel for police officers Hawthorne, Gibson, Kain, Jago, Wilkins and Cowan<br><br>Ms J Chapman of counsel for the Commissioner of Police<br><br>Mr Pintos-Lopez of counsel for Sandra Lundbergs |

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| <p><b>Non publication orders:</b></p>        | <p>Pursuant to s. 74 of the <i>Coroners Act 2009</i> there shall be no publication of:</p> <ol style="list-style-type: none"> <li>1. Material provided by Meggy Delaunay (Exhibit 1 Tabs 63 and 64) and oral evidence of witness;</li> <li>2. Family law material in the statement of Senior Constable Andrew Eppelstun (Exhibit 1 Tab 37);</li> <li>3. Sensitive crime scene photographs (Exhibit 2) and no access order under s. 65 of the Act;</li> <li>4. Family law affidavits within Exhibit 7; and</li> <li>5. The name and address contained in Exhibit 10.</li> </ol> |
| <p><b>Findings for Eeva Dorendahl:</b></p>   | <p><b>Identity of deceased person:</b><br/>The deceased person was Eeva Anna-Leena Dorendahl.</p> <p><b>Date of death:</b><br/>Eeva Dorendahl died between 11 January and 18 January 2014.</p> <p><b>Place of death:</b> She died at Pottsville in NSW.</p> <p><b>Cause of death:</b><br/>The medical cause of the death is unknown.</p> <p><b>Manner of death:</b><br/>Eeva died while in the care of her father, Gregory Hutchings, and she died as a result of her father's actions.</p>  |
| <p><b>Findings for Gregory Hutchings</b></p> | <p><b>Identity of deceased person:</b><br/>The deceased person was Gregory Andrew Hutchings.</p> <p><b>Date of death:</b><br/>Gregory Hutchings died between 11 January and 18 January 2014.</p> <p><b>Place of death:</b><br/>He died at Pottsville in NSW.</p> <p><b>Cause of death:</b><br/>The medical cause of the death is unknown.</p> <p><b>Manner of death:</b><br/>The death was intentionally caused in that Gregory Hutchings took his own life.</p>   |

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*The Coroners Act 2009 (NSW) in s.81(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 deaths of Eeva Dorendahl and her father, Gregory Hutchings.*

### **Introduction:**

1. On 28 January 2014, during a search coordinated by NSW Police, the bodies of Eeva Dorendahl and her father Gregory (Greg) Hutchings, were found under a large pandanus bush in an area north of Pottsville and south of Hastings Point. They had been reported missing by Michelle Dorendahl, Eeva's mother, on 11 January 2014 and had not been seen alive since that date.
2. I have made findings in this inquest that Eeva died as a result of the actions of her father. I have determined that Greg Hutchings also took his own life, possibly by taking an overdose of drugs. Because of the passage of time (17 days) between the disappearance of Greg and Eeva and when their bodies were found, it is not possible to know the exact medical cause of death, but I have relied on the significant amount of circumstantial evidence that is available, which I set out in the body of these findings.
3. Both Eeva and her father Greg Hutchings were much loved by their family members and they continue to be missed. Eeva was only 4 ½ years old when she died and her loss to her family is immeasurable. The loss of any child is devastating and to have to learn that they have died in these circumstances is a tragedy that is impossible to put into words.
4. There is sufficient evidence that Greg Hutchings had declining mental health at the time he was responsible for the death of Eeva and himself. That does not excuse the actions he took which led to Eeva's death, but it does help to understand why a father who loved his daughter and loved his own mother and extended family, would commit such an act, that is anathema to the role of a parent to protect their child.
5. I extend my deepest sympathies to the family of Eeva Dorendahl, particularly to her mother Michelle, and also to the family of Greg, particularly Greg's mother Diana Hutchings, who is also Eeva's grandmother.

### **The Inquest:**

6. Under the provisions of the *Coroners Act 2009 (NSW)* (the Act), an inquest into the deaths of Eeva Dorendahl and Gregory Hutchings is mandatory, given the circumstances in which their bodies were found.

7. Section 27(1)(a) of the Act states that an inquest is required to be held if it appears to the Coroner that the person died or might have died as a result of homicide (not including suicide). From the outset, it appeared that Eeva Dorendahl, who was only aged 4 ½ at the time of her death, might have died as a result of homicide.
8. Furthermore, s.27(1)(d) of the Act states that an inquest must be held if it appears to the coroner concerned that the manner and cause of the person's death have not been sufficiently disclosed. With respect to both Eeva and Greg, because there was a period of 17 days between when they were reported missing by Michelle Dorendahl and the date police found the bodies, it was not possible to determine the precise medical cause of death. That in turn made it a more complex task to determine the manner of death.
9. An issues list was distributed in advance of the inquest, which read:

Pursuant to s.81 of the *Coroners Act* 2009:

1. What was the date of the death of Gregory Hutchings and Eeva Dorendahl?
2. What was the place of death of Gregory Hutchings and Eeva Dorendahl?
3. What is the medical cause of death of Gregory Hutchings and Eeva Dorendahl?
4. Related to the manner of death:
  - a) Did Gregory Hutchings cause the death of Eeva Dorendahl and if so, why?
  - b) Did Gregory Hutchings take his own life, and if so, why?
  - c) Did medical professionals act in a timely and appropriate way to provide mental health care to Gregory Hutchings?
  - d) Did NSW Police respond in an appropriate and timely way to the report made by Michelle Dorendahl around 5.00pm on 11 January 2014 at Kingscliff Police Station, and to the subsequent 'concern for welfare' reports at 8.17pm and 11.31pm?
5. Was there sufficient resourcing and coordination of the Police search for Gregory Hutchings and Eeva Dorendahl after they were reported missing?

Pursuant to s. 82 of the *Coroners Act* 2009:

6. Are there any recommendations that should be made relating to the deaths of Gregory Hutchings and Eeva Dorendahl?

10. At the commencement of the inquest, I received a large volume of documentary material in the form of a five volume brief of evidence put together by the investigating police and the solicitor assisting. Over the course of the week, those witnesses who were relevant and available were called to give oral evidence that addressed the issues in the inquest. As a result of all of the evidence, I am in a position to make findings with respect to each of the matters that are set out in section 81 of the Act and each of the matters on the issues list.

## **The Evidence:**

### ***Background to the relationship of Gregory Hutchings and Michelle Dorendahl***

11. On 17 July 2009, Eeva was born in Rockhampton Hospital to her parents, Michelle Dorendahl and Gregory Hutchings. Michelle and Greg had met in Brisbane in approximately 2007 and in around October 2008 they began living together in a de facto relationship.
12. By 2011, when Eeva was 2 years old, the relationship between Michelle and Greg was irreconcilable and they separated. From that time, until the tragic events of 11 January 2014, there were periods of contact and communication, but the relationship between Greg and Michelle was strained and emotionally difficult.
13. During the course of the inquest I received evidence about the nature of the disputes between Michelle and Greg and I heard opinions about who was responsible for their failure to agree on certain issues. It is not necessary or desirable for me to make findings about the specifics of that. It is, however, necessary to understand the source of the tension around January 2014, because it is relevant to the mental state and likely actions of Greg Hutchings on 11 January 2014.
14. It is clear from the evidence of Michelle Dorendahl and Diana Hutchings that Greg was particularly concerned by the fact that Michelle travelled with Eeva overseas, including to Finland, where she had grown up and still had family. In July 2011, Michelle arranged a trip to Finland for her brother's wedding. A few weeks prior to the planned travel, Greg took Eeva's passport and later cancelled it, so that the tickets for Michelle and Eeva had to be cancelled. Nevertheless, on 20 July 2011 Greg signed for a new passport and Michelle and Eeva flew to Finland.
15. In March 2012, Michelle and Greg participated in mediation run by a Family Relationship Centre and entered into a parenting plan with Greg to have Eeva

one night each week, plus extra days depending on his work load. Ultimately that arrangement was varied and Greg moved down to Sydney, but had sporadic contact with Eeva for the rest of the year. That included visiting Eeva in Queensland for her birthday and having her stay with him in Queensland for a number of days over Christmas 2012.

16. In January 2013, Michelle travelled with Eeva to Thailand for three weeks. They returned to Australia on 20 February 2013.
17. On 26 May 2013, Greg was due to have Eeva for up to a week. I received evidence from Michelle Dorendahl that on that occasion, he kept her for a period of around three weeks, eventually returning her on 15 June 2013. The day before, on 14 June 2013, Greg filed an application in the Federal Circuit Court and had Eeva placed on the airport watch list. On 18 June 2013, Michelle was due to take Eeva to Finland to see family, but because Eeva was on the airport watch list, the tickets had to be cancelled.
18. On 24 July 2013, the Federal Circuit Court made final orders, with the consent of both parties, providing for Eeva to live with her mother and to have substantial time with her father. Michelle Dorendahl disclosed that she was planning to travel to Peru with Eeva from September to December that year, and she was permitted by the Court to do so, with certain conditions in place.
19. On 31 July 2013, Greg collected Eeva and was due to return her on 14 August. I heard evidence from Michelle Dorendahl that he failed to return her on the due date of 14 August, causing Michelle to file an initiating application in the Federal Circuit Court on 15 August, seeking Eeva's return. Greg then did return Eeva a day later, on 16 August 2013. On 21 August, there was a Federal Circuit Court listing date and further final orders made to vary previous orders.
20. From around 26 August to 15 September 2013, Eeva was in Greg's care. As detailed further below, it was during this time that he arranged for her to have three appointments with child psychologist, Ms Meggy Delaunay.
21. From 20 September to 20 December 2013, in accordance with the orders of the Federal Circuit Court, Michelle travelled with Eeva to Peru. On 19 September 2013, Greg had filed an Initiating Application with the Federal Circuit Court seeking to stop Michelle travelling with Eeva, and having her placed on the airport watch list. When Michelle arrived at the airport on 20 September, she was spoken to by Australian Federal Police, however since the orders of the Court were in place, she was permitted to travel as planned.
22. On 20 December 2013, Michelle returned to Australia with Eeva in accordance with the Court orders.

