



# CORONERS COURT OF QUEENSLAND

## FINDINGS OF INQUEST

**CITATION:** Inquest into the death of Kirra-Lea McLoughlin

**TITLE OF COURT:** Coroners Court

**JURISDICTION:** SOUTHPORT

**FILE NO(s):** 2014/2574

**DELIVERED ON:** 7 June 2021

**DELIVERED AT:** Brisbane

**HEARING DATE(s):** 11 August 2020, 2 – 4 September 2020, 13 April 2021 and 7 June 2021

**FINDINGS OF:** Jane Bentley, Deputy State Coroner

**CATCHWORDS:** Coroners: inquest, domestic abuse, domestic and family violence, choking, strangulation

REPRESENTATION:

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Commissioner of Police:

Mr Mark O'Brien

DS Robert Lowry

DS Andrew Bailey

DS Peter Bailey

DSC Christopher Duhig

SC Chad Doak:

Mr Troy Schmidt

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## **Introduction**

1. 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 in relation to whom the inquest has been held, 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.
2. These are my findings in relation to the death of Kirra-Lea McLoughlin. 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.
3. These findings and comments confirm the identity of the deceased person, when, where and how she died and the cause of her death.

## **The Death of Kirra-Lea McLoughlin**

4. At 2.14pm on 18 July 2014 Paul McDonald called 000 and advised that Ms McLoughlin was unconscious. Paramedics attended her residence and found her unresponsive. She was transported to the Gold Coast University Hospital where it was found that she had suffered unsurvivable brain injury. She died later that day.
5. Ms McLoughlin's family made the generous decision to donate her organs and that procedure was carried out on the morning of 19 July 2014 and her life support was turned off at 1.25pm that day.

## **Autopsy**

6. An autopsy was conducted on 21 July 2014.

7. Ms McLoughlin was 159cm tall and weighed 62.6kg. She had 102 areas of bruising on her body, some of which included numerous bruises:
  - 10 bruises on her head and neck;
  - 24 bruises on her trunk;
  - 16 bruises on her left upper limb;
  - 18 bruises on her right upper limb;
  - 28 bruises on her left lower limb;
  - 17 bruises on her right lower limb.
  
8. There was no drug residue in her stomach but there were digested food remnants. Toxicological analysis of blood samples taken from Ms McLoughlin soon after her admission to the Gympie Hospital detected only therapeutic levels of the antidepressant drugs sertraline and nortriptyline.
  
9. She had suffered severe brain damage due to lack of oxygen/blood flow i.e. hypoxic ischaemic encephalopathy. The changes were particularly severe on the left side of the brain. The swelling of the brain had resulted in raised pressure inside the skull i.e. raised intracranial pressure which was the direct cause of her death.
  
10. The forensic pathologist noted that survival after taking many more than 30 x 25gm tablets of nortriptyline is well documented and she had no specific toxic effects attributable to nortriptyline overdose and concluded that nortriptyline toxicity is unlikely to have played a significant role in causing her death.
  
11. Further, although it was stated that Ms McLoughlin had been drinking alcohol, none was detected in the blood specimen taken soon after her arrival at Gympie Hospital on 17 July 2014.

12. Ms McLoughlin had developed pneumonia secondary to being unconscious and on mechanical ventilation.
13. The forensic pathologist concluded that Ms McLoughlin died from hypoxic-ischaemic encephalopathy due to head injury.
14. At the time of her death she had Hepatitis C.

## **Background**

15. Ms McLoughlin was born on 13 April 1987. She was 27 years old when she died at the Gold Coast University Hospital on 19 July 2014. She had four young children whom she loved dearly and a family who loved her. She loved life. She lived at 825 Beenham Valley Road at Wolvi. That property had been the matrimonial home of Ms McLoughlin and her husband Roger McLoughlin. They purchased the property in 2010. Ms McLoughlin and Mr McLoughlin separated in August 2013. They had four children who were aged eight, six, five and four years old at the time of Ms McLoughlin's death.
16. At the time of her death Ms McLoughlin's defacto partner Paul McDonald resided with her. They met at the turkey farm on which they both worked. They were both separating from their partners at that time and he moved into her house on 25 August 2013. Mr McDonald was in a relationship with Kathleen Cox who was a friend of Ms McLoughlin.
17. Ms McLoughlin's children were living with her, however, in June 2014 Mr McLoughlin was advised that Mr McDonald was violent and aggressive and he kept the children with him after they had stayed with him during the school holidays in July 2014.

