
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : SARAH HELEN LINTON, DEPUTY STATE CORONER
DELIVERED : 10 JANUARY 2023
FILE NO/S : CORC 1241 of 2013
DECEASED : FULTON (AKA HULME), SHARON ELIZABETH

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Ms S Tyler 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 Sharon Elizabeth FULTON with an inquest held at Perth Coroners Court, Central Law Courts, Court 85, 501 Hay Street, Perth, on 3 May 2022 - 5 May 2022, find that the death of Sharon Elizabeth FULTON has been established beyond all reasonable doubt and that the identity of the deceased person was Sharon Elizabeth FULTON and that death occurred on 18 March 1986 at an unknown place as a result of an unascertained cause in the following circumstances:

TABLE OF CONTENTS

INTRODUCTION 3
BACKGROUND 5
LAST KNOWN CONTACTS WITH SHARON 14
MISSING PERSON REPORT 15
INITIAL MISSING PERSONS BUREAU INVESTIGATION 15
CIB – HOMICIDE SQUAD INVESTIGATION 20
RESUMED MISSING PERSONS BUREAU INVESTIGATION 28
EVENTS IN THE YEARS AFTER SHARON’S DISAPPEARANCE 29
MISSING PERSON REVIEW 2007 33
COLD CASE HOMICIDE SQUAD REVIEW 33
EVIDENCE OF SHARON’S CHILDREN 38
 Deryck 38
 Kyle 43
 Kirsty 47
 Heath 47
ROBERT FULTON 49
IS SHARON FULTON DECEASED? 54
IS THERE EVIDENCE TO DETERMINE HOW SHARON DIED? 56
MISSED OPPORTUNITIES 62
QUESTION OF REFERRAL 65
CLOSING REMARKS 65

INTRODUCTION

1. Sharon Fulton was a wife and the mother of four young children when she disappeared in March 1986. Her oldest son was fifteen and her youngest was only three when she vanished. Those children are now fully grown and they have had no contact with their mother in more than three decades. Even before this inquest commenced, Sharon's children understood that their mother was probably deceased. However, they hoped the inquest would help them to understand more about what happened to her so that they can achieve some closure.
2. A police investigation into Sharon's disappearance first began after Sharon's husband, Maxwell Robert Fulton (who usually goes by Robert or Bob, and whom I will call Robert for the purposes of this finding) reported her missing on 21 March 1986. This was three days after she was last known to be alive. Robert Fulton told witnesses and the police varying accounts of the last time he saw Sharon, with the main version that he had dropped Sharon to a train station on 18 March 1986 as she was meeting another man. The implication was that she then ran off with this person and abandoned her family. However, prior to her disappearance, Sharon had told many people that she was scared of her husband and was worried he would kill her.
3. Sharon's disappearance was initially investigated by the Missing Persons Bureau on the basis she may have left of her own accord. However, it was soon transferred to the Major Crime Squad after concerns were raised by Sharon's family and friends that she may have met with foul play at the hands of her husband. After investigating Sharon's disappearance for a couple of weeks, the Major Crime Squad concluded at that time that there was no evidence to support a charge that Sharon had been murdered by her husband, so the matter was transferred back to the Missing Persons Bureau in early June 1986. It does not seem that much more was done with the file for the next 20 years.
4. Sharon's mother, Betty Hulme, asked for an inquest to be held in 1993. The request was declined by the Hon Attorney-General in August 1993 on the basis that the WA Police had already carried out an exhaustive investigation.¹ The matter was referred to police for further review of this decision, following an application on behalf of an insurance company that had received a claim from Robert Fulton for \$120,000 in relation to Sharon's insurance policy that was taken out one month before her disappearance. In January 1994, police advised they did not recommend the Hon Attorney General reconsider that decision.² The accompanying paperwork indicated that, as time had passed, the police considered it more likely that Sharon was deceased. However, short of a confession by any person or the discovery of her body, it was felt unlikely any charges would be successful, and the police did not believe an inquest would uncover any further conclusive evidence.³
5. In August 2006, the case file was transferred to the Special Crime Squad for further review as part of a large scale operation to review all long term missing person files. At the end of that review, it was concluded that Sharon's disappearance should be

¹ Exhibit 2 – p. 158 - Letter from Hon Attorney General to Mrs Betty Hulme dated 4.8.1993.

² Exhibit 2 – p. 195 - Letter to Crown Solicitor's Officer from Acting Assisting Commissioner Hay (Crime Operations) dated 24.1.1994.

³ Exhibit 2 – p. 194 - Memorandum of A/Det Inspector Gilmore - No 9 Division, 12.1.1994.

classified as a suspected homicide and a fresh investigation was recommended with a number of recommendations made for further investigation.

6. The Cold Case Homicide Squad conducted a full review of the matter, commencing in 2010 and continuing until September 2017. At the conclusion of the review, the matter was referred to the Office of the Director of Public Prosecutions (ODPP) to consider whether charges could be laid against a person of interest. It was returned by the ODPP shortly after referral with advice that there was insufficient evidence to charge any person in relation to Sharon's suspected death. No further lines of investigation were recommended to be pursued by police at that time.
7. At the end of the Cold Case review, and noting the advice of the ODPP, it was concluded that the police investigation had progressed as far as possible utilising contemporary police investigative techniques. While the police believed Sharon was deceased and there was a person or persons of interest identified as possibly being involved in her death, there remained insufficient evidence at that time to prefer criminal charges against any person. Accordingly, the matter was referred to the State Coroner in April 2018 with a request that the matter be considered for an inquest into Sharon's suspected death.
8. On the basis of the information provided by the WA Police, former Deputy State Coroner Vicker determined in March 2019 that, pursuant to s 23 of the *Coroners Act 1996* (WA), there was reasonable cause to suspect that Sharon had died and that her death was a reportable death. Her Honour made a direction that a coroner hold an inquest into the circumstances of the suspected death.⁴
9. It seems there was some delay with preparing the matter for inquest, the reasons for which are unclear. It was eventually listed for inquest at the monthly call over in February 2021, with a plan for the inquest to commence before me on 9 November 2021. It was hoped that the COVID restrictions would have eased by that time and family members based interstate would be able to attend in person. When it became apparent that this would not occur, the inquest dates were vacated at the request of Sharon's children and new dates set for May 2022.
10. Three of Sharon's children flew in from other parts of Australia to attend the inquest in May 2022 and her fourth child watched the inquest remotely from interstate. They hoped to hear some answers to the many unanswered questions about their mother and her sudden disappearance; questions that have shadowed their lives for so many years. They particularly hoped that their father, Robert Fulton, would give evidence. None of them were still in contact with their father by the time of the inquest, and he had not provided them with much information about their mother and her disappearance in the preceding years when they still communicated. They hoped he would give evidence under oath about what occurred on the last day she was known to be alive. Regrettably, despite the best efforts of the police and this Court, that did not occur.
11. Robert Fulton now resides interstate. He was served at his home with a summons requiring him to give evidence at the inquest, together with a letter advising him that

⁴ Section 23 *Coroners Act* Direction of Deputy State Coroner Vicker dated 5 April 2019.

there was a prospect that an adverse finding may be made against him and affording him an opportunity to be represented at the inquest and to make submissions at its conclusion. Despite contact being made by court staff with Robert Fulton leading up to the inquest, and efforts being made to facilitate him giving evidence by video link or telephone link during the inquest, Robert Fulton was unable to be contacted on the final day of the inquest when he was scheduled to give his evidence. I set out in more detail later in this finding the extent of the contact with Robert Fulton, but it is sufficient to note at this stage that I have prepared the finding without the benefit of having heard Robert Fulton give evidence at the inquest, or any submissions being made on his behalf.

12. At the start of the inquest, a large amount of documentary evidence compiled during the various police investigations conducted into Sharon's disappearance was tendered. I note that many key witnesses had sadly passed away by the time of the inquest, but I had access to their statements provided to police at an earlier time. Some key factual witnesses who are still alive also gave evidence about what they remembered of the events that happened in 1986. It was very helpful for me to hear from each of these witnesses as to what they thought and felt, both then and now, about what might have happened to Sharon. Some of Sharon's children also gave evidence and/or provided statements about what they remembered of their mother and what they had learned since that time. In addition, a number of the police officers involved in the more recent investigations spoke to their investigations.
13. I indicated at the conclusion of the inquest that I was satisfied beyond reasonable doubt that Sharon is deceased, and that she died on or about 18 March 1986, the last day she was known to be alive. I also indicated that I would consider whether I was able to make any other findings in relation to cause or manner of death, based on the evidence before me. Those findings that I have been able to reach to the requisite standard on the available evidence, are set out below.
14. I note that, given the family connections, many of the witnesses referred to in this finding have the same surname. Accordingly, for ease of reference, I have generally referred to people by their first names, including Sharon Fulton and her children. As I have indicated above, I have referred to Maxwell Robert Fulton as Robert Fulton to keep his identity separate to his sons. I mean no disrespect by this to the individuals so named, but do so with the hope that it makes the finding easier to understand.

BACKGROUND

15. Sharon was an only child and was born and raised in Queensland. Her parents separated when she was about three years old and her father later remarried. Sharon's father died in 1980, but her mother, Betty Hulme, and her stepmother, Jocelyn Hulme, were still alive when Sharon disappeared in 1986 and she was close to them both.⁵
16. Growing up, Sharon was described as a normal child. Like many little girls, she loved horses, and she was lucky enough to have a horse at her grandmother's property, so she

⁵ Exhibit 1, Tab 5.

would often go horse-riding. Sharon was described as a little shy, but generally just an “ordinary kid.”⁶

17. Sharon married Robert Fulton in Brisbane on 8 July 1967, when she was 21 years old. She changed her surname from Hulme to Fulton upon her marriage. The couple moved frequently due to Robert Fulton’s employment in the Royal Australian Air Force, both within Australia and overseas. In January 1983, Robert was posted as a Flight Lieutenant to the RAAF Pearce Air Base in Bullsbrook, Western Australia.⁷ By this time, Sharon and Robert had four children together: Deryck (born in 1970), Kyle (born in 1975), Kirsty (born in 1978) and the youngest Heath (born in 1982). Sharon and Robert purchased a house in Readshaw Road, Duncraig, not long after arriving in WA. The Fulton family were still living there at the time Sharon disappeared.
18. Sharon did not go out to work and her life was focussed around being a mother and maintaining the family home. She had one close friend from her childhood living in Perth and she formed a number of acquaintances with other local mothers. She also joined a women’s competitive ten pin bowling team, but there was evidence from witnesses that Robert Fulton was not supportive of Sharon having outside interests. Indeed, there is evidence that Sharon’s bowling ball and bowling shoes went missing from her locker and she told her mother and a friend at the time that she believed Robert had taken them as he didn’t want her going out. When she asked him, he denied it, but there was evidence that years after Sharon’s disappearance, Robert advertised some bowling shoes and a ball for sale and told his new partner they were Sharon’s. This appears to support Sharon’s belief Robert took them at the time.⁸
19. This was just one example of the difficulties in Sharon and Robert Fulton’s marriage. At the time police began investigating Sharon’s disappearance, it became apparent that Robert and Sharon had been experiencing significant difficulties in their marriage for a long time.
20. Narelle Harrison and Sharon had been childhood friends and they renewed their friendship when Sharon moved to Western Australia. Narelle was really Sharon’s only close friend in Perth, and they saw each other on a regular basis. Narelle quickly became aware that Sharon had been having marital difficulties dating back to before she came to WA. Narelle gave evidence that Sharon had changed from a happy girl to someone who was very sad and depressed.⁹ Sharon told Narelle how unhappy she was in her marriage and that Robert was a difficult and controlling man. She also believed affairs were mentioned. Sharon said that Perth was meant to be a new beginning for them, plus there was the arrival of baby Heath. However, the marriage did not improve.¹⁰
21. To the general outside world, Robert appeared to be a loving and caring husband. However, Sharon had some in-depth discussions with Narelle, where she disclosed that Robert was very controlling across all aspects of her life: social activities, friends, the

⁶ T 21.

⁷ Exhibit 1, Tab 2.

⁸ Exhibit 1, Tab 9, Statement 2 – unsigned, p. 10.

⁹ T 22.

¹⁰ Exhibit 1, Tab 13B, [10] – [11].

children and money. Sharon said he would threaten her, although Narelle never heard this herself. He insisted that she be home when he arrived home from work, the house had to be cleaned and she was not supposed to mix with friends. Sharon became increasingly anxious and depressed as time went on. She lost all of her self-confidence and said she felt trapped.¹¹

22. Sharon was also becoming afraid of Robert and confided in Narelle that she “was scared that he would kill all of the family.”¹² In particular, in January 1986, the Fulton family went on a holiday to Monkey Mia and before they left, Sharon rang Narelle and said that she was frightened that Robert would cause a traffic accident and kill them all. Narelle recalled Sharon was petrified. Sharon gave Narelle some important papers to look after for her until she returned, in case something happened to her.¹³
23. Narelle suggested to Sharon that she seek legal advice about getting a divorce. Sharon obtained funding from the Legal Aid Commission and on 13 May 1985, she saw a solicitor, Thomas Kuurstra, for legal advice in relation to ending her marriage. Narelle accompanied Sharon to the first meeting with the solicitor. Mr Kuurstra reassured Sharon that there would be lots of help and she would have the children if they separated. Narelle recalled that the solicitor gave Sharon confidence and hope.¹⁴ With Mr Kuurstra’s assistance, Sharon prepared an affidavit in furtherance of a marriage separation. The affidavit was filed on 13 May 1985, in anticipation of a hearing date on 23 May 1985. Sharon sought sole guardianship and custody of the children, with Robert to be granted reasonable access, and interim exclusive occupation of the family home and maintenance until a final financial settlement could be made.¹⁵
24. Sharon swore to the fact that, while she was still living in the family home with Robert Fulton, she considered that their marriage had irretrievably broken down. She said the marriage had begun to deteriorate about a year after the birth of their second child, Kyle. Contrary to Robert Fulton’s allegations that Sharon had been in a relationship with his best friend, Sharon referred to the deterioration of their marriage beginning after Robert had an affair with their mutual friend.¹⁶ She indicated her belief that the current atmosphere in the home was adversely affecting the children, describing it as tense and cold. Sharon indicated that there was not a lot of shouting, but the constant disagreements made her “tense and nervous” and she felt she took her anxiety out on the children. Sharon indicated she had been taking Kyle to see a psychiatrist, Dr Maria Weekes, and Dr Weekes had informed Sharon that the tense atmosphere and poor home environment could be contributing to issues Kyle was experiencing with his hand-eye co-ordination.¹⁷
25. Dr Maria Weekes was a specialist psychiatrist who treated both child and adult patients. Dr Weekes often employed family therapy as part of treatment, which involved including the parents in sessions, as she believed that some behavioural issues of a child

¹¹ Exhibit 1, Tab 13B, [11] – [15], [18], [25].

¹² Exhibit 1, Tab 13A, p. 1.

¹³ T 23; Exhibit 1, Tab 4, Tab 13A, p. 1 and Tab 13B, [20] – [24].

¹⁴ T 22 – 23.

¹⁵ Exhibit 1, Tab 6 and Tab 13B, [16] - [17].

¹⁶ Police later obtained a statement from a woman confirming this was the case – Exhibit 1, Tab 38.

¹⁷ Exhibit 1, Tab 6.

could relate to problems or actions associated with their parents.¹⁸ Dr Weekes treated Kyle with Sharon initially, and eventually also included Robert in the sessions. The treatment for Sharon and Robert involved addressing their marital situation and continued for a period of approximately two years until 24 January 1986, about seven weeks before Sharon's disappearance.¹⁹

26. Dr Weekes told police after Sharon disappeared that she had seen the Fultons for a long period but couldn't help them. She had first seen Sharon, who had indicated that "life was terrible"²⁰ living with Robert. Sharon alleged he kept her short of money, she was frightened of him, she had no self-esteem and could not do anything right in his eyes. However, when Dr Weekes met him, she found Robert was reasonable and believed that Sharon was distorting facts. Dr Weekes felt Robert was cooperative whereas Sharon refused to come in with him. I note that if Sharon was genuinely frightened of him, then that may well have been a reason why she did not want to engage in therapy with him, but Dr Weekes said she "couldn't help them unless they were willing to communicate."²¹
27. Dr Weekes did tell police that she formed the opinion that "Sharon was very afraid of her husband"²² and that Sharon had disclosed that she believed Robert "would murder both her and the children if she left him."²³ Dr Weekes believed that Sharon's fear was real and genuine, but suggested it could have been caused by "problems on her own part and not necessarily to do with Robert."²⁴ She suggested that Sharon's family history of being deserted by her father when she was three years old, might be playing out again, as it is "not unusual for people to repeat their own history,"²⁵. However, Dr Weekes also acknowledged that Robert used Sharon's fear of him to his own advantage to prevent Sharon leaving him.²⁶
28. Sharon disclosed some specific threats Robert had made, including that he had threatened she "would finish up six feet under."²⁷ Dr Weekes questioned Robert about this second threat. He laughed in response and did not deny making the threat. However, he said that "it was only said in anger"²⁸ and that he wouldn't hurt anyone. Dr Weekes believed his response was genuine and stated that she felt somewhat relieved at his answer to her question.²⁹
29. I note that her relief was in the context that Sharon told her that not only was she in danger, but Dr Weekes could be as well. Dr Weekes was sufficiently concerned that she ceased treating the couple and told the police that she "withdrew because she felt fear" and said she had "a gut feeling that there was projected murderous indications on both

¹⁸ Exhibit 1, Tab 16.

¹⁹ T 60 – 61.Exhibit 1, Tab 15.

²⁰ Exhibit 1, Tab 22, Entry 25.3.86.

²¹ Exhibit 1, Tab 22, Entry 25.3.86.

²² Exhibit 1, Tab 15, p. 1.

²³ Exhibit 1, Tab 15, p. 1.

²⁴ Exhibit 1, Tab 15, p. 1.

²⁵ Exhibit 1, Tab 15, p. 2.

²⁶ Exhibit 1, Tab 15, p. 1.

²⁷ Exhibit 1, Tab 15, p. 1.

²⁸ Exhibit 1, Tab 15, p. 1.

²⁹ Exhibit 1, Tab 15, p. 2.

sides. She ... felt fear for herself and still did.”³⁰ Dr Weekes had been led to believe Robert had been attached to the SAS in Asia and involved in organised killings.

30. The police appear to have dismissed Dr Weekes’ concerns at the time.³¹ However, Dr Weekes’ office manager, Ms Ann Kennedy, gave evidence at the inquest that she recalled the last counselling session that Robert Fulton attended, as Dr Weekes came out of the consulting room and appeared quite concerned. Ms Kennedy sensed that something serious had happened in the session. Dr Weekes told Ms Kennedy that Robert (who she referred to as Maxwell) had made a disturbing comment during the session to the effect that “because of his training he knew how to get rid of a body and no one would know where to find it.”³² Ms Kennedy was not sure if this was intended to be a threat towards Sharon or Dr Weekes, but Ms Kennedy remembered that Dr Weekes was obviously concerned about this statement and she told Ms Kennedy to keep the front and back doors locked, contrary to their usual practice.³³
31. In her role as the office manager, Ms Kennedy often interacted with the clients, and she had a specific memory of both Sharon and Robert Fulton. Ms Kennedy remembered Sharon as a “very warm, caring and kind lady”³⁴ and a “beautiful, loving, caring mother”³⁵ who adored her children and was very close to them. In comparison, she remembered Robert as attractive but distant, and described him as “a rather aloof, controlled and quite cold person”.³⁶ Ms Kennedy formed the impression that Robert Fulton was not a willing participant in the sessions³⁷ and that Sharon “wasn’t a happy person”³⁸ and was always stressed.
32. After their last session in January, Ms Kennedy read sometime later that Sharon had disappeared. She stated she found it very strange, as Sharon appeared to adore her children and did not strike Ms Kennedy as the kind of person who would have gone away without them.³⁹ Ms Kennedy also remembered that Dr Weekes intimated that Sharon’s husband might have been involved.⁴⁰ Dr Weekes had sadly passed away by the time of the inquest, so she could not be asked why she made this comment.
33. In her Family Court application, Sharon had sought exclusive occupation of the home, where she would continue to care for the children. She also sought financial assistance, claiming Robert limited her access to their mutual funds and was financially controlling. She stated that he was constantly critical of her and she believed that once he was served with the affidavit and accompanying documents, living with him would be even more difficult and he would “retaliate with even further financial sanctions.”⁴¹ Sharon swore the affidavit before a Commissioner for Affidavits on 13 May 1985 and it was

³⁰ Exhibit 1, Tab 22, Entry 25.3.86.

³¹ Exhibit 1, Tab 8.

³² Exhibit 1, Tab 16, [27].

³³ T 57; Exhibit 1, Tab 16, [25] – [30].

³⁴ Exhibit 1, Tab 16, [15].

³⁵ T 55.

³⁶ Exhibit 1, Tab 16, [20].

³⁷ Exhibit 1, Tab 16.

³⁸ T 59.

³⁹ T 60; Exhibit 1, Tab 16.

⁴⁰ T 59.