### ***Gregory Hutchings mental health***

23. It is clear from the evidence, including the written and oral evidence of Ms Diana Hutchings, and the oral evidence of Greg's childhood friend, Joshua Barnes, that Greg was a clever man, who had a lot to contribute. His family and friends cared for him deeply.
24. Sadly, even from an early age, Greg battled with depression. He was particularly vulnerable following the break up of romantic relationships and between 2006 and 2007, after breaking up with a partner who was not Michelle, he had attempted suicide on three separate occasions.
25. That behaviour can be contrasted with how Greg was at other times. In an interview with police, Pamela Schuberg explained that she got to know Greg after August 2012, when he moved into the flat owned by Joshua Barnes and became her neighbour in the Blue Mountains. When Joshua moved back into the place, Greg came to stay with Pamela Schuberg in her five bedroom home, in return for him helping her around the home. She described Greg to be caring, talented and capable of much more than he was actually achieving. To her, he was "very creative and an absolute gentleman at all times". They often spoke about his emotional upset and distress related to the custody dispute involving Eeva. In January 2013, he left for a trip to the United States and was somewhat erratic when he got back, but "still gentlemanly".
26. In Easter 2013, Ms Schuberg went to live in Jindabyne and her niece Emma Schuberg, came to be housesitting. When Pamela Schuberg returned, Emma Schuberg revealed that Greg had been violent towards her when he was in an intoxicated state. In an act of great care and concern, Pamela Schuberg and Joshua Barnes met with Greg. They explained that he would have to move out, but they offered to pay for his accommodation at a youth hostel and tried to insist that he get mental health counselling, or be admitted to hospital for alcohol counselling. Greg refused to do either. Pamela Schuberg attempted to care for Greg then, even though she was terrified of Greg after his behaviour towards her niece. She did not see or hear from Greg again.
27. Emma Schuberg was interviewed by police and spoke of the occasion when she had been assaulted by Greg. She explained that she had met Greg on several occasions prior to the assault and he appeared to be "very friendly, very pleasant, very courteous". On one occasion however, he had asked her to have coffee mid morning and when she arrived, he was highly intoxicated. He then persuaded her to go to the Carrington Hotel and he became more intoxicated and was "hassling" the bartender. When Emma Schuberg drove them home,



she had to stop the car several times because Greg was grabbing the back of her neck and hair in a way she described as “affectionate but quite rough”. He also tried to grab her stomach area and several times she had to pull over the car. When they got home that afternoon, Greg acted strangely, throwing water over the balcony, grabbing her up from the chair when she refused to go for a walk with him, and sharpening a knife in front of her in a way she found unsettling. He spoke with her about his depression and grief around his separation from his child.

### **Greg’s interaction with his psychologist, Sandra Lundbergs**

28. Soon after that incident, Greg moved to stay with his mother at her address in Pottsville, on the north coast. On 3 April 2013, to his credit, Greg initiated contact with a psychologist, Sandy Lundbergs, via the “Healthshare” online referral site. He requested to see her for coping strategies for his depression and sleep problems. At his initial consultation on 29 April, Greg told Ms Lundbergs that he was taking medication for anxiety and he had experienced traumatic incidents. He reported symptoms consistent with PTSD.
29. Greg had counselling sessions with Ms Lundbergs regularly for the rest of 2013 - once in April, twice in May, once in June, three times in July, twice in September, once in October and again in November. I heard evidence from Ms Lundbergs that she used strategies like cognitive behavioural therapy, mindfulness, mood management and relaxation.
30. At the sessions, she administered a screening tool called the DASS21 (Depression, Anxiety and Stress scale), which is a set of three self-report scales designed to measure current emotional states of depression, anxiety and stress. There was an improvement in the DASS scores after the initial six sessions, but they had elevated again towards the end of the year. On the last date the test was administered, on 11 November 2013, Greg scored in the “extremely severe” range for depression, stress and anxiety, in contrast to scores of normal, moderate or mild in July. In Ms Lundbergs records she notes that Greg had symptoms of “anger, frustration, helplessness and suicidal thoughts (no intent)”.
31. In her session with Greg on 26 November 2013, Sandra Lundbergs recorded that Greg had started back on Lexapro the week prior and that he was having Valium every second day. He reported a depressed mood, low motivation and increased anxiety, guilt, frustration, anger and hopelessness. The major focus for the session included his concern for his daughter, who was still overseas. He appeared to be stressed, with a flat affect, fluctuating with anger/frustration with the current situation.

32. The appointment of 26 November 2013 was to be his last. Greg cancelled his appointment with Ms Lundbergs on 10 December and did not reschedule or reply to Ms Lundbergs attempts to contact him.
33. On 20 December 2013, Ms Lundbergs was approaching a period of Christmas leave and she wrote a letter to Greg's referring general practitioner, Dr Victor Shawpan. She wrote to tell him that Greg had deteriorated and that she was going away and would be back on 6 January 2014 for one day only, and then not back at work until 21 January 2014. She wrote of Greg's low mood, his score of "extremely severe" in the DASS 21 and the fact that even though his mother and sister were nearby, he was isolated and "at risk". That letter was faxed in the early afternoon on 20 December 2013, and Ms Lundbergs acknowledged in evidence that part of the reason for writing the letter was so that someone would follow Greg up while she was away over Christmas. Ms Lundbergs gave evidence that she wanted the fax read as soon as possible but she did not consider it urgent. She stated that "at the time of writing the letter and throughout the time that Mr Hutchings was undergoing counselling with [her], she did not consider there to be a specific or material risk that he would end his life or harm his daughter".

#### **Greg's interaction with his General Practitioner, Dr Victor Shawpan**

34. Dr Victor Shawpan first saw Greg on 11 April 2013. He treated him mainly for ongoing depression and anxiety, which Greg reported had been exacerbated by not having access to his daughter. He continued to see Greg regularly, on ten different occasions, until November 2013. At his first assessment, Dr Shawpan recorded brief notes, which included that Greg had moved from the Blue Mountains and had a history of depression and insomnia. He conducted an assessment known as the K10, which is the Kessler Psychological Distress Scale, a checklist for anxiety and depression. Dr Shawpan gave evidence that it is a useful tool, but not as comprehensive as the DASS-21 administered by Sandra Lundbergs. Greg initially scored 36 on the K10, indicating that he was likely to have a "severe mental disorder".
35. On 2 May 2013, Dr Shawpan fitted Greg into an appointment because he reported that he was not coping in general. Greg revealed that he had been self-medicating with heavy daily use of alcohol and Temazepam (not prescribed by Dr Shawpan). He expressed suicidal thoughts, but guaranteed his safety at that time. Dr Shawpan started him on the anti-depressant Lexapro and attempted to wean him from the alcohol and Temazepam with a prescription of Valium (5mg tablet 2-4 times daily).
36. On 10 May 2013, Dr Shawpan prepared a new mental health plan and wrote a letter to Ms Lundbergs.
37. On 21 May 2013, Dr Shawpan prescribed Lexapro 10mg tablets once daily.

38. On 16 June 2013, Dr Shawpan provided what he described as “passive counselling” in relation to the custody decision made by the Family Court that day. Greg gave a history of drinking 5-6 standard drinks daily, which he reduced to two when taking Valium. Dr Shawpan wrote a prescription for Valium 5mg tablet, two to four times daily as required.
39. On 9 July 2013, Dr Shawpan completed the K10 test and found that Greg scored 31.
40. On 12 July 2013, Dr Shawpan prepared a GP management plan and Team Care Arrangement plan. Greg told Dr Shawpan that he had stopped using Lexapro and was “self managing”.
41. By 8 October 2013, Greg appeared to Dr Shawpan to have deteriorated (which is consistent with him losing his job and his presentation to Ms Lundbergs). He presented with acute anxiety, explaining that he had lost an appeal to stop Eeva’s mother taking her overseas and that she was not returning until December. He said that he had not used Valium since July 2013 and was trying to control his alcohol use but used heavily on some days. Dr Shawpan prescribed Valium 5mg tablet, one to four times per day as required.
42. On 11 October 2013, Dr Shawpan created a new mental health care plan for Greg and wrote a letter for him to continue to see Ms Lundbergs.
43. On 18 November 2013, Greg presented to Dr Shawpan again for anxiety and depression and agreed to re-start Lexapro. He said that he was still using Valium and drinking up to two glasses of wine daily, but would drink more if he could afford it.
44. It is evident from a review of Dr Shawpan’s clinical records and from hearing his oral evidence, that he saw Greg regularly throughout 2013. Consistent with the evidence of Ms Lundbergs, there appeared to be a deterioration in Greg’s mental health towards the end of 2013.
45. On 20 December 2013, a fax was sent from Ms Lundbergs to Dr Shawpan and was received at around 2.43pm. It was not flagged as urgent and Dr Shawpan gave evidence that it was not brought to his attention. Dr Shawpan stated that 20 December was the last day before the Christmas break, and he returned to see patients on an “as needs” basis on 30 and 31 December, but did not resume usual practice until 2 January 2014. It was his belief that he did not check the fax report until 10 January 2014.

