



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 43/18

I, *Barry Paul King*, Coroner, having investigated the suspected death of **Hendrick Oosterbaan** with an inquest held at **Perth Coroner's Court** on **30 November 2018**, find that the death has been established beyond all reasonable doubt and that the identity of the deceased person was **Hendrick Oosterbaan** and that death occurred **on or about 9 January 2017 near Menzies** from **an unknown cause** in the following circumstances:

Counsel Appearing:

Sergeant Lyle Housiaux assisting the Coroner

Mr Michael Ryan (Mortlock Ryan & Co) appearing for the family of the Deceased

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INTRODUCTION

1. Hendrick Oosterbaan (the deceased) was 64 years old when he was last known to be alive on 9 January 2017.
2. The deceased lived in Beckenham with his father and Christofer Oosterbaan, one of his two sons. He worked as a communications consultant for the Water Corporation. His work required him to travel within Western Australia, including to Menzies in the Goldfields region north of Kalgoorlie.
3. In late December 2016, the deceased went to Victoria to visit friends, a couple who had an 11 year old autistic son.
4. On 4 January 2017, police officers searched the deceased's home in relation to a reported historical child sex offence. Christofer Oosterbaan, who was present during the search, later called the deceased and informed him of the search.
5. The next day, the deceased went to the airport in Melbourne, where he hired a car. Over the next two days, he drove the car back to Western Australia. In Kalgoorlie, he mailed a parcel containing his personal effects to his post office box in Bentley.
6. It appears that, on or about 9 January 2017, the deceased drove to Menzies where he parked the car and left it there.
7. On 11 January 2018, Menzies Shire staff contacted police to report that the hire car had been abandoned.
8. On 12 January 2018, police organised a land search around Menzies, but found no sign of the deceased.
9. On 16 January 2017, Christofer Oosterbaan found the parcel sent by the deceased to his post office box. In it was a handwritten note from the deceased indicating that he intended to end his life and that he would be found five to 10 kilometres east of Menzies.

10. On 17 January 2017, the search for the deceased was resumed, but he was never found.
11. On 20 July 2017, a lawyer representing the deceased's other son, Clinton Oosterbaan, wrote a letter to the State Coroner, requesting on behalf of his client that an inquest be held into the deceased's disappearance.
12. Under section 23 of the *Coroners Act 1996* (the Act), where a person is missing and the State Coroner has reasonable cause to suspect that the person has died and that the death was a reportable death, the State Coroner may direct that the suspected death of the person be investigated. Where the State Coroner has given such a direction, a coroner must hold an inquest into the circumstances of the suspected death of the person and, if the coroner finds that the death of the person has been established beyond all reasonable doubt, into how the death occurred and the cause of the death.
13. On 25 July 2017, the State Coroner wrote to the officer in charge of the Missing Persons Unit of the Western Australia Police, requesting a report containing information upon which she could have reasonable cause to suspect that the deceased had died and that his death was a reportable death.
14. On 10 January 2018, the State Coroner received the requested report from the Missing Persons Unit and directed that an inquest into the circumstances of the suspected death of the deceased be investigated.
15. On 30 November 2018, I held an inquest at the Perth Coroner's Court into the deceased's suspected death. The documentary evidence comprised a brief of evidence which included a report by Detective First Class Constable Marika Roderick, together with relevant material.¹ Detective First Class Constable Roderick also provided oral evidence.²

¹ Exhibit 1

² ts 3 - 17 per Roderick, M L

16. Oral evidence was also provided by Clinton Oosterbaan³ and Christofer Oosterbaan.⁴
17. I have found that the death of the deceased has been established beyond all reasonable doubt. I have not been able to find how the death occurred or the cause of the death.