⁴¹ Exhibit 1, Tab 6 [6].

filed on the same date. A hearing date was set for 23 May 1985 and Robert was served with the papers.⁴²

34. Sharon's mother Betty told police that she only became aware of Sharon's plans to divorce Robert after she had been to see the solicitor. Betty told Sharon at the time that she did not think her marriage was that bad and that "she would have a hard road to hoe with four children, and to think about it before she went ahead with it."⁴³ Sharon had told Betty that she needed her mother with her in Perth, but Betty had to have a cataract operation so she was unable to go. Her stepmother, Jocelyn Hulme, went over to Perth instead.⁴⁴ Jocelyn told police that she had flown to Perth at Sharon's request on 12 May 1985 and attended Sharon's appointment with her solicitor the next day.⁴⁵
35. A few days after the solicitor's visit, on 17 May 1985, Robert asked Jocelyn to go for a drive with him as he wanted to talk to her about the proposed Family Court hearing that was listed a week later. They drove to a nearby shopping centre carpark and parked. Robert expressed his concern about the divorce proceedings. Robert told Jocelyn he had seen a solicitor that day and was horrified to learn certain information about the custody of the children and division of property. Jocelyn told police she listened willingly to him because the object of her trip to Perth was "to try and help both parties and, above all, the children of the marriage."⁴⁶ Jocelyn recorded in her diary some parts of the conversation, including that Robert said to her, "If I can't have the kids, nobody would get them."⁴⁷ She asked what he meant and begged him not to use violence. Robert responded that he would not use violence himself, with the accent on the reflexive pronoun "myself".⁴⁸ Robert also told Jocelyn in the conversation that he had that day cashed assets to the value of \$20,000.
36. When he was later asked by police about making these threats, Robert Fulton admitted making them but said they were only made in the heat of the moment after he had been served with the separation papers.⁴⁹
37. At the end of his conversation with Jocelyn, Robert said he had written a letter to Betty Hulme telling her that she was responsible for what happened and that he would post the letter on Monday (although Betty never received such a letter). He then quite calmly, and without malice, asked Jocelyn to be out of the house by Monday night. He told Jocelyn he would not be attending the court hearing on the Tuesday and said "that nothing matters anymore."⁵⁰ In Jocelyn's opinion, his manner at that time "was that of cold, calculating despair."⁵¹
38. Jocelyn was clearly rattled by the conversation. The next day, being Saturday 18 May 1986, Jocelyn managed to contact Dr Weekes. Jocelyn asked Dr Weekes whether she

⁴² Exhibit 1, Tab 6.

⁴³ Exhibit 1, Tab 9, Statement 2 – unsigned, p. 6.

⁴⁴ Exhibit 1, Tab 9, Statement 2 – unsigned.

⁴⁵ Exhibit 1, Tab 10.

⁴⁶ Exhibit 1, Tab 10, p. 1.

⁴⁷ Exhibit 1, Tab 10, p. 1.

⁴⁸ Exhibit 1, Tab 10, p. 1.

⁴⁹ Exhibit 1, Tab 5.

⁵⁰ Exhibit 1, Tab 10, p. 1.

⁵¹ Exhibit 1, Tab 10, p. 1.

should take Robert's statements seriously. Dr Weekes said words to the effect that it was never safe not to take things like these seriously. Jocelyn asked if she should get Sharon and the children out of the house and Dr Weekes agreed that it would be a good move. Jocelyn then rang the Crisis Centre and made tentative arrangements in case of need and also rang the Warwick Police Station and reported the conversation with Robert.⁵²

39. Dr Weekes also asked Robert Fulton about these threats in a session. She was reportedly satisfied that they were not genuine. Dr Weekes told police she did believe Sharon was scared of her husband but was not sure whether Sharon had cause to be. However, Dr Weekes did admit that she felt somewhat uneasy in Robert Fulton's presence.⁵³
40. After speaking to Dr Weekes, Jocelyn tried to convince Sharon to leave the house, but Sharon was unwilling to leave in case Robert wrecked the house. They drove to Perth and met with Sharon's solicitor, who told them that Robert's solicitor had rung him and advised that Robert would, in fact, be attending Court the following day. Jocelyn felt that had taken some of the heat out of the situation, so they all remained in the house.⁵⁴
41. On Tuesday, 21 May 1985, Jocelyn went and waited outside the Court for Sharon and Robert. She learned afterwards that they had decided to attend counselling and give the marriage another try. Robert then suggested Jocelyn could stay with them for a further period.
42. Around this time, Robert travelled to visit his sister, Margaret Anne Wood (who usually goes by Anne) and brother-in-law, John Wood, in Queensland. Robert's contact with his sister had been limited over the years, but in 1985 he reached out to them for help. Robert told his sister and brother-in-law that he was worried about the Family Court proceedings. It seemed they were on pause, but he believed they could be reinstated at any time. Robert said all Sharon had to do was 'press the button' and "he would lose all his money and superannuation, leaving him penniless."⁵⁵ Robert also said that he was worried he would lose his children.⁵⁶ Robert's sister and her husband put him in contact with a lawyer and he obtained some legal advice.⁵⁷ After Robert left to return home, they did not see each other or speak again on the telephone until after Sharon's disappearance in early 1986.⁵⁸
43. Sharon had never made any allegations to friends or family that Robert had been physically violent towards her. This was corroborated at least to some extent by enquiries with their neighbours in Duncraig, who indicated that they recalled the Fultons as quiet and they had never heard any arguments coming from their home.⁵⁹ However, it is clear there were constant disagreements and elements of what we now refer to as 'coercive control' in the relationship. Her mother told police Sharon had never given her any indication that Robert hit her, but he would get in a foul mood and

⁵² Exhibit 1, Tab 10, p. 1.

⁵³ Exhibit 1, Tab 5.

⁵⁴ Exhibit 1, Tab 10, p. 1.

⁵⁵ Exhibit 1, Tab 17, [17].

⁵⁶ T 70; Exhibit 1, Tab 17, [18].

⁵⁷ The lawyers is now deceased so there is no statement from him in the brief – T 70.

⁵⁸ Exhibit 1, Tab 17.

⁵⁹ Exhibit 1, Tab 5.

not talk to her and constantly pick on her until she was a nervous wreck.⁶⁰ He also made her frightened to make long distance phone calls to her mother, telling Sharon they didn't need the cost of a home phone, as he had a phone at the base.

44. At the time Sharon prepared her affidavit in May 1985, she referenced only two life insurance policies relating to her husband, and no such life insurance policy in relation to herself.⁶¹ However, approximately one month before her disappearance, on 25 February 1986, Robert Fulton applied for a new life insurance policy in relation to both himself *and* Sharon with Prudential Assurance. As noted below, he later attempted to claim on the policy.⁶² Betty Hulme told police Sharon had never mentioned the new life insurance policy to her and she did not know if Sharon knew about it.⁶³
45. Sharon had also seen a psychologist, Charmaine Saunders, around this time, but there is no information about what was covered in their sessions as Ms Saunders would not discuss Sharon's treatment with police due to reasons of confidentiality.⁶⁴
46. After Sharon put the Family Court proceedings on hold, the couple went to counselling and Sharon told her mother things improved and Robert was very good for about six months. Nevertheless, Sharon continued to ask Betty to move to Perth for support. Betty began to consider and plan towards the move, but she needed Sharon to come to Brisbane and sort through her possessions she had stored there. It was suggested that Sharon was planning to go to Brisbane to do that in June 1986, but she disappeared before this could occur.⁶⁵
47. In the meantime, in February 1986 Sharon became quite anxious for Betty to, at least, come to Perth for a visit. Betty had just undergone further cataract surgery so she was again unable to do so. Betty recalled that Sharon told her that she was becoming increasingly frightened of Robert and "she believed something was going on, but she did not know what."⁶⁶ Sharon told her mother that Robert was always searching through the house for something, but she did not know what. Sharon had given some important documents to her friend Narelle for safekeeping around this time, including her marriage certificate,⁶⁷ and at one stage Robert mentioned he was looking for this. Sharon reportedly told him she did not know where it was. Sharon also told her mother that Robert would never give her any money, and at the time she disappeared he had been giving her only \$50 a week to feed the family and look after herself. Betty was on a pension but sent through what money she could to help.⁶⁸
48. While Jocelyn was visiting Sharon back in May 1985, she had personally witnessed the extreme economy Sharon used in her household management. She also found out that the car Sharon was driving was not registered, despite Robert saying that it was, and when it was taken for inspection to be licensed it was found to be in a dangerous

⁶⁰ Exhibit 1, Tab 9, Statement 2 – unsigned.

⁶¹ Exhibit 1, Tab 6 [9(l)(v)].

⁶² Exhibit 1, Tab 7,

⁶³ Exhibit 1, Tab 9, Statement 2 – unsigned.

⁶⁴ Exhibit 1, Tab 5.

⁶⁵ Exhibit 1, Tab 9, Statement 2 – unsigned.

⁶⁶ Exhibit 1, Tab 9, Statement 2 – unsigned, p. 7.

⁶⁷ T 23.

⁶⁸ Exhibit 1, Tab 9, Statement 2 – unsigned.

condition because oil was leaking on to the brake amongst other things. Jocelyn had to give Sharon money to get the car repaired and registered.⁶⁹

49. All the evidence points to Sharon living in a family violence relationship marred by coercive control through financial and social restriction and fear of being harmed, although there was no overt physical violence. Sharon had tried unsuccessfully to leave, and had been persuaded to remain in the marriage. After a few months of improvement, it would seem that in early 1986, the relationship had deteriorated to the point that Sharon was again living in fear.
50. On 13 February 1986 Sharon was visiting an acquaintance, Ms Norma King, for afternoon tea. Ms King knew Sharon as a very private person but Ms King had gathered from conversations with Sharon that her home life and relationship with her husband were not great. Ms King had never seen any signs of physical injury or marks of violence on Sharon, but she got the feeling that Sharon was scared of Robert. Sharon had described him as domineering and possessive, short tempered and aggressive. Sharon also said Robert was mean with money and she had to ask for everything. It was clear to Ms King that Sharon did not have a lot of money to spend as she noted she was always dressed in a dowdy manner. Ms King remembered Sharon as an anxious and very unhappy person at that time.⁷⁰
51. Ms King stated Sharon seemed particularly depressed during the visit on 13 February 1986. She told Ms King that she and Robert couldn't live together under the same roof, and Robert wouldn't leave, so she would have to go. Sharon said she would have to split the family as she would only be able to take the younger children with her. Sharon said she didn't know where to go and Ms King suggested she go to her mother, but Sharon said she didn't have the money to do that, noting her mother lived on the other side of the country. Ms King apparently told Sharon her own door was open to her anytime if she needed it.⁷¹
52. It seems that after trying to commence the Family Court proceedings to gain custody of the house and all the children, Sharon had by this stage resigned herself to having to leave the house and take only the two younger children with her. However, there was nothing to suggest she had any intention of abandoning all the children. After Sharon disappeared, police spoke to her solicitor, Thomas Kuurstra. He stated he believed it was out of character for Sharon to leave home and Sharon had been fearful that Robert Fulton would harm her.⁷²
53. Ms King also told police later that she was very surprised to hear that Sharon had disappeared and left the children behind, as it seemed out of character and was inconsistent with that earlier conversation. Ms King had observed Sharon to be a good mother and her youngest son, Heath, in particular was her pride and joy. Ms King told police she did not believe Sharon would ever have knowingly left Heath behind, even if she had been able to bring herself to leave the other children behind.⁷³

⁶⁹ Exhibit 1, Tab 10, p. 3.

⁷⁰ T 11; Exhibit 1, Tab 11B.

⁷¹ Exhibit 1, Tab 8, p. 3 and Tab 11A.

⁷² Exhibit 1, Tab 4.

⁷³ T 15; Exhibit 1, Tab 11A and 11B.

LAST KNOWN CONTACTS WITH SHARON

54. After the conversation in February 1986, Ms King last saw Sharon on 14 March 1986 at the Duncraig Recreation Centre. Sharon was collecting Kyle after a camp and seemed a little frazzled as she was running late.⁷⁴ Ms King later told police she remembered “Sharon turned up looking bad.”⁷⁵
55. Sharon’s mother, Betty, last spoke to Sharon in the week before she disappeared. On that occasion, Sharon told her mother that she was frightened of Robert and feared something was going on. In another conversation just before, she mentioned that Robert wanted to go away for Easter but she did not want to go and seemed frightened of what might happen to her. From those conversations, Betty stated it was very obvious to her that Sharon’s fear of Robert was increasing.⁷⁶
56. The last person confirmed to have seen Sharon, separate to Robert Fulton, was her close friend Narelle Harrison. Sharon visited Narelle’s home on Monday, 17 March 1986, the day before she disappeared. On that day, Sharon had appeared more depressed than usual about her marriage and Narelle had felt “as though things were really coming to a head and the situation in the family home was now at crisis level.”⁷⁷ Narelle suggested to Sharon that she should visit her solicitor again and also told Sharon she should not go home and should stay at her house. Narelle offered to collect Sharon’s children from school and bring them back to her house. Narelle recalled that Sharon feared that if she did not go home, Robert would come and hurt all of them, so she chose to go home even though she was “terrified.”⁷⁸ Narelle did not see or hear from Sharon again.⁷⁹
57. Sharon had been invited to attend a ‘print party’ (a bit like a Tupperware party but where guests could view and purchase pictures) on Tuesday 18 March 1986. It was being held by one of her bowling friends, Jennifer Mort. In her statement to police provided in May 1986, not long after Sharon’s disappearance, Ms Mort stated that on 14 March 1986, she had spoken to Sharon while they were bowling and invited her to the party. Sharon told Ms Mort that she would be late to the party as she had to go to an appointment in town. Sharon also asked if she could bring her little boy (Heath) with her. They also spoke about Sharon’s prospects of winning the competition for the best female bowler in the league that year, a prize she had won before. Sharon said words to the effect that she wouldn’t be winning it that year because she would be missing for a couple of weeks. When Ms Mort asked if Sharon was going away, she said she wasn’t and just meant she might miss some games due to being sick. Ms Mort recalled at the time that she “thought this was a strange thing to say.” Ms Mort and Sharon were not close friends and Sharon did not confide in her about her private life, so Ms Mort did not press further.⁸⁰

⁷⁴ T 13.

⁷⁵ Exhibit 1, Tab 11, [24].

⁷⁶ Exhibit 1, Tab 9, Statement 2 – unsigned, p. 8.

⁷⁷ Exhibit 1, Tab 13B, [30].

⁷⁸ T 23.

⁷⁹ T 23; Exhibit 1, Tab 4 and Tab 13A and Tab 13B, [31].

⁸⁰ Exhibit 1, Tab 14A.

58. In a later statement provided to police in 2016, Ms Mort recalled that Sharon had, in fact, called her on the morning of the party to ask if she could bring her son. Ms Mort said she checked with the print consultant, who agreed that Sharon could bring her son. Ms Mort stated Sharon also mentioned that she would be running a bit late. The party was supposed to start at 11.00 am, and they waited for Sharon until 11.30 am before they started. They also waited until 1.00 pm before they ate lunch, but Sharon never arrived. Ms Mort never saw Sharon again and only became aware that Sharon had disappeared when she was informed by the police as part of their investigation.⁸¹

MISSING PERSON REPORT

59. The first Missing Person Report was made to police by Robert Fulton after Sharon's mother became aware that Sharon had not been seen for three days and insisted he speak to police. This was on Friday, 21 March 1986, three days after she was last seen on the Tuesday.
60. According to the typewritten entries made by Senior Constable Peter Wigg (S/C Wigg), Robert Fulton made the report at the Warwick Police Station at 5.00 pm and reported that he had last seen Sharon at their home in Duncraig at midday on 18 March 1986. Robert was recorded as saying that the day before, Sharon had said she needed time to herself, and when he got home on 18 March 1986 she had just left. Robert Fulton suggested that Sharon might have had a boyfriend, stating she had previously had a relationship with Robert Fulton's former best friend. Robert Fulton admitted to S/C Wigg that they had been experiencing marriage problems for some time but they had agreed before the last Christmas to give the marriage another go and he said things had been going all right until her disappearance.⁸² Robert Fulton apparently told S/C Wigg that he was not agreeable to publicity, although on 23 March 1986 Robert Fulton placed a notice in the person column of the Sunday Times newspaper asking Sharon to please come home as "we all love you and forgive you."⁸³
61. According to S/C Wigg who took the report, Robert Fulton did not tell police at this time that he had last seen Sharon when he dropped her at the East Perth Train Station. As seen below, Robert provided this information in an interview with police sometime later. Robert Fulton maintained that he did tell S/C Wigg the same information, although this was disputed by S/C Wigg and it is certainly not entered in the Missing Person Report completed at the relevant time. There is not obvious reason why S/C Wigg would not have included this relevant information if it had been communicated to him, so I am satisfied Robert Fulton did not provide the information about dropping Sharon at the train station to S/C Wigg when making the first report.⁸⁴

INITIAL MISSING PERSONS BUREAU INVESTIGATION

62. S/C Wigg sent the missing person report to the Missing Persons Bureau on 22 March 1986 with the additional information that Sharon may have travelled to the eastern

⁸¹ T 41 – 42; Exhibit 1, Tab 14B.

⁸² Exhibit 1, Tab 3 and Tab 4.

⁸³ Exhibit 1, Tab 4, p. 8.

⁸⁴ Exhibit 1, Tab 5.

states.⁸⁵ Officers from Missing Persons rang Sergeant Stansfield at Warwick Police Station, who confirmed the information at that time from Robert Fulton was that he had come home from work on 18 March 1986 and found she had just left, after stating the day before that she “just needed some time to herself.”⁸⁶ Robert suggested she might have a boyfriend and claimed she had been in an affair with his ex-best mate.⁸⁷

63. Also on 22 March 1986, Betty Hulme rang the Missing Persons Bureau and told the WA Police that she believed Sharon’s husband Robert was violent and had murdered her. Betty advised Sharon was frightened of him and, although Betty admitted Robert had never been physically violent to Sharon, she believed he had told Sharon he would murder her or cause her to have a nervous breakdown. It is clear Betty genuinely believed Sharon was in grave danger. The police records also indicate that Jocelyn Hulme similarly rang and made allegations of foul play.⁸⁸
64. On 22 March 1986, Robert Fulton was also asked to attend the Warwick Police Station as a woman fitting Sharon’s description had been located. Robert Fulton attended in company with a Reverend Hartley. On learning that the woman was not Sharon, Robert Fulton appeared distraught.⁸⁹
65. On 24 March 1986, a police officer from Missing Persons rang Robert and they spoke at length. Robert maintained he had dropped Sharon to the East Perth Railway Station at about midday on Tuesday, 18 March 1986 “after a heated discussion.”⁹⁰ This is the first time the train station is recorded as being mentioned. Robert said Sharon stated she needed some time to herself and things were closing in on her. Robert claimed that before Sharon left the house she made two phone calls. One was to a ‘Scotty’ or ‘Snotty’. She also took a few things in an overnight bag with her. He claimed Sharon also had \$480 in cash with her (which is inconsistent with the general understanding she had access to very little money) and he gave her another \$300 and said to her “at least stay somewhere decent.” Robert told the police at that time that Sharon had an affair with Michael Harrison, who he referred to as his “ex best mate” and said he didn’t know if Narelle Harrison was aware of the relationship. Robert told the police officer during this call that he was “starting to get worried” and thought Sharon had gone over East. Robert denied any physical violence in the marriage, although he admitted loud arguments and screaming at each other.⁹¹
66. Jocelyn Hulme spoke to Missing Persons on 24 March 1986 and stated she had visited 12 months before, when Sharon had been initiating court proceedings, and Robert had been “devastated”⁹² and said, “If I can’t have them (the children), no one will,”⁹³ which she took as a threat towards Sharon. He had denied he would do anything himself but said he could liquidate assets and pay someone else \$20,000 to do it. Jocelyn admitted

⁸⁵ Exhibit 1, Tab 4.

⁸⁶ Exhibit 1, Tab 22.

⁸⁷ Exhibit 1, Tab 22.

⁸⁸ Exhibit 1, Tab 22.

⁸⁹ Exhibit 1, Tab 5.

⁹⁰ Exhibit 1, Tab 22, Entry 24.3.1986.

⁹¹ Exhibit 1, Tab 22.

⁹² Exhibit 1, Tab 22.

⁹³ Exhibit 1, Tab 22.

Robert had never been violent towards Sharon or the children, but she said she believed he had done Sharon harm.⁹⁴

67. The police noted the discrepancy between Robert telling S/C Wigg he came home and Sharon was gone and didn't know what she was wearing and this new version that he took Sharon to the railway station and he recalled she was wearing a pink/mauve dress.⁹⁵ Police contacted someone at the Railway Investigators Section who advised that no person matching Sharon's description was recorded as boarding a train to anywhere on the day in question and there were no trains or buses departing around that time that Robert alleged he had dropped her off.⁹⁶
68. Betty spoke to the police again on 25 March 1986 and stated that she was positive her daughter was dead and suggested the police should disregard every word Robert was saying and take her word that he was involved. She referred to Jocelyn's previous conversation with Robert that he would pay someone to kill Sharon. Betty told the police that she felt it was all her fault as Sharon had wanted her to come over and she had procrastinated. Betty believed if she had come to Perth, this wouldn't have happened.⁹⁷
69. Robert was interviewed at length at his home on the same day. The police officer interviewing him noted that there was no evidence to suggest murder in Robert's demeanour and he appeared concerned for his wife's welfare. He repeated his account that he had taken Sharon to the railway station after she said she wanted to get away, and this time said she told him someone was picking her up. He believed she was having an affair and claimed he did the washing often and found semen on her underwear, but didn't ask her about it. The police officer noted Robert was rambling and hard to get answers from but didn't appear to be evasive and was very co-operative. He allowed the police to go through the house, yard, shed and cars. The police obtained copies of Sharon's Family Court paperwork and went through it with Robert. He denied some things and admitted others, claiming he had changed his ways since being served with the papers and had given her more money and bought her a new car and did everything to make the marriage work.⁹⁸
70. It was during this interview with police that he denied telling S/C Wigg the information included in the missing person report. The police officer spoke to Heath, who said "Mummy gone on train, train broke." Robert suggested that Heath had seen a train on the wall when he had taken him to the train station to look for Sharon the evening she left. Robert was asked why he had changed their phone number the day she left. He claimed he did it after receiving a phone call from a man asking for Sharon, and admitted it was a silly thing to do as his wife could not then contact him. He also said he didn't want to receive abusive phone calls from Jocelyn and Betty. Robert said he was going to go to Queensland for Easter to stay with his sister Anne "as he couldn't sit around the house thinking and he needed to be with someone who was on 'his side'. He was advised that the police would prefer him not to go, but he claimed the whole family

⁹⁴ Exhibit 1, Tab 22.