### ***Adequacy of the mental health treatment of Greg Hutchings***

46. I received expert evidence with respect to the adequacy of the mental health treatment Greg received. Ultimately, in spite of the criticism of one of the experts, I am of the opinion that Dr Shawpan demonstrated significant care for

Greg and that his treatment of him was reasonable. An expert report was commissioned by those assisting me from Dr James Jeong, an excellent witness who is a highly respected and experienced general practitioner. He was critical of Dr Shawpan for, in summary, the paucity of his notes, (including a failure to document a thorough mental health history and failure to justify his decision to treat with medications), the failure to refer to a psychiatrist and the failure to act on the letter from Ms Lundbergs dated 20 December 2013.

47. By contrast, on behalf of Dr Shawpan, evidence was given by Associate Professor Roche, also a highly respected specialist general practitioner. In the opinion of Professor Roche, Dr Shawpan's notes and treatment were adequate, and should be seen in the context of a busy general practitioner who was working in a rural area where there is a shortage of psychiatrists, mental health specialists and drug and alcohol specialists.
48. To his credit, Dr Shawpan accepted the criticism made by Dr Jeong with regard to his notes. Dr Shawpan admitted, for example, that when it was clear that he was treating a 35 year old male with a history of depression, undergoing stressful family events whose K10 score of 36 indicated the likelihood of a severe mental disorder, he ought to have "taken and documented a thorough mental health history and performed an assessment for suicide risk". He said that it was likely that he had taken a mental health history in the initial consultation, but had not adequately recorded it. Similarly he would have done an assessment for suicide risk, but had not recorded it and should have done so. He said he would have given Greg advice about the side effects of the medication he prescribed, but did not record having done so. Since this tragedy, Dr Shawpan has changed his practice to improve his note taking. Further, he now administers the more comprehensive DASS-21 tool.
49. Dr Shawpan gave evidence that he did not refer Greg to a psychiatrist because he did not feel that his case was acute enough to refer to a psychiatrist at that time, and the patient was not beyond his skill set. He did not have a clear memory of discussing the issue with Greg, but said that it is likely that he would have and that Greg would have been reluctant to see a psychiatrist. In referring Greg to Sandra Lundbergs, a psychologist, he regarded Ms Lundbergs as doing the bulk of the counselling work, and he as the general practitioner was someone Greg could come and see in between sessions, or to work out any medical or medication issues.
50. After hearing the oral evidence of Dr Shawpan, I am satisfied that he was a caring and competent practitioner. He and Sandra Lundbergs thought of themselves as working as a team. Neither of them suggested that Greg see a psychiatrist. Although both noted deterioration in Greg's mental health, at no point did he threaten to harm himself or Eeva and neither Dr Shawpan nor Ms Lundbergs thought that Greg was an acute risk to himself or others.

### ***Arrangements Greg made for Eeva to see a child psychologist***

51. During the period that Greg was caring for Eeva, between 26 August to 15 September 2013, Greg arranged to have Eeva seen by a child psychologist, Ms Meggy Delaunay. Ms Delaunay provided the Court with her counselling notes and a statement. She also gave oral evidence in the inquest. There were three meetings between Eeva and Ms Delaunay.
52. The first meeting between Eeva and Ms Delaunay was on 27 August 2013. Ms Delaunay had an intake meeting with Greg and a first consultation with Eeva and Greg.
53. On 28 August 2013, Dr Victor Shawpan, the local general practitioner who was treating Greg for his mental health issues, prepared a mental health care plan for Eeva.
54. The second meeting between Eeva and Meggy Delaunay took place on 4 September 2013. Ms Delaunay had been given three pages of notes handwritten by Greg, asking her to explore various issues with Eeva, relating to the breakup of the relationship between Michelle and Greg and the impact on Eeva.
55. The third and final session was on 10 September 2013. Greg was not present but Diana was in the waiting room and took Eeva home.
56. When Greg returned Eeva to Michelle on 15 September 2013, he handed her a letter saying that he had been taking Eeva to a psychologist and that she had issues with anxiety.

### ***Contact between Greg and Eeva leading up to their disappearance***

57. On 23 December 2013 at around 2.30pm, Greg collected Eeva from Michelle at the Nambour Train Station. Greg was due to return Eeva to Michelle on 9 January 2014 but tragically, that was the last time Michelle would ever see Greg or her daughter alive.
58. Greg took Eeva to stay with him and his mother, Diana Hutchings at his mother's home address, a flat on the Tweed Coast Rd, Pottsville, where Greg had been staying for most of 2013. According to Diana Hutchings, she, Eeva and Greg had a "lovely Christmas" and Greg and Eeva were in good spirits.
59. From 23 December 2013 until 10 January 2014, Michelle had some skype and phone calls with Eeva. On 8 January 2014, Michelle sent an email to Greg in relation to the planned handover the next day, that read:

“Hi Greg, Please advise me what time you will be arriving at Nambour station with Eeva. Thanks, Michelle.”

60. On 9 January 2014, Greg sent Michelle an email reply as follows:

“Hi Michelle, Sorry grandma was on my phone and I didn't get your msgs til after Eeva's bedtime. She is fine and happy, but I've been up all night vomiting and with the runs. I can't do 9 hours public transport today. You're welcome to come pick Eeva up at Pottsville today or I will bring her to Nambour tomorrow or Saturday when I'm better. Happy to pick Eeva up a day or two later next visit to make up the time.

Not withholding so don't make a big deal out of it, just let me know. Skype around ten am if you like and call whenever you want. Sorry again for the muck around, I think it was something I ate. Truly, Greg”

61. On 10 January 2014, Greg sent Michelle an email as follows:

“Hi Michelle, I've had another rough night but a bit better than the last one. Eeva has been up and is a bit cranky but not sick- Im letting her sleep in for a bit. Let me know if you want to come pick Eeva up today, otherwise we'll be on the train to Nambour tomorrow. If you want to skype about lunchtime will sign in, and you can call anytime  
Sorry again, Greg.”

62. On 10 January 2014, Michelle had a skype call with Eeva, during which she seemed well, but tired and Michelle thought that she seemed ready to come home. That was a short three minute call and was the last time Michelle saw her daughter alive.

### ***11 January 2014- the disappearance of Gregory and Eeva***

63. On Saturday 11 January 2014, Michelle received an email from Greg to say that he was still sick, but she could come and get Eeva and skype when she wanted. Around 9.30am, Michelle replied that she would leave in half an hour and be there about 1.30-2pm.

64. While she was driving down, Michelle received a text from Greg to say:

“Taken Eeva to the river mouth next to the park at Postville (sic). Call when you get here if you don't see us”.

65. Michelle could not reply because she was driving but when she arrived in Pottsville around 1.45pm, she pulled over and called Greg. She got his message bank and left a message to say that she had arrived. She continued

to call and message over the next few hours. After searching for about an hour, Michelle went to the apartment of Diana Hutchings on Tweed Coast Road. Diana did not initially hear or answer her knock and Michelle spoke to neighbours and returned to Diana's apartment. On that occasion, Diana did not open the door, stating that she was sick and did not want to infect Michelle, who was pregnant, but she told her that Greg and Eeva were not at home and had left the flat to meet Michelle.

66. I heard evidence from Dolores (Del) Claydon who operates the Pottsville North Holiday Park. She was familiar with a person matching the description of Greg Hutchings because he attended the shop at the Holiday Park nearly every day over the 4-5 months leading up to January 2014. She gave evidence that on Saturday 11 January 2014, at about 11-11.30am, she noticed a male who she believes to be Greg walking north along the Coast Road, with a little girl on his right hip. The male had a khaki computer type bag across his body. The little girl is described as having fairly white blonde hair, and matches the description of Eeva. Ms Claydon described an older female walking behind the male and child. She later recognised that person as being Diana Hutchings. Ms Claydon said the last time she saw the trio, they were on the Coast Road, stepping off the roadway and on to the footpath on the north-western side of the roundabout.
67. The evidence of Dolores Claydon cannot be reconciled with Diana Hutchings, who states that she did not go out that morning. Diana offered the explanation that Ms Claydon was confused and may have seen them walking past her a few days earlier. In the end, I am not able to determine which scenario is correct.

### ***The Police search***

#### **Police search- 11 January 2013**

68. Around 4.45pm on 11 January 2014, Michelle attended Kingscliff Police station and reported to Senior Constable David Hawthorne and Sergeant Brett Gibson that Greg had not returned Eeva. I heard evidence from those officers, and from a number of the police officers who subsequently interacted with Michelle, and with Diana Hutchings.
69. Officer Hawthorne gave evidence that Michelle was "quite distressed" and wanting to report a "custody issue".
70. At 5.16pm, Sergeant Brett Gibson created a CAD message. That job was categorised as a "check bona fides" and not as "missing person". Sergeant

Gibson gave evidence that he categorised it in that way when he first created the job because at that stage from information given, the father (ie Greg) was refusing to give Eeva back to her mother as per orders, so police regarded the situation as “more of a custody dispute”. The status “check bona fides” is a default setting and can be amended as information is received. The job was listed as a priority 3 and the description given for it was “8/42-46 coast road Pottsville father refusing to return child as per orders custody dispute”.

