
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : SARAH HELEN LINTON, DEPUTY STATE CORONER
DELIVERED : 27 OCTOBER 2023
FILE NO/S : CORC 75 of 2021
DECEASED : WEBER, PETA SIMONE

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Mr J Tiller assisted the Coroner.

Case(s) referred to in decision(s):

Nil

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Sarah Helen Linton, Deputy State Coroner, having investigated the death of **Peta Simone WEBER** with an inquest held at Perth Coroners Court, Central Law Courts, Court 85, 501 Hay Street, Perth, on 15 August 2023, find that the identity of the deceased person was **Peta Simone WEBER** and that death occurred or about 22 June 1997 in the vicinity of Albany, Western Australia, as a result of an unknown cause in the following circumstances:*

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INTRODUCTION

1. Peta Weber was reported missing to police on the morning of Sunday, 22 June 1997, by her husband Richard Weber.¹ Richard told the police he had last seen Peta at the Gap, a popular tourist location with a natural bridge and blowholes on the coastline near Albany, Western Australia. The Gap is well known to present dangers to the unsuspecting visitor, due to high seas and windy conditions.²
2. At the time of her disappearance, Peta had been living with her husband and two children, John Weber and Abigail Weber in Broughton Street in the town of Albany. Abigail is the child of both Peta and Richard, and John is Peta's child from her previous marriage to Andrew Hindge.³
3. Peta and Richard had been married since November 1993 and the evidence indicates their marriage was troubled. They had separated for a period in November 1996, with Peta moving out of the family home for about six months, before she moved back into the family home in April 1997. At the time of her disappearance, they had only been back living together for a couple of months. There was evidence that from that time, Richard was charging Peta rent and money for food, and they were no longer sleeping in the same bed. In addition, there was evidence before me that Peta had told other people that she was planning to leave Richard again.⁴
4. Immediately prior to Peta's disappearance, Richard had arranged for his mother, Janina Weber, to look after the two children overnight on Saturday, 21 June 1997, reportedly so he and Peta could go fishing at the Gap. The two children were dropped off at Richard's mother's house at about 5.30 pm on the Saturday night. It is unclear whether Peta was in the car then, and the last confirmed sighting of Peta was earlier that day when she left a friend's home. No one other than Richard has reported seeing Peta after that time.⁵
5. At about 7.25 am on the Sunday morning, Richard flagged down a car in the vicinity of the Gap and asked the occupants to drive him to a location with mobile phone coverage so he could telephone the Albany Police. Richard was driven towards Albany townsite. When he got reception, he called police and made the missing person report to police in relation to Peta, saying he had last seen Peta at about 7.00 am at the Gap when they were both fishing off some rocks. She had said she was going to the toilet and would be back in a minute. She never returned.⁶
6. Police officers met Richard at the Gap and their suspicions were quickly raised that Richard's version of events might not be truthful and he might be involved in her disappearance. Within hours of the initial police report, police also received an anonymous telephone call alleging that Richard had killed Peta by pushing her off the

¹ I will refer to them by their first names, to avoid any confusion, given there are a number of witnesses with the surname Weber.

² T 9; Exhibit 1, Tab 2.1.

³ Exhibit 1, Tab 2.1.

⁴ Exhibit 1, Tab 2.1.

⁵ Exhibit 1, Tab 2.1.

⁶ Exhibit 1, Tab 2.1.

Gap. From the Sunday she went missing, Peta's disappearance was treated as a suspected homicide and a criminal investigation was commenced by Albany Detectives, in addition to a full land, sea and air search. No sign of Peta was ever found.

7. While Richard remained a significant person of interest in Peta's disappearance, no evidence was found that was considered sufficient to lead to a charge against him. While the police investigation was still ongoing, Richard died by way of suicide after shooting himself with a firearm in Albany on 29 June 2000, following the breakdown of a new relationship and within days of the third anniversary of Peta's disappearance. That effectively ended the criminal investigation into Peta's disappearance, although a missing person investigation has continued.⁷
8. In recent years, a comprehensive report outlining the full extent of the police investigation into Peta's disappearance was provided by Detective Sergeant Shane Russell from the Cold Case Homicide Squad to the State Coroner. On the basis of the information provided by the WA Police in relation to Peta Weber's disappearance, I determined that pursuant to s 23 of the *Coroners Act 1996* (WA),⁸ there was reasonable cause to suspect that Peta had died and her death was a reportable death. I therefore made a direction that a coroner hold an inquest into the circumstances of the suspected death.⁹
9. I held an inquest at the Perth Coroner's Court on 15 August 2023. The inquest consisted of the tendering of documentary evidence compiled during the police investigation conducted into Peta's disappearance, as well as hearing evidence from two police witnesses who were involved in the investigation. Due to the passage of time, many of the other key witnesses were not able to be called to give oral evidence. In particular, Peta's husband, Richard, is deceased.
10. At the end of the inquest, I indicated that I was likely to be satisfied beyond reasonable doubt on the evidence that Peta Weber is deceased, and that she died on or about the date of her disappearance in June 1997. As to any other conclusions, there is a considerable body of evidence to suggest Peta met with foul play, and I set out that evidence and my findings in that regard below.

BACKGROUND

11. Peta was born on 29 February 1972, so she was 25 years old at the time she went missing. She grew up in Western Australia with three siblings and appears to have had a quite difficult childhood, moving for a time as a teenager to live with relatives due to problems at home after her parents separated.¹⁰
12. Peta married her first husband, Andrew Hingde, in 1989 when she was very young, being only about 17 or 18 years old. She gave birth to their son John in July 1990. The

⁷ Exhibit 1, Tab 2.1.

⁸ Having been assigned that function pursuant to s 7(2) of the *Coroners Act*.

⁹ Section 23 *Coroners Act* Direction of Deputy State Coroner.

¹⁰ Exhibit 1, Tab 6.

couple separated approximately six months after John's birth, allegedly due to violence in the marriage, and they later divorced.¹¹ After their separation, their son John lived with Peta and saw Andrew on weekends.

13. Peta met her second husband, Richard, after she separated from Andrew. She was about 20 years old at the time. Richard and Peta married about a year after they met, on 15 November 1993, and Peta changed her name to Weber. It was the second marriage for both of them, but Richard had no children from his first marriage.¹² Peta and Richard's daughter, Abigail, was born on 28 June 1995.¹³
14. The family of four lived together in Albany. Peta's cousin and close friend, Simone Hayden, recalled Peta told her that initially the marriage was really good. However, problems then developed and Richard would allegedly lock Peta in a room, yell at her and threaten her. Peta also told Simone that Richard didn't like her son John and he would be violent towards John and make him stay in his room.¹⁴
15. Simone visited Peta in Albany around the start of 1996. The visit was planned for two weeks, but Simone and her daughter went home early after Simone felt uncomfortable due to what she saw of Peta and Richard's relationship and "didn't like the atmosphere."¹⁵ Simone stated that "Peta had to do everything she was told and Richard kept putting her down."¹⁶ She later gave examples of coercive control in the relationship, with Richard restricting Peta's access to money and ability to go out alone, and also controlled how she behaved within the home. Simone did not personally witness any physical violence, but she believed it occurred behind closed doors. Simone told police she noticed Peta had bruises on her arms, but Peta wouldn't tell Simone where she got them from and kept changing the subject.¹⁷
16. Significantly, Simone also recalled during this visit that they visited the Gap but Peta wouldn't get out of the car, saying "she didn't like it."¹⁸ The others in the group, including Richard and Abigail, all got out of the car and had a look, but Peta did not.
17. After Simone's visit to Albany, she remained in contact with Peta primarily via letters and also the occasional phone call. In her statement to police, Simone said that around July 1996, Peta rang Simone, and said she and Richard were having problems. Simone asked Peta if she would like to come and stay with her in Perth, and Peta agreed without hesitation. Simone remembered that Peta saw an old friend, John Waghorn, on a casual basis while she was in Perth and she told Simone she was thinking of leaving Richard permanently.¹⁹ Peta then returned to Albany and Peta and Richard formally separated sometime about August 1996. Peta told Simone at the time that Richard had said she could leave but she would have to leave Abigail behind. He reportedly told Peta that his grandmother was dying and she could have Abigail once his grandmother

¹¹ Exhibit 1, Tab 2.1 and Tab 5 and Tab 6.

¹² Exhibit 1, Tab 7.

¹³ Exhibit 1, Tab 2.1 and Tab 6.

¹⁴ Exhibit 1, Tab 6.

¹⁵ Exhibit 1, Tab 6, p. 2.

¹⁶ Exhibit 1, Tab 6, p. 2.

¹⁷ Exhibit 1, Tab 6.

¹⁸ Exhibit 1, Tab 6, p. 2.

¹⁹ Exhibit 1, Tab 6.

had died. They signed some paperwork and Peta then moved to live in Perth, near Simone, with her son John. Abigail remained in Albany with Richard.²⁰ Simone recalled that Richard's grandmother died about a month and a half later, but Richard wouldn't let Abigail then come to Perth to live with Peta.