EVENTS LEADING UP TO THE DECEASED'S DISAPPEARANCE

18. In August 2016, police in Scotland contacted the Child Abuse Unit of the Western Australia Police in relation to a historical complaint which they had received of alleged sexual abuse by the deceased of a child who was, by that time, living in Scotland with his parents. The child's father was a friend of the deceased. The abuse had allegedly taken place at the deceased's home in Beckenham and at a hotel in Auckland. The police investigators in Scotland commenced an investigation and then kept Western Australia Police informed of the progress of the investigation.⁵
19. On 24 December 2016, Western Australia Police received all of the original documents of the investigation in Scotland.⁶
20. On 31 December 2016, the deceased flew to Melbourne to visit with two friends in a rural area in central Victoria. He had made arrangements with them for him to take their 11 year old autistic son on a holiday in New Zealand on 12 January 2017.
21. On 4 January 2017, Armadale detectives executed a search warrant at the deceased's home and seized several items, including CD's and storage devices. The deceased's father and his son, Christofer, were present during the search. The items were later found to contain no child exploitation material.⁷

³ ts 17 – 28 per Oosterbaan, C N

⁴ ts 28 – 31 per Oosterbaan, C H

⁵ Exhibit 1, Tabs 4 and 7

⁶ Exhibit 1, Tab 4

⁷ Exhibit 1, Tab 3

22. After the detectives had completed the search, Christofer Oosterbaan called the deceased by telephone and told him about it.⁸ Christofer later told police officers that the deceased had not appeared panicked or distressed by this news but had said that he would deal with it when he returned to Western Australia. However, the deceased's friends in Victoria, who were with him when he received the call, stated that he was yelling into the phone and appeared to be distressed.⁹
23. On 5 January 2017, the deceased's friends drove the deceased to a train station, where he caught a train to Melbourne. He had told his friends that he intended to fly back to Perth and that he would return to Victoria by 12 January 2017 to take their son to New Zealand as planned. He had left some of his possessions, including two tablet computers, at his friends' home.¹⁰
24. The deceased went to Tullamarine Airport but, instead of buying a plane ticket, he hired a car for a week with the drop-off location to be back at the airport.¹¹ He then drove the car back to Western Australia.
25. At about 1.00 pm on 7 January 2017, the deceased arrived in Norseman, where he refuelled the car and booked into a motel for one night under a false name. He paid in cash when he booked in. Earlier that day, he had sent a text message to the son of his friends in Victoria to tell him that the trip to New Zealand was off.¹²
26. It is not known when the deceased left the motel in Norseman, though it seems likely that he was gone by check-out time on 8 January 2017.
27. It is apparent that the deceased then drove the car to Menzies after stopping in Kalgoorlie, but the timing of that occurring and the duration of time the deceased spent in Kalgoorlie is not clear.

⁸ ts 19 per Oosterbaan, C N

⁹ Exhibit 1, Tab 3

¹⁰ Exhibit 1, Tab 2

¹¹ Exhibit 1, Tab 11

¹² Exhibit 1, Tab 2

28. The chief executive officer of the Menzies Shire provided a statement in which she said that she first noticed the deceased's hire car in front of the shire offices at 6.30 am on Monday 9 January 2017.¹³ However, another shire employee said that she saw a man park the hire car in front of the Menzies Shire offices at about 7.30 pm on the evening of 9 January 2017.¹⁴
29. To compound the difficulty in determining an accurate chronology, the parcel containing the deceased's effects, as mentioned above in the introduction to this record of investigation, bore a postage sticker indicating that postage had been paid at 09.33 on 090117, which I take to mean 9.33 am on 9 January 2017.¹⁵
30. It is possible that the deceased drove to Menzies early on 9 January 2017 and then drove back to Kalgoorlie to send the parcel before driving back to Menzies later that day, but that pattern of events does seem unlikely.
31. In any event, it is clear that the deceased parked the hire car in Menzies by 7.30 pm on 9 January 2017 at the latest and left it there. He has not been seen again.

FOLLOWING THE DISAPPEARANCE

32. On the morning of 11 January 2017, a shire employee contacted the Officer in Charge of the Leonora police station (the OIC) to report that the car appeared to have been abandoned unsecured. The OIC determined through police records that the car had not been reported as stolen and that there had been no alerts or warnings in relation to it. He called the shire back and asked of the status of the car. Another shire employee entered the car and, in the glove box, found the relevant car-hire rental agreement with the deceased's details.¹⁶
33. Police officers from Leonora went to Menzies and searched the car. They noticed that the hire agreement had a hand-written note on it indicating that the key to