⁹⁵ Exhibit 1, Tab 22.

⁹⁶ Exhibit 1, Tab 22.

⁹⁷ Exhibit 1, Tab 22, Entry 25.3.86.

⁹⁸ Exhibit 1, Tab 22, Entry 25.3.86.

had made plans to go over there and paint his mother-in-law's house in preparation for sale, although I note this does not accord with the evidence of Anne Wood and Betty Hulme.⁹⁹ When the police left the house, they asked Robert to stay in regular contact with the police from Queensland, if he did leave.¹⁰⁰

71. The police also went to Deryck's school on 25 March 1986 and interviewed him about his mother's disappearance. A police officer recorded that Deryck did not seem concerned that his mother was missing and said she was "always yelling and screaming at them". He said his father had told him that he and his mother had 'sorted something out' when she wasn't there when he got home from school. He admitted he rang Betty to tell her his mother was missing, although he did not tell his father he had done so.¹⁰¹
72. Deryck was said to have told another person some years later that on the day his mother disappeared, she was in her dressing gown when he left for school just before 9.00 am. As she said goodbye, Sharon told Deryck that his father was coming home to discuss with her things that they needed to discuss. She reportedly seemed upset.¹⁰²
73. On 1 and 2 April 1986, police officers from Missing Persons spoke to staff from the RAAF who worked with Robert. He was described as an authoritarian at work who was not popular with subordinates. He did not talk about his family life at work. The police were advised that Robert was supposed to work to a roster, but as an officer he was not generally questioned when he came and went. It was recorded that he had been rostered on duty on 18 March 1986, the day Sharon went missing, but he left at 10.00 am, noting in his diary that he was leaving because of domestic trouble.¹⁰³ I note in later years, Robert provided accounts suggesting he was not rostered on until the afternoon that day, which is inconsistent with this evidence.
74. Robert Fulton took his children to Queensland at the end of March or early April 1986. Robert's sister Anne had gone away with her husband for a week on business and her mother (also Robert's mother) stayed at their home to look after their children. When Mr and Mrs Wood got home, Robert and the four Fulton children were at their home in Hervey Bay. Robert's mother told them that Sharon was missing, so Ms Wood asked Robert what had happened. Robert told her that "Sharon wanted some time out and that he and Heath took her to a railway station."¹⁰⁴ She did not recall him providing any more details at that time. Ms Wood's recollection was that Robert and the children had arrived there within days after he had reported Sharon missing, which she and her husband found strange. Robert also told his sister he had changed the locks on their house in Duncraig, which she found hard to understand as she wondered how Sharon was supposed to get back into the house if she returned while Robert and the children were away. She also thought it seemed a strange task to prioritise at such a time.¹⁰⁵

⁹⁹ Exhibit 1, Tab 22, Entry 25.3.86.

¹⁰⁰ Exhibit 1, Tab 22, Entry 25.3.86.

¹⁰¹ Exhibit 1, Tab 22, Entry 25.3.86.

¹⁰² T 85; Exhibit 1, Tab 21E, p. 5.

¹⁰³ Exhibit 1, Tab 22, Entry 2.4.86.

¹⁰⁴ Exhibit 1, Tab 17, [27].

¹⁰⁵ T 71 - 72; Exhibit 1, Tab 17.

75. Robert and the children stayed with his sister and her family for about a week in the end. Robert's sister remembered he was paranoid during this time that Betty Hulme or Jocelyn Hulme might come to snatch the children. Ms Wood did not understand why he would hold such a concern and Robert apparently didn't explain his concerns further.¹⁰⁶ Ms Wood recalled that Robert was in contact with the WA Police regularly during the visit, but she did not remember the substance of his discussions with the police. Noting this was back in the days before mobile telephones, Ms Wood did not recall Robert using the home phone to ring any of his friends to try and track Sharon down, or to ring his own house to see if she had returned. Ms Wood's impression at the time was that Sharon would just turn up, based on what she had been told. She did not recall ever having any discussions with the children about their mother and the circumstances surrounding her disappearance.¹⁰⁷
76. Police officers kept an eye on the empty Fulton house in Perth while Robert was away, and there was no sign that Sharon had visited the house in the family's absence.¹⁰⁸
77. On 3 April 1986, police spoke at length to a person called Scotty who worked at the Fairlanes Bowls. He indicated he did not know Sharon and it was noted he appeared to be truthful.¹⁰⁹
78. Also on 3 April 1986, Betty Hulme contacted the WA Police to complain that police had not been out to see her. She still felt sure Sharon had come to harm. The WA Police followed up with Brisbane CIB to go and see Betty and obtain more information.¹¹⁰
79. The police spoke to Narelle Harrison again that day and put to her the allegation that her husband Michael was having an affair with Sharon. She said Michael definitely would not have an affair and she believed Sharon was too frightened to say such a thing to Robert. Michael was also away in Sydney from 15 to 22 March 1986.¹¹¹
80. Narelle said that in all of their conversations, Sharon had never mentioned to Narelle that she was having an affair and Narelle thought such a suggestion was highly unlikely. Narelle's impression was that Sharon was a victim of mental abuse over many years, which wore down her confidence. She loved her children and wanted to take them with her and leave Robert, but she didn't have the confidence to follow through with these plans and was frightened about what Robert might do if she tried.¹¹²
81. Police officers spoke to Robert again that day, and he still maintained that Sharon had an affair with Michael and said Michael was lying if he denied it. He claimed to have seen Michael blowing kisses to Sharon (or one of the children told him they did) and when he accused Sharon, she allegedly responded, "I need a man."¹¹³

¹⁰⁶ T 72; Exhibit 1, Tab 17.

¹⁰⁷ Exhibit 1, Tab 17.

¹⁰⁸ Exhibit 1, Tab 22.

¹⁰⁹ Exhibit 1, Tab 22, Entry 3.4.86.

¹¹⁰ Exhibit 1, Tab 22, Entry 3.4.86.

¹¹¹ Exhibit 1, Tab 22, Entry 3.4.86.

¹¹² T 24.

¹¹³ Exhibit 1, Tab 22, Entry 3.4.86.

82. In her unsigned statement, Betty commented that she got the impression from speaking to S/C Hannaby that the police officer believed what Robert had told her about it being a domestic situation.¹¹⁴ I note the police running sheet has an entry on 22 March 1986 with a notation, "Contacted Sgt Stansfield – Domestic Situation,"¹¹⁵ so it seems Betty was right that this was the attitude of at least some of the police involved at the time. Betty continued to call S/C Hannaby for updates, but got frustrated that she was receiving little information. Betty also tried calling Robert at the RAAF Base, but was always told he was unavailable.¹¹⁶
83. Jocelyn Hulme had also been contacting the police regularly and she had similar concerns to Betty that S/C Hannaby seemed to believe Robert and was not actively investigating Sharon's disappearance. Jocelyn escalated her concerns up the hierarchical chain. As a result of the concerns raised, the case was transferred.

CIB – HOMICIDE SQUAD INVESTIGATION

84. On 30 March 1986, Jocelyn Hulme sent a telegram to the WA Police Commissioner expressing her extreme concern for Sharon's safety and indicating that both she and Betty felt their enquiries had been met with apparent indifference by the police officers at that time charged with investigating her disappearance. In fairness to S/C Hannaby, it does seem she was conducting quite a thorough investigation, however that was obviously not apparent to Sharon's relatives. The Missing Persons Bureau officers were notified of Jocelyn's telegram on 31 March 1986 and the case was raised the next day with a Senior Inspector at the Criminal Investigation Branch, who determined the investigation should be transferred to the CIB, Homicide Squad.¹¹⁷
85. On 4 April 1986 an investigation was commenced by Detective Sergeant Colin Gilmore (Det Sgt Gilmore) from the Homicide Squad. The investigation concluded on 28 April 1986, a little over three weeks later. Det Sgt Gilmore later prepared a report on 2 June 1986 outlining the outcome of police inquiries into the allegations by Sharon's mother and stepmother that Sharon may have been murdered by her husband.¹¹⁸
86. According to the report, Robert Fulton had been interviewed by police four times between the report of her disappearance in March 1986 and the preparation of Det Sgt Gilmore's report in early June 1986. On the first two occasions, Robert Fulton was interviewed in the presence of his solicitor, Trevor Sullivan. A letter from Robert Fulton's solicitor was received on 23 April 1986 advising that Robert Fulton had instructed them that he did not wish to make any further statement in the matter and would only answer specific questions put through his lawyers.¹¹⁹
87. During his police interviews, Robert Fulton described arriving home at about 10.00 pm on 17 March 1986, the evening before Sharon's disappearance. He said he found Sharon lying on a camp mattress on the floor of the TV room. The TV was on but she was not

¹¹⁴ Exhibit 1, Tab 9, Statement 2 – unsigned.

¹¹⁵ Exhibit 1, Tab 22.

¹¹⁶ Exhibit 1, Tab 9, Statement 2 – unsigned.

¹¹⁷ Exhibit 1, Tab 4.

¹¹⁸ Exhibit 1, Tab 5.

¹¹⁹ Exhibit 1, Tab 5.

watching it and, instead, was staring at the ceiling. Robert Fulton alleged that he offered Sharon a cup of tea and she responded, "Piss off and leave me alone."¹²⁰ He then went to bed, leaving her where she was. At approximately 2.00 am the following morning, Robert Fulton got up to go to the toilet and realised the TV was still on. He went in and found Sharon in the same position. He asked her to come to bed, which she did a short time later.¹²¹

88. According to Robert, he got up the next morning at about 6.00 am, woke the children and prepared breakfast before he left for the Pearce airbase at 7.15 am. Sharon was getting out of bed as he left, which was unusually late for her. Robert Fulton told police he arrived at work at 8.00 am and explained to his immediate superior, Flight Lieutenant Davies, that he had domestic problems and was going to leave for home again. When he was later interviewed by police, Flight Lieutenant Davies could not remember the specific conversation but said he it was not unusual for commissioned officers to work as required, and Robert Fulton had been working the previous evening before he took the day off. Robert Fulton returned home at 9.15 am but said Sharon was out.
89. Police enquiries established that Heath was taken to the WA Sound and Co-ordination Centre in Wangara at 9.00 am. Heath had a regular appointment at the Centre for one hour every week from 9.30 to 10.30 am. Heath's teacher, Carey Lawrence, told police in a statement taken about a month after Sharon disappeared, that to the best of her knowledge Heath was brought in that day by his father which he had never done until that day. However, she later indicated that she may have been confused and Sharon brought him in that morning, so the police did not place a great deal of emphasis on this statement, and it seems more likely Sharon dropped him off, as usual.
90. Robert Fulton told police that Sharon arrived home around 9.30 am and they then discussed their marital situation at length. He said he mentioned that they could take separate holidays in the approaching Easter vacation and also suggested that Sharon could take a holiday either by herself or just with her youngest child, Heath. He said she responded that she needed some time by herself.¹²² Robert told police that Sharon then made a couple of phone calls before she placed some clothes in an overnight bag and asked him to take her to the train station. He told police they left the house together at 11.15 am and collected Heath.
91. At 10.20 am, around the time when Heath had been due to be picked up from the Sound and Co-ordination Centre, Robert Fulton had telephoned and told the Principal of the Centre that he was having car trouble and would be late. He rang again at 11.00 am and said the car was fixed but it would still be some time before he collected Heath. When questioned about this later, Robert Fulton said that he gave this excuse at the time as he was concerned for his wife.¹²³ Heath was eventually collected from the Centre at 11.30 am by Robert Fulton, who was wearing his RAAF uniform.¹²⁴

¹²⁰ Exhibit 1, Tab 5, p. 1.

¹²¹ Exhibit 1, Tab 5.

¹²² Exhibit 1, Tab 5.

¹²³ Exhibit 1, Tab 4 and Tab 5.

¹²⁴ Exhibit 1, Tab 4 and Tab 5.

92. Although she was unsure who dropped him off, Ms Lawrence was certain that Robert collected Heath that day from his class at the WA Sound and Co-ordination Centre. She noted this was the first day she had ever met Heath's father. Ms Lawrence recalled she had been told by the Principal of the Centre, Brian Smith, that Heath's parents had experienced car troubles and were delayed, so she had kept Heath entertained until Robert Fulton arrived to collect him. Ms Lawrence told police in her first statement that Robert was dressed in his RAAF uniform and there was nothing unusual about him at all that day.¹²⁵
93. Robert said Sharon had come in the car with him to the Centre, but if she did, she did not come inside as Ms Lawrence only saw Heath's father. Robert said that when he returned with Heath to the car, Sharon directed him to the East Perth Railway Terminal, where they had a further conversation for about 20 minutes before she said to him, "Someone's meeting me. I don't want you to see who it is." Robert said he then drove away with Heath and did not see who Sharon met. Inquiries by police with the terminal staff did not result in any useful information. Robert told police Sharon had \$730 in her possession at the time he left her.¹²⁶
94. Robert told police he drove home with Heath and they had lunch before he tried to get Heath to sleep. They then got back in the car and drove to Guildford and spent that afternoon at a railway locomotive display. Robert said he telephoned Deryck, the oldest child, at home at about 3.15 pm and asked him to meet his sister Kirsty at school.¹²⁷ Deryck received a call from Sharon's mother, Betty at about 3.30 pm and during that conversation he told Betty that he had just arrived home and Sharon wasn't there and he assumed she was picking Kirsty up from school,¹²⁸ so this would suggest Robert Fulton rang Deryck after 3.30 pm, if he did call him.
95. Kyle and Kirsty were expecting their mother to pick them up from school and had been waiting about 30 minutes when Deryck arrived and told them that she wasn't coming. The children walked home from school together.¹²⁹
96. Robert arrived home shortly afterwards, which Deryck confirmed in a police interview later.¹³⁰ Robert said he went back to the railway station at 9.00 pm with Heath but Sharon was not there.¹³¹
97. Sharon has not been seen or heard from since. As noted above, the last confirmed contact, other than in the account given by Robert Fulton, was between Sharon and Narelle Harrison the day before. Sharon had not mentioned anything to Narelle Harrison about planning to leave her husband and children or even just that she was meeting friends in the city, on that day before she disappeared. Narelle gave evidence at the inquest that she went round to Sharon's house on either the Tuesday or Wednesday to check on her after she hadn't been able to get hold of her on the phone. It was later in

¹²⁵ Exhibit 1, Tab 12A, p. 2.

¹²⁶ Exhibit 1, Tab 5.

¹²⁷ Exhibit 1, Tab 5.

¹²⁸ Exhibit 1, Tab 4.

¹²⁹ Exhibit 1, Tab 4.

¹³⁰ Exhibit 1, Tab 5.

¹³¹ Exhibit 1, Tab 5.

the afternoon as the children were home from school. She asked them if their Mum was home and they said she wasn't. Robert then came to the door and said that Sharon had gone away. Narelle asked where she had gone and Robert said, "She's having time out."¹³² He did not provide any more information and told Narelle to go home. Narelle noted that Robert was not aggressive, but seemed very cool and not really concerned about Sharon's whereabouts.¹³³

98. Narelle told police that she found it extremely unusual that Sharon would leave home without her children, and her two younger children in particular, as Sharon had a loving relationship with her children and they meant everything to her, "even more than her own wellbeing."¹³⁴ Narelle told police she believed if Sharon had left, she would have taken the children with her. Narelle also didn't believe that Robert would take Sharon to the train station without knowing where she was going, as that was also out of character.¹³⁵ Narelle also told police Sharon had never mentioned or talked about having thoughts of harming herself.¹³⁶
99. Sharon's mother, Betty, also provided information to the police about the days following Sharon's disappearance. Betty had tried to ring Sharon that Tuesday at 1.00 pm and 3.00pm and then again at 5.30 pm EST (3.30 pm in Perth). The first two times rang out and on the third call, the phone was answered by Deryck, who had just got home from school. He told Betty his mother was not there and suggested she must have picked up Kirsty to take her to her dance lessons that day. Betty asked Deryck to pass on the message to his mother that she would ring some other time.¹³⁷ In an unsigned statement prepared later, Betty also said that in that conversation, Deryck told her that he had heard his father say to his mother that morning that he would be coming back to the house through the morning to, in effect, sort something out between them. Betty was not initially concerned as she knew the couple were having marital difficulties, so it was not surprising they might need to talk without the children there.¹³⁸
100. Betty rang again on Thursday, 20 March 1986 at about 11.00 pm EST, so it would have been 9.00 pm in Perth. Betty noted the phone did not ring and she received a disconnected tone. She tried ringing the same number four more times throughout the day with the same result.¹³⁹ As we now know, the reason Betty couldn't get through was because Robert had changed the home phone number not long after Betty's last call on 18 March 1986 when she spoke to Deryck.
101. The next morning, being Friday 21 March 1986, Betty was planning to telephone Robert, but before she did she received an unexpected phone call from Deryck. He asked Betty if she had heard from Sharon or if Sharon was with her. Betty told Deryck she had not had any contact with Sharon. Deryck told Betty that Sharon had been gone since Tuesday. Deryck appeared frightened and told Betty not to tell anyone that he had called, as he was frightened what his father would do if he found out Deryck had called

¹³² T 25.

¹³³ T 25.

¹³⁴ Exhibit 1, Tab 13B, [34].

¹³⁵ Exhibit 1, Tab 13A, p. 2; Tab 13B, [33] – [35].

¹³⁶ T 26 - 27; Exhibit 1, Tab 13B, [39].

¹³⁷ Exhibit 1, Tab 9, Statement 1 - signed, p. 1.

¹³⁸ Exhibit 1, Tab 9, Statement 2 – unsigned.

¹³⁹ Exhibit 1, Tab 9, Statement 1 - signed.

her. Betty asked Deryck what his father had said about Sharon's whereabouts. She recalled Deryck said words to the effect that Robert had told him his mother had gone away for a few days. Respecting his request, Betty did not tell anyone at the time about his call.¹⁴⁰

102. Betty then telephoned Robert at his work at Pearce Air Force Base. She asked him why his home phone was disconnected and what had happened to Sharon. Robert said he didn't know and that he hadn't seen Sharon since Tuesday. He apparently said that Sharon had said she needed a few days to think things over. Robert made no mention of dropping Sharon to a railway station. Betty asked him if he had notified the police and also if he had rung the hospitals and done anything else to find her. Robert said he had rung around the hospitals and Sharon's friends (although none later reported receiving any calls from him) and had been out at night driving around the streets in the car. Robert then proceeded to tell Betty that Sharon had some boyfriends. She asked what the names of the boyfriends were, and Robert said one of them was Scottie/Scotty. He also said the boyfriends had been calling his home, which is why he had changed the phone number. He claimed Sharon would go out at night at 10.00 pm and return at 1.00 am and not say where she was going. Robert also suggested to Betty that Sharon was friendly with Michael Harrison.
103. Betty told Robert she "didn't believe any of that" and said that if there was anyone playing up, it was him. He denied this allegation. Betty then asked Robert "if he had done anything to her or hit her."¹⁴¹ Robert also denied this and told Betty to look after her own life and they would look after theirs. During the call, Robert also suggested Sharon was having more trouble with her Bell's Palsy and he also said he had given her \$800 because she had wanted some money.¹⁴²
104. Betty asked Robert at this stage to please notify the police and to ring her back and let her know any information. Betty told Robert she would report Sharon missing if he did not. Betty then telephoned Sharon's step-mother, Jocelyn Hulme, who lived in New South Wales. Betty told Jocelyn that Sharon was missing and a synopsis of what Robert had told her. Betty asked Jocelyn to call Robert and find out what she could. A short time later, Jocelyn rang Betty back and said she had rung Robert and he had given her the same story he had told Betty.¹⁴³
105. Betty then rang Narelle Harrison. Narelle expressed surprise that Sharon hadn't contacted her if she had walked out on Robert. After speaking to Betty, Narelle went around to the Fulton's house again to see if Sharon was home, but she wasn't there. Narelle told Betty she returned to their house about five times but never saw Sharon. On one occasion, Narelle spoke to Deryck, who opened the door but would not let Narelle in as he said he was not allowed to let anyone enter the house.¹⁴⁴ Narelle relayed this information back to Betty and Jocelyn.

¹⁴⁰ Exhibit 1, Tab 9, Statement 2 – unsigned.

¹⁴¹ Exhibit 1, Tab 9, Statement 1 - signed, p. 2.

¹⁴² Exhibit 1, Tab 9, Statement 1 – signed and Statement 2 - unsigned.