71. Senior Constable David Hawthorne and Sergeant Brett Gibson attended upon Diana Hutchings at 8/42-46 Coast Road Pottsville and inspected the premises, finding that nothing was out of place and nothing appeared suspicious. The two officers then patrolled the area, including Ambrose-Brown Park, the Coast Road, Pottsville, the beach car parks and Pottsville Caravan Park. They got out of car and looked along some of beach access paths.
72. Officers Hawthorne and Gibson then drove back and spoke with Michelle, who indicated that she would seek accommodation and resume her search the next day. Officers Hawthorne and Gibson returned to Kingscliff Police Station and Senior Constable Hawthorne started a COPS entry for the job.
73. Senior Constable Hawthorne informed the officers on the next shift, Senior Constable Barry Carr and Senior Constable Atkins, as well as the Tweed Heads Supervisor of the situation, and advised them to patrol the area. Officers Hawthorne and Gibson completed their shift around 6.00pm.
74. At 8.16pm, Senior Constable Barry Carr and Senior Constable Atkins were at Kingscliff Police Station and received a CAD message entitled “Concern for welfare”/Priority 3 - “KC 17 to contact Michelle Dorendahl on a particular mobile in relation to a concern for welfare Kingscliff Police were dealing with earlier this date”. At 9.38pm, the CAD job was actioned when Michelle was spoken to at her car, parked on Tweed Heads Road. Officers Carr and Atkins were then called to a job involving a breach of domestic violence order that took up a significant part of shift.
75. At 11.31pm, another CAD Incident was logged after Diana Hutchings contacted police and reported Greg and Eeva missing. That too was listed as priority 3. The category allocated was “Concern for welfare”, “Keep Lookout 4” and “See informant”. The information recorded was:

“INFTs son Greg Hutchings 35 old and 4 old daughter Eva Dorendahl-Hutchings went to the beach NR the river inlet and caravan park at 1230 today and have not returned. POIs were expected back to Loc at 1430. POI not answering phone- number could not be provided by Inft. POI desc



cauc app with short dark auburn hair wearing blk long sleeve tshirt and dark grey trousers carrying green backpack. NFD. Checks OTW”

### **Police search- 12 January 2013**

76. At 1.35am the following morning, Senior Constable Alan Hogg with Senior Constable Attard of Tweed Heads police attended 8/42-46 Tweed Coast Road Pottsville in relation to a “missing person” report and spoke with Michelle Dorendahl who was sleeping in her car on the western side of Tweed Coast Road.
77. Senior Constable Hogg then walked to the unit of Diana Hutchings, spoke to her and recorded details of Sheri Hutchings (sister) in his notebook. He returned to Michelle Dorendahl in her vehicle and said that due to the lateness of the hour and the absence of new information, they would make a patrol of the area, but Kingscliff police would follow up in the morning. The officers then patrolled the area in the dark and found nothing of interest. They returned to Tweed Heads police station and spoke with Acting Inspector Rhodes, the Duty Officer (DO) who suggested that Senior Constable Hogg email Senior Constable Hawthorne regarding him making a report and following up on the matter, as his shift started at 6.00am at Kingscliff. Senior Constable Hogg also sent an email to Inspector Kain, Duty Officer at Tweed Heads.
78. After 2.00am, Senior Constable Barry Carr completed his daily running sheet and put in the follow up section a message to Senior Constable Hawthorne, stating that Senior Constable Hogg had sent him an email in relation to a concern for welfare job at 8/42 Tweed Coast Rd, Pottsville.
79. At 2.46am, Senior Constable Hogg sent an email to Senior Constable Hawthorne as follows:

“Hi mate, We inherited this job late last night, after HUTCHING’s mum rang at 1130pm. He and the daughter still haven’t returned home. We went down there and spoke to both the mum Diana and the child’s mum Michelle. My gut feeling is that HUTCHINGS has had a change of heart about giving the child back and he has taken her and bolted. WE weren’t able to do a whole lot due to the lateness of the hour and there was no further info forthcoming. Warwick Rhodes was the DO on tonight and he asked me to tell you to put it on the system and do some follow up inquiries today... Thanks mate. Hoggy”

80. At 3.27am, Senior Constable Alan Hogg sent an email to Inspector James Kain (including the above email to David Hawthorne) that stated:

“Jim, Warwick asked me to send this to you as well as it needs to be chased up by Hawthorne today. It’s a report of a missing person. Dave took the details in his notebook at Kingscliff station yesterday arvo, but it

never made it onto the system. We ended up with it at 1.30am, but not a whole lot we could do further at that hour... Thanks Hoggy”

81. From 6.00am to 4.00pm, Inspector James Kain was rostered on in the role of Duty Officer at Tweed/Byron Local Area Command. Officers Hawthorne and Gibson were again on the roster for the same shift and Inspector Kain spoke to them about following up the matter. At 6.50am, Senior Constable David Hawthorne finalised the COPS (Computerised Operational Policing System) event to record the incident on the computer system. At that time both Eeva and Greg were each recorded in the event as a “missing person”.
82. At 8.45am, Senior Constable Hawthorne and Sergeant Gibson attended the home of Diana Hutchings. In summary, Diana Hutchings told police that Greg and Eeva left the house at 12.30pm on 11 January and had not been out of the house beforehand that day, because Greg had been ill. She gave a description of Greg as wearing a long sleeved shirt, black/grey trousers, green/olive back pack. Eeva was in a blue/cream oversize shirt and a pair of multi coloured shorts. Diana was reported to provide police with photos of Eeva and Greg.
83. Although the police who attended suspected that Diana may not be entirely forthcoming, they gave evidence of the information she did pass on and much of it was important. According to police, Diana disclosed that Greg suffered from depression and was taking medication. After more prompting, she told police that 5-6 years ago, he had a mental break down over a relationship break up, and cut his wrists and neck and was hospitalised as a result. Diana told police that his general practitioner was Dr Victor Shawpan of the Kingscliff Medical Centre. She also said, however, that Greg “showed no sign of problems regarding the exchange or mental health problems prior to leaving the house”.
84. Senior Constable Hawthorne spoke with Michelle Dorendahl and was told that she had not received any contact from Greg or Eeva. Michelle shared with police the previous text messages with Greg leading up to the proposed exchange. They can be described as polite and they gave no indication that he was an immediate danger to Eeva or himself.
85. Senior Constable Hawthorne and Sergeant Gibson attended the car park at Ambrose Brown Park and conducted foot patrols, starting at the southern end of the car park. They walked through each river access track, heading north, until they took the last access track out to the beach and the northern break wall. They spoke with each person they saw, but did not receive any relevant information.
86. Senior Constable Hawthorne called the numbers of three friends that had been provided by Diana. Further, he spoke to Sheri Hutchings, Greg’s sister. According to Senior Constable Hawthorne, Sheri Hutchings told police she last spoke to Greg two weeks before and he had expressed concern that Michelle was planning to take Eeva overseas. Greg had indicated to his sister that he did not want to hand Eeva back. That was the last time Sheri Hutchings spoke with her brother Greg.

87. Senior Constable David Hawthorne phoned the supervisor, Sergeant Telfer, at Tweed Heads and spoke to the Duty Office, Inspector Kain. He also advised Tweed Heads detectives.
88. Inspector Adrian Telfer in the role of supervisor at Tweed Heads Police Station, responded to the 'missing person' report, by driving to Pottsville with Senior Constable Matthew Howarth to meet Michelle Dorendahl. He enquired about her welfare and obtained permission to release the photo of Eeva. The officers then attended Wooyung Beach Holiday Park, Tweed Coast Holiday Park and Pottsville Club, where they showed the photographs of Greg and Eeva. Inspector Telfer conducted extensive searches of streets in Pottsville, driving a marked police vehicle.
89. By 11.30am on 12 January 2014, Inspector Jim Kain had reviewed Officer Hawthorne's COPS entry. He prepared a Police SITREP, or Situation Report. The issue was referred to as a "Concern for welfare", although under the subheading "current position" it records "Missing persons reports filed for both persons".
90. At 12 noon, Inspector Kain spoke to Detective Sergeant Peddle and Detective Freebody, briefed them and asked them to contact Kingscliff Police Station to assist in the investigation.
91. Sergeant Bradley explained in his statement that sometime around 12 January 2014, he and Detective Sergeant Moroney attended on Diana Hutchings and spoke with her. According to Sergeant Bradley, Ms Hutchings took a dislike to him after he asked for password access to Greg's computer. The officers engaged in further conversation and later seized the computer owned by Greg. When they left the address, the officers obtained a four wheel drive and searched an area to the north east of the Rural Fire Brigade office, which is bushland backing onto Pottsville beach. Despite hours in the vehicle and on foot, nothing of interest was found.
92. At 2.00pm, Sergeant Warwick Rhodes commenced duty as Acting Duty Officer at Tweed/Byron LAC, taking over from Inspector Jim Kain. He was made aware of a missing father and child. He read the SITREP report and read a media release issued by police at 2.30pm. Unfortunately Sergeant Warwick Rhodes now resides overseas and was not available to give oral evidence. However it appears clear from evidence available in the brief of evidence that during the first few hours after he was briefed on 12 January, Inspector Rhodes did the following:
  - Spoke with the officer in charge, Simon Peddle about the current position of the investigation;
  - Contacted the Police Duty Officer at the radio 'comms' group to request urgent access to banks details;
  - Contacted Detective Sergeant Scott McWhirter, Northern Region Coordinator for land searches, and asked about the protocol for

commencing State Emergency Services (SES) searches for a possible land search on Monday, 13 January 2014.