18. More recently, Simone recalled that Peta had actually not rung, but unexpectedly arrived in Perth with her son John. Peta told Simone that she had left Richard after years of physical and emotional abuse within their marriage and the terms of her leaving was that she could take John, but Richard would not let her take Abigail. Peta found a duplex to rent for herself and John, and she would travel back to Albany to visit Abigail. Simone recalled that Peta tried very hard to reach a fair custody arrangement in relation to Abigail, but Richard was not open to discussion. Richard made it clear he considered the only resolution was for Peta to return to the marital home.
19. The documentation shows that there were indeed Family Court proceedings in relation to custody of Abigail around this time, which were ultimately resolved by orders of the Family Court dated 28 April 1997. The couple agreed to a shared custody arrangement as part of those orders.
20. There was evidence before me that while Peta had agreed to the shared custody arrangement, she was concerned how it would operate as it required regular travel between Perth and Albany. In the end, it seems that around the time the orders of the Family Court were confirmed, Peta returned to Albany to live with Richard.
21. Peta told Simone she was no longer in love with Richard and was fearful of him, but she had decided to return to Albany and try again at their marriage, so she could have both her children together. Simone recalled Peta told her that the terms of her return was that they would initially have separate rooms while they tried to rebuild their relationship. Simone said she begged Peta not to return to the marriage, as she had deep concerns for Peta and John's safety. However, Peta made the decision to go back to Albany around Easter/April 1997 after a short visit home. Peta told Simone that she "wanted to try again for the kids' sake."²¹
22. Janina Weber, Richard's mother, paints a different picture of her relationship with Peta and the children and Peta's reasons for going to Perth. Janina told police in 2016 that she had bonded with Peta when they first met as she was aware that Peta had grown up in a dysfunctional family and had not had a good life. Janina felt that she and Peta became like mother and daughter and were very close for the first five years. At that early stage, Janina thought Peta was a good wife and a very good daughter-in-law. After Abigail was born, Janina felt Peta became restless and Peta told Janina that she had postnatal depression. Peta reportedly said she wanted to go to Perth to 'sort herself out' and Janina supported this plan, but she later found out that Peta had run into her old boyfriend, John Waghorn, when he was visiting his mother in Albany, and it seems Janina came to believe Peta had wanted to go to Perth to see John Waghorn.²²

²⁰ Exhibit 1, Tab 2.1.

²¹ Exhibit 1, Tab 6, p. 4.

²² Exhibit 1, Tab 7.

23. Janina also told police that she found out that Peta had been shoplifting before she left Albany and she believed Peta had also taken money from Janina's wallet during a visit. Peta reportedly blamed her actions on postnatal depression. It is clear that Janina and Peta's relationship deteriorated from that point onwards. Janina told police that while Peta was in Perth, she was drinking alcohol, partying and taking drugs and she did not think Peta was being a good parent to her son John.²³
24. Janina told police in 2016 that after she moved back to Albany, Peta never came to see Janina on her own anymore, and when she visited with Richard, she would not look at her or talk to her. Janina believed Peta had returned as her relationship with John Waghorn had ended and she "had nowhere else to go,"²⁴ but she was not happy being back with Richard.²⁵
25. John Waghorn spoke to the police shortly after Peta's disappearance and told them he had known Peta for many years but had never met her husband Richard. Peta had confided in Mr Waghorn about her marriage problems at various times, and while she was living in Perth in late 1996 she spoke to him regularly on the phone and saw him a few times. They principally spoke about Richard being controlling towards her, in terms of what she did and who she saw, and also not allowing her to own anything. Mr Waghorn admitted he had previously had sex with Peta, but denied having sex with her at any time while Peta was married. Mr Waghorn acknowledged Peta had expressed a desire to have a relationship with him while she was separated from Richard, but he had made it clear he didn't want to take their friendship further. Mr Waghorn recalled a telephone conversation with Richard in January 1997, when Richard was looking for Peta, but he did not remember the call as being threatening. However, Peta told him that Richard had made threats to her that he might harm Mr Waghorn's family. Mr Waghorn did not take the threat seriously. Mr Waghorn last spoke to Peta on 24 May 1997. She rang him to tell him that she had gone back to live with Richard in Albany "because she couldn't bear to be away from her daughter and she couldn't afford to commute from Perth"²⁶ to see her.
26. There were obvious practical and financial difficulties to making the custody arrangement work with Peta living in Perth and Richard in Albany. Richard had controlled all of their money when they were together, and it seems he had a significant amount of money available to him, both from his work as a sheet metal worker, but also allegedly as a result of drug dealing activities (growing and selling cannabis). Peta, on the other hand, does not appear to have had employment while married to Richard.²⁷ Accordingly, for what appears to have been both financial and personal reasons, Peta returned to Albany and the marital home.

²³ Exhibit 1, Tab 7.

²⁴ Exhibit 1, Tab 7 [32].

²⁵ Exhibit 1, Tab 7.

²⁶ Exhibit 1, Tab 16, p. 3.

²⁷ Exhibit 1, Tab 27.

EVENTS IMMEDIATELY PRIOR TO DISAPPEARANCE

27. At the time of her disappearance, Peta was back living in the house in Broughton Street, Albany, with Richard and her children John and Abigail.²⁸ However, there is evidence that the relationship was still troubled.
28. A mutual friend of Peta and Richard, Ian Campbell, recalled seeing both Peta and Richard in May 1997 on separate occasions. He first ran into Peta at the shops, and Peta told Mr Campbell, “Richard is trying to poison me with Ratsack [sic].”²⁹ Not long after, Mr Campbell had a similar conversation with Richard, who told him that Peta was trying to poison him with Ratsak. It wasn’t long after these two conversations that Peta disappeared.³⁰
29. Peta spoke to her cousin Simone about three weeks before her disappearance. Peta rang Simone and “sounded really down.”³¹ Peta told Simone that she and Richard were no longer sleeping together and Peta now slept in her daughter’s room. Simone asked her what Richard thought about that, and she said he wasn’t very happy about it but she wasn’t going to change her mind. Simone was aware that Richard had suggested that they have another baby, as it would bond their relationship. Peta had looked into having her tubal ligation reversed by a specialist, but Simone wasn’t sure how far she had progressed.³²
30. Peta also said that Richard was charging her rent and food expenses, as he owned the house. Peta was unemployed at the time. During the conversation, Peta mentioned that she had recently gone out with Richard and he had ignored her the whole night and flirted with other women, kissing them in front of her.³³
31. Richard’s mother, Janina, agreed that there were problems in Richard’s and Peta’s relationship, but she blamed Peta for the difficulties. Janina told police that Peta didn’t do any house work after returning to Albany and the house was filthy. She also told police Peta was always angry and abusive towards her son John, although not to Abigail as Richard wouldn’t allow it. Janina said that Richard had confided in her that when Peta and Richard had sex, Peta used to make him pay money.³⁴
32. Simone referred to receiving a letter from Peta after their phone conversation. Peta indicated “things weren’t fine”³⁵ but Simone thought Peta seemed okay. She then received another letter from Peta. The tone of the letter was out of character for Peta. Simone recalled it “was very harsh and to the point on everything.”³⁶ Peta stressed she missed Simone and wanted to be in Perth.

²⁸ Exhibit 1, Tab 2.1.

²⁹ Exhibit 1, Tab 12, p. 3.

³⁰ Exhibit 1, Tab 12.

³¹ Exhibit 1, Tab 6, p. 4.

³² Exhibit 1, Tab 6.

³³ Exhibit 1, Tab 6.

³⁴ Exhibit 1, Tab 7.

³⁵ Exhibit 1, Tab 6, p. 5.

³⁶ Exhibit 1, Tab 6, p. 5.

33. A young woman, who I will refer to as Ms B, had become involved with Richard while he and Peta were separated. Ms B told police she remained in contact with Richard after Peta returned home in around April 1997 and thought she was falling in love with him. On 16 May 1997, the woman recalled being at Richard and Peta's home and they were all drinking. That evening, Ms B recalled that Peta made sexual advances towards her and she ended up having a 'threesome' with Richard and Peta, during which time the young woman had sexual intercourse with Richard. When she spoke about it with Richard the next day, Ms B told Richard it wasn't something she had expected to happen and he said it wasn't the type of thing the couple normally did. Ms B continued to see Richard over the next few weeks and she stayed the night at the house in Broughton Street again on 14 June 1997, although no sexual activity occurred on this occasion. She recalled Peta and Richard seemed to be getting on okay that evening. Richard took Ms B home the next day and she stated they engaged in consensual sexual activity in the car.³⁷
34. One of Richard's workmate, Bradley Carroll, told police that he had gone fishing with Richard and Peta at the Gap on Sunday, 15 June 1997, which was a week before Peta's disappearance and the same day that Richard had dropped Ms B home and engaged in sexual activity with her. Mr Carroll said they had dropped John and Abigail at Richard's parents' place in the late morning and arrived at the Gap at about midday. They set up to fish at a spot about a 30 minute walk from natural bridge, on a big flat rock. Mr Carroll and Peta fished off handlines, with Peta going down the rock to fish in a little rock pool. Richard called out to Peta to be careful, but it seemed to Mr Carroll that she was being very careful. They finished fishing at about 3.00 pm and returned to collect the children and go back to Peta and Richard's home.³⁸
35. During the following week, Richard told Mr Carroll that Peta was talking about leaving him again. Richard told Mr Carroll that he wanted them to stay together for the sake of the children, although it was unclear if he was angry or upset at the time.³⁹
36. Peta's close friend Tracey Holden, had known Peta before she began a relationship with Richard. Ms Holden described Richard as "a possessive, overpowering person, particularly when it comes to Peta and their kids."⁴⁰ This had affected her relationship with Peta, but they had become close again in February/March 1996. Ms Holden was aware Peta left Richard and moved to Perth with her son John in about November 1996. Peta told Ms Holden later that one of the main reasons she left Richard was because he was physically and mentally hard on John. Ms Holden also understood that Peta tried to initiate Family Court proceedings to get custody of Abigail while she was in Perth, but she eventually returned to Albany around 5 April 1997 and moved back in with Richard.⁴¹
37. From the time Peta returned to Albany in April 1997, she would visit Ms Holden at her home nearly every day while John was at school, although she would usually

³⁷ Exhibit 1, Tab 13.

³⁸ Exhibit 1, Tab 10.

³⁹ Exhibit 1, Tab 10.

⁴⁰ Exhibit 1, Tab 18, p. 1.

