



# OFFICE OF THE STATE CORONER

## FINDINGS OF INQUEST

**CITATION:** **Inquest into the death of Christine Maria Fenner also known as Christine Maria Newman**

**TITLE OF COURT:** Coroner's Court

**JURISDICTION:** Bundaberg

**DELIVERED ON:** 11 December 2008

**DELIVERED AT:** Bundaberg

**HEARING DATE(s):** 22 October, 20 November, 4 December and 11 December 2008

**FINDINGS OF:** Ms J Batts, Coroner

**CATCHWORDS:** CORONERS: Inquest – missing person

**REPRESENTATION:**

Assisting the Coroner

Sergeant Barry Stevens  
Police Prosecutions Branch

*The Coroners Act 1958* provides in s43(1) that after considering all of the evidence given before a coroner at an inquest the coroner shall give his or her findings in open court. What follows are my findings in the inquest held into the disappearance of Christine Maria Fenner also known as Christine Maria Newman. Copies will be provided to her family and posted on the web-site of the Office of the State Coroner.

Pursuant to s10 of the Act, a coroner has jurisdiction to inquire into the cause and the circumstances of a missing person's disappearance and into all such matters that will be likely to reveal whether the missing person is alive or dead.

The Act, in s43(4), provides that where an inquiry concerns a missing person the finding shall set forth –

- the cause and circumstances of the disappearance of the missing person; and
- whether such missing person is alive or dead; and
- if such missing person is alive or likely to be alive – the whereabouts of the missing person at the time of the inquiry.

Ms Fenner was born on the 28th of November 1950. She went missing from her home at 532 Kirk Marule Road, Booyal on 12 February 1999. At the time she was living with her de facto husband, Mark Graham. Mr Graham is now deceased. Whilst Ms Fenner and Mr Graham often argued and there is some evidence of a significant argument on the night before her disappearance, the relationship was generally described by most to be good. Ms Fenner described herself as happy in that relationship.

At the time of her disappearance she was in extremely poor health. This seemed, to persons who knew her, to be much more than the result of a heavy drinking bout which Ms Fenner regularly indulged in, and likely had recently indulged in. Witnesses who saw her or, had contact with her in the preceding days, including Helen Bright who was the last person to give a report of seeing her alive, described someone who should most certainly have been obtaining urgent medical attention. It was suggested to her, more than once, that she seek such help however, she refused to go. Ms Bright reports seeing her last at approximately midday 12 February 1999 at which time she noted that her face seemed to droop, that she was unable to dress herself and that she had difficulty talking.

When her de facto, Mr Graham, returned at about 5.30pm that day, Ms Fenner was missing. Apart from conducting a search around the dwelling and seeking information from neighbours after a time, Mr Graham did not appear to be overly concerned about Ms Fenner as he said, "she had disappeared for a few days before and returned". Her daughter, Cindy Dzwienel, initially took a similar view when she became aware of her mother's disappearance, although it was Ms Dzwienel who ultimately reported to police that her mother

was missing. This occurred on 17 February 1999 and a search of the property including by SES and rural fire brigade members was subsequently conducted.

A major incident room was set up by police on 18 February 1999 and the investigation resulted in a number of statements which were tendered at this inquiry. The investigation continued until recent times with further searches being carried out late last year and, to a lesser extent, this year following receipt of further information.

On the 25th of July 2000, investigators received information from Childers Police in relation to the whereabouts of Ms Fenner. The information that had been received was that she had been murdered and placed into a large drum filled with lime. It was said that the drum was then left in a dumping ground just off the Kinkuna Beach Road and Goodwood Road intersections. A thorough search of that area and areas adjacent was carried out. No such drums or dumping ground for large drums were located. Inquiries with the local council failed to identify any such dumping ground in the area.

