



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the suspected death of Van Edward Caulton**

TITLE OF COURT: Coroners Court

JURISDICTION: Brisbane

FILE NO(s): 2013/1366

DELIVERED ON: 11 February 2014

DELIVERED AT: Brisbane

HEARING DATE: 11 February 2014

FINDINGS OF: Jane Bentley, Coroner

CATCHWORDS: Missing person; Centrelink

REPRESENTATION:

Counsel Assisting:

Ms Stephanie Williams

Peter Westlund:

Mr Stephen Crofton
instructed by Legal Aid (Qld)

Section 45 of the *Coroners Act 2003* provides that when an inquest is held the coroner's written findings must be given to the family of the person who died, each of the persons or organisations granted leave to appear at the inquest and to officials with responsibility over any areas the subject of recommendations. These are my findings in relation to the suspected death of Van Edward Caulton. They will be distributed in accordance with the requirements of the Act and posted on the web site of the Office of the State Coroner.

INTRODUCTION	3
THE SCOPE OF THE CORONER'S INQUIRY AND FINDINGS.....	3
SUMMARY	4
Background	4
Last Sightings of Mr Caulton	5
Subsequent Forgeries and Falsehoods by Mr Westlund.....	6
Mr Westlund's Interview with Police – 16 September 2009.....	9
Mr Caulton's Medical Conditions	10
Mr Westlund's Criminal History	10
Recent Inquiries	10
THE INQUEST	10
FINDINGS REQUIRED BY S. 45	10
Identity of the deceased	11
How he died	11
Place of death	11
Date of death.....	11
Cause of death	11
COMMENTS AND RECOMMENDATIONS.....	11
COMMENTS	11

Introduction

The scope of the Coroner's inquiry and findings

An inquest is not a trial between opposing parties but an inquiry into a death or suspected death. The scope of an inquest goes beyond merely establishing the medical cause of death.

The focus is on discovering what happened; not on ascribing guilt, attributing blame or apportioning liability. The purpose is to inform the family and the public of how the death occurred and, in appropriate cases, with a view to reducing the likelihood of similar deaths.

As a result, a coroner can make preventive recommendations concerning public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future.

A coroner must not include in the findings or any comments or recommendations, statements that a person is or maybe guilty of an offence or is or maybe civilly liable.

Proceedings in a coroner's court are not bound by the rules of evidence. That does not mean that any and every piece of information however unreliable will be admitted into evidence and acted upon. However, it does give a coroner greater scope to receive information that may not be admissible in other proceedings and to have regard to its origin or source when determining what weight should be given to the information.

A coroner should apply the civil standard of proof, namely the balance of probabilities. However the more significant the issue to be determined, the more serious an allegation or the more inherently unlikely an occurrence, then the clearer and more persuasive the evidence needs to be for a coroner to be sufficiently satisfied it has been proven.

If, from information obtained at an inquest or during the investigation, a coroner reasonably suspects a person has committed an offence, the coroner must give the information to the Director of Public Prosecutions in the case of an indictable offence and, in the case of any other offence, the relevant department. A coroner may also refer a matter to the Criminal Misconduct Commission or a relevant disciplinary body.

These findings and comments:

- confirm the death of the person, the identity of the deceased person, the time, place and medical cause of his death, as far as can be ascertained; and,
- consider whether the actions or omissions of any third party contributed to his death.

Summary

Background

Mr Caulton was born on 4 July 1946. His family reported him missing to police on 2 October 2008.

Mr Caulton was described as 'slow' by his family. He suffered from an intellectual impairment. He completed school only up to year six and was unable to read or write. He also suffered, throughout his life, with a number of medical conditions including epilepsy and a heart condition which resulted in hardening of the arteries.

Mr Caulton was in receipt of a disability pension. Family and friends describe him as a happy and friendly person who would often 'shout' friends at hotels.