⁴¹ Exhibit 1, Tab 18.

return home to be there when Richard came home for lunch.⁴² On Friday, 20 June 1997, Peta went to Ms Holden's house and then went home in the afternoon as usual. Then, at about 7.30 pm that evening, Peta, Richard, John and Abigail came to Ms Holden's house for dinner. They had arranged for Ms Holden to look after the two children that night, but Peta had told her that Richard wasn't happy about the arrangement, so in the end Peta and Richard only went out for a short time on their own, before returning to Ms Holden's house. They shared some pizza and drank some alcohol, then at about 1.30 am, they all went to bed. In the morning, Richard took John to junior football while Peta and Abigail stayed with Ms Holden. Richard then returned and collected Peta and Abigail mid-morning. That is the last time Ms Holden saw Peta. Peta did not mention going fishing the next day at the time she left. Ms Holden had understood that Peta would usually only go fishing with Richard when John was going too.⁴³

38. Ms Holden told police that in the couple of weeks before she disappeared, Peta had told her that as soon as she had paid off her bills, she was going to leave Richard and move in with Ms Holden. Peta had been paying Richard rent to live in Broughton Street since returning from Perth. On the morning of 21 June 1997, Peta had been discussing with Ms Holden how she would arrange her room when she moved in. She also mentioned that she had been planning to have an operation to have her tubal ligation reversed, but she no longer wanted to go through with it as she didn't want to have another baby with Richard. Peta said she was no longer sleeping with Richard at that time.⁴⁴

LAST REPORTED SIGHTING

39. Peta's son, John, remembered being dropped with his sister to his step-grandmother Janina's house on the Saturday before his mother disappeared by Richard in Richard's VK 'Brock' Holden Commodore sedan. Richard was the only person who ever drove this vehicle. Peta, in particular, did not drive it as the Commodore was a manual car and Peta did not have a manual car licence.⁴⁵ Peta drove a Magna, which was usually parked next to the Commodore, but on this particular morning her Magna was not there.⁴⁶
40. Janina Weber told police in 2016 that she did not remember when Richard dropped John and Abigail at her house, although she did agree she was looking after them both on the day that Peta disappeared. Peta's son, John, also remembered that it was Richard who dropped them off there, and not his mother. Janina told the police she understood she was looking after the two children so Richard and Peta could go fishing. Janina said both Richard and Peta loved fishing and they used to fish a lot. Janina told police she thought Richard was trying to rekindle his relationship with Peta

⁴² Exhibit 1, Tab 18.

⁴³ Exhibit 1, Tab 18.

⁴⁴ Exhibit 1, Tab 18.

⁴⁵ T 21.

⁴⁶ Exhibit 1, Tab 4.2.

and he saw going fishing as a way of bringing them closer together, as they reportedly used to fish a lot when they first met.⁴⁷

41. The missing person report taken by an officer at the Albany Police Station records that Richard provided information that he and Peta had dropped their children off to Richard's mother's house, although the evidence supports only Richard having definitely dropped them off. Richard then reported that that he and Peta got up around 5.45 am and left the house on the Sunday morning at about 6.15 am. They travelled to the Gap to go fishing in Peta's Magna, with Peta driving. He reported they arrived at about 6.45 am and shortly after their arrival, Peta stated she was going to the toilet and she has not been seen since about 7.00 am. The report was made at 7.30 am the same day.⁴⁸
42. Andrew Hindge (now deceased), John's father and Peta's first husband, lived in the same street as Peta and Richard and he told police in 1998 that he recalled the morning Peta disappeared as he was sitting outside his home having a cup of coffee at about 5.40 am when he saw Richard's distinctive V8 Holden Commodore reversing out of their driveway at 8 Broughton Street. The streetlights weren't on, so Andrew thought it was odd that Richard's car had no lights on, and he noted the headlights remained off as the car drove around the corner and out of his sight. Andrew knew Richard's car, was his prized possession and he did not let anyone else drive it, so although he could not see the driver, he assumed it was Richard driving the car. Mr Hindge said he stayed outside until about 6.30 am but did not see the car return.⁴⁹

REPORT THAT PETA WAS MISSING

43. Kathleen Dickson was travelling with her husband in the Albany area on the morning of Sunday, 22 June 1997, and they drove along the road towards the Gap at about 7.20 am. They were flagged down by a male person, later established to be Richard, who was waving madly. Ms Dickson recalled Richard "appeared exhausted and concerned."⁵⁰ He asked them if they had seen a woman walking along the road, and they told him they hadn't seen anybody at all. Richard asked them if they could drive him up the road so he could use his mobile phone, as it was not in range and he needed to call police as his "missus is missing."⁵¹ Mr and Mrs Dickson let Richard into the car and he told them that he was fishing on the rocks and his wife had gone to the toilet. He didn't see her return for five minutes, so he went looking for her. He also said, "One time before, my wife had left me like this and gone fishing in another place."⁵²
44. The Dickson's drove Richard back towards the main road. When they got to the turn off, Richard said he had phone coverage so they stopped the car and Richard made a phone call to the police. After making the phone call, he asked to be taken back to the carpark. On the way, Richard said words to the effect, "I will be annoyed if she was

⁴⁷ Exhibit 1, Tab 7.

⁴⁸ Exhibit 1, Tab 3.

⁴⁹ T 20 - 21; Exhibit 1, Tab 5.

⁵⁰ Exhibit 1, Tab 21, p. 1.

⁵¹ Exhibit 1, Tab 21, p. 2.

⁵² Exhibit 1, Tab 21, p. 2.

mucking around.”⁵³ Mr and Mrs Dickson dropped Richard next to what they said was a brown four door sedan in the carpark. Mr and Mrs Dickson saw the police arrive and speak to Richard at the Gap, and then spoke to the police themselves.⁵⁴

45. The original missing person report recorded by a police officer at Albany Police Station indicates Richard rang at 7.30 am and said he and Peta had dropped their two children off at his parents’ residence and they had left their home at about 6.15 am and travelled to the Gap to go fishing. They arrived at about 6.45 am and shortly after arrival Peta stated she was going to the toilet and has not been seen since.⁵⁵

LAND AND SEA SEARCH

46. A full land and sea search was immediately launched to look for any sign of Peta on the land or in the sea at or near the Gap. The large-scale search involved SES volunteers, Conservation and Land Management Staff, Albany Sea Rescue staff, civilian aircraft, Department of Transport officers, as well as police officers and other emergency services personnel. The area was reported to be searched thoroughly, but no sign of Peta was found.⁵⁶
47. In early July 1997, a dive team from the WA Police Diving Squad attended Albany and conducted an underwater search in the area of the Gap looking for any sign of Peta. This included looking for her remains if she had been weighed down and thrown from the area known as ‘Armchair’ rock, where Richard had said they were fishing. The divers were confident the relevant area was searched well, but no sign of Peta was found.⁵⁷
48. In total, a concentrated land, air and sea search was conducted for a period of three weeks, including searching underwater. Not one trace of clothing or human remains was located. According to the Dive Squad, they would have reasonably expected to find some trace if a body entered the ocean in that area.⁵⁸

ALBANY DETECTIVES INVESTIGATION

Initial Investigation

49. Commander Darren Seivwright, who attended to give evidence at the inquest, was a Detective Senior Constable based at the Albany Detectives Office in June 1997 when Peta was reported missing. He was recalled to duty by his Officer-in-Charge, Acting Detective Sergeant Trevor Evans, on the morning of Sunday, 22 June 1997, to investigate Peta’s disappearance as the uniformed police who had first attended the missing person report had suspicions around the version of events offered by Richard.

⁵³ Exhibit 1, Tab 21, p. 3.

⁵⁴ Exhibit 1, Tab 22.

⁵⁵ Exhibit 1, Tab 3.

⁵⁶ Exhibit 1, Tab 31.1 and Tab 36.

⁵⁷ T 17; Exhibit 1, Tab 31.3.

⁵⁸ Exhibit 1, Tab 36.

Concerns had been raised by an Albany uniformed police officer, Senior Constable Alan Spicer, who was formerly a detective at the Albany Detectives' Office. Senior Constable Spicer was a very experienced officer who had had previous dealings with Richard during his time as a detective in Albany as Richard was allegedly a small time distributor of drugs.⁵⁹ Det S/C Seivwright recalled that S/C Spicer was "highly suspicious of the circumstances which were being reported to him."⁶⁰ Det S/C Seivwright had no personal knowledge of Richard or Peta at that time, having only recently arrived in Albany.

50. After being recalled to duty, Det S/C Seivwright went immediately to the scene. He recalled it was a typical inclement June morning for Albany, being drizzly, rainy and windy.⁶¹ Det S/C Seivwright arrived in the carpark at the Gap and was introduced to Richard by the initial attending uniformed police officers. Det S/C Seivwright spoke to Richard and asked him to recount what had occurred. Det S/C Seivwright said he found it difficult to believe that Richard would have been fishing on this day, noting it was extremely windy and wet and it would have been dangerous to engage in any type of rock fishing in those conditions. He also recalled that Richard said Peta was wearing ugg boots at the time, which he thought was odd as it would have made it even more dangerous, given it was not the kind of terrain suitable for that kind of footwear. In addition, the spot where Richard said they had been fishing had a large drop between the rock and the ocean, and only a small ledge to fish from, which would have made it extremely challenging to retrieve a fish, if one had been caught.⁶²
51. Det S/C Seivwright remembered Richard gave a clear, concise and detailed version of certain events at first recall but then became extremely vague and unsure when Det S/C Seivwright asked him clarifying questions about his wife's disappearance. Det S/C Seivwright gave evidence this indicated to him that Richard "had rehearsed his version of events in some detail."⁶³ Richard's demeanour was also "remarkably unemotional" at the scene of the carpark. Taken altogether, Det S/C Seivwright formed the impression that Richard "was a man who was concentrating very hard on relaying to [him] a pre-rehearsed version of events"⁶⁴ and the version he was telling was not true.⁶⁵
52. Det S/C Seivwright also felt that the positioning of the Magna and Richard's fishing equipment was unusual. The car had been reversed into the parking bay and the fishing equipment was very neatly positioned at the rear of the car, underneath the rear corner of the vehicle, although Richard said he had put it there and then left it exactly that way when he went to report his wife missing. It struck Det S/C Seivwright that it was "remarkable how neatly everything had been placed in position and how perfectly parked the vehicle was."⁶⁶ Det S/C Seivwright said this added to his suspicion as the careful laying out of the fishing gear and bait was inconsistent with Richard being

⁵⁹ T 14.

⁶⁰ T 8.

⁶¹ T 12.

⁶² T 13 - 14; Exhibit 1, Tab 27.

⁶³ T 13.

⁶⁴ Exhibit 1, Tab 27 [12].

⁶⁵ T 14.