¹³ Exhibit 1, Tab 16

¹⁴ Exhibit 1, Tab 9

¹⁵ Exhibit 1, Tab 29

¹⁶ Exhibit 1, Tab 3

the car was under the driver's seat, which they found it to be.¹⁷

34. On the morning of 12 January 2017, the OIC called Christofer Oosterbaan, who said that he had been unable to contact the deceased, which was unusual. Christofer also informed the OIC that the deceased had been scheduled to fly from Melbourne to New Zealand that morning. The OIC inquired with Australian Border Force and ascertained that the deceased had not left Australia.¹⁸
35. During the day on 12 January 2017, police commenced a land search of the area around Menzies with the assistance of Water Corporation employees, an Aboriginal tracker and State Emergency Services. The Police Air Wing was also deployed. The search was suspended that afternoon given the lack of evidence that the deceased was still in the Menzies area and that he was likely to be found.¹⁹
36. On 14 January 2017, police received an email from the deceased's friends in Victoria disclosing that their son had told them that, for four years, the deceased had been telling him to get undressed and would then look at him.²⁰
37. On 16 January 2017 Christofer Oosterbaan checked the deceased's post office box and found the parcel that the deceased had sent from Kalgoorlie. In it were, among other things, the deceased's passport, phone, camera, wallet with cash, bank/credit cards and a Medicare card. There was also a letter to Christofer hand-written on the back of airline information pages as typically provided with E-tickets. Attached to the letter was a note in which the deceased explained his actions.²¹
38. The letter, which was confirmed to have been written by the deceased, indicated that he intended to end his life

¹⁷ Exhibit 1, Tab 3

¹⁸ Exhibit 1, Tab 3

¹⁹ Exhibit 1, Tab 9

²⁰ Exhibit 1, Tab 4

²¹ Exhibit 1, Tabs 18 and 29

and that he could be found five to 10 kilometres east of the location in which he had left the hire car.²²

39. After seeing the deceased's note, Christofer and Clinton Oosterbaan drove to Kalgoorlie on 16 January 2017 in an attempt to find the deceased themselves. At Menzies on 17 January 2017, Clinton contacted police to notify them of the contents of the note regarding where the deceased could be found.²³
40. The police resumed the land and air search within 15 km of Menzies, but were unable to find the deceased. The search was suspended on 19 January 2017.²⁴
41. Also on 19 January 2017, the deceased was charged with persistent sexual contact with a child under the age of 16 years in relation to the boy then living in Scotland, and an arrest warrant was issued by a magistrate in Armadale.²⁵ That warrant is still active as the deceased has not been found.²⁶
42. On 3 July 2017, data from one of the deceased's computer tablets was downloaded by police and was found to contain child exploitation material.²⁷

FURTHER INVESTIGATIONS

43. As part of the investigation into the deceased's disappearance, police investigators, including Detective First Class Constable Roderick, conducted ongoing investigations, and carried out a media campaign comprising a highlighting of the deceased's disappearance during National Missing Person Week between 30 July 2017 and 5 August 2017.²⁸
44. The investigations confirmed that, since the deceased disappeared:

²² Exhibit 1, Tab 18

²³ Exhibit 1, Tab 3

²⁴ Exhibit 1, Tab 3

²⁵ Exhibit 1, Tab 7

²⁶ Exhibit 1, Tab 4

²⁷ Exhibit 1, Tab 2

²⁸ Exhibit 1, Tab 3

- a. there had been no claims by the deceased under the Medical and Pharmaceutical Benefits Scheme;²⁹
 - b. the deceased had not been treated at any Perth metropolitan or regional public hospital;
 - c. no certificates had been received by the Registry of Births, Deaths and Marriages to show the deceased's death or a change of his name;³⁰
 - d. the deceased's mobile phone number was registered with Telstra, and he had not had any active telephone services with Vodafone, Optus or Virgin.
 - e. Centrelink had no record of any contact with the deceased;³¹
 - f. the Department of Immigration and Border Protection's records indicated that the deceased had not left Australia;³²
 - g. records of the deceased's Commonwealth Bank accounts showed no transactions;³³
 - h. the Australian Federal Police and missing persons units in all states have had no contact with the deceased;
 - i. there were no unidentified bodies or remains at the State Mortuary which could be the deceased; and
 - j. the Department of Corrective Services had no records of the deceased being in custody.
45. Detective First Class Constable Roderick concluded that all possible avenues of investigation had been exhausted.