- Assisted Kingscliff police in relation to attending a bowling club and tavern at Pottsville around dinner time with photos of Eeva and Greg.
- Completed a two page 'search screed' which was sent to Officer Jago who had been tasked to commence searches with the SES on 13.1.14. That offered background information such as the last clothing worn, latest photos of missing persons and a map with highlighted search areas.

93. At 2.00pm, Detective Benjamin Freebody and Detective Sergeant Simon Peddle made further enquiries with Diana Hutchings. According to police, Ms Hutchings appeared apprehensive about providing unlimited access to Greg's belongings and personal information, and explained that she did not wish to breach Greg's privacy more than necessary. Police explained the importance of her cooperation and she provided them with Greg's mobile phone and bank details.
94. At some stage on 12 January 2013, Senior Constable Hawthorne requested that a triangulation be carried out on Greg's phone to show where he was the last time the phone was active. The last time the phone was active was found to be at 1.05pm on 11 January 2014. At that time the phone bounced off Cudgera Creek tower, possibly in the vicinity of Pottsville Golf Course (Pottsville/Mooball Rd), Reserve Creek Road or Spring Valley Road. All three locations were patrolled by police in the car, but there was nothing of interest found.
95. Senior Constable Hawthorne and Sergeant Gibson returned to 8/42-46 Coast Road, Pottsville and obtained consent from Diana Hutchings for a media release. Senior Constable Hawthorne returned to Kingscliff Police Station and updated the COPS event. They completed a request for all mobile phone details and informed the Duty Officer that the media release form had been signed.
96. At 2.30pm, a police media release was issued, authorised by Inspector James Kain, detailing the circumstances of the disappearance of Greg and Eeva, including photos. It is evident that police held serious concerns for the welfare of Greg and Eeva and were not dismissive of this as a custody dispute that was likely to resolve. In the Media Release, they write "Police and family hold serious concerns for their welfare and are appealing for anyone with information to come forward".
97. Senior Constable Carr and Senior Constable Atkins from Kingscliff Police started their shift at 3.30pm and soon afterwards they attended Tweed Heads police station and printed colour photographs of the missing persons to make flyers, and then took them to Pottsville. They patrolled beach access tracks off Elanora Ave and Mooball Creek area. They attended the IGA Supermarket and other local businesses to speak to managers and put up missing persons flyers.

98. Throughout the day, police made contact or left messages with numerous friends and family that they had details for, including Pamela Schuberg, other friends in the Blue Mountains, Sheri Hutchings (Greg's sister) and a friend in Brisbane. At 4.30pm, police at Tweed Heads received a phone call from Pam Schuberg. Ms Schuberg told police that Greg used to lodge with her between October 2012 and Easter 2013 at Katoomba and she thought it was possible he would make his way to her place. She told police that Greg could be violent and had previously threatened to take his daughter and hide in the bush. She said that he was an expert in bush management, he had drug and mental health issues and she was concerned for the safety of his daughter. Ms Schuberg gave police the contact details for Joshua Barnes, who was a friend of Greg's returning from the United States. Ms Schuberg was later interviewed by police and provided the information outlined further below.
99. On 12 January 2014, police received information from Westpac Bank that showed Greg's last transaction was on 6 January 2014 and was a withdrawal of \$390, leaving \$1.19. An alert was placed on the account so that police would be notified if it was accessed. At no time between 6 January and 28 January, the date the bodies were found, did Greg access his bank account.

#### **Police search- 13 January 2014**

100. On 13 January 2014, two days after Greg and Eeva went missing, physical land searches intensified.
101. That morning, Superintendent Stuart Wilkins returned from seven weeks annual leave and participated in a briefing that included Inspector Gary Cowan, who had been Acting Commander during his absence. Superintendent Wilkins allocated Detective Sergeant Laurie Moroney as officer in charge of the investigation. He also spoke with the duty officer, Inspector Jago, directing that detailed searches be undertaken of the known areas where Greg and Eeva were last seen or could be located. Superintendent Wilkins suggested that the SES be utilised in the searches, along with a contingent of police in a search of the Ambrose Brown Park, Mooball Creek foreshore and Pottsville Beach dune area.
102. Senior Constable Hawthorne and Sergeant Stewart attended the home of Diana Hutchings again to obtain more information. Senior Constable Hawthorne gave evidence that Diana was upset about the media release that had been distributed, because she thought it portrayed her son in bad light. She refused to allow Senior Constable Hawthorne access to Greg's computer and personal documents and told him that he would have to get a search warrant for them. According to Senior Constable Hawthorne, he warned Ms Hutchings about hindering the investigation and told her that his only goal was to find her son and granddaughter.

103. Senior Constable Hawthorne spoke with SES volunteers and police who were to be involved in the search and conveyed all the information he had before he returned to Kingscliff police station.
104. Sergeant Bradley Stewart was tasked with conducting a search to the north and south west of the Rural Fire Brigade office, about 800 metres north of the address occupied by Greg and Diana. Sergeant Stewart had a portable radio and he searched an area known as the Environmental Park and Pottsville Creek alone on foot. He used the roadway that ran to the park as a route to the bush. Sergeant Stewart was a resident of the area and had great knowledge of it. He explained in his statement that although it is swampy bushland, it does have defined walking tracks in it, and he spent hours covering the area.
105. In the statement of Sergeant Stewart, he explains that, although he was tasked to look for two missing persons, it was his belief that he was looking for two deceased persons. That was because “he has been a police officer for 30 years and has been involved in many searches for persons who have disappeared in similar circumstances and they have nearly all been found deceased. Domestic incidents and associated custody matters are always emotional and it is [his] experience that people act differently than they normally would”. That evidence from an experienced officer is extremely relevant to these tragic circumstances.
106. Kristine McDonald (Unit Controller of Tweed Heads SES) provided evidence that SES personnel were present for a search on 13 January 2014 from 7.25am until 4.00pm. Her notes indicate that there were 16 members, including her, involved in the search. Others present included:
- Inspector Jago
  - Peter Mair (NSW Police Disaster and Emergency Officer)
  - A NSW Police Rescue operator
  - Police from Kingscliff and Murwillumbah
107. In the briefing, SES personnel were told that Greg was known to walk to Hastings Point regularly. A police rescue officer had a map and tasked them to search behind all of the houses that backed onto the sand dunes between Elfran Avenue to the north and to the southern-most house at the mouth of Mooball Creek. They then searched heavily wooded areas to the north-west and south-west of the SES headquarters in Centennial Drive.
108. Leading Senior Constable Marsters, a fully qualified police rescue operator, was tasked to perform the role of Land Search and Rescue Coordinator (LANDSAR) at Pottsville. At 9.00am, he held a meeting with search team leaders and informed them what their tasks were for the day. He tasked all teams to conduct a search of the area identified on the briefing note that covered the beach and dune areas from Elanora Ave north to Elfran Ave, and from the rear of the house yards east to the water’s edge.
109. The SES search teams were split up into designated groups and search areas marked on maps, including west of Tweed Coast Rd from Pottsville Bowls Club

to Cudgera Ave on eastern side of Creek, along the northern side of Centennial drive, the dune area of Pottsville, and north and south of Mooball Creek in a line search. Nothing of interest was located.

110. Police also searched from Cudgera Ave behind the school and the school grounds and the Tweed Coast Holiday Park. Senior Constable Marsters tasked a volunteer group to drive the roads and tracks behind the caravan park and Environment Centre.
111. Senior Constable Marsters tasked an officer to travel south along Overall Drive Pottsville, paying particular attention to rear of houses. Senior Constable Marsters tasked volunteer search groups to search behind the Pottsville bowling club, Anzac Park and oval, and the Cudgers Beach reserve towards Hardy Park. At 3.40pm the task was completed with nothing of interest located.
112. Senior Constable Marsters stated that he “found it very difficult to task search crews to an area without knowing where to start, i.e no last known position”. He felt that they covered a large amount of area that missing persons would possibly be during that day. After consultation with Inspector Jago, the search was called off, and he understood that police would engage in further investigation before resuming the search.
113. The contemporaneous notes taken by Senior Constable Marsters on the day of the search reveals that he was given information that the Manager of a caravan park had allegedly seen Greg, Eeva and an older women on the date of their disappearance. His notes read: “Manager from North Pottsville Van Park observed POI daughter & GM together around 11.35am 12.1.14.” That evidence should be read alongside the evidence of Dolores Claydon referred to above. It is evident that on 13 January 2014, she told an SES officer, who later passed the information on to police that she had seen Greg, Eeva and Diana Hutchings, walking passed the caravan park at around 11.30am on 11 January, the date of their disappearance.
114. It appears to be an oversight that greater consideration was not given to that information on 13 January, when the search was being coordinated. However on reflection, I am of the view that there would not have been significant change to the search plans if it had been given greater attention by police. That is because the caravan park where Dolores Claydon saw the trio, is south of the unit that Greg and Diana lived in, and they were walking in a northerly direction. The unit block is 100 metres to the north of where Mrs Claydon saw them, so the trio might have been returning home. Police were always aware of the unit as a landmark in the search and the bodies were ultimately found further north of the unit.