¹⁴³ Exhibit 1, Tab 9, Statement 1 – signed and Statement 2 - unsigned.

¹⁴⁴ Exhibit 1, Tab 9, Statement 1 - signed, p. 2.

106. Betty also told the police that in a phone conversation with Sharon in February 1986, Sharon said that Robert had told her that if she had left him the previous year “he would have killed her as he would only get five (5) years.”¹⁴⁵ Sharon had made it clear to Betty that she was frightened about Robert being violent and that in the last few months he had been turning the children against her and making himself out to be a great father. Sharon told her mother she thought Robert “was up to something and that something was going to happen.”¹⁴⁶
107. As well as interviewing Robert Fulton a number of times, and talking to her friends and family, Homicide Squad officers conducted forensic examinations of his two cars and the family home. Nothing of significance was obtained from these forensic examinations, although I note forensic techniques generally have advanced considerably since that time.¹⁴⁷
108. It was known that Robert Fulton owned two rifles not licensed in WA, which were stored at the RAAF base and were later examined by police and nothing of significance was found. Robert Fulton had also given people the impression in the past that he was involved in very secret operations in his occupation and was a highly trained ‘commando’ although the police investigations found no evidence to suggest this was the case. Rather, Robert Fulton’s role with the RAAF was related to electronics and he had no specialist training with weapons or other such matters.¹⁴⁸
109. Police understood that Sharon was well at the time she disappeared, other than suffering from ‘Bell’s Palsy’, which caused the right side of her face to droop in times of stress, so there was nothing to suggest she had suffered a medical event.¹⁴⁹
110. Robert phoned the police from his mother’s home in Brisbane on 3 April 1986. He was asked again why he had changed his telephone number to a silent number on 18 March 1986, the day Sharon was last seen. He said it was because someone had phoned up for Sharon. The entry in the running sheet indicated the police officer communicated to Robert that he was “[n]ot impressed with his action.” Robert suggested that Sharon had told him she was having an affair with Michael Harrison and Michael Harrison was lying to the police if he said he wasn’t.¹⁵⁰
111. Michael was spoken to and denied the allegation. Narelle was also asked and denied it was true. She stated that Michael definitely wouldn’t have an affair and she believed Sharon would be “too frightened”¹⁵¹ to tell Robert such a thing. Narelle also told the police that her husband Michael had been in Sydney from 15 to 22 March 1986.¹⁵² The two families had spent time together and went on a family holiday together, and Michael also helped Robert to install a pool at their home, but as far as Narelle was aware, Sharon and Michael had never spent any time alone together. Narelle was asked again at the inquest about this allegation, noting that Narelle and Michael are no longer

¹⁴⁵ Exhibit 1, Tab 9, Statement 1 - signed, p. 2.

¹⁴⁶ Exhibit 1, Tab 9, Statement 1 - signed, p. 3.

¹⁴⁷ T 97; Exhibit 1, Tab 4 and Tab 5.

¹⁴⁸ Exhibit 1, Tab 5.

¹⁴⁹ Exhibit 1, Tab 5.

¹⁵⁰ Exhibit 1, Tab 8, pp. 1 – 2 and Tab 22, Entry 3.4.86/

¹⁵¹ Exhibit 1, Tab 8, p. 1.

¹⁵² Exhibit 1, Tab 8, p. 1.

married. She was still very confident that Sharon and Michael never had an affair and Robert's allegation was "completely and utterly untrue."¹⁵³

112. Michael Harrison also gave evidence at the inquest that he knew Sharon through his wife Narelle and never had a close personal relationship with Sharon separately to his wife. Mr Harrison described Sharon as a lovely lady and "very much a mother devoted to her children."¹⁵⁴ He recalled she had seemed relatively happy when the Fulton family first arrived in Perth, but that changed a little bit over the next few years and she became depressed. Mr Harrison said he was never particularly close with Sharon's husband Robert (and certainly not his best friend) but they were cordial when the families socialised together at barbecues and other gatherings and once on a holiday to Binningup. Mr Harrison helped to build the underground pool at the Fulton's home over a number of weekends, as he had done with other friends, and they usually worked outside together at those times, so he did spend that bit of time alone with Robert. Mr Harrison said he never spent any time alone with Sharon.¹⁵⁵
113. Mr Harrison remembered Robert as a "sharp, pretty clever man"¹⁵⁶ and noted he did not seem particularly affectionate or loving towards his wife. He was aware, through his wife, that Sharon had made allegations that Robert was scared of Robert, but had not witnessed anything firsthand that made him think Sharon was at risk from her husband and all his information had come second-hand through his wife.¹⁵⁷ Mr Harrison became aware after Sharon disappeared that Robert had made a suggestion to police that he was having an affair with Sharon. Mr Harrison gave evidence that he was horrified and hurt that Robert would make that accusation, particularly after he had helped him out with the pool and tried to enjoy pleasant family time together. He said he did not know where the allegation came from and was "pretty horrified, to be honest"¹⁵⁸ when he first heard it. Mr Harrison said he did not remember Robert ever confronting him at any stage about the allegation or contacting him to ask him if he knew Sharon's whereabouts.¹⁵⁹
114. The police spoke to Robert again and he continued to maintain that Sharon and Michael Harrison had been involved in an affair. Robert also said he had decided to take six months leave to look after the children until Sharon came back, but the police officers note was that it sounded like Robert didn't expect her to come home.¹⁶⁰
115. The police received an anonymous call from a friend of Sharon on 8 April 1986. The friend indicated Robert and Sharon lived separate lives. Sharon had indicated she believed the house was bugged, so she wouldn't let the friend speak inside the house. Sharon told her things were bad at home and complained of mental cruelty such as having no money. Sharon told the friend that she was scared of leaving given what he might do to the children. She then said if she did leave, she would only take Kirsty and

¹⁵³ T 26.

¹⁵⁴ T 33.

¹⁵⁵ T 33 – 36.

¹⁵⁶ T 33.

¹⁵⁷ T 35.

¹⁵⁸ T 35.

¹⁵⁹ T 36; Exhibit 1, Tab 29B.

¹⁶⁰ Exhibit 1, Tab 8, p. 2.

Heath. The friend described Sharon as having no confidence and no self-esteem and did not believe Sharon would have the “guts enough to go by herself.”¹⁶¹

116. Mr Fulton and the children returned to Perth sometime in early April 1986. Heath returned to his classes at WA Sound Coordination, with his father now taking and collecting him. It was noted Heath was in “a very nervous state, hiding under the table etc.”¹⁶² Robert told the teacher it was because they had been away and the children hadn’t settled down yet. However, other reports indicated the older two boys, Deryck and Kyle, had settled back into school well, although Kirsty was also not coping.
117. On 17 April 1986, Robert rang and discussed the case at length. He was apparently in good spirits and indicated to police he wanted Sharon to come home and believed she would. He told the police Sharon had a homosexual affair with a woman three years after they married and after the relationship ended she attempted suicide.¹⁶³
118. There is a note in the running sheet on 28 April 1986 that Det Sgt Gilmore could find no evidence of foul play and after taking statements he planned to hand the file back to the Missing Person’s Bureau.¹⁶⁴
119. The next day, there is an entry in the running sheet that Robert had phoned and was in “a different mood”¹⁶⁵ and seemed “[s]lightly aggro.”¹⁶⁶ He advised he was now back at work and provided some information to suggest Sharon had been working without his knowledge before she disappeared.¹⁶⁷ No other evidence has been found to suggest this was true.
120. Sharon’s mother, Betty Hulme, rang police on 30 May 1986 and told them she was coming to Perth to see if she could assist. Her birthday was on 25 May 1986 and she had hoped she would have heard from Sharon that day, but had not. She said the phone did ring at 8.30 pm and she noted it was an STD call but no one answered when she picked up the phone.¹⁶⁸
121. At the end of his investigation, Det Sgt Gilmore noted that Sharon’s mother and stepmother had raised concerns that they believed Robert Fulton might have murdered Sharon. Det Sgt Gilmore noted Robert certainly had ample time and opportunity to commit such a crime on 18 March 1986, but there was no evidence to substantiate the allegations. Although there was clear evidence the marriage had been unhappy for some time, no evidence was obtained that would refute Robert Fulton’s claim that he had dropped Sharon, safe and well, at the train station on that day (although I note there is also no evidence to support that claim). No charges were laid against any person and the police file relating to Sharon’s unsolved disappearance was referred back to the WA

¹⁶¹ Exhibit 1, Tab 8, p. 3.

¹⁶² Exhibit 1, Tab 8, p. 4.

¹⁶³ Exhibit 1, Tab 8, p. 4.

¹⁶⁴ Exhibit 1, Tab 8, p. 5.

¹⁶⁵ Exhibit 1, Tab 8, p. 5.

¹⁶⁶ Exhibit 1, Tab 8, p. 5.

¹⁶⁷ Exhibit 1, Tab 8, p. 5.

¹⁶⁸ Exhibit 1, Tab 8, p. 6.

Police Missing Persons Bureau on 2 June 1986 to 'hold as a file', pending any further developments.¹⁶⁹

122. When Betty came to Perth in July 1986, she met with Det Sgt Gilmore, who reportedly told her that "he believed Sharon was probably dead," but they had no leads as to her whereabouts.¹⁷⁰

RESUMED MISSING PERSONS BUREAU INVESTIGATION

123. After Det Sgt Gilmore returned the matter to Missing Persons in early June 1986, it doesn't seem that much more was done. A couple of weeks later, on 20 June 1986, Robert was requested by S/C Hannaby to sign a publicity form, which he did, and Mr Fulton agreed to forward a photograph of Sharon as soon as possible. However, a month later, on 21 July 1986, S/C Hannaby contacted Robert and he advised the photograph he had planned to provide was no good and he was not agreeable to any publicity.¹⁷¹
124. Betty stated that when nothing had been achieved in the police investigation by July 1986, she travelled to Perth. Betty stayed with Narelle and Michael Harrison during her visit. Betty did not stay with Robert and the children at any stage during the visit. Betty tried to telephone Robert on numerous occasions but the phone was always engaged, making her suspect it had been taken off the hook. Betty went with Narelle to the children's school on one occasion and drove Kyle and Kirsty home, but when they got home they met Deryck, who told them the children were not allowed to speak to Betty and the children went inside.¹⁷²
125. Robert ceased all contact between the children and Betty and Jocelyn after Sharon's disappearance. Not only would he not let Betty speak to the children when she came to Perth in July 1986, but he would later send back the Christmas cards and letters she sent to them. Jocelyn sent a cheque for Robert to buy them presents, but he also returned the cheque.¹⁷³
126. While in Perth, Betty also met with S/C Hannaby, who informed her that there was a reported sighting of Sharon that she had investigated, and had determined it was not Sharon. S/C Hannaby mentioned the fact Robert had not provided a better photograph to her, despite her request.¹⁷⁴ As noted above, Betty also spoke with Det Sgt Gilmore, who indicated he believed Sharon was deceased but nothing more.
127. S/C Hannaby had spoken to Robert on 21 July 1986 about the photo and had made a note in the running sheet that she advised Robert that she was leaving the police service. Robert thanked her for the attention she had given to the case. The police officer noted

¹⁶⁹ T 101; Exhibit 1, Tab 5.

¹⁷⁰ Exhibit 1, Tab 9, Statement 2 – unsigned, p. 5.

¹⁷¹ Exhibit 1, Tab 8 and Tab 9, Statement 2 – unsigned.

¹⁷² Exhibit 1, Tab 9 p. 6.

¹⁷³ Exhibit 1, Tab 9, Statement 2 – unsigned.

¹⁷⁴ Exhibit 1, Tab 9, Statement 2 – unsigned.

during the conversation Robert seemed “[v]ery cocky, arrogant.”¹⁷⁵ She then put in brackets, the comment:

“My opinion, FULTON murdered his wife Sharon!!”¹⁷⁶

128. It was noted at the inquest by Detective Atkinson that “any traction that possibly could have been continued at that point was lost”¹⁷⁷ with the departure of this police officer from the investigation.

EVENTS IN THE YEARS AFTER SHARON’S DISAPPEARANCE

129. On 2 September 1986, less than six months after Sharon disappeared, someone from the RAAF advised the police that Robert had applied for a transfer to Brisbane on compassionate grounds.¹⁷⁸ He indicated that he wanted to be closer to his mother and sister.
130. WA Police received a call from a solicitor on 27 November 1986 regarding a discharge of the mortgage on Robert and Sharon’s home. The solicitor wanted to know if Sharon had, in fact, been reported missing and if there was a likelihood of her being found. She was advised by Sgt Baker that it was not known when Sharon might be found.¹⁷⁹ Robert apparently stopped paying the mortgage around this time.
131. In 1987 the Duncraig home was sold under a mortgagee sale and the proceeds after settlement of the mortgage were paid into the custody of the Supreme Court. On 13 March 1987, following an application by Robert Fulton’s solicitors, half of the proceeds were released to Mr Fulton.¹⁸⁰ Prior to the proceeds being released, advertisements had been placed in the West Australian and The Australian newspapers directed to Sharon Fulton. The advertisements advised that the Supreme Court action had been commenced and the Court might decide the matter in her absence if she did not appear. The other half of the proceeds, being Sharon’s share, was invested in the care of the Public Trustee.¹⁸¹
132. In 1987, WA Police were notified by Queensland Police that Robert Fulton and his girlfriend at the time, Pamela Burnett, were to be charged with forging Sharon’s signature on banking documents relating to the sale and purchase of a house and associated loan documents. Ultimately, they were both charged with forging and uttering and fraud and were convicted on their pleas of guilty, fined and placed on probation.¹⁸²
133. Ms Burnett gave evidence at the inquest about this matter and her relationship with Robert Fulton (which ended in June 1992). The couple had met in September 1987,

¹⁷⁵ Exhibit 1, Tab 8, p. 6.

¹⁷⁶ Exhibit 1, Tab 8, p. 6.

¹⁷⁷ T 113.

¹⁷⁸ Exhibit 1, Tab 8, p. 6.

¹⁷⁹ Exhibit 1, Tab 8, p. 7.

¹⁸⁰ Exhibit 2, p. 72 – Affidavit of Robert Maxwell Fulton sworn 6 September 1993.

¹⁸¹ Exhibit 1, Tab 26; Exhibit 2, pp. 20, 23 and 25.

¹⁸² Exhibit 1, Tab 21B.

after Ms Burnett put an advertisement in the paper hoping to meet a new partner with children as she did not have any of her own. Robert responded in a letter and told her that he was in the air force and had two children. However, at their first meeting, he admitted he had lied and actually had four children. This did not deter Ms Burnett from commencing a relationship with him as she had always wanted children and was happy to be a surrogate mother to a large family. Also on that first date, Robert told Ms Burnett that his former wife Sharon had been murdered by the notorious Western Australian serial killers David and Catherine Birnie, although they had never been charged.¹⁸³

134. Robert later told Ms Burnett he had last seen Sharon when he dropped her at the train station when she was going to meet a girlfriend in the city. However, the friend rang up that night and said Sharon had never arrived. Robert admitted that Sharon had earlier considered getting a divorce, but said they had then resolved their differences and were happy at the time she disappeared. Ms Burnett said that in hindsight, it was all odd, but she believed everything he said at the time.¹⁸⁴
135. Ms Burnett gave evidence she also heard at some stage that Sharon had run off with a boyfriend from the bowling alley, although she couldn't recall if it was Robert who told her that information. She did know that he sold a bowling ball and bowling shoes at some stage that were Sharon's, which she later came to believe he had stolen from the bowling alley in Perth as he didn't want Sharon bowling.¹⁸⁵
136. Ms Burnett and Robert began living together in February 1988 at a home provided to him by the RAAF. She stopped working and took over full-time care of the four children. Ms Burnett enjoyed the experience of mothering them and grew to love them. Ms Burnett said she had some savings and money she received as compensation for injuries sustained in a traffic accident. Ms Burnett said she shared the money with Robert and it later became an issue between them.¹⁸⁶
137. As to the criminal charges, Ms Burnett gave evidence that Robert wanted to sell a house owned jointly by him and Sharon. Ms Burnett said that Robert told her that if they sold the house, they could buy a new one together. To that end, he asked her if she would sign Sharon's name on some documents. Ms Burnett gave evidence she was very reluctant, but Robert got angry with her and said it would be her fault if the children couldn't get a home, so she went to a solicitor's office and signed the documentation. At the time, Ms Burnett said she understood Sharon was missing but didn't necessarily think Sharon was deceased, although in an earlier statement she said she believed Sharon probably was dead and would not be coming back to claim her property.¹⁸⁷
138. On 24 February 1989, Robert Fulton signed a statement in relation to the forgery and other charges, as part of his plea in mitigation. In the statement, he referred to Sharon's disappearance and admitted they had experienced marital difficulties in 1985 but claimed that they had resolved their differences and the marriage was good in the early

¹⁸³ T 82 – 84; Exhibit 1, Tab 21C and Tab 21E; Exhibit 2 – pp. 148 - 150.

¹⁸⁴ T 82 – 84; Exhibit 1, Tab 21C and Tab 21E; Exhibit 2 – pp. 148 - 150.

¹⁸⁵ T 84 - 85.

¹⁸⁶ T 88; Exhibit 1, Tab 21B.

¹⁸⁷ T 86; Exhibit 1, Tab 21E.

months of 1986. He stated that on the day of Sharon's disappearance, he was working shift work and was not at the Airforce Base. He stated Sharon told him she wanted "to go into the City on business" and he offered to drive her, but she said that would not be necessary and instead asked him to drop her off at the Mount Lawley Train Station, where she would catch a shuttle service into the City. Robert Fulton stated he drove Sharon with Heath in the car and left her at the Mount Lawley Railway Station. He claimed she was in quite good spirits when she said goodbye and he expected her to return later that afternoon, but he never heard from her again.¹⁸⁸

139. There are obvious significant differences between this version of events and what Robert Fulton told the police at the time of Sharon's disappearance. There is no mention of Sharon going to meet a boyfriend, nor the fact he had left work in the morning to go home and discuss their marital differences.
140. Robert Fulton also claimed in the statement that he had always lived in hope that his wife would one day walk in the door again to care for their children as well as himself, as he claimed he was "missing her deeply."¹⁸⁹ His actions in the days, weeks, months and years after her disappearance belie that statement.
141. Ms Burnett described her relationship with Robert as "[n]ot violent as in hitting or physical, but extremely violent in anger." She gave examples of problems in their relationship, such as him not speaking to her for days and also lying to her, as well as saying statements in front of the children to falsely suggest she had boyfriends who were calling the house. Much of the behaviour was what would today colloquially be described as 'gaslighting'.¹⁹⁰ Ms Burnett noted that one of the children told her he had done the same thing to Sharon.¹⁹¹ Ms Burnett gave evidence that she was very frightened of him during their relationship, due to his intense anger. She told the Court she remains frightened of him even now that their relationship has ended.¹⁹² Ms Burnett's experience was one of financial control and manipulation and emotional violence, and she admits Robert has never made specific threats against her, but she still believes he is capable of hurting someone and is fearful it could be her.¹⁹³
142. On 27 February 1989, Robert Fulton resigned from the RAAF. There was an issue about his claims for rental subsidy in the preceding years and other matters that delayed his retirement, but it apparently came into effect on 23 May 1989. Some charges were eventually laid in relation to the rental subsidy matter that were tried in the Federal Court in June 1990. Ultimately Robert Fulton was found not guilty and an acquittal was entered on all charges.¹⁹⁴
143. In 1993 (seven years after Sharon's disappearance, which legally raises the presumption of death), Robert Fulton commenced an application to the Supreme Court of Queensland for leave to swear to Sharon's death on the assumption that he would then

¹⁸⁸ Exhibit 1, Tab 23.

¹⁸⁹ Exhibit 1, Tab 23, p. 4.

¹⁹⁰ Exhibit 1, Tab 21C.

¹⁹¹ T 86, 90; Exhibit 1, Tab 21C, [190].

¹⁹² T 89; Exhibit 1, Tab 21C.

¹⁹³ T 91 - 92.

¹⁹⁴ Exhibit 1, Tab 24; Exhibit 2, p. 146 – Statement of Pamela Burnett.

be entitled as the beneficiary to moneys pursuant to the life insurance policy that he had taken out on 25 February 1986, approximately three weeks before she disappeared, as well as the remaining funds held by the Public Trustee from the sale of the Duncraig house. The application was opposed by Prudential Assurance. The application was dismissed as there was no probate application pending at that time. Mr Fulton then made a claim to the insurance company, Prudential Assurance.¹⁹⁵ It's not entirely clear from the materials before me whether the amount was ever paid to Mr Fulton, although I am led to believe that it eventually was.