Mr Caulton resided with his sister, Lorraine Chandler and her husband, Jeffrey Chandler in Brisbane until 2001. At that time Mr and Mrs Chandler became concerned that Mr Caulton had been befriended by a group of men who were taking advantage of him and taking his money. Mr Caulton then moved to Mt Isa to live with his brother, Andrew Caulton.

Mr Caulton suffered a mild heart attack whilst living in Mt Isa. He took heart medication daily and had done so for many years. Shortly after moving to Mt Isa Mr Caulton got a job at Malbonvale Station which was about 30 kilometres out of town and managed by Ron Kunde. Mr Caulton was good friends with the brother of Ron Kunde, Barry Kunde, who lived in the house behind Andrew Caulton.

Mr Caulton visited his brother and Barry Kunde on his days off as well as his nephew, Darren Caulton. Mr Caulton kept in touch with friends and family members in Brisbane, Townsville and Mt Isa. Mr Caulton phoned his sister, Lorraine Chandler at least twice per year and family members were always able to contact him by telephone. Mr Caulton kept a card in his wallet which contained phone numbers of family members. He always advised family members of his whereabouts and told them if he was moving.

In early January 2005 Mr Caulton moved from Mt Isa to Charters Towers with Barry Kunde and his defacto spouse, Fay Jacks. They lived at a unit in Cambridge Street.

During the time that he lived with Barry Kunde Mr Caulton did his banking with the Queensland Country Credit Union. Mr Caulton was unable to operate an automatic teller and would always go into the bank and conduct transactions with the assistance of the bank teller.

In March or April 2005 Mr Caulton and Barry Kunde got a job picking watermelons at a property approximately 30 kilometres out of Charters Towers. It was at this job that they met Peter Westlund (who was at that time using the name of Peter Westen) who was also employed picking melons. Mr Westlund was living at 83 Mary Street, Charters Towers.

Mr Caulton lived with Barry Kunde and Fay Jacks for approximately eight months and around August 2005 moved in with Peter Westlund at 83 Mary Street, Charters Towers. According to Mr Westlund Mr Caulton resided in a shed at the rear of the property.

In September 2005 Mr Westlund applied to Centrelink for a Carer's payment after advising that he was the carer of Mr Caulton.

Last sightings of Mr Caulton

On the weekend of 5 October 2005 Mr Caulton stayed with his niece, Sandra Crawford, in Maryborough. At that time Mr Caulton remained unable to utilise an automatic bank teller without assistance. Ms Crawford gave Mr Caulton a small address book with the names, addresses and contact numbers of family members. Mr Caulton was keeping in touch with family members at that time and always advised of his whereabouts. Ms Crawford met Mr Westlund who dropped Mr Caulton off, went to Brisbane to see his daughter and then collected Mr Caulton on his way back to Charters Towers.

No family members have seen Mr Caulton since October 2005. Between that time and 2007 (when Mr Westlund's mobile phone number was disconnected), family members who telephoned Mr Westlund were told by him that Mr Caulton could not come to the phone for various reasons including that he was working on a farm or he had gone to Tasmania with his girlfriend.

Queensland Transport Department records indicate that a Mitsubishi Magna registration 902ERG was registered in the name of Mr Caulton on 10 October 2005. It was known to family members that Mr Caulton could not drive – he was illiterate and colour blind and would not be able to get a licence. The previous owner of the car was questioned and advised that she sold the car to Mr Westlund in July 2005. She was shown a photograph of Mr Caulton and told police that she had never met him.

On 27 January 2006 Mr Westlund was nominated, on Centrelink records, as a person to assist Mr Caulton with Centrelink forms as Mr Caulton could not read or write. On 2 February 2006 Mr Westlund and Mr Caulton signed a Centrelink form authorizing Mr Westlund to act on behalf of Mr Caulton.

In early 2006 Mr Westlund and Mr Caulton visited Barry Kunde. Mr Caulton told Mr Kunde that Mr Westlund had 'flogged' him with a belt and showed him fist sized bruises on his back and ribs. Mr Kunde warned Mr Westlund that if he hit Mr Caulton again Mr Kunde would deal with him.