On the 31st of October 2001, information was received from an anonymous female suggesting police search the sewerage septic tank of the neighbouring property as she believed that Ms Fenner's body might be found there. On 3 January 2002, approval was granted for investigators to attend at that property and pump out the sewerage tank. On the 18th of February 2002, a search warrant was executed on the premises of Lot 54 Kirk Marule Road and the sewerage tank emptied, no remains were located.

More recently, on 15 December 2007 as a result of information obtained, police attended 84 Ironbark Road, Good Night Scrub. A crime scene warrant was executed there. The SES was also organized to attend that property on the day and a witness, Mr Anthony Thomas Marchesano, also attended with police. Mr Marchesano indicated an area on the property which he recalled as a grave site shown to him by one Russell Ernest Parrymore. Mr Marchesano was not able to direct police to a specific spot. He indicated an area that was along a track that went up towards the ridge of the property. The area was approximately 200 metres long and he indicated that the spot was no further than 10 metres off the track to the left-hand side. Police searched and dug areas along the track area. The ground was very hard and rocky. The SES also conducted a forensic search of the area as they were directed by police. The SES did not locate anything of interest nor did police.

On 20 August 2008, Detectives McCusker and Owens attended a property at 84 Bark Road, Good Night Scrub with another person. It was the same area as had been shown to them by the witness, Mr Marchesano. This person said that she felt that Ms Fenner had been buried in this area, and persons were involved with the disposal of her body. She pointed out areas along the track and again the ground was extremely hard and rocky. Nothing was located by police.

Ms Fenner's body has never been found. At the time Ms Fenner disappeared, none of her personal items were taken or removed. Items such

as her usual footwear, glasses and cigarettes which she always had with her, remained in the caravan. Her bank account has never been touched in all these intervening years. Immigration inquiries do not reveal Ms Fenner leaving the country.

In all of those circumstances, I turn, particularly to those matters that I must find pursuant to s43(4) of the *Coroners Act 1958*. There are several possible explanations for Ms Fenner's disappearance. Whilst it is possible Ms Fenner chose to leave the area of her own accord and is living somewhere to this day, there is no evidence whatsoever to support this scenario and indeed, it is the least likely of any of the possible outcomes, and due to the complete lack of evidence I do discount it. I find that Ms Fenner is in fact deceased. As to the cause and circumstances of her death, these are unknown. She may have wandered off, collapsed and died, and her body not found by any person. This might seem least likely with her body never recovered, and more especially so in light of the extremely poor state of her health at the time. Nevertheless, there was a delay with the search and it is still a possibility, if slight, that this occurred. She may have been murdered by someone and her body disposed of. No motive or reason is apparent that could be attributed to any of the persons interviewed or who gave evidence. The identity of any person responsible for this and, again, the whereabouts of her body, is unknown. She may have died of natural causes and her body disposed of by a person or persons, including Mr Graham who might have panicked if he thought he might have been implicated in her death, having regard to their argument of the previous evening which was extensive and had been heard by many.

There is, however, no evidence which implicates any person, except for the evidence that was heard by this inquiry about Mr Royston Turner. Mr Royston Turner at the time of Ms Fenner's disappearance was the de facto partner of Ms Cindy Dzwienel. Ms Dzwienel gave evidence that she had been told by Mr Turner that he killed her mother. Mr Royston Turner, when he appeared at the inquiry, denied that he ever told his former de facto that he killed her mother. I prefer the evidence of Ms Dzwienel on this point, that is, I consider that he did, more likely than not, say words something to the effect of, and this was the evidence of Ms Dzwienel, "I killed your mother and you'll be next". This comment it must be said was in the context of their relationship which was characterised by domestic violence, and such a comment was certainly a very hurtful and effective taunt and torment to Ms Dzwienel, but probably no more. There is no evidence to suggest that he saw or visited Ms Fenner that day and at least one near neighbour was very aware of most movements to and from the property.

There is no evidence to commit any person for trial in relation to this matter, a finding I make also pursuant to s43(4)(b) of the *Coroners Act 1958*.

I close the inquest.

Coroner Batts  
11 December 2008