⁶⁶ Exhibit 1, Tab 27 [14].

really worried about Peta at that time.⁶⁷ Det S/C Seivwright formed the suspicion that the carpark scene appeared staged. Coupled with his suspicions that Richard was telling a rehearsed version of events, Det S/C Seivwright suspected at that early stage that Peta had met with foul play and that Richard was responsible for her disappearance.⁶⁸

53. Det S/C Seivwright said the suspicion at the forefront of his mind at that time was that Peta had met with foul play and Richard had disposed of Peta's body over the Gap.⁶⁹ Within hours of the report of Peta's disappearance, Det S/C Seivwright received a telephone call from an anonymous female person who stated something similar to, "There is no way she fell out there. She knows Albany too well. I reckon he pushed her."⁷⁰ This information was consistent with Det S/C Seivwright's own suspicions. Before Det S/C Seivwright could ask for any more details, the call was terminated.⁷¹
54. Over time, Det S/C Seivwright came to believe that it was more likely that Peta actually never made it to the Gap, but that suspicion came later. On the day of the missing person report, Det S/C Seivwright was concentrating on the "solvability factors"⁷² and he considered that if Richard had murdered Peta and disposed of her body over the Gap, there was a really strong chance of recovering the human remains. The fact that her body was never found later added to his belief Peta was never at the Gap that morning.⁷³
55. Richard had provided a signed statement to a uniformed police officer at 10.05 am on the morning of 22 June 1997, shortly after he had reported Peta missing. Richard stated that he went with Peta to the Gap to go fishing in their Mitsubishi Magna sedan, arriving at about 6.45 am, when the sun was just over the horizon. Peta parked the car in the carpark and Richard got out his fishing gear, as Peta was not going to fish. They went to a spot called the 'Armchair', which is about 200 metres to the left of the Gap, away from the bridge. Richard carried the fishing gear and Peta followed him down. They then set up on a ledge. After about 10 to 15 minutes, Peta reportedly said, "Darl I'm going to the toilet, I'll be back in a minute or soon."⁷⁴ Richard continued to fish for about 10 minutes, then became concerned as Peta hadn't returned. He claimed that a couple of weeks before, they had been fishing in the same spot and Peta had gone to fish in a different rock pool without telling him. He thought she may have done something similar, but rather than fishing, she had simply gone for a walk to the bridge or the lookout. He wound up his fishing gear and went looking for her. After looking for about 10 minutes, Richard returned to the car. Peta had the keys and the car was still locked. She was not at the car or the bridge or lookout. He tried to ring police from the carpark with his phone, but he couldn't get service, so he left his fishing gear with the car and ran up the road to try and get a signal. He flagged down a car and the couple drove him to Frenchman's Bay Road, where he managed to get a

⁶⁷ T 14.

⁶⁸ Exhibit 1, Tab 15.

⁶⁹ T 14 – 15.

⁷⁰ Exhibit 1, Tab 36, p. 1.

⁷¹ T 15 - 16.

⁷² T 15.

⁷³ T 15.

⁷⁴ Exhibit 1, Tab 25, p. 2.

service signal. Richard rang the police and reported Peta missing, then he returned to the carpark and waited for police to arrive.⁷⁵

56. An appeal for witnesses found two people who reported being in the area of the Gap on the relevant morning:
- Philip Green told police he was fishing at Cable Beach, near to the Gap, early on the morning of Sunday, 22 June 1997. He arrived at about 6.00 am, when it was still dark, and had set up to fish before 6.45 am when it became light. He recalled the conditions were poor and it was so windy and rough by 7.45 am that he began packing up as it was no longer comfortable conditions for fishing. He left and went to the carpark at about 8.00 am. He does not report seeing Richard and Peta at any time while he was there fishing, although he was in a different spot to them.⁷⁶
 - Barry Carter knew Richard and Peta and he was also at the Gap carpark at about 7.00 am on Sunday, 22 June 1997 with his two sons. He recalled seeing Richard and Peta's yellow coloured Magna in the carpark, noting it was the only car there. He did not see anyone near the car. He commented that at the time, he thought it was strange for someone to be fishing there on a day like that.⁷⁷

Interviews and search warrants

57. After providing a statement at the scene on the morning of Sunday, 22 June 1997, Richard was interviewed on video at about midday the same day. He was not cautioned at that time as it was not a formal criminal interview, but just an information gathering exercise. Richard was asked about the events that morning and also about his relationship generally with Peta. Richard was cooperative and answered all questions. The interview only lasted about half an hour.
58. Det S/C Seivwright obtained a search warrant and coordinated a search of the marital home in Broughton Street on Monday, 23 June 1997. Luminol testing was done, to look for any signs of blood, but the results were negative. Det S/C Seivwright noted the house itself was extraordinarily tidy, organised in a fastidious manner that suggested to him that it was arranged by someone who had obsessive compulsive disorder. Det S/C Seivwright recalled that Richard was unemotional during the search. Richard's Holden Commodore was not present at the house during the search. Nothing of interest in relation to Peta's disappearance was found during the search of the home.⁷⁸ However, from a psychological perspective, Det S/C Seivwright recalled being struck by how obsessively neat the house was, with everything in place and in order, in the context of other evidence that today would suggest a "coercive control type"⁷⁹ of relationship, although that language wasn't available back in the 1990's.

⁷⁵ Exhibit 1, Tab 25.

⁷⁶ Exhibit 1, Tab 19.

⁷⁷ Exhibit 1, Tab 20.

⁷⁸ Exhibit 1, Tab 27 and Tab 36.

⁷⁹ T 28.

59. Despite no evidence being found at the home connecting Richard to Peta's disappearance, Det S/C Seivwright felt strongly that Richard was still a suspect in Peta's disappearance and likely death. Det S/C Seivwright interviewed Richard as a suspect in a formal criminal interview, recorded on video, on the evening of Monday, 23 June 1997. Richard was cautioned at the start of the interview and he then voluntarily answered questions. The interview lasted a couple of hours. During the interview, Det S/C Seivwright put to Richard the allegation that he had murdered Peta, which Richard denied.⁸⁰ Richard also voluntarily participated in an electronically recorded field interview, after being cautioned again, on the morning of Wednesday, 25 June 1997 at the Gap.⁸¹
60. Richard always maintained the same version of events and denied ever being physically violent towards, or causing any harm to, Peta, although he did admit they argued often and that she was still considering moving out, leading up to her disappearance. He was asked what he thought happened to Peta that morning, and he did not volunteer any suggestions, although he did say that while she was sometimes depressed, he did not think she was suicidal.⁸² The police investigation also did not find any evidence to support a conclusion that Peta might have been suicidal or had simply walked away from her life.⁸³
61. Commander Seivwright pointed to a number of areas of particular interest during the suspect video recorded interview on the evening of 23 June 1997 that reinforced his belief Richard was involved in Peta's disappearance. Commander Seivwright noted that Richard had tried to appear untroubled about Peta's alleged affair with John Waghorn, while he believed the opposite was true, given other witness evidence that he would appear unreasonably jealous if Peta even spoke to another male at a party. He noted Richard was very vague about events on the Saturday leading up to Peta's disappearance, which was similar to his vagueness about anything other than the events at the Gap, of which he was "very precise."⁸⁴ Richard mentioned that Peta had been seeking full custody of Abigail so she could reside in Perth, and seemed to be at pains to suggest he was okay with this arrangement, which was contrary to other evidence that he had been very persistent in wanting to maintain custody of Abigail. Richard admitted that Peta had said she was leaving him and he admitted having discussions with a witness, Dean Sproxtton, about his marriage difficulties and joking about Peta almost falling at the Gap.⁸⁵
62. Commander Seivwright expressed the opinion Richard had appeared to be overplaying how well he and Peta had been getting on during the Friday night before she disappeared, and kept emphasising they had been having sex and cuddling immediately before, although this was contrary to what Peta had been telling friends, and even contrary to his own evidence at other times during the interview.⁸⁶

⁸⁰ Exhibit 1, Tab 15 and Tab 36.

⁸¹ Exhibit 1, Tab 2.1.

⁸² Exhibit 1, Tab 2.1.

⁸³ T 35.

⁸⁴ T 24.

⁸⁵ T 25 - 26.

⁸⁶ T 26 - 27.

Commander Seivwright expressed his belief that Peta had actually made up her mind that she was leaving “and that was too much for Richard and he intervened.”⁸⁷

63. During the interview, Richard admitted he was the one responsible for the obsessive order of the home. Det S/C Seivwright made reference to a popular movie of that time, “Sleeping with the Enemy,” a psychological thriller that had been released in 1991 and portrayed a young wife trying to escape her controlling and dangerous husband, although Richard had not heard of it. At the very end of the interview, Commander Seivwright said he had put directly to Richard that he had pushed Peta off the Gap, with a plan he said to try and eliminate the Gap as an actual possibility as he no longer believed Peta went there that morning.⁸⁸
64. Commander Seivwright gave evidence he had hoped for further opportunities to interview Richard about any other potential scenarios that may have occurred, but Richard never volunteered to be interviewed after that time, other than the scene video that was taken in the day or so after.⁸⁹

Approach to Major Crime Squad

65. As noted above, the area around the Gap, including the water below the Armchair, was searched thoroughly around the time of Peta’s disappearance. Commander Seivwright noted that he was involved in a number of missing person incidents in Albany over the ensuing period, where people had accidentally fallen off the rocks or come to grief whilst swimming, and all of them had led to a body resurfacing and being found a few days later. He considered the absence of any sign of Peta unusual in the circumstances, as in his experience, if Peta had gone off the Gap he would have expected her body to wash up. The Water Police Dive Squad came down from Perth a couple of weeks after the missing person report and thoroughly searched the water as part of a process of elimination, particularly if Peta’s body had been weighted down, and that’s why it had not resurfaced. Nothing was found, despite a thorough search by experienced Dive Squad officers.⁹⁰
66. Det S/C Seivwright met with officers from the Major Crime Squad in late 1997 to seek their involvement in the case and to explore every investigative opportunity available to the police to bring the investigation of Richard as a suspect to fruition or finalisation. Major Crime Squad declined the request to take over the investigation due to competing priorities. At the inquest, Commander Seivwright explained that at the relevant time, police resources were stretched due to a number of high profile murder cases, including the Claremont Serial Killings, the abduction and murder of Gerard Ross and the murder of James Godden. Commander Seivwright acknowledged the understandable public angst and anxiety at this time meant a heavy police focus on these matters, which meant that use of covert resources for other matters was a really challenging request. However, he had felt confident at the time that, with sufficient resources, there is a prospect that Richard may have been susceptible to undercover

⁸⁷ T 35.