Also in early 2006 Mr Westlund phoned Ms Crawford and told her that Mr Caulton had received burns in the shower and was being treated for a scalding injury at the Charters Towers Hospital. Hospital records confirm that Mr Caulton was treated at the hospital for those burns. He was admitted on 10 February 2006 for burns to his chest, arms and face. He was noted as being intoxicated on his admission. He was an inpatient until his discharge on 21 February 2006 and he then attended the hospital as an outpatient on 22, 23, 24, 25 and 26 February and 6 March 2006 for dressings.

Sometime after Mr Caulton's admission to hospital Mr Westlund phoned Ms Crawford and asked if someone in the family could take care of Mr Caulton as he was becoming increasingly difficult to look after. Mr Westlund said that if nobody in the family could take Mr Caulton in he would consider placing him in some kind of care. Mr Westlund phoned Ms Crawford twice more. In one conversation he advised that Mr Caulton had gone missing one day and that he had found him in a park drinking with aboriginal people and in the second conversation he complained about Mr Caulton wearing his clothes.

On 16 March 2006 Mr Caulton saw a medical practitioner at the Charters Towers Medical Centre for an injury to his lip. The doctor referred Mr Caulton to the Charters Towers Hospital as the wound was septic and needed stitches.

Mr Caulton attended the Charters Towers Hospital on that day and had a prescription filled at a pharmacy in Charters Towers on that same day.

This was the last recorded instance of Mr Caulton having a prescription filled or of him seeing a medical practitioner.

The Charters Towers Hospital's records indicate that Mr Caulton attended there again on 22 March 2006 to make an appointment to see a doctor but that when he was called to see the doctor he had left the hospital. This was the last independent record of Mr Caulton being alive.

Bank records indicate that Mr Caulton's pension was withdrawn from shops and pubs up until his admission to hospital in February 2006 but after that there were no withdrawals other than by ATM until 4 October 2006 (see below – purchase by Mr Westlund).

In July 2006 Mr and Mrs Chandler travelled to Charters Towers to visit Mr Caulton for his 60th birthday. Mrs Chandler had phoned Mr Westlund a few weeks prior to their visit and he told her that he and Mr Caulton were living at 83 Mary Street. On arrival at the house they saw that there was a double bay shed in the back yard. Mr Chandler looked through a window and saw that it was spotlessly clean. There were no possessions in the shed – no tools or clothing and no bed or furniture. It was clear to Mr Chandler that nobody was living in the shed.

Mr Chandler rang Mr Westlund and asked where Mr Caulton was. Mr Westlund replied that he was at home and he was fine. Mr Chandler said that he was at the shed and it was empty. Mr Westlund was silent for about four seconds and then stated that Mr Caulton had gone to Hughenden and was working on a station there. Mr Chandler asked which station to which Mr Westlund replied that he didn't know and he had to go. He then hung up.

I am satisfied that by July 2006 Mr Caulton was no longer alive. It is probable that he died shortly after 22 March 2006. I am also satisfied that Mr Westlund was aware of Mr Caulton's death, and that Mr Westlund thereafter lied to conceal the fact that Mr Caulton had died.

Subsequent forgeries and falsehoods by Mr Westlund

On 24 August 2006 a Traffic Infringement Notice for speeding was issued in relation to the abovementioned Mitsubishi vehicle. Mr Caulton was nominated as the driver with an address of 13 Dragon Street, Warwick. In October 2008 Debra Ballard, a relative of Peter Westlund, resided at that address and told police that she had never met Mr Caulton. The car was transferred to her on 20 September 2007. She said that Mr Westlund told her that he had purchased the car in Mr Caulton's name to get the cheaper pension rate of registration. Ms Ballard observed Mr Westlund to sign Mr Caulton's name on the document transferring registration of the car.

On 4 October 2006 Mr Westlund purchased a pair of glasses from an optometrist in Charters Towers. The glasses were paid for by EFTPOS transaction using Mr Caulton's bank account and card. I find that Mr Westlund conducted this transaction.