²⁹ Exhibit 1, Tab 15

³⁰ Exhibit 1, Tab 11

³¹ Exhibit 1, Tab 12

³² Exhibit 1, Tab 13

³³ Exhibit 1, Tab 14

CONCLUSION AS TO WHETHER DEATH HAS BEEN ESTABLISHED

46. The following factors point to the likelihood that the deceased is dead
- a. the harsh and remote environment in which the deceased apparently disappeared;
 - b. the failure to locate the deceased despite a comprehensive search;
 - c. the deceased's lack of contact with family or friends;
 - d. the deceased's lack of contact with state or federal agencies;
 - e. the lack of transactions on the deceased's bank accounts;
 - f. the lack of sightings of the deceased;
 - g. the deceased's sending of his personal effects back to his family;
 - h. the deceased's disappearance followed him being made aware of the investigation into child abuse; and
 - i. the deceased's stated intention in his letter to Christofer to end his life.
47. In the note which the deceased had attached to his letter to Christofer, he stated that he had gone off the rails. He said that he had two people in his head running his life – one bad and dark, the other good. The bad person caused him to think and do things and the good guy tried to replace that with good things. The good one had been fighting a losing battle.³⁴
48. The deceased went on to say that he was at a crossroad deciding his future and that his decision was to clear the

³⁴ Exhibit 1, Tab 18

slate and let the world around him have a chance to get over him. That, he said, was the best option for all concerned, and he could not live with himself any longer. He said that, while he was alive, people were going to suffer, so it was his decision to shorten that time.³⁵

49. In my view, the deceased's letter to Christofer appears sincere on its face. The oral evidence of his sons,³⁶ which I accept to be truthful, supports that view. For example, Christofer said, 'I found the way it was written was very truthful and sort of like a relief for him finally to admit that ... these feelings were inside of him, and ... this is what he has been fighting with ... for many years now.'³⁷
50. Cristofer said that he thought the deceased wanted to tell him the truth in the note because they had become quite close. Cristofer said that he felt that the deceased could talk to him about anything.³⁸
51. While there is no direct evidence to prove that the deceased is dead, given the factors identified by Detective First Class Constable Roderick and the evidence of the deceased's sons, I am satisfied that his death has been proved beyond all reasonable doubt and I so find.

HOW DEATH OCCURRED AND THE CAUSE OF THE DEATH

52. The evidence indicated that the most likely scenario involved the deceased walking away from Menzies into the bush, where he died. However, it is not possible to determine either the cause of death or how death occurred.
53. The police officer who conducted a review of the search for the deceased noted that the area around Menzies is hot and dry in January, with a missing person having little chance of surviving more than a few days without

³⁵ Exhibit 1, Tab 18

³⁶ ts 27 per Oosterbaan, C N

³⁷ ts 28 per Oosterbaan, C H

³⁸ ts 29 per Oosterbaan, C H

food or water. He also noted that there are many abandoned mine shafts and mines littering the area.³⁹

54. Clinton Oosterbaan was asked how difficult it would be to search for someone in that area, and he also noted the danger of the numerous mine shafts which, he said, were 'everywhere. They're – like, every five metres, there's another one, another one, another one.' He said that he could not see the bottom of some of them.⁴⁰
55. Clinton also said that the area was 'a nightmare of a place, and that searchers were 'coming back sweating and dying from just the heat.'⁴¹
56. In these circumstances, it is possible that the deceased walked into the bush from Menzies and simply died of exposure within a few days, or he may have ingested a fatal quantity of a toxin, which caused his death. In either of those cases, death would have occurred by way of suicide.
57. However, the deceased may have also inadvertently fallen down a mineshaft, where he died from traumatic injuries or from exposure or dehydration. In those cases, death would, strictly speaking, have occurred by way of accident.
58. Since all those possibilities are reasonably likely, I make an open finding as to how death occurred.
59. I make no finding as to the cause of death.

CONCLUSION

60. It seems clear from the sentiments expressed by the deceased in his letter that his awareness of the police investigation into sexual offences relating to children precipitated his decision to end his life.

³⁹ Exhibit 1, Tab 15

⁴⁰ ts 22 per Oosterbaan, C N

⁴¹ ts 22 per Oosterbaan, C N

61. His decision was likely motivated by shame and regret due to his inability to overcome his demons and by the fact that his actions had been uncovered.
62. It is a great pity for all concerned that a man who was otherwise a good father and a contributing member of the community could not stop himself from carrying out activities which he knew to be abhorrent.

B P King
Coroner
15 February 2019