⁸⁸ T 26 - 27.

⁸⁹ T 27.

⁹⁰ T 17 - 18.

strategies that might have led to more evidence against him. That, unfortunately, was not possible at the time.⁹¹

67. Det S/C Seivwright did pursue other possible investigative strategies available to him, including consultation with the Drug Squad, given the information about Richard's significant involvement in growing and selling cannabis, but nothing came of these options.⁹²
68. On Monday, 20 October 1997, Det S/C Seivwright arranged for Peta's case to feature on the television program Australia's Most Wanted. It had been hoped that the airing could coincide with a telephone intercept on Richard's phone, in case it prompted any relevant conversations, but the telephone intercept was unfortunately rejected.⁹³ The airing of the program did result in some calls to the Crimestoppers Information Line. One caller believed he might have seen Peta on a bus in Brisbane in October 1997 and another person believed he might have seen her in NSW at his Smash Repair Shop in October 1997. Neither sighting was able to be substantiated and the police concluded both were likely to be a case of mistaken identity.⁹⁴
69. On 3 August 1998, Det S/C Seivwright, as he then was, wrote a memorandum to the Officer in Charge of the Homicide Squad advising that it had been 13 months since Peta's disappearance and he felt that little more could be contributed to the investigation from a local detective level. He expressed his belief that Richard had wilfully murdered Peta sometime between midday on Saturday, 21 June 1997 and 7.30 am on Sunday, 22 June 1997, although he believed it unlikely that Peta died in the ocean near the Gap, either by accident or foul play. Rather, Det S/C Seivwright expressed his belief that the entire "my wife disappeared from the 'Armchair' scenario"⁹⁵ was orchestrated by Richard as a 'red herring' to divert the police attention away from what actually occurred, and he believed Richard had disposed of Peta by some other means.⁹⁶ Det Sgt Seivwright had been promoted and was transferred back to Albany around this time. He handed over the investigation to the new investigators who were arriving in Albany.⁹⁷

HOMICIDE SQUAD INVESTIGATION

70. The investigation was taken up by the Perth based Homicide Squad and reviewed in October 1998. It was noted that a comprehensive land and sea search had found no trace of Peta. A report written by Det Senior Constable Glenn Swannell at Homicide Squad identified there was a difference of opinion amongst the Albany Police as to whether some trace of Peta should have been found if she had fallen, jumped or been pushed (or thrown) into the ocean from that location.⁹⁸ Having reviewed the evidence

⁹¹ T 31 - 32.

⁹² Exhibit 1, Tab 27.

⁹³ T 36.

⁹⁴ Exhibit 1, Tab 2.1 and Tab 35.

⁹⁵ Exhibit 1, Tab 36, p. 2.

⁹⁶ Exhibit 1, Tab 36.

⁹⁷ T 38.

⁹⁸ Exhibit 1, Tab 37.1.

obtained in Det S/C Seivwright's investigation, Det S/C Swannell commented that the investigation thus far had found insufficient circumstantial evidence against Richard for a charge of wilfully murdering Peta, although it was his opinion that Richard had a strong motive to want to murder Peta, and ample opportunity to do so.⁹⁹ He concluded her disappearance was highly suspicious and all indicators point to the involvement of Richard, although there was no direct evidence to link him to her murder. Det S/C Swannell recommended further investigation and suggested a number of strategies to bring the investigation to a successful conclusion, although it was acknowledged it would be resource intensive.¹⁰⁰

71. On 30 November 1999, Detective Senior Constable Anthony Lee travelled to Perth, where he met with Detective Sergeant Kays and Det S/C Swannell at Major Crime, to discuss the possibility of reopening the investigation. On 3 February 2000, Det S/C Lee then submitted a report seeking for Det S/C Swannell's recommendations to be initiated.¹⁰¹ The request was supported and it was decided that efforts would be taken to try to obtain further evidence against Richard by possible covert means.¹⁰² Covert surveillance was conducted on Richard in the months leading up to June 2000 with a plan to develop an undercover operative strategy, but before the next phase could be implemented, Richard committed suicide on 29 June 2000, so that possible investigative avenue closed.¹⁰³

2015 STATE CRIME OPERATIONS SQUAD REVIEW

72. In December 2015, State Crime Operations Squad conducted a review of this case. Detective Sergeant Gerry Taylor was attached to the State Crimes Operation Squad at the relevant time and was one of the officers tasked with reviewing the investigation into Peta's disappearance. He explained his task was to try to determine if there was any forensic opportunity available to solve the matter that may either have been previously overlooked or might now be possible due to changes in technology, or if there were witnesses that might be able to shed further light on Peta's disappearance.¹⁰⁴
73. The investigators went through all the existing material from the original investigation in order to try to come up with any additional investigative opportunities. Det Sgt Taylor indicated that it was imperative to keep an open mind, so the review started afresh, without any preconceived notion as to what had happened to Peta.¹⁰⁵
74. It was confirmed that Peta had not been in contact with any government agencies, and had not contacted any family or friends, since her disappearance was reported.¹⁰⁶

⁹⁹ Exhibit 1, Tab 37.1.

¹⁰⁰ Exhibit 1, Tab 37.1.

¹⁰¹ Exhibit 1, Tab 2.1.

¹⁰² Exhibit 1, Tab 37.4 and 37.5.

¹⁰³ T 38 - 39; Exhibit 1, Tab 2.1.

¹⁰⁴ T 42 - 43.

¹⁰⁵ T 44.

¹⁰⁶ T 51; Exhibit 1, Tab 2.1.

75. A number of additional witnesses were identified and subsequently interviewed and statements obtained. Based upon the review, it was concluded that Peta was likely deceased.¹⁰⁷ Relying upon information from some witnesses suggesting Peta may have been killed and buried at Richard's family's farm property, two search warrants were obtained in 2016 and the property in Narrikup was searched, but did not find Peta's remains or any clothing or other personal items relating to her.¹⁰⁸ Det Sgt Taylor explained that unfortunately, over time the property had been farmed as a blue gum plantation and then bulldozed and cleared, which meant that the area that had been identified as an area of interest had been significantly altered.¹⁰⁹
76. At the end of this review, a Missing Persons alert was created in March 2016 to ensure Peta continued to be listed as a missing person in all states across Australia and internationally.¹¹⁰
77. After reviewing all of the information available at that time, Det Sgt Taylor gave evidence he believes Peta is deceased. Det Sgt Taylor found no evidence to support any suggestion Peta had simply left of her own accord and he formed the firm view that she met with foul play. Det Sgt Taylor agreed with the conclusion of the original investigating officers that Richard Weber was the only suspect in Peta's disappearance. Det Sgt Taylor was aware of Richard's suicide. He spoke to Richard's then partner, Kerrillea, who is mentioned below, and confirmed that she was leaving the relationship at the time Richard shot himself, nearly three years to the date of the anniversary of Peta's disappearance.¹¹¹
78. Like Commander Seivwright, Det Sgt Taylor expressed some disappointment at the fact that covert strategies had been unable to be fully explored in relation to Richard, first of all due to resourcing issues and then due to Richard's sudden death, as he believes it may have led to a different outcome for the investigation.¹¹²
79. Having considered all of the information obtained in the investigation into Peta's disappearance, Det Sgt Taylor formed a belief that Peta was never out at the Gap and his personal opinion is that Peta was killed somewhere else and her body disposed of at the family farm.¹¹³

2018 COLD CASE HOMICIDE REVIEW

80. On 26 November 2018, Cold Case Homicide Squad reviewed the State Crime Squad review and then conducted further investigative actions, including further proof of life checks. Checks with Centrelink and other government agencies, banking institutions,

¹⁰⁷ Exhibit 1, Tab 2.1.

¹⁰⁸ T 44 – 47; Exhibit 1, Tab 2.1.

¹⁰⁹ T 47 – 48.

¹¹⁰ Exhibit 1, Tab 2.1.

¹¹¹ T 52 - 53.

¹¹² T 53 – 55, 58.

¹¹³ T 57.

the Australian Border Force and Australian Electoral Commission had no record of Peta since 22 June 1997.¹¹⁴

81. Some additional witnesses were identified and statements obtained. Information about the weather conditions at the Gap on the morning of 22 June 1997 was obtained. Additional search warrants were executed at the house in Broughton Street and the property in Narrikup. The search at Narrikup included forensic excavation of a site adjacent to an old shed based on information received from Peta's son John. The search at the Broughton Street house included forensic excavation of the woodshed at the back of the property, where Richard had died, and with a view to a witness account that suggested Richard had threatened to bury someone under a shed. No evidentiary items were obtained that would assist the investigation.¹¹⁵
82. Based upon all of the witness accounts, as set out below, some of which were from the time of Peta's disappearance and others from people who came forward at a much later stage, the police could find only one person identified as a suspect in Peta's disappearance, being her husband Richard. Richard was interviewed a number of times by police and always denied any knowledge or involvement in her disappearance, and maintained his version of events that he last saw her at the Gap when she left to go to the toilet. While Richard was still being investigated, he committed suicide on 29 June 2000, a week after the anniversary of Peta's disappearance and in the context of the breakdown of his most recent relationship.¹¹⁶
83. Detective Sergeant Shane Russell, who prepared the Cold Case Homicide Squad report for the Coroner, noted the logical conclusion based upon all of the evidence is that Peta is deceased. She had a strong bond with her children, family and friends, and so her disappearance was out of character.
84. As to the cause and manner of her death, Det Sgt Russell noted there is an inference that can be drawn that Richard was involved in Peta's death, given he was having custody issues and based on accounts given by witnesses, but it is a theory that can neither be proved or disproved.¹¹⁷

WITNESS ACCOUNTS AND NEW INFORMATION

85. Different statements have been obtained from witnesses over the years during the various police investigations. To understand those accounts in their entirety, I summarise them below together, which has also helpfully been done to a large extent in the Cold Case Homicide Squad report.
86. Peta's cousin and close friend, Simone, was first told about Peta's disappearance by Peta's stepmother, Beatrice, on the Sunday night that Peta was reported missing. Simone was told that Peta had gone missing after going fishing with Richard at the Gap. Simone told police that she "thought it was strange as Peta couldn't swim, did

¹¹⁴ Exhibit 1, Tab 2.1 and Tab 41.5 and Tab 42.