Mr Westlund vacated the property at 83 Mary Street, Charters Towers on 10 January 2007 and provided a forwarding address of 13 Dragon Street, Warwick. Bank records indicate that between January and February 2007 Mr Westlund was residing in Warwick. During that period he visited Mr and Mrs Ballard regularly but they never saw Mr Caulton. From March to June 2007 Mr Westlund was in the Cunnamulla area.

Between June and August 2007 Mr Westlund resided at a caravan park in Beenleigh. He had daily contact with his daughter who never saw or heard of Mr Caulton. Soon after he left Beenleigh Mr Westlund phoned his daughter and said he was living in Tasmania.

On 26 October 2007 Mr Westlund changed his address with Centrelink to Pioneer Retreat, Queenstown, Tasmania. On 19 November 2007 the address for Mr Caulton was changed to 1/6 Alison Street, Burnie. On 20 November 2007 Mr Westlund's address was also changed to 1/6 Alison Street. Police enquiries revealed that there is, in fact, no such address as there is no Alison Street but the address of 6 Aileen Street, Burnie is a single men's lodge. The manager of that lodge has neither seen nor heard of Mr Caulton or Mr Westlund and has no record of either of them staying at that address.

On 14 January 2008 Mr Westlund changed his Centrelink address to 2/25 Ladbrooke Street, Burnie. Copies of the rental agreement indicate that the residence is a one bedroom flat and only one person was authorized to live there, being Peter Westlund. Mr Caulton was nominated by Mr Westlund as a referee on his rental application and the address provided for Mr Caulton was 9 School Street, Charters Towers (a previous address of Mr Westlund).

On 22 January 2008 ANZ address details for Mr Caulton were changed to 2/25 Ladbrooke Street. Inquiries made by Tasmanian police revealed that Mr Caulton was not known at that address.

From January to April 2008 transactions on Mr Caulton's bank account were carried out predominantly in Burnie, Wynyard and Devonport, Tasmania.

On 10 April 2008 a speeding ticket was issued in relation to a car registered to Mr Westlund. Mr Westlund responded with a statutory declaration dated 30 April 2008, to the effect that Mr Caulton had been driving his car and had since moved to Queenstown, Tasmania and he could not contact him.

On 13 June 2008 Mr Westlund moved to 3/3 Thirkell Street, Cooe (Burnie), a one bedroom apartment. Mr Westlund nominated a person by the name of John Caulton of Charters Towers as his employer at 'PK Cleaning Services'. The Caulton family know of nobody by the name of John Caulton.

From June to August 2008 Mr Caulton's bank account was accessed in Burnie and Wynyard, Tasmania.

On or about 1 October 2008 Mr Darren Caulton found a phone number listed in Mr Caulton's name in a Tasmanian phone directory. He called that number and spoke to a person he believed to be Mr Westlund. That person told him that Mr Caulton was living at the address and asked him to call back.

Darren Caulton phoned back the next day and was told by Mr Westlund that Mr Caulton was living in Devonport with his girlfriend (for whom he was unable to provide a name). Darren Caulton told Mr Westlund a fabricated story to the effect that Mr Caulton had inherited some money and was required to sign some documents. Mr Westlund said that he would sign any documentation on behalf of Mr Caulton, as his carer.

On 2 October 2008 Mr and Mrs Chandler reported Mr Caulton missing to police.

A police officer telephoned Mr Westlund who stated that Mr Caulton had gone 'walkabout' with his girlfriend. Tasmanian police attended the address (3 Thirkell Street, Cooe) looking for Mr Caulton. Mr Westlund told them that Mr Caulton had been living at that address until five days previously when he left with his aboriginal girlfriend, 'Dianne'. Police spoke to neighbours who said they had never seen another male person residing at the address.

At that time Mr Caulton was recorded as a Centrelink customer with an address of 1/6 Aileen Crescent, Burnie, Tasmania. Investigations with the ANZ Bank revealed that Mr Caulton's bank account was accessed regularly - usually every fortnight after the benefit had been deposited. The most recent withdrawal was at 6am on 1 October 2008.