144. However, prior to that, it is clear that WA Police were notified by Prudential Assurance solicitors that Robert Fulton was attempting to make a claim on the life insurance policy that he had taken out in relation to Sharon, and they raised concerns that there were discrepancies between the version of events he had provided in an affidavit he had filed in support of the claim and his original statement to police. Homicide Squad officers undertook some inquiries into this matter before the file was returned to the Missing Persons Bureau again.¹⁹⁶
145. I note in the affidavit, in paragraphs [4] and [5], Robert Fulton spoke of dropping Sharon at the railway station at 11.30 am on the last day she was seen, and claimed that Sharon appeared normal and even-minded and gave him no reason to believe that there was anything out of the ordinary. He also claimed that he and his wife and children enjoyed a very stable family life.¹⁹⁷ He did not mention their marital problems or any suggestion she was leaving him for another man. Instead, he said in the affidavit that he understood Sharon was travelling into town that day to go shopping with a friend and he had expected her to return home no later than 2.30 pm in time to pick up their youngest children from primary school.¹⁹⁸
146. Mr Fulton stated that he spent the next couple of days ringing all of Sharon's friends in a bid to locate her, although there is no evidence before this inquest from any person before to indicate he made contact with them.¹⁹⁹ Mr Fulton also stated the he telephoned every hospital and mental institution in Australia and New Zealand searching for Sharon and flew to locations where there were possible sightings in the first six months of her disappearance, although there is no evidence to suggest this is true other than his assertion.
147. Sadly, Betty had died by the time of the inquest, so she could not give evidence about what she did and thought in the following years. Narelle Harrison gave evidence that when Betty stayed with her in that initial period, she was "very, very distressed" about Sharon's disappearance, noting Sharon was Betty's only child. Together they did everything they possibly could to find out where Sharon had gone and what had happened to her, but they received no support at all from Robert in their endeavours.²⁰⁰

¹⁹⁵ Exhibit 2, pp. 185 - 186 - Letter from Drake, Walker & Lehy to the Hon Attorney General, dated 11.11.1993 and pp. 1- 3, Judgment of Ryan J, Sup Ct of Qld, delivered 21.10.1993.

¹⁹⁶ Exhibit 1, Tab 4.

¹⁹⁷ Exhibit 2, p. 76 – Affidavit of Maxwell Robert Fulton sworn 6 September 1993.

¹⁹⁸ Exhibit 2, pp. 185 - 186 - Letter from Drake, Walker & Lehy to the Hon Attorney General, dated 11.11.1993 and pp. 76 – 75 – Affidavit of Maxwell Robert Fulton sworn 6 September 1993.

¹⁹⁹ Exhibit 2, pp. 185 - 186 - Letter from Drake, Walker & Lehy to the Hon Attorney General, dated 11.11.1993 and pp. 76 – 75 – Affidavit of Maxwell Robert Fulton sworn 6 September 1993.

²⁰⁰ T 28.

MISSING PERSON REVIEW 2007

148. In August 2006, Sharon's case file was transferred to the Cold Case Homicide Squad for assessment as part of a major project established to audit all long term missing person cases in Western Australia. The file was selected for review in December 2007 as part of that auditing process to determine if it could be defined as a suspected homicide and, if so, to identify any new forensic and investigative opportunities that might assist to solve the matter. Detective Senior Constable Belinda Crane (Det S/C Crane) was based in the Special Crime Squad at the relevant time and was allocated as the review officer.²⁰¹
149. Det S/C Crane reviewed the case between 27 December 2007 and 21 April 2008. She conducted a comprehensive assessment of all actions undertaken by investigators thus far and a large number of documents, some of which were not available to the investigators during the original 1986 investigations. An issue was noted that there had been limited communication between the investigators from Missing Persons Bureau and Homicide Squad back in 1986.²⁰²
150. The objective of the desktop review was to determine whether there was an element of suspicion around the missing person, and if there was, it would be treated as a suspected homicide and elevated to an investigation to the Cold Case Homicide Squad. That is what occurred in this case.²⁰³ Det S/C Crane made a total of 38 recommendations for further actions to be taken to investigate the matter as a suspected homicide.²⁰⁴

COLD CASE HOMICIDE SQUAD REVIEW

151. The Cold Case Homicide Squad, as part of the Special Crime Division of the WA Police, completed a cold case review of the investigation into Sharon's disappearance from 2010 to 2017 and attempted to complete as many of the recommendations made from Det S/C Crane's desktop review as possible, as well as follow any other new avenues of investigation that became apparent during the review.
152. I was advised that in conducting that re-investigation, even if the original police had possible suspects, the officers endeavoured to keep an open mind and consider all possibilities. That included considering other missing person cases that occurred in 1986 and known serial killers, such as the Birnies, who were operating at that time.²⁰⁵
153. Detective Senior Constable Jason Filgate (Det S/C Filgate) was attached to the Cold Case Homicide Squad in 2017 and was involved in investigating Sharon's disappearance and prepared a report to the ODPP at the conclusion of the investigation.

²⁰¹ Exhibit 1, Tab 2 and Tab 4.

²⁰² Exhibit 1, Tab 4.

²⁰³ T 101 - 102.

²⁰⁴ Exhibit 1, Tab 4.

²⁰⁵ T 105 - 106.

It was accepted by Det S/C Filgate that the approach of the initial police investigation, differed from how such an investigation would be undertaken today, and might politely be described as less ‘robust’ than it should have been. Det S/C Filgate gave evidence he would expect the investigation to be conducted in a “significantly different”²⁰⁶ manner if Sharon Fulton were to have gone missing in 2022.²⁰⁷ The prevailing attitude at the time towards ‘domestic disputes’ seems to have affected how the police viewed the matter, and negative attitudes towards ‘hysterical women’ and ‘feminists’ come through in some of the comments made about Betty and Jocelyn Hulme and Dr Weekes. Nevertheless, he noted the police officers investigating Sharon’s disappearance in 1986 took the matter sufficiently seriously to consider it appropriate to examine the Fulton home, yard and vehicles and to interview Robert Fulton, the last known person to see Sharon alive, a number of times.

154. No formal statements had been taken from any of the Fulton children at the time of Sharon’s disappearance, although Deryck, who was the oldest of the Fulton children and was 15 years old at the time of Sharon’s disappearance, was spoken to by an officer from the Missing Persons Bureau on 25 March 1986. Det S/C Crane arranged for all of the Fulton children to be interviewed as part of the 2007 review. I note that other than Deryck, the children were all 10 years old or younger at the time of their mother’s disappearance, which meant they were not expected to have much recollection of those early events. However, they had also remained living with their father in the years since, so the interviews canvassed whether Robert Fulton had told them anything about their mother’s disappearance in the ensuing years.
155. Kyle, who has formally changed his name but who I refer to as Kyle in this finding for the sake of consistency, provided significant documentation to police in relation to court cases that had occurred in Queensland and WA over the years that had information relating to Sharon’s disappearance, as well as agreeing to be interviewed.²⁰⁸
156. Sadly, Sharon’s mother Betty died in 2005, so she was not able to be interviewed as part of this review. Betty had been interviewed by Queensland Police, at the request of WA Police, on 5 April 1986, so that information was available. Betty had also made it clear in phone calls to the Missing Persons Bureau officers prior to providing the statement, that she believed Sharon was in grave danger.²⁰⁹
157. Sharon’s stepmother, Jocelyn Hulme, had also told the police in March 1986 that she believed that Robert Fulton might have murdered Sharon, which belief was apparently based on the circumstances around Sharon had attempting to divorce Robert the previous year. Jocelyn was reinterviewed by police as part of the 2007 review and maintained that view.²¹⁰
158. There were a number of other witnesses who had been spoken to by police during the early investigation in 1986, but not formally interviewed and no statements taken. Det S/C Crane initiated a number of interviews with some of these witnesses, as well as re-

²⁰⁶ T 98.

²⁰⁷ T 97.

²⁰⁸ Exhibit 1, Tab 4.

²⁰⁹ Exhibit 1, Tab 4.

²¹⁰ Exhibit 1, Tab 4.

interviewing some key witnesses who had previously provided statements, in order to expand on and clarify matters covered in 1986 and to add to the information regarding Sharon's statement of mind at the time she disappeared.

159. Detective Sergeant Matthew Atkinson (Det Sgt Atkinson) was involved in the Cold Case Homicide review of Sharon's disappearance, which followed up many of these recommended inquiries. Det Sgt Atkinson agreed that at the time of the original investigation in 1986, there was a different set of investigation standards and practices employed to what would be used today. Culturally, police officers also tended to accept certain things and statements, which today they would be more likely to challenge directly with witnesses, and police officers today are more aware of the issues of intimate partner violence and how that can inform a police investigation.²¹¹ Det Sgt Atkinson also suggested there would have been a significant difference in the direction of the investigation if some of the information had been available earlier, that was later able to be obtained during the cold case investigation.²¹²
160. The Cold Case review officers concluded that the evidence indicated that Sharon was deceased. Detective Atkinson gave evidence that that in his personal opinion, there was no doubt that Sharon was deceased and he believes strongly she died on 18 March 1986.²¹³
161. This conclusion was based on the fact that all the evidence pointed to Sharon being a dedicated mother, but she has not made contact with her children since the date of her disappearance on 18 March 1986. She was also close to her mother, but had not contacted her at any stage. Further, she has had no contact with any state-based or federal-based government agency, such as Centrelink or Medicare. In addition, there have been no confirmed sightings of Sharon despite multiple calls for public assistance in relation to her disappearance.²¹⁴
162. The police found no evidence to suggest that Sharon might have deliberately harmed herself and caused her own death.²¹⁵
163. Rather, the police investigation pointed to the conclusion that Sharon's death was an unlawful death. The investigation team considered any possible suspects, and excluded all people except for one. They looked into the reference to a person called Scotty, but found no evidence to support the conclusion that Sharon was involved with anybody else, including a person called Scotty. They also considered David and Catherine Birnie, who killed a number of young women and attacked one other in 1986, but it was determined that Sharon did not fit the profile of their victims, the timing was different as the Birnies were active in the spring of 1986 (October to mid-November) and it was noted that the Birnies confessed and took police to the bodies of their murder victims.²¹⁶ Sharon's husband, Robert Fulton, could not be excluded as a person of interest in the

²¹¹ T 103 – 104.

²¹² T 104.

²¹³ T 104 – 105.

²¹⁴ T 94 – 95, 105.

²¹⁵ T 107.

²¹⁶ T 96 – 97, 106.

investigation and it was the view of the Cold Case Homicide team that Mr Fulton was involved in Sharon's death in some way.²¹⁷

164. Det Sgt Atkinson explained at the inquest that they considered the different accounts that Robert Fulton had provided and the timeline of his accounts versus the timeline given by other witnesses. The Cold Case officers also had the benefit of some affidavit material and statements that Robert Fulton had provided in other legal proceedings related to Sharon's disappearance in the years following, as mentioned by Ms Burnett, which included an attempt to obtain the proceeds of Sharon's life insurance policy that had been taken out shortly before her disappearance.²¹⁸
165. Det Sgt Atkinson flew to Queensland, where Robert Fulton now resides, to attempt to interview him as part of Cold Case review, and put some of the new information to him. Prior to the police attending for the interview, they obtained telephone intercept recordings via a warrant under the *Telecommunications Act 1997* (Cth), which included conversations between Robert Fulton and his then partner, Eileen Leamy (aka Eileen Toomey and Eileen Fulton), about Robert Fulton attempting to imitate the symptoms of Alzheimer's disease, the most common form of dementia, and how she could assist him in that regard by supporting his version of events when he underwent medical tests. Robert Fulton was obviously unaware that the police were recording these conversations at the time.²¹⁹ In the recorded conversations, Robert also discussed gambling at the casino and seemed intelligent and capable of a coherent conversation on various subjects, with nothing wrong with his thought processes.²²⁰
166. The police also took some opportunities to observe Mr Fulton, prior to interviewing him, and he appeared completely cognisant and aware of his surroundings and showed no obvious signs of mental acuity issues to the non-professional observer.²²¹
167. I have read a summary of some other intercepted phone calls, which generally show Robert Fulton to be very able to manage his daily affairs and converse with people about appointments, car repairs, credit cards, insurance and the like. The phone call with his then partner, Eileen, on 7 June 2017 made it very clear that she understood that he was planning to create an impression to police that he was confused, had a bad memory and couldn't answer a lot of questions. It's clear Mr Fulton did have some health issues at the time, but nothing that would suggest he had dementia to a level that he could not remember his own name. It is clear he recognised the calls might be monitored and he was cagey about the information he provided, but he was clearly planning to create a false impression that he had significantly advanced Alzheimer's disease.²²²
168. Det Sgt Atkinson then attempted to interview Mr Fulton in Queensland. Det Sgt Atkinson gave evidence that the moment police approached Robert Fulton to speak to him, he gave the impression of having symptoms of dementia. Robert pulled out a card out of his pocket with his name written on it and gave it to the police officers,

²¹⁷ T 95, 107.

²¹⁸ T 108.

²¹⁹ T 108 - 109.

²²⁰ T 109.

²²¹ T 109.

²²² Exhibit 1, Tab 27, 340 – 341 and 352 – 353, 365 – 366, 406 – 407, 415 - 416.

suggesting he did not know his own name without the card. Det Sgt Atkinson's impression, as a trained police officer with extensive experience speaking to witnesses and persons of interest and assessing their veracity, was that his behaviour was "deceitful and dishonest" and entirely inconsistent with how he had been behaving earlier that morning when he had been unknowingly observed.²²³

169. The police interview continued for some time, as the police wished to make a determination as to whether or not Robert was able to assist their enquiries. They tried to establish whether or not he was capable of participating in an interview and as part of that, asked him some questions about Sharon's disappearance. When asked whether or not he had any involvement in his wife's death, he did say that he believed²²⁴ he would remember that if it happened," so to a certain extent he denied it, and certainly did not make any kind of admission.
170. The police had to make a determination as to whether there was sufficient evidence available to arrest any suspect. All of the evidence was collated and the matter was referred to the Office of the Director of Public Prosecutions to consider whether there was sufficient evidence for any indictable charges to be laid. While the police have the discretion to make that decision themselves and lay whatever charges they consider appropriate, ultimately any charge relating to Sharon's death would be an indictable charge that would be prosecuted by the ODPP, who can discontinue any such charge, so it was considered appropriate to seek the opinion of the prosecuting service. The advice provided was that there were no reasonable prospects of conviction on the evidence provided.²²⁵
171. As part of the cold case review, Ms Lawrence was interviewed again and she provided information that when Robert Fulton came to collect Heath from his class, she was certain he had dirty hands that day, and it definitely would have taken more than soap and water to clean his hands.²²⁶ This was evidence that could potentially have carried some significance, but at the inquest Ms Lawrence clarified that she was unsure about whether this was accurate. Ms Lawrence recalled that Robert had appeared apologetic and a bit annoyed that his routine had been put out by the car breakdown. After he left, Ms Lawrence recalled she had a conversation with Brian Smith and she cannot know recall if she told Mr Smith that Robert Fulton had dirt on his hands, or whether she noted there was no dirt on his hands, which would have been surprising if he had been fixing the car.²²⁷ Given Ms Lawrence's evidence at the inquest, and the various contradictions in her two statements, there is not really much that can be taken from this evidence about Robert's hands. However, it is clear from Ms Lawrence's evidence that it was definitely Robert Fulton who collected Heath that day, which was very unusual, and Robert collected Heath at about 11.30 am, one hour later than the usual collection time.
172. Det Sgt Atkinson indicated that the investigations into Sharon's disappearance and suspected murder had led to the conclusion that Sharon was most likely deceased, but

²²³ T 107, 109.

²²⁴ T 110.

²²⁵ T 95, 110 - 111.

²²⁶ Exhibit 1, Tab 12, [33] - [34].

²²⁷ T 48 - 49, 52; Exhibit 1, Tab 12B.

the circumstances in which she died, and where her body was concealed, had not been established. Det Sgt Atkinson indicated that the investigation had progressed as far as possible utilising contemporary police investigative techniques. Although a possible suspect had been identified and interviewed by police during the Cold Case investigation, there remains insufficient evidence to prefer criminal charges against any person at this time.²²⁸

173. As a long term missing person case, with no prospect of any charges being laid in the near future, it was decided to refer the matter to the State Coroner for consideration of an inquest under s 23 of the Coroners Act. It was considered to meet the criteria for a suspected death and a reportable death, as the police believed Sharon was a victim of a homicide on 18 March 1986.²²⁹
174. At the conclusion of the cold case re-investigation, which attempted to fill any gaps in the original investigation as well as review all previously obtained materials, Det S/C Filgate prepared a report outlining the details of the investigation. The report was referred to the Director of Public Prosecutions on 13 September 2017. As noted at the start of this finding, the matter was reviewed by the ODPP and returned to the police.
175. Det Sgt Atkinson then prepared the report to the State Coroner in April 2018, following the referral of the matter back from the ODPP.

EVIDENCE OF SHARON'S CHILDREN

176. Sharon had four children at the time she disappeared. The two older sons, Deryck and Kyle, were old enough to have some memory and understanding of events at the time. They younger two children, Sharon's only daughter Kirsty and youngest son Heath, were really too small to have much memory of their mother and the dynamics in the household prior to their mother vanishing. However, all of the children gave evidence at the inquest to provide a firsthand account of what they could recall, either from that time or from the years following. I note they did not provide statements to police or have recorded interviews in 1986, as that was not the usual practice, although today things would be done differently.

Deryck

177. Deryck is the oldest of the Fulton children and he was 15 years old in March 1986 when their mother vanished. Given he was a teenager, Deryck appears to have the best memory of the events and of their mother generally, as well as the relationship between his parents.
178. Deryck apparently spoke to police at the time of his mother's disappearance, but there is no record of that discussion. Deryck was also re-interviewed by Queensland detectives

²²⁸ Exhibit 1, Tab 2.

²²⁹ T 111.

in 1993, to see if any inconsistencies might have arisen that could assist the inquiry further, but nothing came from it and there is no record of that discussion.²³⁰

179. Deryck signed a written statement on 10 February 2010. He was 39 years of age at that time. Reflecting back to the time of his mother's disappearance, in 2010 Deryck could recall that his father would usually leave for work at about 7.00 am, when the children were getting up, and his mother would be there to get them ready. After breakfast he would leave the house at about 8.45 am to walk to school on his own, as his high school was directly across the road from the house. Deryck remembers 18 March 1986 as a normal day, and in his statement he indicated he did not remember anything eventful happening until he returned home from school at about 3.15 pm. In his statement he recalled Kirsty and Kyle came home about half an hour later and he did not remember receiving any calls from his grandmother, Betty Hulme, that afternoon. He did remember starting to wonder where his mother was as it approached dusk. Their father would normally return home around 6.00 pm and they would eat around 6.30 pm, so it was unusual for his mother not to be home cooking dinner. He also recalled his father coming home later than normal that evening, and though he had Heath with him at the time. Deryck vaguely recalled asking his father about his mother's whereabouts and could not recall the explanation his father gave. Then he remembered his father making some calls and going out that night. He also had a vague recollection of calling his grandmother Betty. At some stage his father told him that his mother was missing and instructed him to have no further contact with Betty.²³¹
180. In his statement, Deryck referred to having a conversation with his father at a later stage when his father told him that he had come home on the morning his mother's disappearance and they discussed a few things. He recalled Robert said they went out to a café and had a conversation and Sharon then asked him to drop her at the East Perth Train Station, which he did. He could not recall any further specific conversations with his father about his mother's disappearance, although he knew that such conversations had occurred.²³²
181. In a further unsigned statement, prepared in 2017, Deryck added some more detail that arose from a discussion with the police at that time, although he noted at the inquest he recalled more information being provided than what was summarised in the four page statement.²³³ Deryck referred in this later discussion with the police to a conversation he had with his father a few years earlier. His father was travelling through New South Wales and visited Deryck. They had a few drinks that night and ended up in a heated discussion about Sharon's disappearance. Robert said to him the next morning, "I hope you were satisfied with what I told you,"²³⁴ although Deryck could not recall the specific details of their discussion. He saw his father after this time but they did not have any further conversations about his mother.
182. Deryck gave evidence at the inquest and expanded on some of the background to his mother's disappearance, as well as other events surrounding it. Deryck recalled that they

²³⁰ Exhibit 2, p. 192 - Memorandum.

²³¹ Exhibit 1, Tab 18A.

²³² Exhibit 1, Tab 18A.

²³³ T 137.

²³⁴ Exhibit 1, Tab 18C, unsigned statement, [21].

travelled a lot when he was a child due to his father's employment with the RAAF. He remembered many good times in those early years, experiencing life in Malaysia and Singapore before they settled in Perth, although moving from school to school as a child was a struggle.²³⁵

183. Deryck recalled there were arguments between his parents, but not the reasons for them. As a child, he would shut himself away from the conflict and could only recall the heated discussions and long periods of silence. He couldn't recall who was the aggressor.²³⁶
184. Deryck remembered Sharon as a good mother in the way she went out of her way to do things for the children, including taking them to all manner of hobbies and sports. As well as looking after the children, she was a housewife and homemaker and she always tried to make sure that the children had everything they needed, putting their needs first before her own.²³⁷
185. Deryck gave evidence he did not recall knowing about his mother initiating Family Court proceedings in 1985, and only remembers finding out some years later after reconnecting with his grandmother, Betty Hulme. He had some long distance discussions with Betty and also visited her. He was aware that Betty felt strongly that Robert had something to do with the manner of Sharon's disappearance, whereas Deryck saw his contact with Betty as an opportunity to find out more information and impart information to her, and trying to understand what it all meant. Deryck indicated he "knew by then that things were not what they seemed" and by reaching out to his grandmother he was trying to see another side to the story than what had been told to him by his father. It had taken him some time to make contact with Betty, as all of the Fulton children had been forbidden by Robert to see her, but when Deryck was older he was able to make his own decision about making contact. Deryck recalled that Betty was enthralled by the chance to see him and asked him many questions about his younger brothers and sister as she dearly wanted to connect with them too, and hoped when they were old enough they would also make contact with her.²³⁸
186. Deryck acknowledged that when he spoke to Betty about what he remembered of the events in March 1986, he got the impression that, "in some ways, she was always hoping that [he] would say something just slightly different."²³⁹ Or else bring up something that he hadn't brought up before. She would also retell her side of things, which he felt was perhaps to hopefully reinforce for him what she believed had occurred.²⁴⁰
187. Deryck believes he has locked a lot of his memories of that time away, saying "*I have shuttered it to the back of my mind and have nearly closed it off as part of my life.*"²⁴¹

²³⁵ T 137 – 138.