¹¹⁵ T 57; Exhibit 1, Tab 2.1.

¹¹⁶ Exhibit 1, Tab 2.1.

¹¹⁷ Exhibit 1, Tab 2.1.

not normally go fishing and didn't like the Gap."¹¹⁸ Simone also thought it was strange, as generally Peta would not leave both children with Richard's mother. Simone was aware that when she had to go out in Albany, Peta would leave her daughter Abigail with her mother-in-law, Janina Weber, but Peta would usually leave her son John with Peta's friend Tracy, as she did not want John staying with her mother-in-law, who was not John's grandmother. Peta had also mentioned to Simone that she didn't like her mother-in-law, as she felt Janina was trying to take Peta's daughter from her, as she had never had a daughter herself.¹¹⁹ Simone has not expressed her own view as to precisely what happened to Peta, but expresses her hope that Peta is at peace and that following these proceedings, her memory can finally be put to rest for the sake of her family.

- 87.** Janina claimed that Peta had not been a good mother to her son John and told police that when she told John that his mother was missing, he allegedly said, "I am glad she is dead"¹²⁰ and told her about poor treatment he had received from his mother. Janina said Peta was abusive and angry towards John once she returned to Albany and not towards Abigail, but only because Richard would not allow it. Janina painted a picture of Peta as a bad mother who did not love her children at that stage, but that is not the general impression of Peta painted by other witnesses, who described her as a loving mother to John and Abigail. Janina told the police in March 2016 that she believed Peta had not fallen into the ocean but had 'taken off' and was still alive, although no other witness suggested this was likely.¹²¹ I note there is evidence in the brief that Peta had returned to Albany in January 1997 and assaulted Janina and taken Abigail, which might suggest some reason for Janina's feelings against Peta, as well as her natural predisposition to want to protect her son.¹²² The police have found no evidence to support Janina's theory that Peta is still alive.¹²³
- 88.** Peta's son, John Hindge, was only seven years of age when his mother disappeared. He provided a statement to police in 2016, when he was 25 years of age, about what he could remember about his mother and her disappearance so many years ago. In 2019, John provided a further statement to police, with some additional information expanding upon what he had told police previously.
- 89.** John remembered that it was his stepfather Richard, not his mother, who used to hit him and "treat him quite badly"¹²⁴ when he was a child. John recalled that Richard was both mentally and physically abusive to him, from at least the age of four or five. This abusive behaviour continued after his mother disappeared as John continued to live with Richard and Abigail for four years after Peta went missing, before eventually going to live with his own father.¹²⁵
- 90.** John recalled that Richard would tell him awful things about his mother after she disappeared. When Richard got angry with John, Richard would tell John that he had

¹¹⁸ Exhibit 1, Tab 6, p. 6.

¹¹⁹ Exhibit 1, Tab 6.

¹²⁰ Exhibit 1, Tab 7 [28].

¹²¹ Exhibit 1, Tab 7.

¹²² Exhibit 1, Tab 37.1, p. 3.

¹²³ Exhibit 1, Tab 2.1, p. 12.

¹²⁴ Exhibit 1, Tab 4.1 [8].

¹²⁵ Exhibit 1, Tab 4.1 and 4.2.

killed his mother. John said Richard would tell him “that she was out at the farm or that he put her in acid,”¹²⁶ noting that Richard’s family owned a farm in Redmond, just out of Albany. John had been shooting with Richard at the farm before his mother disappeared, and also there when Richard lit bonfires in bonfire pits. John once overheard Richard making a similar statement at his workplace to someone, although he said it jokingly.¹²⁷

91. As well as suggesting he had put Peta in acid, Richard also told John that he had “kicked her off the Gap and that she was gone.”¹²⁸ John recalled Richard told him different stories about what had happened to his mother, so he did not know what version to believe, although he felt Richard was serious. He also remembered Richard once saying to him that he should’ve killed John as well.¹²⁹
92. John noted in his second statement that in all the comments Richard made to him about what happened to his mother, Richard never told him that she had gone to live her life elsewhere. He always told him that “she was gone and was not coming back.”¹³⁰
93. John does not believe his mother simply went missing from the Gap, as he believed “she would know better with her fishing knowledge.”¹³¹ John explained in a later statement in 2019 that Peta grew up fishing and knew the coastline of Albany very well. John’s father Andrew, Peta’s first husband, was a commercial fisherman. John did not recall Richard being into fishing, although he did remember Richard enjoying shooting and camping.¹³² Some years later, Andrew apparently approached a work colleague of Richard’s at the Albany Hotel and said words to the effect, “How is your mate Weber? He killed my ex and buried her out on their farm.” It would appear he obtained that information from his son.¹³³
94. Interestingly, while John remembers his mother as a capable fisherperson, both her cousin Simone and a family friend, Ian Retallack, recalled she had told them she did not really like going fishing.¹³⁴ Mr Retallack had known Peta in her youth and had formed a poor opinion of Richard when he met him through Peta. He recalled that Richard had made threatening comments to him when he first met him and had also made a reference to wanting “to kill that bitch”¹³⁵ in relation to Peta when she had left him. When Mr Retallack had heard that Peta went missing while fishing at the Gap with Richard, he had thought it very strange as he did not believe Peta would have gone fishing with Richard and he later made a call to police expressing his belief that Richard had something to do with Peta’s disappearance, although by this time Richard had died.¹³⁶

¹²⁶ Exhibit 1, Tab 4.1 [10].

¹²⁷ Exhibit 1, Tab 4.2 [29].

¹²⁸ Exhibit 1, Tab 4.2 [25].

¹²⁹ Exhibit 1, Tab 4.2.

¹³⁰ Exhibit 1, Tab 4.2 [26].

¹³¹ Exhibit 1, Tab 4.1 [16].

¹³² Exhibit 1, Tab 4.2.

¹³³ Exhibit 1, Tab 15.

¹³⁴ Exhibit 1, Tab 6, p. 6 and Tab 15 [25], [27].

¹³⁵ Exhibit 1, Tab 15 [31].

¹³⁶ Exhibit 1, Tab 15.

95. John Waghorn also told the police that Peta had told him she did not like fishing and couldn't swim.¹³⁷
96. Peta's sister, Jody McDonald, had never had a good relationship with Richard. He had taken a restraining order out against her several years before Peta's disappearance, which had restricted her contact with Peta for some time, other than the odd sporadic phone call or birthday card. However, in August 1996, Jody and Peta began to talk on the phone. Jody recalled this was possible because Peta was separated from Richard at the time. Jody stated that following the separation, Peta became another person and seemed content and happy without Richard. However, she was aware that the separation was distressing for Abigail, who was with Richard. Peta told Jody she was upset and distressed about Richard's manipulation of the court proceedings to gain custody of Abigail. In the end, Peta reconciled with Richard as she felt it was in the children's best interest. They tried to remain in touch after that, but Jody observed "Richard was a domineering and controlling husband to Peta, and [she] found that Peta's character changed for the time that she was with him."¹³⁸
97. Peta's close friend, Ms Holden, told police that Peta had been planning to leave Richard at the time of her disappearance and move in with Ms Holden. Peta had been using Ms Holden's address for correspondence as Richard went through her mail, and she also left all of her court documentation and some personal diaries and poems with Ms Holden, so Richard wouldn't read them.¹³⁹ Ms Holden expressed surprise at the news that Peta had been fishing with Richard on her own, as she understood that Peta would only go when Richard was taking her son John, as she wanted to keep an eye on John.¹⁴⁰
98. Another friend of Peta's, Pandora Theobald, spoke to Peta on 18 June 1997 and Peta also told her that her home situation was very uncomfortable and she was thinking of moving in with Ms Holden. Peta said she hadn't told Richard of her plans yet, but she was hoping to move out in three or four weeks. Ms Theobald asked her about custody of the children and Peta replied that it was all sorted out and she would have them during the day and Richard would have them at night. She said it had been settled this way by the courts and this was the main reason she had returned to Albany. When Ms Theobald heard that Peta had gone missing while fishing alone with Richard, she was also very surprised. She had been led to believe they were living separate lives and, like Ms Holden, she understood that Peta would only go fishing with Richard when John was also going, in order to keep an eye on him.¹⁴¹
99. Peta and Richard's daughter, Abigail, was too young to have any real memory of events and to add anything to the investigation. Abigail did provide a DNA sample, in case any remains are ever found that might be Peta's.¹⁴²

¹³⁷ Exhibit 1, Tab 16.

¹³⁸ Exhibit 1, Tab 17, p. 2.

¹³⁹ Exhibit 1, Tab 18.

¹⁴⁰ Exhibit 1, Tab 18.

¹⁴¹ Exhibit 1, Tab 18.

¹⁴² Exhibit 1, Tab 2.1 and Tab 39, Running Sheet, p. 36 and Tab 40.