On 3 October 2008 Mr Westlund travelled on the 'Spirit of Tasmania', the ship that travels from Devonport, Tasmania to Melbourne. Mr Caulton was not recorded as being a passenger on the ship.

Mr Caulton's ANZ account was accessed on 15 October 2008 at the ATM at Freedom Fuels, Beenleigh and \$500 was withdrawn from the account. CCTV footage shows that Mr Westlund was the person who conducted the transaction.

On 16 October 2008 Tasmanian police again attended 3 Thirkell Street, Cooe. Neither Mr Westlund nor his vehicle was present. A neighbour told police that he had last seen Mr Westlund on 2 October 2008 when police had attended asking about Mr Caulton. The neighbour advised police that he had never seen Mr Caulton at the address. Mr Caulton was not named on the lease of the premises which contained only Mr Westlund's details.

At 7.05am on 16 September 2009 Mr Westlund was intercepted by Tasmanian police who had observed him withdrawing funds from an ATM. He was in possession of Mr Caulton's bank card and had withdrawn \$580 from Mr Caulton's account at the ANZ ATM at Burnie.

A search conducted on 16 September 2009 of Mr Westlund's residence at 3/30 Franklin Street, Brooklyn (Burnie) revealed that Mr Westlund had possession of Mr Caulton's Health Care Card, Birth Certificate extract, banking details and Medicare Card. These items were found in a suitcase under the bed.

Soon after the search was conducted Mr Westlund left that address. A neighbour told police that he told her that, 'he was in a bit of strife in Queensland where there was an accident and someone was hurt or something' and that he would be in jail. He sold or gave away his furniture and other belongings, packed his car and left.

Inquiries with the Department of Immigration and domestic airlines revealed that Mr Caulton has never left the country nor flown interstate.

Police have been unable to locate any person (except, according to Mr Westlund, himself) who has seen Mr Caulton since his visit to the Charters Towers Medical Centre on 16 March 2006.

Appeals to the public in Tasmania failed to result in any information being received as to Mr Caulton's whereabouts.

Mr Westlund received a Carer's Pension from Centrelink in relation to Mr Caulton from September 2005 until January 2008 when it ceased due to Mr Westlund failing to return paperwork – the last payment was deposited to Mr Westlund's bank account on 16 January 2008.

In August 2008 Mr Westlund claimed (and was paid until November 2008) a Carers' pension for Clifford Williams. Mr Williams told police that Mr Westlund had never been his carer.

Mr Westlund's interview with police – 16 September 2009

Mr Westlund voluntarily participated in an interview with police and stated that Mr Caulton was alive and well and living at an unknown location in the Wynyard area, with his aboriginal girlfriend whom he met in Charters Towers and who was called either Jen, Jan, Jenny or Jennifer

Mr Westlund stated that in 2007 he moved to Queenstown, Tasmania and that several weeks later Mr Caulton and his girlfriend arrived in Tasmania after travelling by plane from Queensland (airline records indicate that Mr Caulton has not travelled by plane at anytime).

Mr Westlund stated that whilst he was in Tasmania and prior to Mr Caulton arriving in Tasmania Mr Caulton had his bank cards in Queensland (this is refuted by bank records which indicate that all transactions on Mr Caulton's bank accounts in 2007 coincide with the whereabouts of Mr Westlund).

Mr Westlund stated that after Mr Caulton moved to Tasmania he resided at several addresses in the Burnie area (one of them with Mr Westlund) but that Mr Westlund had always kept Mr Caulton's bank card and remained in control of his finances to look after him. Mr Westlund told police that he would withdraw Mr Caulton's pension in full shortly after it was deposited and then meet up with Mr Caulton and give him the money. Mr Westlund stated that he had no contact details for Mr Caulton – he would just find him somewhere in the Wynyard area and give him the money.