²³⁶ T 138.

²³⁷ T 138 - 139.

²³⁸ T 140 - 141.

²³⁹ T 141.

²⁴⁰ T 141.

²⁴¹ T 142.

188. Deryck was asked at the inquest what then, after all these years, did he actually recall about the day his mother disappeared? Deryck referred to his 2010 witness statement, which he believes was aided by discussions with Betty that refreshed his memory at the time he gave that statement, so was a good account of events. Since that time, he has been able to read that statement again, and so in giving his evidence at the inquest, he was assisted by that earlier statement. Deryck gave evidence that the only part he still remembers clearly is getting Kirsty and Kyle from school and bringing them home that day. He remembered the afternoons usually went like clockwork, as he had a key and it wasn't unusual for him to come home and find the place empty as his mother would be out with the younger children, but she would always generally try to be home quickly to make sure all of the three older children got home from school. They would then do their homework and chores. However, on this day, time passed and his mother did not come home. Deryck could not recall exactly why, but at some stage he then went to find Kirsty and Kyle at their school, where they were waiting by the school gate alone.²⁴² As for the morning, he recalls it was like any other morning.²⁴³
189. As to when he came to realise his mother was not coming home, Deryck gave evidence that he did not recall a 'lightbulb moment' as he was old enough to be aware something was not right from the outset. He recalled speaking to Betty on the telephone within a couple of days of his mother's disappearance and Betty voiced her concerns and was trying to find out what was going on as their phone number had changed. Deryck remembered Betty coming to Perth a few weeks later and coming to the front door and Deryck had to tell her that he wasn't allowed to talk to her or let her in. He recalled that Betty understood and said at the time that she didn't want to get the children into trouble, but she just wanted to see that they were all right.²⁴⁴
190. Deryck explained that he had not been able to let his grandmother in due to the instructions of his father, who he described as a "controlling individual"²⁴⁵ and a "very strong character."²⁴⁶ Throughout his life Deryck had been disciplined by both his parents and also at school, as he grew up in the era when the cane was still allowed at school. He remembered his mother as doing most of the discipline, but if his father stepped in, then Deryck recalled he would back down immediately as his father was very dominant and domineering in the way he presented himself in the household and Deryck was clearly intimidated by him.²⁴⁷
191. Deryck was asked whether he had ever seen any evidence that his mother was being unfaithful to his father, either with Michael Harrison or someone else? Deryck said he didn't think she would even have been able to have the time to have an affair, let alone be of the type of character to want to do so. Further, as Deryck and other witnesses noted, at the relevant time Sharon was in the unfortunate situation that she hadn't had any new clothes for years as she had limited access to funds and used any money that she had on the children, as well as putting all her time and effort into them. Therefore, she had little opportunity to do herself up and get out and meet people. Deryck was firm

²⁴² T 141, 144 – 145.

²⁴³ T 141

²⁴⁴ T 142.

²⁴⁵ T 142.

²⁴⁶ T 142.

²⁴⁷ T 143.

in his evidence that it wasn't in her character to behave that way and said he was disappointed that his father would make that allegation, but noted it was not out of character for his father "to throw mud"²⁴⁸ in that way.

192. In terms of his mother's mental state, Deryck gave evidence that he didn't think he had ever seen any indication that his mother might self-harm, although he did acknowledge that she was "very highly stressed, highly strung."²⁴⁹ When he looks back as an adult, he can recognise that the pressure of his parents' relationship must have weighed heavily on her, and as a result he believes she would lash out and take some of it out on the children. Deryck remembers that the discipline, whether physical or verbal, sometimes went a little bit too far. He guesses now it was part of her coping mechanism, but it meant that sadly for the children, the stress and heavy discipline became a standard part of their house and what they came to believe was normal.²⁵⁰
193. Deryck acknowledged that the family dynamics were difficult. Due to his father's controlling behaviour, his mother did not have any significant social connections, other than Narelle and her bowling, and the family as a whole was quite isolated. The children were allowed to participate in some after school activities, but attending any birthday parties or gatherings was rare once they moved to Perth and Deryck could not recall any real social gatherings at their own house. Being alone as a family became the norm, and a routine was developed around that isolation so that it felt normal to the children.²⁵¹
194. In terms of Sharon then choosing to leave that stressful and isolated life behind, Deryck gave evidence that he believed his mother would never leave Heath, who was only three years old at the time. He firmly believes if his mother had left voluntarily, she would have taken Heath with her, at the very least.²⁵² This is consistent with the evidence of other witnesses.
195. Deryck was asked whether he had ever gained the impression his mother was at risk of harm from his father prior to her disappearance. He reiterated that Robert was "a strong, domineering character,"²⁵³ but said there was nothing in the couple's arguments and periods of silence immediately prior to Sharon's disappearance that gave any suggestion that something untoward might occur.
196. Deryck does not have a relationship with his father at this time. They last spoke in about 2015 to 2016 and Deryck recalls receiving a text message from Robert around Christmas/New Year 2017 to 2018, which was their last correspondence. The last time he had contact with his father, Deryck believed he was in reasonable health and there had been no mention of Alzheimer's disease, but he acknowledged some years had passed, so it was possible his father may have been diagnosed with the condition since that time.²⁵⁴

²⁴⁸ T 145.

²⁴⁹ T 146.

²⁵⁰ T 146.

²⁵¹ T 148 - 149.

²⁵² T 146.

²⁵³ T 146.

²⁵⁴ T 147.

197. As to why he is no longer in contact with his father, Deryck explained that he came to recognise his father's way of controlling things and manipulating the situation for his own benefit, and ultimately decided to step away for his own self-preservation.²⁵⁵ Prior to their estrangement, Deryck said he did approach his father on several occasions to ask him more about what happened in March 1986. On one occasion, after he had drunk some alcohol to give him some courage, he thinks his father may have disclosed some information to him, but he still wasn't very forthcoming and Deryck is unable to recall much of the conversation, other than that his father continued to maintain that he took her to the train station. He continues to believe his father knows more about what happened to Sharon than he has told anyone, thus far.²⁵⁶
198. Deryck was asked whether he believes his mother is deceased, and he indicated that whilst he still held out hope for many years, as did his grandmother Betty until her death, he has come to realise over time that it is less likely that she is still alive.²⁵⁷
199. It is very clear that Deryck has reflected often on the past, and he gave evidence that he has come to realise that his mother was shielding him and his siblings from what was going on around them and he wishes now that he could have done more at the time.
200. Deryck also commented that he wished his father "would show some sense and compassion, if there is anything left in him, and be forthcoming" at the inquest, as it had been a long time coming, and it was an opportunity for the children together to finally get some answers.²⁵⁸ Regrettably, as I set out below, although Robert Fulton was given the opportunity to do so, this did not occur.

Kyle

201. Kyle was the second oldest, at ten years of age. Kyle provided a statement to police on 12 February 2010 for the first time, when he was 34 years of age. He indicated at the outset that he had changed his name as an adult as he wanted to disassociate himself from his father, who he described as abusive. Kyle was asked about his memory of his mother's disappearance, and he could not remember anything unusual about the morning or day at school. He did recall waiting with Kirsty outside the school to be collected by his mother, as usual, but she did not arrive. Kyle recalled that Deryck eventually came to tell them to come home as their mother was not coming to pick them up. They then walked home and he thought his father was home by then. Kyle remembered his father gave them the impression that their mother had gone away for a while and would be coming back, but he did not say how long she would be gone for. In the days following, he believed the family kept to their normal routine until Mother's Day, when, as explained below, he realised she was not coming back.²⁵⁹
202. Kyle said in his statement that over the years, his father suggested to him that his mother was likely linked to a serial killer case. He did not directly challenge his father

²⁵⁵ T 147 – 148.

²⁵⁶ T 149.

²⁵⁷ T 149 - 150.

²⁵⁸ T 150.

²⁵⁹ Exhibit 1, Tab 18B.

about these claims but did form his own suspicion that his father was involved in his mother's disappearance. At the time of providing the statement to police, he had not had any contact with his father for nearly 15 years, so he did not have any more current information.²⁶⁰

203. Kyle also gave evidence at the inquest. He recalled his mother as a "very domestic sort of person"²⁶¹ who spent a lot of time at home taking care of the children and cleaning house. He remembered there was a lot of verbal arguing at the house, mostly from his father, but could not recall the substance of the arguments. As children, they used to just try to ignore it and go outside to avoid getting "caught in the cross-fire."²⁶² He did say that he never saw an argument between his parents become physical.
204. For the most part, Kyle simply remembered Sharon as an ordinary full-time mum, who was there when they left for school in the morning and there when they got home again. Kyle remembered that his mother would usually take the children to their social activities after school, and he believed she would drive them there in her car. Other than looking after them, he remembered his mother's other main interest was bowling, which was a big thing for both his parents. He remembered going to the bowling alley on weekends and he remembered his parents winning a lot of trophies. Their main family friends were the Harrisons, Narelle and Michael, and he remembered socialising with that family at various times, including the odd rare trip away.²⁶³ Sadly, but honestly, when asked to remember back to that time, Kyle gave evidence that towards the end it was the arguing that he remembers most.
205. Kyle was a very intelligent child who had been having some issues, which was why he had begun seeing Dr Weekes. Kyle recalls he brought up in the therapy sessions that his parents were always arguing, which led Dr Weekes to arrange to see his parents. Kyle recalled being asked to sit outside in the waiting room while she spoke to his parents, so he did not hear what was discussed. It seems the focus then became on providing therapy for Robert and Sharon, and Kyle remembers spending a lot of time playing with toys in the waiting room rather than engaging in the therapy sessions.²⁶⁴
206. Kyle indicated that he was unaware of his mother's instituting of Family Court proceedings in 1985 and it was not something discussed amongst his siblings. He found out some of the information many years later, when he reconnected with his grandmother and step-grandmother, Betty and Jocelyn, but at the time of his mother's disappearance, he was not really aware of the extent of the issues in his parent's marriage.²⁶⁵
207. In terms of the day of Sharon's disappearance, Kyle said he does not remember the morning but he does remember the afternoon. Kyle recalled that he and Kirsty waited outside the school near the oval at the pick-up point where they would usually wait for their mum to collect them to take Kirsty to her weekly dancing classes. He remembered

²⁶⁰ Exhibit 1, Tab 18B.

²⁶¹ T 117.

²⁶² T 117.

²⁶³ T 119.

²⁶⁴ T 119.

²⁶⁵ T 120.

they waited for a very long time and weren't really sure what to do. Deryck eventually arrived and told them, "Come back home. Mum's not coming to pick you up today."²⁶⁶ Kyle said they were always worried about getting into trouble if they did the wrong thing, so they would not have left there without Deryck coming to tell them it was okay to leave, despite the long wait.²⁶⁷ He has a vague recollection that his father was there when they got home and told them that their mum had just gone away for a bit, but nothing more. Kyle does not recall being told where his mother was or when she was coming back, and he figured it was grown-up business and not his concern.²⁶⁸

208. Kyle made it clear that he found his father "very intimidating"²⁶⁹ and they as children "didn't question our father."²⁷⁰ He remembered Robert as someone who "liked to interrogate us ..whenever something he suspected was wrong."²⁷¹ If he believed they were lying, he would wash out their mouths with soap. Kyle also remembered an example of one time when Robert punished Kyle by making him stand on the painted concrete out next to the pool on a hot summer's day, with the ground so hot that Kyle couldn't stand on it for more than a couple of seconds and had to hop from one foot to the other. Kyle remembered these kinds of punishment techniques as being "intimidation tactics"²⁷² by his father, rather than any direct violence by his hand.
209. Kyle was asked whether he recalled his father engaging in any of these patterns of behaviour with his mother, and he described the same kind of interrogating,²⁷³

Where he accused you of something and if you don't agree with what he says, then he punishes you.

210. Kyle gave evidence that after his mother disappeared, "we weren't really allowed to talk about ... what happened. It was just life just went on we just went to school and came home and we just assumed that she was coming back."²⁷⁴ He first realised that his mother was not actually going to come home around the end of April or first week of May 1986, as he had made some chocolates at school for his mother as a Mother's Day gift, and put them in the fridge for safekeeping to give to his mother when she returned. After a couple of weeks, the chocolates became too great a temptation for one of his siblings and they helped themselves to the chocolates instead. Kyle was very upset about it and complained to his father. In response, Robert became angry and said, "Stop crying. She's never coming back."²⁷⁵ Kyle knew then, from his father's tone and demeanour, that his mother was gone, and that was when he accepted something had happened to her and she was never coming home.²⁷⁶

²⁶⁶ T 121.

²⁶⁷ T 121 - 122.

²⁶⁸ T 123 - 124.

²⁶⁹ T 124.

²⁷⁰ T 124.

²⁷¹ T 124.

²⁷² T 124.

²⁷³ T 125.

²⁷⁴ T 120.

²⁷⁵ T 126.

²⁷⁶ T 126.

211. The family then moved to Queensland towards the end of the year and his father met Ms Burnett and Kyle was sent away to boarding school. Kyle gave evidence he was actually given a choice about what school to attend and he chose to go to boarding school as it would get him away from “the family dynamic of a father I didn’t really trust” and some space to be himself and not be intimidated or held back. He described those three years at boarding school as the best three years of his life.²⁷⁷
212. Kyle described his father at that time, in the early years after his mother’s disappearance, as a parent he couldn’t rely on when he needed someone for emotional support. “He was very distant all the time and very unapproachable.”²⁷⁸ He could, at times, surprise him and be a good father, but for much of the time he was emotionally closed to the people around him.²⁷⁹
213. Kyle gave evidence his father has never said anything directly to him to suggest that he has knowledge about the circumstances of Sharon’s disappearance that he hasn’t shared with anyone. Kyle has never had the opportunity to have comfortably and privately ask him. Kyle left the household in 1992 and there was an incident shortly after where Kyle acted contrary to his father’s interest in a court matter, which increased the level of animosity between them. Kyle has had very little interaction with his father since, and then only in larger family settings and not one-on-one, Kyle gave evidence he thinks he probably last saw Robert at his Uncle John Wood’s funeral, and has no interest in talking to Robert.²⁸⁰
214. Kyle was asked whether he was aware of his father suffering from Alzheimer’s disease. He has no personal knowledge, but expressed some doubt based on his knowledge of previous occasions when his father has alleged to have injuries and ailments in relation to court cases when he has seen no evidence of these things. Kyle said he was “highly sceptical”²⁸¹ that his father has dementia, but acknowledged that Robert is ageing and, like the boy who cried wolf in the fable, eventually one day he will develop an illness and will find that people don’t believe him because of his previous behaviour.²⁸²
215. Kyle gave evidence he believes his mother has passed away. He does not believe she would have voluntarily left him and his siblings, remembering how devoted she was to the “domestic mother life.”²⁸³ Kyle believes his father was responsible for her disappearance, either directly or indirectly through the involvement of another person. He did not expect his father to come along and give evidence at the inquest about his knowledge of these events, and expressed the view that “even if he was on his death bed,”²⁸⁴ Robert would be unlikely to tell anyone what he really did. However, Kyle still believes his father was involved in Sharon’s disappearance and regrets that he is unwilling to provide more information so that Kyle and his siblings can give their mother a proper resting place and have closure.²⁸⁵

²⁷⁷ T 126.

²⁷⁸ T 127.

²⁷⁹ T 127.

²⁸⁰ T 128 - 129.

²⁸¹ T 129 - 130.

²⁸² T 129.

²⁸³ T 131.

²⁸⁴ T 130.

²⁸⁵ T 132.

Kirsty

216. Kirsty was seven years old when her mother disappeared. She provided a statement to police on 15 February 2010 in relation to what she remembered from that time. Sadly, Kirsty had no memory of her mother, but she could remember some specific events, such as the day her mother went missing and failed to collect Kirsty and her brother Kyle from school. Kirsty did not recall what she was told about her mother's disappearance in the days and months following. Kirsty indicated her father had never told her what happened to her mother and she had never asked him. At the time of providing the statement to police, Kirsty was still in contact with her father.²⁸⁶
217. Kirsty chose not to attend the inquest in person, but she did make arrangements to listen to the inquest remotely and provided a written statement to the Court, that was read onto the transcript on her behalf. Sadly, Kirsty has no independent memory of her mother. Kirsty's main memories are of growing up without a mother, commencing in Queensland, where they moved after Sharon disappeared. The children's mother was not mentioned while they were growing up, there "were no pictures of her displayed or shown, and it was like she never existed."²⁸⁷ Kirsty had only a few of her mother's possessions, given to her over the years, to show that she existed.
218. Having listened to the evidence at the inquest, Kirsty expressed great sadness for her mother, understanding for the first time how much she loved Kirsty and the other children and tried to protect them.²⁸⁸
219. Kirsty had remained in her father's life frequently up until Christmas 2018, when she learnt that he had lied to someone about paying for her two sons' education. Given Kirsty had worked hard on her own to support and raise her children, she was devastated to hear such a lie and it was the moment when she finally broke away from him. Kirsty indicated that she had recognised her father's toxic behaviour and untruths for many years, and had always felt that he did not have time for her and did not know her at all, but she had continued to try to maintain a relationship with him until that final Christmas. Kirsty told the Court that she believes wholeheartedly that Robert knows where her mother is and what happened the day she disappeared. She acknowledged it may not be something that she wants to be true, but she believes it nonetheless. Kirsty was still hopeful at the time of writing her statement that they might still find out the truth and be given an opportunity to one day know their mother's final resting place.²⁸⁹ Regrettably, I still cannot provide the answers she is seeking.

Heath

220. Like Kirsty, Heath was also too young to remember much about his mother, although he does have a lasting memory of standing in his cot looking at her and feeling safe and

²⁸⁶ Exhibit 1, Tab 19.

²⁸⁷ T 155.

²⁸⁸ T 155.

²⁸⁹ T 156 – 157.

secure.²⁹⁰ He was only three years old when his mother disappeared, and all he remembers from that day is going with his father to a train station building. He told the police on 9 February 2010 that he could remember his father being annoyed but not particularly concerned. He has no other recollection of that day.²⁹¹

221. Heath, like Kirsty, grew up without a mother and had to experience all the seminal moments in his life, such as the first day of school all the way until his school graduation, without his mother there to share the moment with him. She wasn't able to be there to celebrate as he graduated from officer training or commiserate when he failed his first driving test.²⁹²
222. Heath noted that their mother was very rarely spoken about at home and they never had her photo on display. Her mother and stepmother were cut off from the children's lives as well, so they could not benefit from hearing stories about their mother from them. Hearing about his mother at the inquest from the people who knew her was, therefore, a very important part of the proceedings for Heath.²⁹³
223. It seems that given his young age, it took Heath some time to question his father's involvement in his mother's death, but like his siblings, he developed questions in his mind over time. Heath recalled to police in 2010 that he first began to see a different side of his father when he separated from Pam Burnett when Heath was about ten years of age. As had happened to Betty and Jocelyn Hulme, his father started to restrict the children's contact with Pam, despite the fact she had been a mother figure to them. The disruption to his life caused Heath to think back on his mother's disappearance. Heath thought about the strangeness of the fact that he was with his father during the day when she disappeared, as his father would usually have been at work. Heath later spoke to Deryck about his concerns, which raised his suspicions further.²⁹⁴
224. Heath told police there was only one occasion that he could recall speaking with his father about his mother's disappearance. That conversation took place in May 2008, a couple of years before he provided his statement. Heath was now in the RAAF himself and was undertaking a Unit Defence Officer's course in Queensland, which coincided with Kirsty's 30th birthday. Heath attended the festivities and he and his father drank a significant quantity of alcohol together. While they were intoxicated and alone, Heath asked Robert what happened to his mother. Robert replied that he would tell him in a few years' time, after it had been 30 years. Heath pushed him for further information, but Robert did not provide any more information and they never discussed it again. At that time, in 2010, Heath was still in regular contact with his father.²⁹⁵ Heath did not state expressly at the inquest whether he is still in contact with his father, although he provided no more recent information about any conversations with his father about his mother's disappearance.

²⁹⁰ T 158.

²⁹¹ Exhibit 1, Tab 20.

²⁹² T 156.

²⁹³ T 158 – 159.

²⁹⁴ Exhibit 1, Tab 20.

²⁹⁵ Exhibit 1, Tab 20.

225. It was clear from Heath's statement that he read at the conclusion of the inquest that he had come to understand from the evidence he had heard that his parents' relationship had been plagued by family violence, including coercive control and gaslighting behaviour towards his mother. He now understood that his mother had been struggling against this behaviour.

ROBERT FULTON

226. It was intended that Robert Fulton would be called as the last witness at the inquest, after he had an opportunity to hear the evidence of all of the other witnesses and consider the written material, so that he could then be asked whether he has any additional information to provide about his wife's disappearance. Unfortunately, that was not to be, as I will explain below.