## Police search- 14 January 2014

115. The searches on 14 January 2014 were coordinated by Chief Inspector Gary Cowan and Sergeant Warwick Rhodes and focused on water and air searches in the Pottsville area.
116. It is evident that the search on 14 January 2014 involved the cooperation and coordination of multiple agencies. At 4.22pm, a SITREP was produced by then A/Inspector Rhodes and reads:

**Current Position:** "Tuesday 14<sup>th</sup> January 2014 Police co-ordinated a water based search of the Pottsville area. Agencies that assisted in the search where (sic), SES personnel, Surf Lifesaving Australia, NSW Water Police (MAC) and Queensland Police POLAIR. Today's area incorporated the search of rocky headlands on the coastline by Surf Life Saving Jet skis. Christies and Cudgeon Creek outlets were searched by Marine Area Command Water Police. Assistance was obtained from Queensland POLAIR and utilised for a 10Km radius search of Pottsville bushland and waterways. All efforts were negative. Search was conducted from 8.00am to 2.30pm. Numerous media outlets were in attendance at SES Headquarters at Pottsville including channel 9 "A Current Affair" program."

117. The search was coordinated from the SES headquarters. The Marine Local Area Command was responsible for a search of Christies Creek, Hastings Point North and Cudgery Creek. Surf Life Saving NSW commenced a search of the beach front from Hastings Reef up to Cabarita using two jet skis. A Queensland Pol Air helicopter completed a search flying along a 10km radius search of Pottsville bushland and waterways. Nothing related to the search for Greg and Eeva was located.
118. One resource that was available but not utilised was a police dog. Senior Constable Barrenger, then attached to the NSW Police Force Dog Unit, teamed with general purpose police dog, Granite, attended Pottsville search command post to assist police. Granite, as a general police dog, is able to track the most recent live human odour along the grounds surface, from 'instantaneous time', up to 60 minutes old. However there are limitations on the dog's abilities and where a number of live human odour tracks are present and dissecting each other, such as populated beaches, the dog's live human odour abilities are unable to be used. Although Senior Constable Barrenger and Granite attended for several hours, they were not used, and it appears there was a reasonable belief that he would not be of assistance in findings live bodies. Specialised dogs also have the ability to search for a cadaver, but a request for dogs for this purpose was not made until later.
119. At 4.30pm, Detective King was assigned as an investigator to Strike Force Eagle – and executed a crime scene warrant at Unit 8, 42-26 Coast Rd Pottsville. He located:

- i. Two mobile phones;



- ii. A Laptop;
- iii. Diaries; and
- iv. An empty box of Valium.

120. There were further inquiries with Australian Federal Police (AFP) and Department of Foreign Affairs and Trade (DFAT).
121. At 2.00pm on 14 January 2014, Detective Senior Constable Donna Tutt and Detective Parker attended an address in Mullumbimby and spoke with Sheri Hutchings, Greg's sister and the aunt of Eeva. Sheri told the officers that she had last seen her brother and niece on the afternoon of 4<sup>th</sup> January 2014, when Eeva had a sleep over at her house. She stated that her brother suffered from depression in the past and had used anti-depressants on occasion. She further said that Greg was worried that Eeva's mother Michelle would take their daughter overseas without Greg's consent. She thought her brother was skilful at living rough. Police reported that Sheri Hutchings was cooperative with police and she told them that she would be in contact if she received any relevant information or heard from Greg.

#### **Police search: 15-28 January 2014**

122. The evidence establishes that at the end of 14 January 2014 and over the next few days, Superintendent Wilkins had briefings with Officer Moroney, a number of duty officers and the Crime Manager in relation to possible further search areas, before deciding to suspend further searches at that time. In his statement he explained that it was deemed that due to the vast area that needed to be covered and the fact that there had been no confirmed sighting of either Greg or Eeva, it would be difficult to identify a specific further search area.
123. However, police continued to make efforts to follow up lines of inquiry. For example, 44 people were spoken to who had rung police or contacted Crime Stoppers with potential sightings. One of the issues making the search inquiries so difficult were the number of calls from the public regarding possible sightings all over Australia, including credible evidence of a sighting in the Blue Mountains, where Greg had lived the year before his disappearance. That made it challenging for police to narrow down a search area.
124. Enquiries were made regarding Greg's bank account, phone records and Centrelink, but there was no activity.
125. On 16 January 2014, Michelle Dorendahl participated in a lengthy interview with police. She outlined to police the deterioration of the relationship and current custody arrangements. Amongst other things, she told police that Greg had been verbally abusive and had pushed her once during an argument, but he had not otherwise been physically violent.
126. On 17 January 2014, Detective Senior Constable Tutt and Detective Sergeant Moroney again attended upon Diana Hutchings. Diana told police she believed

her son was hiding out due to his fear that Michelle would take Eeva overseas. Diana gave police the password to Greg's gmail email account, to enable them to access it. She spoke at length about future family court proceedings and told police that Greg was due to attend for family law proceedings on 20 January and she did not think that he would miss that date.

127. After obtaining the password for Greg's gmail account, Detective Tutt accessed the emails. She saw that there were a number of emails to Greg from his mother, sister and friends regarding concerns for his welfare. It appeared from the emails that none of them knew where he was and they were genuinely worried for him.
128. On 20 January 2014, police confirmed that Greg had not attended for his family law proceedings and they were then in further contact with Diana Hutchings and Michelle Dorendahl.
129. On 21 January 2014, Detective Sergeant Moroney and Detective Tutt attended the White Jade café in Pottsville, where Greg had worked for about eight weeks, until September 2013. Police spoke with the owner, Michael Penner-Wilson, who stated that he had hired Greg through the CRS (Commonwealth Rehabilitation Service) in Coolangatta, but he had failed to show up on numerous occasions due to what Greg had described as ongoing issues with the Family Law Court. In the opinion of Mr Penner-Wilson, Greg was "crippled with anxiety and stress" over the custody situation and often could not function properly because of the ongoing anxiety. He had not seen him since he ceased work in September.
130. Detective Tutt stated that by viewing Greg's letters and diaries, she could see that he often wrote of his love for the beach, ocean and sand dunes, and she formed the view that this is where he may have taken Eeva. The Officer in Charge of the investigation, Detective Sergeant Moroney, had a similar idea.
131. On 22 January 2014, police obtained the records of general practitioner Dr Shawpan and spoke to psychologist, Meggy Delaunay. This only increased their fears for Eeva's safety, since it highlighted Greg's depression and anxiety over the custody dispute.
132. On 23 January 2014, Detective Tutt reviewed a letter and emails that had been forwarded by Joshua Barnes, Greg's close friend and she contacted Mr Barnes to discuss them. Joshua Barnes revealed that in May 2012, he had a conversation with Greg where he talked of suicide and had considered taking Eeva and the dog with him. Mr Barnes said that Greg had a deep dislike of Michelle Dorendahl and spoke negatively about her to others, but he had never heard him do so during phone calls to Michelle.
133. On 23 January 2014, Inspector Cowan submitted a request to the Police Dog Unit for a cadaver dog to be made available and one was booked for 30 January. Ultimately, however, that was called off because of the events of 28 January.

134. Police had further contact with Diana Hutchings on 24 January. Detective Tutt put to her that a witness had seen her, Greg and Eeva walking passed the caravan park on the morning of 11 January, but she said that was not correct. Ms Hutchings was asked by police to participate in an electronic statement, but declined to do so at that time.

### ***The finding of the bodies***

135. Towards the end of January 2014, police planned to resume land searches again. On 28 January, Inspector James Kain attended the SES headquarters building at Pottsville to coordinate a team. Detective Sergeant Erickson conducted a briefing, with assistance from search expert Senior Constable Marsters.

136. There were 32 persons present for foot searches and Inspector Kain was responsible for coordinating the Qld Police Service Airwing unit.

137. Senior Constable Marsters informed police that information had been received that indicated the missing persons enjoyed the beach/dune areas north of Elfan Street. Senior Constable Marsters briefed all team leaders and informed them that all teams were tasked to perform a parallel sweep search north from Elfran Street through Hastings Point, covering all of the beach and dune areas. That was an area close to, but further north, of the area previously searched.

138. Around 10.00am, SES officer Timothy Breen and his fellow officers smelt what he thought might have been a decomposing animal. That lead the SES officers to focus on the area, and eventually on a large pandanus tree about 15 metres from where they had first been alerted to the smell. Timothy Breen then saw what he thought to be human remains and the search was stopped, and police alerted. The remains of the two persons we know now to be Greg and Eeva were located on the ground, amongst the leaves and a Crime Scene was declared to preserve the evidence.

139. The location of the bodies was approximately 500 metres north of Elfran Street and approximately 1.1 km from where Greg resided at 42 Tweed Coast Road Pottsville. Under the canopy of the tree was an open area with leaves providing cover and creating a secluded area.