Mr Westlund nominated a location where he would have met Mr Caulton that morning had he not been intercepted by police. Police travelled to that location and could not find Mr Caulton. Police distributed a photograph of Mr Caulton and nobody recognised him. Of note is the fact that Wynyard is a small town with a population of about 3000 and locals advised police that there were no aboriginal people living in town. Inquiries at all licensed establishments in the area failed to find any person who had ever seen Mr Caulton.

Mr Westlund said that Mr Caulton had not been to see a doctor since arriving in Tasmania as he had been in good health for the whole time (refuted by medical records).

Mr Westlund assured police that Mr Caulton was living in Wynyard and that he would bring him into the police station next time he saw him.

Mr Caulton's medical conditions

Records from Charters Towers Hospital reveal that Mr Caulton was seen there between 31 March 2005 and 6 March 2006. He was diagnosed as suffering from congestive cardiac failure (where the heart loses its ability to pump blood efficiently leading to fatigue and shortness of breath) and prescribed Frusemide. It was noted that he was a heavy drinker and smoker. Mr Caulton should have had regular follow ups and treatment and without that was at risk of suffering an adverse cardiac event.

Mr Westlund's criminal history

Mr Westlund has previous convictions for offences of dishonesty and violence. In 1997 he was imprisoned for Assault Occasioning Bodily Harm.

Recent inquiries

On 15 November 2012 police carried out 'proof of life' checks in relation to Mr Caulton on Centrelink, financial institutions, Medicare, interstate police and the Office of Births, Deaths and Marriages. There were no records of any movements or actions by Mr Caulton since March 2006.

The inquest

A pre-inquest directions hearing was held on 13 December 2013 and the inquest listed to commence on 11 February 2014. The inquest was held in Brisbane due to the whereabouts of the family of Mr Caulton and Mr Westlund's legal representatives. Mr Crofton was given leave to appear and it was advised that the issue to be explored at inquest was whether Mr Caulton was deceased.

Material gathered during the police investigation and the coronial investigation was tendered as evidence at the commencement of the inquest. A total of 56 exhibits were tendered at the commencement of the inquest including witness statements, documents, photographs and electronic discs.

Six witnesses were called to give evidence:

- Rebecca Oliver
- Richard Chugg
- Craig Robert Ballard
- Debra Ann Ballard
- Barry Robert Hiscox
- Peter Westlund

At the commencement of the hearing Mr Crofton advised that should Mr Westlund be called to give evidence he would refuse to answer any questions, pursuant to s. 40 *Coroners Act 2003*, i.e. that the evidence he would give would tend to incriminate him. Having regard to the interviews that Mr Westlund had undertaken with the police and the other information available to me, I was not satisfied that it was in the public interest to require him to give evidence and he was excused from appearing. Mr Crofton appeared for Mr Westlund at the inquest.

Findings required by s. 45

I find that Van Edward Caulton is deceased. I am required to find, as far as is possible, the medical cause of death, who the deceased person was and when, where and how he came by his death. As a result of considering all of the material contained in the exhibits, I am able to make the following findings.

Identity of the deceased	Van Edward Caulton
How he died	Undetermined
Place of death	I find that Mr Caulton died in the area of Charters Towers
Date of death	Mr Caulton died between 22 March 2006 and 31 July 2006.
Cause of death	Undetermined

Comments and recommendations

Section 46 of the *Coroners Act 2003* provides that a coroner may comment on anything connected with a death that relates to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future.

Comments

There are only two reasonable possibilities in relation to the circumstances surrounding Mr Caulton's disappearance – firstly, that he died from natural causes and Mr Westlund failed to report his death and disposed of his body in order to obtain the carer's pension and Mr Caulton's pension or, secondly, that Mr Westlund caused the death of Mr Caulton and then disposed of his body, with the same motivation.

Mr Westlund was in receipt of Mr Caulton's pension and a Carer's pension in regard to Mr Caulton after Mr Caulton's death which had occurred by 31 July 2006.

I close the inquest.

Jane Bentley
Coroner
Brisbane
11 February 2014