227. Robert Fulton was first sent an adverse finding letter by email on 9 October 2020, followed by a letter advising him of the upcoming Call Over on 19 January 2021, and advised of the outcome of the Call Over on 16 February 2021. Robert Fulton then contacted the Court by telephone on 11 June 2021 in response to the letters, requesting a copy of the brief and that the documents be sent to Reno, Nevada, USA, where he purported to be residing. Counsel Assisting, Ms Tyler, then received an email from Robert Fulton on 26 July 2021, again requesting a copy of the brief and indicating that he was living in the USA at that time. He followed up that email with another email on 13 August 2021, requesting a swift response.

228. Ms Tyler responded to Mr Fulton in a letter sent by email on 17 August 2021 indicating that he was required to attend to give evidence at the inquest. If he could not attend, he could give evidence by video link and be legally represented if he wished. He had also indicated that he had health issues that would prevent him from attending, so he was asked to provide evidence of the same. Further, Mr Fulton was told he could request to view the brief of evidence and we could arrange for him to do so at a location where he lived.

229. Enquiries were made with the Department of Home Affairs, who provided confirmation that there were no records to indicate that Mr Fulton had left Australia at that time. Further enquiries by police located Mr Fulton living in Queensland.²⁹⁶

230. Police went to Mr Fulton's address in Queensland on 14 September 2021 and attempted to speak to him, without success. Robert Fulton was then sent a letter that day by Ms Tyler indicating that the Court had received confirmation that he was living in Queensland and again offering an opportunity for him to give evidence by video link and be legally represented and to view the brief of evidence at a courthouse nominated by him.

231. Robert Fulton was eventually served with a summons by Queensland police on 29 September 2021 to attend court on 9 November 2021 and police told his then partner, Eileen Leamy, that he would need to provide medical evidence to the Court if he wished to still maintain that he was too unwell to attend in compliance with his summons. The

²⁹⁶ T 152.

police officer who served the summons noted at the time that it was unclear whether Mr Fulton was truly unwell at that time or feigning illness while the officer was present.

232. Counsel Assisting, Ms Tyler, received a letter by email from Robert Fulton that same day requesting the list of files available to view and an explanation of why he had been sent an adverse finding letter, as he felt prejudged before the inquest had begun. Ms Tyler responded in a letter sent by email on 4 October 2021 explaining the file viewing process, why he had been sent a letter advising of the possibility of an adverse comment being made and requesting evidence of his health condition. He was also advised at that time that the original inquest dates had been vacated and the hearing adjourned to new dates in May 2022.
233. I note at this stage that on 11 November 2021 the Court received an anonymous typed letter in the post. This would have been the third day of what was the previous listing date for this inquest, being 9 to 11 November 2021. The unidentified author of the letter suggested that Michael Harrison may have killed Sharon as she was pregnant with his child and wanted him to leave his wife. I am satisfied that there is absolutely no truth in the allegation that Michael Harrison and Sharon were having an affair, nor that he had anything to do with her disappearance. I note that this rumour was started by Robert Fulton after Sharon's disappearance, when Narelle Harrison was alleging that Robert may have harmed his wife. It seems a very convenient allegation for the finger to then be pointed at Narelle's husband.
234. Forensic examinations were conducted on the letter and the envelope that it arrived in. The Forensic Scientist who conducted the examination concluded that an unknown male individual was a contributor to the mixed DNA profile found on the inner surface of the envelope. Comparisons were made with DNA from Deryck, Kyle and Kirsty and it was concluded that a parent/child relationship between the unknown male and those three siblings could not be excluded. The Forensic Scientist recommended that a reference sample be obtained from paternally related individuals to Deryck, Kyle and Kirsty for further testing, in order to more conclusively determine the identity of the person who sent the letter. That category of person would, obviously, include Robert Fulton. I note the contents of the letter are largely consistent with the allegations Robert Fulton made to police about Michael Harrison and Sharon at the time of Sharon's disappearance, but takes those allegations one step further.
235. On 8 April 2022, Mr Fulton was sent further correspondence about the new dates for the inquest, the requirement that he answer his summons to give evidence, the repeated offer that he could give evidence by video link and a reminder that the Court had still received no evidence from him about his purported medical condition.
236. It appears Mr Fulton then sent an email to his doctor on 14 April 2022, which led to a report being received at the Court on 20 April 2022 from Dr Krista Talbot in relation to Mr Fulton's health and ability to give evidence. The report itself was actually dated 17 September 2021. I note that the medical report did not indicate that Robert Fulton was incapable of giving coherent evidence at the inquest. Rather, it indicated that I

would need to take into account his illness in considering how he should be questioned and what weight should be given to his answers.²⁹⁷

237. Ms Tyler sent another letter to Mr Fulton on 28 April 2022 confirming that the letter from Dr Talbot was not sufficient to excuse him from attendance at the inquest.
238. Ms Tyler received a telephone call from Robert Fulton on 3 May 2022, during which he indicated he was in a rehabilitation centre having just got out of hospital for reconstructive surgery on his leg, and that he would be there for the next six weeks. Later enquiries established he had been discharged from hospital on 21 April 2022 and was living at home and had been seen at the Star Casino on 2 May 2022. Mr Fulton was told, once again, that he was expected to comply with his summons and give evidence at the inquest. Ms Tyler explained that the information from Dr Talbot did not indicate he would be unfit to give evidence and if he wished to raise the issue further, he could do so at the start of his evidence.²⁹⁸
239. Police officers attended Robert Fulton's apartment on the morning of 5 May 2022, at the Court's request. They knocked on the door repeatedly, but he did not respond. They had confirmed with the apartment building's reception that Mr Fulton was in his apartment, having viewed CCTV footage that showed him entering and not leaving again. The police passed a copy of Mr Fulton's witness summons and the letters from Ms Tyler to him in relation to this matter under his door, but he still did not respond.²⁹⁹ The police had taken with them a computer in order to enable Mr Fulton to give evidence by video link, if he had answered the door and cooperated, but unfortunately this did not occur.
240. As I indicated at the inquest, it had been my intention to call Mr Fulton as a witness at the inquest by video link to ask him some questions and ascertain, to my own satisfaction, his ability to answer questions about these events. I note the medical information did not indicate that he was incapable of giving evidence, only that I would need to take into account his illness in considering how he should be questioned and what weight should be given to his answers.³⁰⁰ Given the evidence of Det Sgt Atkinson, who travelled to Queensland to interview Mr Fulton in relation to this matter, and Ms Leamy, it was entirely likely Mr Fulton would indicate he was unfit to be questioned. However, it would have been an opportunity for me to hear him for myself and attempt to question him, if I considered he was capable of answering. I would also have explained to Mr Fulton his right to decline to answer questions and my power to compel him and issue a certificate under s 47 of the Act, in appropriate circumstances.
241. Robert Fulton failed to obey the summons, issued under s 46 of the Act, that had been served on him under the provisions of the *Service and Execution of Process Act 1992* (Cth). Under s 46(1) of the Act, a person who is issued with a summons and fails to appear is guilty of a crime, which carries a maximum penalty of 5 years and a fine of \$100,000 if convicted on indictment and a summary conviction penalty of 2 years' imprisonment or a fine of \$40,000. Pursuant to s 46(4) of the Act, I could issue a

²⁹⁷ T 152.

²⁹⁸ T 151.

²⁹⁹ T 151.

³⁰⁰ T 152.

warrant for Robert Fulton to be apprehended and brought before me. If he had been living in Western Australia, I would have had no hesitation in doing so. However, given he is residing in Queensland, the issue is more complex as it would mean he would be arrested and brought before a Magistrate in Queensland to determine if he should then be extradited to Western Australia to face the charge. An assessment of whether a person should be extradited is different to the assessment of whether a person ought to be prosecuted, and would take into account the nature and gravity of the offence, the likely disposition in the event of a conviction and other factors.³⁰¹ As a result, it is usual for extradition only to be sought in serious criminal cases where a person is likely to face a significant term of imprisonment if convicted.

242. While there is a strong public interest in ensuring that members of the public understand that failure to comply with a summons will have serious consequences, it must be balanced against Mr Fulton's age and health issues (with at least some physical health issues not in dispute), and the strong possibility that he would receive a non-custodial disposition if convicted. I also note that the issuing of a warrant would ensure he was brought to the Court where his evidence could be received, but given he has provided versions of events to police and in other legal proceedings in the past in which he has sworn that he last saw his wife safe and well, it is unlikely he would change that version of events even if he was brought here. I expressly wanted to give him an opportunity to provide any more information he might wish to provide the Court, and his children, but he has made it clear by his conduct that he is not willing to do so.
243. I made it clear at the inquest hearing that I did not, and I still have not, excused Mr Fulton from compliance with the summons lawfully served upon him. However, the Court had no further contact with Robert Fulton after May 2022 in terms of giving evidence and I had no expectation that he would provide any further information to assist this inquest. Ultimately, having reflected on the matter at length, I elected not to re-open the inquest and issue a warrant in this case, given Mr Fulton is located in the Eastern States, is elderly and I have some medical evidence before me to indicate the possibility that he has Alzheimer's disease (although noting the considerable other evidence to suggest this may be either incorrect or less severe than he suggests) and he certainly has experienced some other physical health issues, including an admission to hospital a few weeks before the inquest.³⁰²
244. I emphasise, however, that Robert Fulton was given multiple opportunities to make arrangements to read the brief of evidence and to listen remotely to the evidence given at the inquest (as his daughter chose to do), as well as to give evidence at the inquest in relation to any relevant information he might be able to provide. He was sent a letter indicating there was potential for an adverse comment to be made against him, based upon the material already included in the brief, so he was afforded every opportunity for procedural fairness in those circumstances. He was informed he could seek legal advice and be represented at the inquest, and question witnesses at the inquest, if he so chose.
245. I understand the great disappointment the Fulton children feel at not having an opportunity to hear their father give evidence at the inquest. However, I note that even if he had complied with his summons, it was possible he would either have been unfit to

³⁰¹

³⁰² T 152.

give evidence due to his medical condition, or he might have exercised his right to silence, which would have necessitated consideration of whether I ought to compel him pursuant to s 47 of the Act and then issue him with a certificate. There is no guarantee, even in those circumstances, that he would have given honest and forthright evidence or disclosed anything different to what he has said in the past about these events.

246. Mr Fulton still had the opportunity to make submissions after the inquest, if he had wished, but he did not make contact with the Court again while I was drafting my finding, so I was simply left with the evidence already before me on which to reach my conclusions.
247. It is absolutely clear from the heartfelt evidence given by all four children, that they have been left psychologically scarred by the disappearance of their mother without any warning or explanation. The years growing up afterwards, with a distant and domineering father, no mention of their mother and no contact with their maternal grandmother and step-grandmother, has also had a profound impact. For the older children, they also had to experience a tense and hostile environment before their mother vanished, and for Deryck, the guilt of feeling that perhaps, in hindsight, there was something more he could have done to avert this tragedy. Heath, on the other hand, as the youngest blamed himself for somehow being the final straw for his mother as the youngest child. The trauma all four children have experienced has had an ongoing effect on their relationships as adults, both between each other and with their partners and children. It is telling that not one of the children has, today, any kind of meaningful relationship with their father. Having grown up without a mother, one might have expected the remaining parent to be the grounding factor in their lives, but it seems that Robert Fulton is incapable of being that support.
248. It is telling that there was not a single person called at the inquest, including Robert Fulton's sister and children, and his two partners after Sharon, that had a single good word to say about him. His supervisor at the RAAF at the time described him as not well-liked at work, and no friends of the family spoke well of him. In terms of general character evidence, it is fair to say that Robert Fulton was not described in this Court as a person of good character. Everyone who was asked stated that they believed Robert was capable of killing his wife and concealing her death from her family for decades.
249. Police obtained a statement from a person who has had significant recent contact with Robert Fulton in the last year leading up to May 2022. He has found Robert Fulton to be normal and coherent in their interactions with no obvious cognitive impairment or signs of dementia, although he does appear to have some physical problems.³⁰³
250. Eileen Leamy, known to her friends as Sam, is the estranged wife of Robert Fulton. They were together for 30 years and only recently separated. Ms Leamy was one of the people overheard talking to Robert Fulton about dementia in the telephone calls in 2017, when they were still together. Ms Leamy told the police in a statement she signed on 4 May 2022, in the midst of this inquest, that Robert (who she calls Bob) has the markers for early onset Alzheimer's disease but he is exaggerating his symptoms and

³⁰³ Exhibit 1, Tab 44.

incapacity and has manipulated the doctor into giving him the diagnosis. Ms Leamy bases this allegation on the fact that:³⁰⁴

- Robert taught her how to fool a doctor into getting an Alzheimer’s diagnosis;
- when they were alone in the apartment together, he was generally normal and showed few signs of Alzheimer’s/Dementia; and
- on several occasions when there was a knock at the door he told her to keep quiet and always back him up with any claim of suffering Alzheimer’s/Dementia.

251. Ms Leamy states that the reason they separated after 30 years was because Robert physically assaulted her in December 2021. She states that during their time together, he had subjected her to significant psychological abuse, but this was the first physical assault. Ms Leamy states that the assault took place after she saw him with a bag containing a large amount of cash (proceeds from an apartment sale) and she questioned him about it. In terms of psychological violence, Ms Leamy has indicated that the violence was all about coercive control. She states that during their relationship Robert filtered all of her calls and emails and tracked her car, and would someone tell her that he ‘knew people’ in such a way that she took it as a threat that he could possibly cause her severe harm.³⁰⁵ She describes Robert Fulton as “a manipulative character”³⁰⁶ and “a cunning and ruthless individual”³⁰⁷ of whom she is still very fearful. Although I note Ms Leamy’s statement is provided in the context of her current estrangement and Family Court proceedings, I have also received independent information that she first spoke to her general practitioner of her fear of Robert and his emotional violence in December 2018, and the circumstances eventually escalated to her decision to promptly leave the house for her own safety after the alleged physical assault.³⁰⁸

252. I note that Robert Fulton was providing with a copy of my draft findings in December 2022, out of procedural fairness, in case he wished to provide any information. Robert Fulton contacted the Court by email on 3 January 2023 and acknowledged receipt of the draft document. It was clear he had read it and he made some comments, particularly in relation to the veracity of Ms Leamy and Ms Burnett. He also provided some additional information in relation to his poor health. Specifically to the circumstances surrounding his wife’s disappearance and the focus of this inquest, Robert Fulton made it clear that he rejected my conclusion (as set out in detail below) that Sharon Fulton is deceased, and by implication asserts that she is still alive, although he did not provide any additional information as to her whereabouts or why she has not made contact with her family since 1986.³⁰⁹

IS SHARON FULTON DECEASED?

253. I indicated at the conclusion of the inquest that I am satisfied that Sharon Fulton is deceased and that she died on or about 18 March 1986. There is no doubt in my mind

³⁰⁴ Exhibit 1, Tab 45, p. 2.

³⁰⁵ Exhibit 1, Tab 45.

³⁰⁶ Exhibit 1, Tab 45, [24].

³⁰⁷ Exhibit 1, Tab 45, [24].

³⁰⁸ Exhibit 1, Tab 45D.

³⁰⁹ Email from Robert Fulton to Counsel Assisting dated 3 January 2023.

that Sharon would not have willingly abandoned her children and never spoken to, or seen, them or her mother, again, if she was alive and able to make contact.³¹⁰ I note that even Robert Fulton swore an affidavit in September 1993 attesting to the fact that he believed his wife was deceased.

254. As part of the 2007 police review, and assessment was made of all unidentified remains located between 1986 and 2007, to ascertain if Sharon's body had already been located but not identified. No match was made.³¹¹
255. In May 1988, police confirmed with the Department of Foreign Affairs that Sharon had not used her passport.³¹² She has not used her bank accounts or had contact with any government agencies since March 1986. There was strong evidence to indicate Sharon had very limited access to money, no family and few friends in Perth, so there was no realistic possibility she could live independently elsewhere without coming into contact with some agency or someone who would see the reports of her disappearance.
256. She has not made contact with any family or friends, including her children, whom she loved very much. Her mother and step-mother were adamant Sharon would never have left her children and she was also on good terms with them both and would have remained in contact with them if she could.
257. Narelle gave evidence at the inquest that to this day, she is certain that Sharon would never have packed a suitcase and left her children without saying goodbye and without mentioning her plans to Narelle. Narelle noted that Robert controlled all of their money and Sharon did not have a job or access to her own money, which would have made it very hard for her to leave. Narelle gave evidence that she is sure if Sharon was still alive she would have made contact with her mother, her children and Narelle, "[w]ithout a question of a doubt."³¹³ Narelle said she had treasured her friendship with Sharon, rekindled from their childhood, and it had been made more enjoyable by the fact that they had children at the same time and could enjoy spending time together as families. Then, one day, she was simply gone.³¹⁴ Narelle's husband, Michael Harrison, also gave evidence that he believed Sharon was a devoted mother and he did not believe she would have ever left them by choice.³¹⁵
258. Jennifer Mort, who bowled with Sharon and had seen her with her youngest child Heath, was also surprised to hear that Sharon had disappeared and left all her children behind. She gave evidence that given the way Sharon spoke about her little boy, she found it very hard to believe she would have left him voluntarily.³¹⁶
259. Robert's sister, Ms Wood, had known Sharon before her marriage, as Sharon's grandmother and Robert's grandmother had been friends. Ms Wood gave evidence that although her parents had not been keen on the marriage taking place, Ms Wood had

³¹⁰ T 161.

³¹¹ Exhibit 1, Tab 4.

³¹² Exhibit 1, Tab 8, p. 7.

³¹³ T 29.

³¹⁴ T 28 - 30.

³¹⁵ T 37.

³¹⁶ T 46.

been on good terms with Sharon after the marriage. She was asked at the inquest if she believed Sharon might have taken her own life and been pregnant with another person's baby and gone away to have the child, as Robert had suggested to them. Ms Wood indicated she did not think either of these options were a realistic possibility. Ms Wood gave evidence that she did not think Sharon would have voluntarily left her children.³¹⁷

260. The other people who knew Sharon at Fairlanes Bowl generally told police that they knew Sharon as a keen bowler who appeared to have an unhappy marriage with a husband who gave her little money and did not provide much support to her. She had never given any impression that she was having an affair with anyone at bowling. There was a person known as Scotty who worked there, but he did not appear to have any particular relationship with Sharon. To the other bowlers, Sharon appeared to be a dedicated mother, particularly to young Heath, on whom she doted, but she was said to have clearly adored all her children.³¹⁸ A statement was taken from George (Scotty) Ewen in 2016. He was shown a photograph of Sharon Fulton and stated he couldn't say that he remembered her, and certainly did not have an affair with her.³¹⁹
261. All of the evidence points to Sharon being a loving and devoted mother to her children, despite being under stress at times, and no one who knew her believed she was likely to abandon her children without even saying goodbye to them. She had access to very little money and no contacts she might go and live with, other than her mother and stepmother. It is impossible to imagine that Sharon Fulton would have left her children and someone made a life for herself somewhere else without ever making contact with her family or coming into contact with a government department in the last 30 years and more.
262. I am satisfied beyond reasonable doubt, as required under the Act, that Sharon Fulton died on the morning of 18 March 1986. The last known person in contact with Sharon Fulton that morning was her husband, Robert Fulton. He has told the police and others that he last saw her alive that day as she went out either to go shopping or for a liaison with another man. I do not believe that is the truth.

IS THERE EVIDENCE TO DETERMINE HOW SHARON DIED?

263. There is nothing to suggest Sharon would have died as a result of a sudden natural cause event. Other than some recurrence of Bell's Palsy, she had no known medical conditions and was generally a fit and healthy 39 year old woman. Although sudden medical events can, of course, occur at any age, if she had died in such a way, one would have expected her body to be found. I am satisfied Sharon did not die as a result of a natural cause event.
264. Suicide has been raised on the evidence, specifically by Sharon's husband Robert Fulton in terms of an alleged previous suicide attempt, and also more generally due to the evidence that she appeared to be depressed by her personal situation. Sharon's mother told police that, while she was aware Sharon was depressed about her marriage,

³¹⁷ T 74 - 76.

³¹⁸ Exhibit 1, Tabs 30 to 32, 34.

³¹⁹ Exhibit 1, Tab 33.

there was never any occasion when Sharon gave any indication that she might commit suicide and her mother never thought it was a possibility. Her friend Narelle also supported this position, and said she had never had the impression Sharon had previously contemplated suicide, or had experienced any recent suicidal thoughts. Other than Robert's suggestion that Sharon attempted suicide after a failed lesbian affair a few years after they married, there is no evidence before me to suggest she had ever attempted suicide in the past or had experienced any suicidal thoughts. Even Robert's evidence, as the last person to see Sharon, does not talk about Sharon appearing at all suicidal. Therefore, I am satisfied there is no evidence that would support a finding that Sharon took her own life.

265. The possibility that Sharon died by way of accident or misadventure also does not arise on the evidence before me. Again, if she died in an accidental way or as a result of misadventure, one would expect her body to have been immediately discovered, given she was in the city at the time of her death, not out in some remote area.
266. Based upon a close consideration of all the evidence before me, I am satisfied beyond reasonable doubt that Sharon died as a result of an act by another person. As to the exact circumstances of that act, and what caused her death, the evidence is unclear. I explain the reasons for my conclusions below.
267. In making my findings, I note that I have applied the standard of proof set out in *Bringinshaw v Briginshaw*,³²⁰ 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, and the conclusions are to be approached with a good deal of caution.
268. I am 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, and so 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 that conduct. It is, however, open to me to conclude that an identifiable person caused Sharon's death. Such a finding, although unusual, would be consistent with the type of finding delivered in *Perre v Chivell*³²¹ and *Hytch v O'Connell*³²² and not interfered with on judicial review.
269. The 2006-2007 police review noted that in 1986 Western Australia experienced a number of unsolved sexual assaults and missing persons that were thought to be homicide. At the end of the year, David and Catherine Birnie were arrested and then later convicted in relation to the murders of four women. After the arrest of the Birnies, the media at the time fuelled a theory that Sharon may have also been murdered by the Birnies.³²³ Police were also given some information suggested Michael Harrison and an unidentified male named 'Scotty' might have been involved. The Cold Case Homicide Squad review found no evidence linking these people to Sharon's disappearance.³²⁴

³²⁰ (1938) 60 CLR 336, per Dixon J at 361-362.