100. As well as the information from Simone about the coercive control she witnessed in Peta's relationship, one of Richard's former workmates, Norman Fitzpatrick, also came forward in 2016 to provide information about the concerning behaviour he had witnessed during Peta and Richard's marriage. Mr Fitzpatrick told police he had become aware of problems in the marriage when Peta and Richard separated. At that time, he understood that Richard did not know where Peta had gone. He remembered a conversation he had with Richard, where Richard referred to Peta and said, "When the time comes I will deal with the problem myself."¹⁴³ Mr Fitzpatrick wasn't sure what Richard meant, but assumed at the time it meant he would simply divorce Peta. He had also been out shooting on Richard's family farm around this time, and had observed a 5 foot long trench dug into the ground, which Richard told him he had dug to put cannabis plants in (with the friend aware Richard grew cannabis in the bush). Mr Fitzpatrick thought it was strange, particularly when Richard made the later comment.¹⁴⁴ Police searched the farm and tried to locate the trench at a later date, without success.¹⁴⁵
101. After Peta returned to the marriage, Mr Fitzpatrick asked her one day why she had come back. Peta told him that she had come back for Abigail's sake, indicating that Richard would never give up trying to get Abigail back. Mr Fitzpatrick observed that Peta was "terrified of Richard and she had to account for every cent she spent and everything she did."¹⁴⁶ Consistent with Simone's recollection, the workmate's evidence supports the conclusion that Peta was in an abusive marriage and she was genuinely fearful of Richard prior to her disappearance.
102. Mr Fitzpatrick's de facto wife, Pamela Hall, had met Peta and Richard through her partner. Ms Hall did not form a favourable opinion of Richard. Ms Hall had heard Richard yell at Peta and tell her to 'shut up' several times in front of her, and Peta had confided in her that she was scared of Richard. Peta told Ms Hall that she had to have Richard's dinner ready every night, his clothes washed and ready and the house spotless otherwise he would get angry at her. It was also clear he tightly controlled her access to money. Ms Hall was aware through her partner that Peta left Richard and went to Perth, then returned and resumed the marriage about six months later. She never saw Peta again after that time, but did see Richard the day after Peta disappeared. Ms Hall recalled Richard came to their house early in the morning and told them that Peta had fallen off 'the Gap' the day before, after she went to the toilet and didn't come back. Richard was upset and agitated and kept repeating himself that she had gone to the toilet in the dark and didn't come back. Richard told Ms Hall and Mr Fitzpatrick that he "was worried that people would think he killed Peta."¹⁴⁷ Ms Hall said she responded, "Did you?"¹⁴⁸ and Richard said, "No, I didn't."¹⁴⁹ Ms Hall stated she knew Richard was very controlling of Peta and was very upset when she left him, which perhaps prompted her question.¹⁵⁰

¹⁴³ Exhibit 1, Tab 8 [29].

¹⁴⁴ Exhibit 1, Tab 8.

¹⁴⁵ Exhibit 1, Tab 39, Running Sheet, p. 34 and Tab 41.

¹⁴⁶ Exhibit 1, Tab 8 [34].

¹⁴⁷ Exhibit 1, Tab 9.

¹⁴⁸ Exhibit 1, Tab 9 [29]

¹⁴⁹ Exhibit 1, Tab 9 [30]

¹⁵⁰ Exhibit 1, Tab 9.

- 103.** Shortly after Peta disappeared, Ms Hall went to Richard and Peta’s home and saw Peta’s engagement and wedding rings in a tray on the bedroom dressing table. She asked Richard if they were Peta’s rings, and Richard told her that “Peta had put moisturiser on her hands and taken her rings off.”¹⁵¹ Not long after, Richard offered Ms Hall some of Peta’s clothes for a neighbour, but when she spoke to him again, Richard told her he had thrown the clothes in the bin.
- 104.** Ms Hall also became aware after Peta disappeared that Richard had a suspicious conversation with an Albany local who worked for the Albany State Emergency Service. Ms Hall was told that Richard had asked this local, about a week before Peta went missing, “If someone went missing off the Gap, who would come looking first, Sea Rescue or the Police?”¹⁵²
- 105.** Ms Hall told police in 2016 that she had suspected that Richard had killed Peta, and another of Richard’s work colleagues, Bradley Carroll, had expressed the same belief to her in the early days of Peta’s disappearance. However, they did not think there was anything they could do about this belief.¹⁵³
- 106.** Bradley Carroll told police in a statement taken the day after Peta disappeared, that he had been aware of Peta and Richard’s separation in late 1996 or early 1997 and recalled Peta had taken both children with her and Richard was very upset about this. He was aware that Peta had returned to the marriage in April 1997 and Richard had seemed very happy about this, mainly as he had the children back. Mr Carroll believed Richard had been seeing other women while Peta was in Perth and he suspected Richard continued to see at least one of the women after Peta moved back in. Peta was apparently aware of this but didn’t like it. Mr Carroll was aware that the couple were arguing, but thought they were just the usual marital arguments at that time. As noted above, Mr Carroll went fishing with Peta and Richard at the Gap the Sunday before Peta went missing and Mr Carroll was aware that Richard had told him in the intervening week that Peta was talking about leaving again, which Richard didn’t want to happen for the children’s sake.¹⁵⁴
- 107.** Mr Carroll became aware that Peta had gone missing from the Gap at about lunchtime on Sunday, 22 June 1997. The next morning at work (being 23 June 1997), Mr Carroll spoke to the foreman at his and Richard’s workplace. The foreman, Dean Sproxton, told Mr Carroll that he had spoken to Richard on the morning of Saturday, 21 June 1997, the day before Peta’s disappearance. Mr Sproxton told Mr Carroll that Richard had said to him that he, meaning Richard, “should push Peta off the gap.”¹⁵⁵ Mr Carroll said this information was a bit of a shock to him, and I note he provided his statement to police at 5.25 pm on 23 June 1997, the same day he was told that information by the foreman.¹⁵⁶

¹⁵¹ Exhibit 1, Tab 9 [47].

¹⁵² Exhibit 1, Tab 9 [61].

¹⁵³ Exhibit 1, Tab 9.

¹⁵⁴ Exhibit 1, Tab 10.

¹⁵⁵ Exhibit 1, Tab 10, p. 4.

¹⁵⁶ Exhibit 1, Tab 10.

- 108.** Mr Sproxton also spoke to police on the same day about this conversation. He confirmed that he had spoken to Richard on the morning of Saturday, 21 June 1997, while watching junior football. Richard told Mr Sproxton that he was still having trouble with Peta and his marriage in general and Peta was threatening to leave him. Richard mentioned he had taken Peta fishing at the Gap “the weekend before last”¹⁵⁷ and Peta had nearly got swept in by the waves when she went down to the ledge. Mr Sproxton said he made a ‘tongue in cheek’ comment that Richard “should have let her go”¹⁵⁸ and Richard replied, “Oh yeah.”¹⁵⁹ Mr Sproxton told police he told his workmates, including Mr Carroll, what he had said to Richard, but it seems Mr Carroll misinterpreted the conversation and thought Richard had made the comment to Mr Sproxton.¹⁶⁰
- 109.** Mr Carroll’s wife, Amanda Carroll, had met Richard through a friend who was dating him while he was separated from Peta. Ms Carroll recalled speaking to Richard about Abigail not long before he and Peta reconciled. Richard told her that he “would do whatever it takes to keep Abigail, anything it takes.”¹⁶¹ She recalled he said this statement in a hostile and venomous way. After Peta disappeared, Ms Carroll ran into Richard while she was walking in the street and he gave her a lift to Albany. During the drive, Richard spoke about the police being suspicious of him as he still had Peta’s jewellery, including her engagement and wedding rings. She didn’t ask him any questions, as she knew Richard was a friend of her husband and she felt concerned and a bit frightened at the time.¹⁶²
- 110.** Ms B, who had been seeing Richard leading up to Peta’s disappearance, told police that she had tried to contact Richard on the day she heard about the missing person report. He rang her back a couple of days later, on 24 June 1997, and seemed pretty upset. He spoke to Ms B about the events at the Gap. He said that Peta had insisted on carrying the car keys and he carried all the fishing gear. He said Peta then “just took off and didn’t say where she went. He said three quarters, to an hour, later he went looking for her but couldn’t find her.” Richard then tried to call police, but his mobile wouldn’t work, so he walked to Frenchman’s Bay Road and sought help. Richard said in this conversation that “he thought Peta might have fallen off or got washed off the rocks.”¹⁶³ Phone records show Richard had a number of lengthy conversations with Ms B in July and August 1997 as well, although it is unknown what they discussed and it does not seem their relationship progressed after Peta’s disappearance.¹⁶⁴
- 111.** Instead, Kerrillea Ryde met Richard in July or August 1997, not long after Peta went missing. They eventually started a casual relationship and she got to spend time watching Richard with John and Abigail. Kerrillea noticed there was a big difference in how he treated the children, as Richard doted on Abigail but treated John as an outcast and physically disciplined him quite violently. Kerrillea eventually moved in with Richard at the Broughton Street house about a year after they met. At that time,

¹⁵⁷ Exhibit 1, Tab 14, p. 2.

¹⁵⁸ Exhibit 1, Tab 14, p. 2.

¹⁵⁹ Exhibit 1, Tab 14, p. 2.

¹⁶⁰ Exhibit 1, Tab 14.

¹⁶¹ Exhibit 1, Tab 11 [9].

¹⁶² Exhibit 1, Tab 11.

¹⁶³ Exhibit 1, Tab 14, p. 7.

¹⁶⁴ Exhibit 1, Tab 37.1, p. 5.

Kerrillea thought “Richard lived in like a bubble with Abby and in his eyes she could do no wrong.”¹⁶⁵ While the relationship between Kerrillea and Richard was initially okay, as the relationship progressed, things changed and “he became very controlling.”¹⁶⁶ Richard would stop her speaking with other people or socialising, particularly with other males as he would get angry and jealous. During the relationship, Richard never hit Kerrillea, but he would push her down against the bed or against a wall and stop her from leaving. He also played a lot of mind games and was very manipulative, behaving in a way that is often referred to as ‘gaslighting’ today, which would make Kerrillea question herself. The elements of coercive control that had been present in Peta’s relationship were present in this new relationship, including Richard controlling all the finances and dictating how things were done in the home and what she could wear. He would only give Kerrillea \$20 pocket money for the week, despite the fact she was a grown woman and mother of her own children. He also limited her contact with her friends and family, saying they did not have her best interests at heart. Richard encouraged her to spend time with his parents, particularly Janina, who tried to befriend her as a daughter. However, Kerrillea noted that Janina “was not a woman you crossed”¹⁶⁷ and Janina would tell Richard everything that happened.