140. Police located various items of clothing on the remains and nearby. The non-clothing items at the scene included:

- i. Toys
- ii. Greg's Australian passport
- iii. Greg's bank cards
- iv. A towel
- v. Empty packet razor blades
- vi. Two utility knife blades (in the leaf litter, approximately 1 metre from the side of Greg)
- vii. Green and black backpack, the contents of which included:

- Metal drink container, with liquid (tested: no common drugs identified)
- utility knife
- a paracetamol bottle containing various pills (no illicit drugs found when analysed, one tablet confirmed as paracetamol)
- Valium (diazepam 5mg) blister pack (of which there were 22 tablets missing from 35)
- Temazepam x 1
- Ibuprofen x 10
- Medion E4002 brand mobile phone
- Telstra sim card
- USB's
- Micro SD Card
- Orange and mango juice bottle containing orange-brown liquid (when analysed, only caffeine identified)

### ***The adequacy of the Police Search***

141. I have set out in some detail the dates of the police searches and some of the actions taken by individual officers and those supervising them and coordinating the search efforts. That is because it is only by viewing the evidence as a whole, and as a result of the painstaking work of the Officer in Charge, Detective Senior Constable Gary Sheehan that I have been able to appreciate that police did hold grave fears for the safety of Eeva and Greg, even by 12 January, and they did commit significant resources and effort to finding Greg and Eeva. In all of the circumstances, I am not critical that they were not able to locate the bodies before 28 January. That is so, even though the bodies were ultimately found relatively close to the original search sites.
142. Detective Sheehan had a particularly difficult task in piecing the evidence together, because many of the senior officers involved had left the NSW Police Force by the time the brief came to be prepared. Some of those officers had retired, but others left because of the stress of the job and the difficulty of the sad and hard work they are forced to do. It was clear to me that some of the officers involved in the search for Eeva and Greg were deeply affected by the discovery that both had died.
143. After careful consideration of the evidence, the officer in charge, Detective Senior Constable Sheehan, was not critical of the work of police. I share his view.
144. There was one issue, however, that was highlighted in the evidence that revealed room for improvement in the police resources related to missing persons. A number of police were taken to the Standard Operating Procedures (SOP's) on Missing Persons that were operating in January 2014. The definition of missing person is "anyone who is reported missing to police, whose whereabouts are unknown, and there are fears for the safety or concern for the welfare of that person". The SOP's require that when a person is reported missing, police go through a checklist of questions (including whether the person suffers from a mental illness and has previously tried to harm

themselves or suicide) and complete a risk assessment. That process was not attempted in any coordinated or formal way after Eeva and Greg were reported missing.

145. There were two reasons why the checklist and risk assessment were not done. First, many of the involved police were not aware of the requirements in the SOP's. Second, the initial report was recorded as a "concern for welfare" and was seen more as the failure to return a child in the context of a custody dispute, as opposed to something more sinister. There is no doubt that the gravity of the circumstances were not entirely obvious early in the incident, since Greg had failed to return Eeva previously, had been polite to Michelle Dorendahl in recent texts and emails and lived with his mother in a house that was orderly. However, a focused checklist and risk assessment may have highlighted the significance of Greg's deteriorating mental health from an early stage.
146. As a result of the evidence I heard, I will make recommendations directed at amending relevant policy documents and then training police on their existence.

### ***Identification***

147. The identification of Greg and Eeva was achieved through a DNA analysis of the bones found at the scene.

### ***Cause of death – Eeva Dorendahl and Gregory Hutchings***

148. Between 11 January 2014, when Greg and Eeva were last seen, and 28 January, when their bodies were found, there were 17 days and nights where they were exposed to the elements. The passage of time meant that the bodies were in an advanced state of decomposition, and had been subjected to animal predation and insect infestation, that has interfered with the ability to determine a cause of death. Despite the circumstances, limited autopsies were conducted.
149. Although there were no blood samples available for toxicology, there is some circumstantial evidence suggesting that drugs may have been involved in one or both deaths. In February 2014, Crime scene officer Sergeant Carroll sent liquid samples from a metal drink container and from an orange and mango juice bottle to the Forensic and Analytical Science Service for testing. The results show that there were no common drugs detected, except caffeine in the orange and mango juice bottle. As noted above, in the area around the bodies and in Greg's backpack, police found a packet of Valium/diazepam (with 22 missing from 35) and a bottle containing various pills, including 1 temazepam, 10 Ibuprofen, 1 paracetamol and other pills that toxicology experts have not been able to identify. Greg was prescribed both Valium and Lexapro (an antidepressant) at the time of his death. I received an expert report from toxicologist, Professor Alison Jones. Her evidence is that the drugs found at the scene (diazepam, temazepam, ibuprofen and caffeine), might, in combination,

and at a particular quantity, prove fatal. In the absence of post mortem sample results, it is not possible to be any more definitive.

150. In the leaf litter approximately one metre to the side of Greg were two utility knife blades, both rusted. An empty packet of razor blades was also located nearby. There were no blood stains on those knives or the razor blades. There were no cuts, tears or bloodstains to the clothing of either Greg or Eeva.
151. Eeva was wearing underpants, striped shorts and a striped rash shirt, and there were no obvious signs of wounds or injuries to her (statement of Sergeant J Carroll, crime scene officer). Forensic Pathologist, Dr Allan Cala, completed a paediatric autopsy for Eeva on 30 January 2014. He concluded that the direct cause of death was “undetermined”. Dr Cala’s summary of the circumstances of death includes that there was “[n]o features of sharp or blunt force trauma. No bloodstaining was evident on the neck hem area of the rash shirt worn by the child. A life threatening injury to the neck (cut throat) can be reasonably excluded on that basis”. He writes:

"The cause of death is unknown but given the circumstances surrounding the death, foul play is presumed to have occurred. This might have taken the form of deliberate smothering, manual strangulation or drug toxicity from an unknown substance. Blunt or sharp force injury such as from stabbing or bludgeoning causing death could be excluded based on an absence of any bony or other evidence, e.g. stab wound defects in clothing which would be expected."

152. Dr Allan Cala conducted an autopsy for Greg on 30 January 2014 and concluded that the direct cause of death was “presumed drug overdose”, this being a speculative cause seemingly based on medications present at the scene. Elsewhere in his statement he wrote that there was “no obvious cause of death”.
153. As with Eeva, the state of decomposition did not allow for any toxicology so it is not possible to determine whether Greg consumed any drugs and in what quantities, in order to bring about his death. There were no internal organs identified for examination in any of the body cavities. No samples were available for toxicological testing.
154. Greg’s clothing, particularly the t-shirt and shirt, showed no evidence of bloodstaining. That suggests there was no trauma to the neck at the time of death. Post mortem X-rays showed no evidence of projectiles or other abnormalities.
155. After examining the evidence carefully, I am still only able to find that the medical cause of death for both Greg and Eeva is “unknown”.

### **Time of death for Eeva and Gregory**

156. Dr Cala indicated that time of death for Eeva and Gregory cannot be ascertained with any certainty given the state of the remains. With respect to

Eeva, he opined that “[i]t is clear that considerable time (many days to several weeks) had elapsed after death leading to discovery. The approximate 17 day interval between when the child was last seen alive and when she was found could account for the degree of decomposition and near skeletisation given the time of year (summer) with heavy insect and animal activity known to occur during warmer months.”

157. In an effort to refine the time of the deaths, I received an expert report from Forensic Entomologist, Dr Beryl Morris. Dr Morris examined samples of the insects found with the remains, and considered them along with relevant factors such as the general leaf litter and terrain, clothing, flora and fauna, temperature and rainfall. Dr Morris opined that the “the stage of decomposition of the deceased and insect life stages identified suggest a post mortem interval of 7-17 days. There is no entomological evidence to contradict a hypothesis that the individual(s) died on the day of their disappearance with fly infestation occurring shortly afterwards”.
158. Having considered all the expert evidence available, I am satisfied that Eeva and Greg died at some time between 11 to 18 January 2014. Given that they had no additional food source and Greg did not access his phone or bank account, or communicate with others, there is evidence to suggest that they died within a day or two days of their disappearance, but I cannot find that definitively. I can be satisfied, on the balance of probabilities, that they had died within a week of their disappearance.