³²¹ (2000) 77 SASR 282.

³²² [2018] QSC 75.

³²³ Exhibit 1, Tab 4.

³²⁴ Exhibit 1, Tab 4.

270. The only person who was nominated as a possible suspect that had a direct link to Sharon was her husband, Robert Fulton. He had both the motive and opportunity, noting he was the last person known to see Sharon alive and there was evidence he had planned to meet her at home to discuss their marital situation on the morning she disappeared. Both Betty and Jocelyn Hulme had nominated Robert Fulton as a person of interest to police shortly after Sharon disappeared, stating their strong belief that he had murdered Sharon.³²⁵
271. When Jocelyn came to stay with Sharon and her family in May 1985, she witnessed firsthand how Sharon was subjected to various forms of emotional abuse and control. Sharon struggled to feed her family on the limited amount of money Robert gave her to manage the household while also being subject to him accusing her falsely of being extravagant. Robert told lies about key matters, such as registering Sharon's car and filling the oil tank, which Jocelyn was able to prove were false, yet he would lay the blame on Sharon for these matters. All of Sharon's mail was directed to the Air Force Base, so Sharon received all of her mail through Robert and she was never sure whether some had been withheld. Sharon had very few friends and her activities were limited to going out to the shops, taking the children to their various activities, visiting one female friend or attending Women's Day at the Ten Pin Bowling Club. Sharon had wanted Robert to go with her to the Bowls Club Christmas Party but he had refused and Sharon was frightened to go in case he locked her out of her house when she came back. So she didn't attend.³²⁶
272. Jocelyn told the police that she did not believe that Sharon left home voluntarily. She said Sharon had a highly moral attitude to the sanctity of marriage and was a good mother who was devoted to her children. Sharon had said that she had to manage at least until the children were old enough to look after themselves, which they obviously were not at the time she disappeared. Jocelyn was quite sure Sharon did not have any male friends, and indeed she only really had one female friend in Perth, being Narelle. Jocelyn had seen firsthand that Sharon appeared to be frightened that something bad would happen if she left and she had also had "all of her self-esteem sapped from her and didn't regard herself in any way attractive."³²⁷ Sharon's closest friend, Narelle, who had known her for most of her life, also described how Sharon had lost all confidence in herself.
273. I note at this stage that, other than Narelle's husband Michael Harrison, who denied any romantic involvement with Sharon and who was interstate at the time of her disappearance, no person was ever identified by police as a person who allegedly was having an affair with Sharon. However, Ms King did provide some evidence to support Robert Fulton's suggestion Sharon may have had lunch with someone called Scotty shortly before she disappeared. Ms King recalled that a couple of days before Sharon went missing, she saw Sharon dressed in a pink dress with make up on and looking unusually nice. Ms King asked where she was going and Sharon told her she was going out for lunch with Scotty and asked if Ms King could collect Sharon's children from school. Ms King had never heard her mention this name before, but she didn't ask who Scotty was at that time. Ms King couldn't remember if this event was before or after the

³²⁵ Exhibit 1, Tab 4.

³²⁶ Exhibit 1, Tab 10, p. 3.

³²⁷ Exhibit 1, Tab 10, p. 3.

cub camp, but thought it was probably before the weekend of the cub camp. She did recall it was the only occasion that Sharon looked lovely and happy.³²⁸ Narelle gave evidence that she had never heard Sharon mention a person called Scotty.³²⁹

274. 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 Sharon disappeared. The National Domestic and Family Violence Bench Book³³⁰ 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. One of the risk factors for increased risk of life-threatening injury or death is where the perpetrator has made a death threat of any kind to the victim, which we know Robert did to Sharon. Separation is also identified as a heightened risk factor for homicide, particularly where there is a background of controlling behaviours. We know that Robert had increased his threats towards Sharon when she had instituted Family Court proceedings the preceding year, and then the threat had appeared to diminish after they had reconciled, but in the months leading up to her disappearance, their marriage had again become troubled and Sharon had become increasingly fearful around this time.
275. 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 Sharon's family and friends makes it very clear that this is the effect that Robert's controlling behaviours had had upon Sharon. Continuous accusations of infidelity are another hallmark, which it is apparent in the aftermath that Robert was making such allegations about Sharon. The evidence of Ms King that suggests perhaps Sharon did have lunch with a man named Scotty right before she disappeared, lends more weight to Robert finding out and having an adverse reaction to Sharon socialising with someone, than to Robert's suggestion that he voluntarily assisted her to leave with another man and even gave her additional money to stay somewhere nice with that person. To say that was entirely out of character for Robert Fulton is an understatement.
276. I note the evidence of Eileen Leamy and Pamela Burnett only reinforces the evidence of Robert Fulton's propensity to engage in controlling and jealous behaviours, causing the women to be genuinely fearful that he would harm them. In Ms Leamy's case, she alleges it did lead to an actual act of physical harm, which prompted her to finally leave the marriage for her own safety. One could suggest in these cases that if Robert was prepared to let these women leave the relationship without harming them, perhaps he would have done the same for Sharon. However, I note in Sharon's case he had openly

³²⁸ T 12 - 14; Exhibit 1, Tab 11B.

³²⁹ T 26.

³³⁰ *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.

admitted that he did not want to risk losing his money and his children if Sharon left him, which did not arise in the case of either of the two more recent relationships.

277. A recurring theme throughout the evidence was Robert Fulton falling out with people, or becoming involved in legal proceedings, over money. After Sharon's disappearance, Betty Hulme and Robert Fulton became involved in a financial disagreement over the house Betty lived in. In the end, after some legal proceedings, Betty was repaid some money she said she was owed by Robert, and she moved out of the house on 30 July 1987. It appears that this is the house that the criminal proceedings around Robert and Ms Burnett forging Sharon's signature centred upon.³³¹
278. Ms Burnett also gave evidence that money was always an issue in her relationship with Robert Fulton. She described him as being very deceitful about money and financial matters throughout their relationship.³³² As noted above, Ms Burnett gave examples of Robert claiming money from the RAAF that later led to internal investigations, although ultimately, I note he was found not guilty of any impropriety in those matters. There were also allegations of insurance fraud, although it is unclear if anything ever arose of these allegations. It is clear Ms Burnett feels aggrieved and alleges that Robert had "swindled"³³³ her out of money during their relationship. I do not know enough about the matter to reach any conclusions, but I simply note it is relevant that money was a key source of conflict throughout the relationship and Ms Burnett believes Robert is "concentrated on money."
279. In September 1993, Robert Fulton was apparently committed for trial for offences related to an allegedly inflated insurance claim following a burglary. It is unclear what happened in those proceedings.
280. I note Robert is estranged from his sister, Ms Wood. They had a falling out following their mother's death in 2011. Robert accused Ms Wood of, in effect, theft from their mother's estate. The allegation upset Ms Wood greatly and her husband, Mr Wood, Robert's brother-in-law, was very angry at Robert for spreading it through the family. The couple ceased any contact with Robert from that time and they did not speak again for many years.³³⁴ Ms Wood last had contact with Robert at her husband's funeral on 4 August 2017. That was the first time she had seen him since their estrangement. Ms Wood had asked Robert not to attend her husband's funeral, as her husband had not held Robert in high regard, but he turned up anyway. Ms Wood did not speak to him, but he had a verbal exchange with her daughter and then left. Ms Wood has not seen or spoken to him since that time.³³⁵
281. Robert was also estranged from his other sister, Paula Fulton. Their falling out was also over money and inheritance, although they reconnected in more recent years.³³⁶

³³¹ T 86.

³³² T 88.

³³³ T 91.

³³⁴ Exhibit 1, Tab 17.

³³⁵ T 75.

³³⁶ Exhibit 1, Tab 37.

282. Elaine Leamy's evidence is that the assault that led to her leaving Robert was related to her talking to him about some cash she had seen in his possession.³³⁷
283. Most importantly, I note that Robert had taken out a life insurance policy in relation to Sharon about a month before she died, which he later attempted to claim against. Not only did he have a financial incentive to stop Sharon leaving him, as she could take some of the matrimonial assets as well as the children and claim child support, but he also stood to gain financially from her death in the form of that insurance payout.
284. I also take into account Robert's behaviour after Sharon disappeared. He changed his phone number that same day and the locks on the house shortly thereafter. He did not report her missing for a number of days, and only after his mother-in-law tracked him down at work and then insisted that he make the missing person report. He made various statements over the years that he contacted her friends to try to find her, but there is absolutely no evidence that he ever spoke to anyone associated with Sharon to see if they could assist in locating her. Indeed, most of them only came to find out that she was missing some time later. Robert would not let the children talk to any of Sharon's family or friends and took them all to Queensland only a short time after Sharon's disappearance, despite the request by police that he remain in Perth. All of this would suggest he did not think Sharon was going to return.
285. After returning to Perth, Robert suggested he was wishing to cooperate with the investigation, but despite police requests, he never provided a good photograph of Sharon and declined their request to participate in publicity about her disappearance. When Sharon's mother, Betty Hulme, came to Perth to try and look for Sharon, she received no support from Robert and was not allowed to even visit her grandchildren.
286. Reverend Wesley Hamilton, a Minister of the Uniting Church, was drawn into the matter on 20 March 1986 by Jocelyn Hulme, who raised concerns about Sharon and the children and the fact she could not make contact with them as the home phone had been disconnected. Reverend Hamilton met Robert Fulton on 22 March 1986 and accompanied him to the Warwick Police Station so he could potentially identify a body as Sharon. When they arrived, the police indicated it was not Sharon and also raised the suggestion that Robert may have done 'something sinister' to Sharon, which Robert Fulton indignantly denied. At the time Reverend Hamilton suggested Robert seemed genuinely upset.³³⁸ However, Reverend Hamilton spoke to police again many years later and recalled Robert had mentioned the Perth Train Station and how he thought Sharon was going to leave him. Reverend Hamilton wondered if there was more to the situation than Robert was telling him and also wondered whether Robert was genuinely upset that his wife had vanished or whether he may have been involved in her disappearance, but he gave Mr Fulton the benefit of the doubt.³³⁹
287. There is evidence Robert definitely had at least one brief affair himself, with the wife of another RAAF member when they were living in Queensland in the 1970's. There was evidence Mr Fulton contacted the same lady again in 1984 and tried to restart the affair, but it did not progress beyond a date. He contacted the same lady again after Sharon's

³³⁷ Exhibit 1, Tab 45B.

³³⁸ Exhibit 1, Tab 36A – unsigned statement.

³³⁹ Exhibit 1, Tab 36B – unsigned statement.

disappearance, but she did not want to engage with him.³⁴⁰ He formed a relationship with Ms Burnett not long after Sharon's disappearance, despite at that stage apparently still not knowing if she was alive or dead and purporting to wish for her return.

288. The Cold Case Homicide Squad review identified significant circumstantial evidence implicating Robert Fulton in the death of his wife. I am aware that a detailed report setting out that evidence was provided to the ODPP in September 2017 in order to obtain advice as to whether Mr Fulton should be arrested, extradited and prosecuted. At that time, the advice provided by a Consultant State Prosecutor was that, based upon the available evidence provided, there was no realistic prospect of success if a charge was laid.³⁴¹
289. For all the reasons I have cited above, I am satisfied to the requisite standard for a coronial inquiry when considering such a serious matter, that Robert Fulton was involved in the death of Sharon Fulton on the morning of 18 March 1986, either directly or indirectly. As to the mechanism of death, in the absence of her body, I am unable to reach any conclusion on the available evidence as to exactly how she died. As to what happened to her body, I note that there is evidence to suggest a pool had recently been installed at the house and Robert was still completing some of the final groundwork around it at that time. It was certainly suggested to the police that she might be buried in the backyard at the time of her disappearance, and I understand the police did conduct some exploration of the backyard in the weeks following Sharon's disappearance, but no sign of her body was found. That does not, however, exclude the possibility she was buried in the backyard and her remains were not discovered. Alternatively, her body may have been taken somewhere else by car, although I note that both cars owned by the Fultons were forensically examined and no relevant forensic evidence was identified at that time.

MISSED OPPORTUNITIES

290. At the end of the inquest, Heath Fulton implored me to use my discretion to make comments on the systemic issues that impeded a better result for the family in this case. He identified missed opportunities due to poor investigation management until 2016, limited department resources and lack of consideration for the impacted family members. Heath commented that it is unacceptable that it has taken 36 years to get to an inquest as it was evidently clear that there were many opportunities for this to occur much sooner. Both Betty and Jocelyn Hulme passed away without the opportunity to attend an inquest and obtain at least some small level of closure.³⁴²
291. I wholeheartedly endorse these comments. It is clear that the early police investigation did not understand or appreciate the issues of non-physical domestic violence that were clearly at work in the Fulton's marriage. It is obvious the investigating officers at the time were more willing to accept Robert's answers, at least initially, despite the fact Sharon had openly expressed her fear to others that she was at risk of harm from her husband. When she suddenly disappeared and made no contact with her mother, her

³⁴⁰ Exhibit 1, Tab 38.

³⁴¹ Exhibit 1, Tabs 28A and 28B.

³⁴² T 159.

best friend or her children, it was clear that the adults believed that Sharon's worst fears had been realised. They did their utmost to raise their concerns with the police, but ultimately their concerns were dismissed.

292. There were a number of comments made in the records of the early days of the police investigation that revealed a regrettable attitude towards women. They related to Sharon, Jocelyn, Betty and Dr Weekes in particular. Such comments would be untenable if made today and are an indicator of how far we have come in three decades. However, I also note that even in those early days, the police officers involved appeared to hold a strong suspicion that Robert Fulton was involved in his wife's death, despite his denials, and that view has only strengthened over the years, although it is still the case that no charges have been laid.
293. I am reticent to be too critical, given the time that has passed and the differences in how investigations were conducted then and now, but it was acknowledged by one of the current investigations that "the decision-making around it potentially could have been a little more robust in relation to the differences of accounts that were happening, and certainly the overt actions immediately thereafter of phones being changed, door locks being changed, leaving the state; going to a different part of the country."³⁴³
294. I am confident the WA Police will read this finding closely, as they do any inquest finding that comments on the conduct of police, and reflect upon any lessons that can be learnt from the past to improve the support they can provide for other families in the future. However, I should note that I am satisfied that the standards, practices and procedures of police missing person investigations today are markedly different to what they were in 1986, and a similar investigation commenced today would be conducted very differently.
295. It is clear that a more thorough and focussed investigation in the intervening years between 1986 and 2016 would have been appropriate and might have led to an earlier inquest, if nothing else. However, I note that Betty requested an inquest be held many years ago, but at that time the decision was not available to be made by the Coroner, and her request was denied by the Hon Attorney-General.
296. Det Sgt Atkinson has made it very clear that once the WA Police Cold Case Homicide Squad investigators started on this investigation, they did not stop.³⁴⁴
297. When the police made another request for an inquest, this time to the Coroners Court, the request was granted, but unfortunately, it has still taken four years to be held. Some of the delay is attributable to the COVID-19 epidemic, but it was also contributed to by the backlog of the Coroners Court. For that part of the delay, I extend to the family my sincere apologies for any additional pain it has caused them. It is apparent that just hearing the evidence of witnesses about who their mother was, and how much she loved them, has been important for Sharon's children, and the inquest has brought them together for the first time in many years. I am sorry that we were not able to make that happen sooner.

³⁴³ T 113.

³⁴⁴ T 115.

298. After the inquest, Deryck, Kirsty and Heath provided some additional comments about their feelings after the inquest. They are understandably disappointed and dejected that their father did not cooperate and give evidence at the inquest. I accept that they are disappointed at the fact that I did not exercise my power under the Act to have Robert Fulton arrested and brought before this Court for failing to comply with his summons to appear as a witness. However, as I have noted above, it would have been an exceptional course to take given he was living interstate and the questions raised about his health. I understand that in many ways, the children feel that they have been left with more questions and frustration, rather than the closure that they hoped might come from hearing him give an account under oath of that day.
299. I hope that in spite of all of this, in the future, Deryck, Matthew,³⁴⁵ Kirsty and Heath will be able to take what they have learnt from the inquest and form a different memory of their mother, crafted from the memories of others. That memory is one of being loved and protected. They can know now that no one who knew and loved their mother ever believed that she would have willingly left them.
300. One thing that also became clear at the inquest was that all of the Fulton children have been deeply affected by the trauma of their childhood, not only due to the unresolved loss of their mother, but also the tense and isolated family environment they experienced before she disappeared, as well as the way their father responded to her disappearance. They were cut off from their maternal grandmothers and their mother's friends, taken to the other side of the country and a new mother figure brought into their lives, while effectively being discouraged from ever referring to their biological mother. They were not offered counselling or psychological support to deal with the loss of one parent, and were raised in an environment where they did not feel genuine love or nurturing from their other parent. It must also have been very apparent to them as they grew older that at least some people believed their father was involved in their mother's disappearance.
301. It is not surprising then, in such an environment, that the children did not forge close bonds with each other either. I understand from their evidence that the four children have generally had little contact with each other for many years. However, the inquest was an opportunity for them to come together and I note the three brothers, attended the inquest in person and sat together to hear, at long last, some evidence about what happened to their mother and their family, so many years ago. They also each, in turn, gave evidence or read in statements so their siblings were able to hear firsthand the experience of the others. Kirsty unfortunately could not attend in person, but she was able to listen to the proceedings remotely and also have her own statement read in to evidence. While the family dynamics will, no doubt, remain complex, I genuinely hope that this opportunity for these four siblings to come together again at such an important time and hear the evidence together provides them with some small sense of closure, whatever else can come out of this inquest.

³⁴⁵ Aka Kyle.

QUESTION OF REFERRAL

302. I must now consider whether I should exercise my statutory function under s 27(5) of the Act to report to the ODPP. That power arises if I believe that an indictable offence has been committed with respect to Sharon Fulton's death. Sharon's children have expressed their hope that, despite what has happened in the past, justice might still prevail for their mother. They urge me to consider exercising my power.
303. Since the ODPP previously considered this matter, the only significant new evidence that has come to light through this inquest is the evidence of Mr Fulton's most recent ex-partner. She has provided a statement in which she discloses that Robert Fulton committed an assault against her in the context of a long-term controlling and emotionally abusive relationship, and that Robert Fulton counselled her to help him try to create a false impression that he is suffering from advanced dementia.³⁴⁶
304. In addition, I have formed the opinion that Sharon is deceased and did not die as a result of suicide, natural causes, accident or misadventure. In those circumstances, the only option left open is homicide, and so I find that the manner of death occurred by way of homicide by a person or persons unknown, and without offering any opinion on whether it was lawful, by self-defence or unlawful.
305. I note that s 27(5) does not require me to consider what evidence is admissible in a criminal trial, so in making a referral, only my belief that an indictable offence has been committed is relevant and not what the likely outcome would be of a referral. I also note that very recently, there have been successful prosecutions in other jurisdictions in Australia in very similar historical matters where no body has been located, in particular the recent prosecution of Christopher Dawson in Queensland and John Bowie. The prosecutors in those states undertook prosecutions, despite the lapse of time and absence of a body, so it is not outside the sphere of possibility that a prosecution could occur.
306. By reason of the findings I have made, I do believe an indictable offence has been committed in connection with the death. Therefore, I have made a report to the ODPP pursuant to s 27(5)(a) of the Act. I note that the referral is not a referral of any particular person, and simply a referral of the matter in its entirety for their consideration.

CLOSING REMARKS

307. At the time Sharon Fulton disappeared in March 1986, it was very clear to her mother, stepmother and close friends, that she had been the victim of foul play. They made vigorous efforts to raise their concerns with the police at the time. The police did ultimately investigate her disappearance as suspicious, but concluded after only a few short months that while there were concerning aspects to her husband's behaviour at the time, there was insufficient evidence to charge any person.
308. As a result, Sharon's four children were left to be raised by their father, cut off from their maternal grandmothers and mother's friends and any information that might have told them more about her and the circumstances of her disappearance. In later years, as

³⁴⁶ Exhibit 1, Tab 45.

they grew older, they have started to ask more questions and distance themselves from their father. They have now sought, through an inquest, whatever answers can be provided.

309. I sincerely regret that the inquest has not given them everything they had hoped for, but I sincerely hope it has helped them at least to understand a little bit more about their mother and the fact that she would never have willingly abandoned them. I express my respectful condolences to them for their great and enduring loss.
310. I acknowledge the perseverance and professionalism the Cold Case Homicide Squad Detectives have shown to this case since it was reviewed and referred in 2007. They have shown an unswerving ongoing commitment to investigating Sharon's disappearance and bringing it to a conclusion, despite the lapse of time and the difficulties that has created. I know that they will continue to follow up any future leads that may provide Sharon's children with the answers they seek, and help them to find her remains so that they can finally know her resting place.

S H Linton
Deputy State Coroner
10 January 2023