112. Towards the end of their relationship, Kerrillea said things were deteriorating even further. Richard was questioning her about her day when she had been to work and challenging her about how long she spent at different locations. She believed Richard was following her or having people follow her. Richard went to court in February 2000 and tried to get an annulment in regard to this marriage to Peta, but his application was refused. He became angry and made comments such as “she’s dead, she’s gone.”¹⁶⁸ Kerrillea was engaged to Richard at that time, but soon after she decided to end the relationship. She felt she “could not breathe or do anything” and was concerned about Richard’s behaviour towards her children.¹⁶⁹
113. On 20 June 2000, Kerrillea told Richard she was leaving him. Richard was reportedly shocked by her decision to leave and tried to get her to change her mind, but she was clear that she had made her decision. He asked her to wait until after Abigail’s birthday, which was on 28 June 2000. On 29 June 2000, Kerrillea began moving her property out of the house in Broughton Street. After doing a load to her mother’s house, Kerrillea returned to the house and walked out to the back aviary and saw a sign, which led her to the back woodshed, where she found Richard had shot himself with a shotgun. The Albany Coroner, Stipendiary Magistrate Glynn, later found that Richard died as a result of suicide.¹⁷⁰
114. The investigation into Richard’s death found he had called in sick on 20 June 2000 and then spoken to his employer on 21 June 2000 and asked for time off. He explained to his employer at the time that he had been on antidepressants for six to eight weeks and noted it was the anniversary of Peta’s disappearance and he had ‘no doubt’ there

¹⁶⁵ Exhibit 1, Tab 24 [26].

¹⁶⁶ Exhibit 1, Tab 24 [26].

¹⁶⁷ Exhibit 1, Tab 24 [44].

¹⁶⁸ Exhibit 1, Tab 24 [58].

¹⁶⁹ Exhibit 1, Tab 24.

¹⁷⁰ Exhibit 1, Tab 38; CIS 3024/2000.

would be an article in the paper about it. He also said that to top it off, Kerrillea was moving out.¹⁷¹ Richard had left two mini audiotapes behind for his daughter Abigail and his parents. He did not make any reference to Peta's disappearance in the tape recordings and they simply took the form of farewells to his loved ones.

- 115.** Kerrillea told the police in 2019 that during her time with Richard, he never really discussed Peta's disappearance, although he did say that he understood the police "thought he had done it and that he did not like to speak about it."¹⁷² Kerrillea did recall that she used to watch crime documentaries with Richard and she remembered him saying, "It is so easy to commit the perfect crime."¹⁷³ Kerrillea told police that over the years, she has come to believe that Richard was involved in Peta's death, whether at the Gap or at his family's farm, although he never admitted that to her.¹⁷⁴
- 116.** An intelligence report was received by police in 2006 that alleged Richard had murdered Peta at his parents' farm by strangling her to death, then pouring acid over her body and burning it.¹⁷⁵ The identity of the caller was never established, although the information was consistent with comments Richard sometimes made to John when he was still living with him.

CONCLUSION

- 117.** I am satisfied beyond reasonable doubt that Peta Weber died around the time of her disappearance on 22 June 1997. She was a loving mother to two young children and I have no doubt that Peta would have been in contact with both of them over the years if she had been able to do so. She has never been seen again since that weekend in June, and all reliable evidence points to her being deceased on either the Saturday night or the Sunday morning.
- 118.** The police investigation has found evidence that Peta was making plans to leave her husband and intended to take both her children with her. The police officers involved in the original investigation into Peta's disappearance formed an early belief that the account given by Peta's husband Richard about Peta's last movements at the Gap was false. Given the custody dispute in relation to their daughter, and Peta's plans, the police thought Richard may have had a motive to want to harm her. After a comprehensive search for her body, both at the Gap and then at the family home, and after interviewing Richard in detail, the police formed the strong suspicion that Peta had met with foul play at Richard's hands at a location other than the Gap, and he had disposed of her body elsewhere. The allegation was put to Richard and firmly denied.
- 119.** The original investigating officer, now Commander Seivwright, gave frank evidence at the inquest that he remains firmly of the belief that Richard Weber had the motive, opportunity and resources to murder Peta, and he thinks "that's what he did."¹⁷⁶

¹⁷¹ Statement of Leonard Wallington dated 29.6.2000.

¹⁷² Exhibit 1, Tab 24 [76].

¹⁷³ Exhibit 1, Tab 24 [78].

¹⁷⁴ Exhibit 1, Tab 24.

¹⁷⁵ Exhibit 1, Tab 39, Running Sheet, p. 34 and Tab 41.

¹⁷⁶ T 27.

120. There is strong evidence Richard doted on his only child, Abigail. Abigail “was everything to him”¹⁷⁷ and Richard had made it clear to Peta that he would not allow her to take Abigail away from him. Prior to Peta’s disappearance, Richard had told people he was aware of Peta’s plans to leave him again and he was worried about Abigail. There was also considerable evidence to indicate Richard was a controlling and jealous husband, who was likely to have reacted badly to Peta’s plans to leave him again, even without the involvement of Abigail.
121. Richard had the means and opportunity to have caused Peta’s death, given he had a long period of time alone with Peta. The last confirmed sighting of Peta by anyone other than Richard was around lunchtime on 21 June 1997, when they left her friend Tracey’s home. There was some conjecture that Peta went with Richard to drop the children to his mother’s house that afternoon/evening, but this was not confirmed by any other witness.¹⁷⁸ In any event, from at least the evening of 21 June 1997, Richard and Peta were alone together. Peta’s ex-husband believed he saw Richard leaving the house in his car alone on the morning of Sunday, 22 June 1997, driving away with the headlights off in the dark. It was Peta’s Magna that was then found parked at the Gap, with only Richard’s word that Peta had driven it there. It is known that Richard had access to a remote farm property, along with access to firearms, amongst other things.
122. When all of these features are added together, it is understandable why the police investigation has remained focussed on Richard in relation to Peta’s disappearance over the ensuing years. Unfortunately, three years after Peta’s disappearance, when the police investigation was beginning to focus closely on Richard again with a plan to utilise covert techniques to elicit evidence of his involvement in Peta’s death, Richard committed suicide. Commander Seivwright said, “It was a great disappointment to me that Richard chose to end his life, because I knew we would end up here,”¹⁷⁹ namely at a coronial inquest still looking for answers.
123. Without Peta’s body ever being discovered, there is obviously no way of reaching a conclusion as to her cause of death. Commander Seivwright commented that the discovery of Peta’s body would be “the last piece of the jigsaw”¹⁸⁰ and would advance the investigation considerably, but unfortunately all efforts to date to find her body have been unsuccessful.
124. The question I must decide is whether there is sufficient evidence for me to reach a conclusion as to the manner of her death. In making my findings, I note that I must apply the standard of proof set out in *Briginshaw v Briginshaw*,¹⁸¹ that requires a consideration of the nature and gravity of the conduct when deciding whether a matter has been proved on the balance of probabilities. If I accept the conclusions of the police investigators that Peta did not die at the Gap, but instead she was the victim of foul play, then the evidence points to Richard being involved in her death. The gravity of such a finding, even though no criminal charge or sanction would flow from it as

¹⁷⁷ Exhibit 1, Tab 9 [63].

¹⁷⁸ T 21 - 22.

¹⁷⁹ T 33.

¹⁸⁰ T 39.

¹⁸¹ (1938) 60 CLR 336, per Dixon J at 361-362.

Richard is deceased, means that a standard approaching the criminal standard should be applied, given the potential harm to Richard's reputation.

- 125.** I am also conscious that I am expressly precluded under s 25(5) of the Act from determining whether a person is guilty of any offence in relation to a death. Accordingly I make my comments within the context of fact finding, and not to suggest that I have reached any conclusion as to the lawfulness or otherwise of any conduct. It is, however, open to me to conclude that an identifiable person caused Peta's death. Such a finding, although unusual, would be consistent with the type of finding delivered in *Perre v Chivell*¹⁸² and *Hytch v O'Connell*¹⁸³ and not interfered with on judicial review.
- 126.** We are a lot better informed as a community today about domestic abuse in the form of coercive control and gaslighting than at the time Peta disappeared. The National Domestic and Family Violence Bench Book¹⁸⁴ describes a number of factors commonly identified as key signifiers of risk for the escalation of domestic and family violence. It notes that domestic and family violence is most likely to involve a complex pattern of controlling behaviour and violence over a period of time, often referred to as coercive control. Separation is identified as a heightened risk factor for homicide, particularly where there is a background of controlling behaviours. We know that Peta was talking of leaving Richard again, having only recently returned to the marriage. They had a custody arrangement in relation to Abigail, but it would have raised a question mark as to how her custody would be resolved long term, at least in Richard's mind.
- 127.** Another risk factor referred to in the Bench Book is the link between controlling and jealous behaviours towards the victim and violence causing lethal harm to the victim. These controlling behaviours include restricting the victim's access to finances and employment and preventing the victim from keeping in touch with social networks in order to physically and socially isolate the victim and, over time, undermine the victim's sense of identity, independence and worth. The evidence of Peta's family and friends makes it very clear that this is the effect that Richard's controlling behaviours had had upon Peta. Continuous accusations of infidelity are another hallmark, which it is apparent was a feature of her relationship with Richard, despite his denials to police of any jealousy.
- 128.** I have considered all of the evidence before me, including hearing from the police officer involved from the outset in the investigation and who personally interviewed Richard at the scene of the missing person report and thereafter, as well as another senior officer who has reviewed this case much more recently. Based upon the evidence before me, I am satisfied that the account given by Richard Weber of the disappearance of Peta Weber at the Gap on the morning of 22 June 1997 was false. There is no evidence, other than Richard's word, to support the conclusion Peta was even at the Gap that morning. As to what happened, to Peta, I am satisfied that

¹⁸² (2000) 77 SASR 282.

¹⁸³ [2018] QSC 75.

¹⁸⁴ *National Domestic and Family Violence Bench Book 2022*, compiled in collaboration by Australian Institute of Judicial Administration, Australia Government Attorney-General's Department, University of Queensland and University of Victoria.

Richard was involved in her death in some way and he disposed of her body in an unknown manner and place. However, there is insufficient evidence for me to make any further finding as to what happened to Peta, as it is possible her death occurred by accident and Richard then concealed it, or it may be that she met with foul play.

- 129.** Accordingly, the cause of Peta's death must remain unascertained and I make an open finding as to the manner of death.

S H Linton
Deputy State Coroner
27 October 2023