### ***Manner of death***

159. Although I cannot be sure of the exact medical cause of death, I am satisfied of the manner of death with respect to both Gregory and Eeva, to the requisite standard applicable in the Coroner’s Court.
160. The standard of proof to be applied by the coroner in an inquest or inquiry is the civil standard of the balance of probabilities. It is generally accepted that before making a finding of suicide, the coroner should apply the *Briginshaw* standard, that is proof of the act in question must be clear, cogent and exact (*Briginshaw v Briginshaw* ((1938) 60 CLR 336). According to the learned authors of *Waller’s Coronial Law and Practice in New South Wales*), “it is often said that there is a presumption against suicide”. Certainly suicide cannot be presumed, but must be proved by the evidence: *R v Coroner for City of London, Ex parte Barber* [1975] 1 WLR 1310” (see Abernathy et al, 4<sup>th</sup> edn, 2010, p 218).
161. With respect to Eeva, I am satisfied on the balance of probabilities that Greg caused her death, by some means, possibly by using the drugs that he had taken with him to cause her to overdose. In forming that view, I have taken into account the following:

- i. Greg's history of depression and anxiety;

- ii. The fact that Greg had previously been so overwrought after a relationship breakup that he had cut his own neck and wrists;
- iii. The fact that Greg's anxiety was focused on Eeva being taken away by Michelle Dorendahl and not returned, and the fact that he was due to return her on 9 January 2014;
- iv. The evidence from psychologist, Sandra Lundbergs and general practitioner, Dr Shawpan, demonstrating Greg's deteriorating mental health from around September 2013.
- v. The fact that Greg did not see his general practitioner or psychologist, after November 2013, and so did not have any mental health support at the time he and Eeva disappeared;
- vi. The evidence of Greg's former employer that he had stopped coming to work after September 2013, because he was so consumed with anxiety and stress as a result of the Family Court proceedings;
- vii. The evidence of Pamela Schuberg, Emma Schuberg and Joshua Barnes, that although Greg could behave as very gentlemanly and was a caring and clever man, there were times when he was erratic and behaved in a violent manner that was out of character and frightening;
- viii. The presence of drugs at the scene;
- ix. The fact that Greg did not contact family or friends, or access his phone or bank account, after he and Eeva went missing;
- x. The oral and written evidence of Kim Ora, forensic psychologist, as to why someone who loves their child is capable of killing them;
- xi. The oral evidence of Kim Ora that even if, as Diana Hutchings explained, Greg was happy over Christmas and New Year when he had time with his daughter, his mood would fluctuate and the times when he was not with Eeva he would be preoccupied with that situation and would be stressed, anxious and distressed as a result. Once he had to give Eeva back to her mother, he realised that this situation (his desperate anxiety over the custody issue) was not necessarily going to change positively in the near future;
- xii. The absence of other plausible hypothesis, given there is no evidence of involvement by anyone else and Eeva's body was found beside Greg's body meaning she had not moved away.

162. With respect to Greg, I am satisfied that the circumstantial evidence available proves that he did end his life, probably by taking a drug overdose. I rely on the same circumstances as set out above that are relevant to Eeva's manner of death.

163. It may be that Greg initially took Eeva with a plan to hide out for a period of time, before deciding what to do. That would explain why he packed his bank cards and passport. However, I am satisfied that at some stage, he formed a view that he could not keep living and could not return Eeva, and so he put into place a plan that resulted in both of their deaths.

164. The evidence of Kim Ora is helpful in explaining why someone who loves his daughter is capable of taking her life, and his own. In her "Psychological Review", Ms Ora reviewed the available evidence and noted that (Report, p7):



“Overall, it appears that Mr Hutchings had a history of significant instability, recreational drug use and alcohol abuse. This drug use impacted significantly on his lifestyle and resulted in the loss of his drivers licence and job. He had a history of serious self-harm acts in the context of drug intoxication and relationship breakdowns, had previously threatened self-harm to Ms Dorendahl, had expressed his distress about his situation to his doctor in relation to the custody situation and had previously mentioned to his friend Mr Barnes that he had been thinking about a murder-suicide scenario. Mr Barnes stated that Mr Hutchings was negative, egocentric and prone towards drama which are attributes reflected in his [family law] affidavits and also relevant to his decision in this case.”

165. Kim Ora outlined research and clinical experience with respect to two primary typologies for conceptualising motives in what she referred to as “murder-suicide” cases, that is, primarily suicidal motives or primarily homicidal motives. In the primarily suicidal event, the victim (the child in this instance) is considered part of the offender’s self-destruction and as such part of the ‘extended suicide’. In the primarily homicidal event, children are killed in order to re-establish control over the family situation and/or in order to make the other parent of the child suffer. For both motivations, the most prevalent mental health disorder present in these offenders is depression which can occur with or without psychoses.

166. Ms Ora reported that it was challenging to determine what the particular primary motivation was in this case. She noted that there were a number of suicide risk factors in Greg’s history that would provide support for the primarily suicidal motivation. On the other hand, there was also evident a history of anger, frustration and hostility expressed about his ex-partner, Eeva’s mother, and his fear of losing his daughter. That was particularly prevalent in his mind given that he had recently told his sister Sheri Hutchings that he did not want to give Eeva back. In her record of interview with police, Michelle Dorendahl said that one reason Greg might want to kill Eeva was because he knew that would destroy Michelle. Ms Ora found that (page 8):

“This long history of emotionality associated with these issues is believed to have contributed to his decision making on that day rather than a response to a specific proximate triggering event (e.g an argument) precipitating this act. His history of depression, serious self harm acts and propensity for grand gestures when in a negative mood state, combined with a need to control this situation and ensure Eeva remained with him provide support for the motive to be more homicidal in intent.”

167. The conclusion she reached was as follows:

“It appears that Mr Hutchings’ negative orientation, emotionality, hostility and anger towards his ex-partner and fear of losing his daughter combined with a history of depression and serious self-harm acts has contributed to his decision making in early January 2014. Considering the timing of the event that occurred, Mr Hutchings personality traits, his mental health history as well as the absence of evidence to support the involvement of a third party, it appears clear that Eeva was killed by her father prior to him taking his own life as a result of his desire to

re-establish control over the family situation, rather than continuing to pursue an appropriate course of legal action to resolve these issues”.

168. In coming to these conclusions as to the manner of Greg and Eeva’s death, I have given careful consideration to the evidence of Greg’s mother (Eeva’s grandmother) Diana Hutchings. She provided multiple statements and written submissions, in which she expressed her belief that Greg would never harm Eeva and did not complete suicide. She reiterated that she, Greg and Eeva had a “lovely Christmas” and were happy over the New Year period. It was evident from her written and oral evidence that Diana Hutchings had a very negative view of Michelle Dorendahl and that she and Greg discussed the Family Court proceedings in some detail.
169. It is clear that although Greg and his mother were very close, Greg kept some things from her. Diana Hutchings gave evidence that she thought Greg was seeing a psychologist for what she thought was “stress management” but did not know that he was using Temazepam and thought that he was “very strongly against it”.
170. Diana Hutchings spoke of her son’s kind and generous nature, his sense of humour and his love for his daughter. After she gave formal evidence, I appreciated receiving the family statement from Diana Hutchings, in written and oral form, and the poems that she read out that express her relationship with her son. I accept that Greg was a man who was capable of great kindness and love. Tragically, he was also capable of taking his daughter’s life, and his own, after his mental health deteriorated so significantly towards the end of 2013 and into 2014.
171. Section 75(5) of the Act prohibits the publication of a finding of suicide unless a coroner specifically permits the publication by order. Pursuant to s. 75(6), I may only make such an order if I think it desirable in the public interest to do so. In the circumstances of this case, I do think it is “desirable in the public interest” to permit the publication of the fact that Gregory did end his own life, given the tragic circumstances of this case, that he did so after taking the life of his daughter.

#### **Findings required by s. 81(1)- Eeva Dorendahl**

172. As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the deaths occurred and make the following findings, first in relation to Eeva:

##### ***The identity of the deceased person – Eeva Dorendahl:***

The deceased person was Eeva Anna-Leena Dorendahl.

##### ***Date of death***

She died on a date between 11 January and 18 January 2014.

***Place of death***

Eeva died at Pottsville in NSW.

***Cause of death***

The medical cause of death is unknown.

***Manner of death***

Eeva died while in the care of her father, Greg Hutchings, and she died as a result of her father's actions.

**Findings required by s. 81(1)- Gregory Hutchings**

173. In relation to Greg I find:

***The identity of the deceased person- Gregory Hutchings***

The identity of the deceased person was Gregory Andrew Hutchings.

***Date of death***

He died on a date between 11 January and 18 January 2014.

***Place of death***

Gregory Hutchings died at Pottsville in NSW.

***Cause of death***

The medical cause of death is unknown.

***Manner of death***

The death was intentionally caused in that Greg Hutchings took his own life.

**Recommendations**

174. To the Commissioner of Police, NSW Police Force

That consideration be given to the following recommendations:

1. That the Missing Persons Standard Operating Procedure be amended to include advice that where a parent fails to return a child pursuant to a parenting plan or court order, and the child cannot be sighted by police, they are to be treated as a missing person.
2. That the Chapter titled "Family Law" in the NSW Police Force Handbook, be amended to include advice that where a parent fails to return a child pursuant to a parenting plan or court order, and the child cannot be sighted by police, they are to be treated as a missing person.
3. That a training package be developed to notify police of the changes to the Missing Persons Standard Operating Procedures and the NSW Police Force Handbook and the way in which it operates in practice.

## Conclusion

175. There were two family statements received into evidence. One was from Diana Hutchings that I have already referred to it. It provides a memory of Greg in his happier moments and helps us to understand him outside the context of these tragic events.
176. The other statement was from Michelle and it is a heartbreaking account of her beautiful daughter, and the magnitude of her loss. She describes Eeva so beautifully, and told the Court of a child who was pragmatic, quirky in her own adorable way and with a great sense of humour. She was an adored member of the small Noosa Hinterland community, loved by her family day care teacher, and other children and families. She practiced gymnastics and loved animals, and the beach and her travels to see different countries and cultures. She was excited to become a big sister. She was deeply loved and is deeply missed. It is a shocking tragedy that her life was taken.
177. I thank Detective Senior Constable Gary Sheehan for the fine job he did in preparing for this inquest.
178. I thank my Counsel Assisting, Ms Dwyer and her instructing solicitor, Ms Geddes for their excellent work before and during the inquest.

I close this inquest.

**Magistrate Teresa O'Sullivan**  
A/State Coroner  
26 March 2019