18. A family lived next door to Ms McLoughlin – F and M and their three children C1, C2 and C3 (“the neighbours”).
19. C1 and Ms McLoughlin were good friends. He had baby sat her children. Whilst he initially denied it to police, C1 later admitted that he and Ms McLoughlin had a sexual relationship over about two months which ended before she commenced her relationship with Mr McDonald.
20. M had previously heard Ms McLoughlin and Mr McDonald arguing and the next day Ms McLoughlin had told her that Mr McDonald had hit her but he had apologised.
21. Shortly after Christmas 2013 the relationship between the neighbours and Ms McLoughlin changed. M considered Ms McLoughlin’s behaviour to be irrational and she would yell at them over the fence. One day Ms McLoughlin phoned their house and asked F if she could borrow a six pack of beer as Mr McDonald had just tipped out his last beer and he was angry.
22. In January 2014 M heard screaming from their house and then received a text message from Ms McLoughlin stating, “Call 000.”
23. M walked outside and could hear Ms McLoughlin’s children screaming and Mr McDonald was yelling at Ms McLoughlin, “Go get me some fucking beer.”
24. Later that night Mr McDonald was yelling at the fence for F to go over and fight him. He was also yelling out to their son, C1, “Come on [C1] you little pissant weak cunt, come out here and fight me.”

25. C1 was not home at the time. Later Mr McDonald rang F's mobile and left abusive messages.
26. Other neighbours also heard constant arguments at Ms McLoughlin's house.
27. Joan Benson was a neighbour of Ms McLoughlin. She told police that Mr McDonald was violent to Ms McLoughlin all the time. He would follow her around the yard with a drink in his hand abusing her. Ms McLoughlin would sometimes send her children to Ms Benson's place to get them out of the house and away from Mr McDonald. She told Ms Benson that she wished to reconcile with her husband and she was terrified of Mr McDonald.
28. Ms Benson told police that in the days before Ms McLoughlin's death she and Mr McDonald were arguing every day. They were screaming at each other and Ms McLoughlin was blaming him for losing her kids and saying she was going to lose the house and she wanted him to leave.

## **Police Investigation**

29. Detectives of the Criminal Investigation Branch investigated the circumstances surrounding the death of Ms McLoughlin. The following is a summary of the information obtained by police from relevant parties, witnesses and telephone records.

## **Events of 16 July 2014**

30. Mr McDonald and Ms McLoughlin were at home on the morning of 16 July.

31. C1 heard Mr McDonald and Ms McLoughlin arguing at about 8am on 16 July 2014 but didn't take much notice as he often heard them arguing.
32. At about 9am on 16 July 2014 Ms McLoughlin and Mr McDonald visited his mother, Jane Anderson, at her residence at Cootharaba Road, Gympie. Ms Anderson lived with her sons S1 and S2.
33. Ms Anderson's daughter, Tamiqua McDonald, was also visiting with her four year old daughter, D, and her 18 year old niece, Jessie McDonald.
34. Tamiqua, D and Jessie left Ms Anderson's house with Mr McDonald and Ms McLoughlin to go to Ms McLoughlin's residence.
35. On the way home they went to Supercheap and then bought lunch at KFC. They bought some alcohol from the Victory Hotel to take home (a carton of beer and six bottles of wine).
36. They arrived at McLoughlin's residence at about 11.30am.
37. Ms Anderson arrived later, at about 12.45pm, to clean Ms McLoughlin's house.
38. Ms McLoughlin started drinking wine at about 1pm.
39. Between 1.44pm and 2.40pm Ms McLoughlin was on the phone to a solicitor discussing child custody matters in relation to her children.
40. Later they bought some fish and chips for dinner and Ms Anderson ate some of that meal.

41. Ms Anderson left Ms McLoughlin's house at about 7.10pm and arrived at her house at about 8pm.
42. Ms Anderson considered that Ms McLoughlin was drunk by the time she left and that she was a bit "niggly" and making some unpleasant remarks.
43. At about 7.30pm Ms McLoughlin started arguing with Tamiqua and Jessie.
44. Ms McLoughlin made an insulting remark to Tamiqua. Shortly after that Tamiqua went to have a shower. Mr McDonald and Ms McLoughlin went for a walk for about twenty minutes. When they came back they were arguing about Ms McLoughlin's relationship with C1.
45. Mr McDonald went to the shed. Ms McLoughlin came inside and continued to be insulting to Tamiqua.
46. Ms McLoughlin told Jessie that she and Mr McDonald were arguing about C1 and she had slept with him. Mr McDonald came up from the shed and asked Ms McLoughlin why she was telling Jessie about that.
47. Ms McLoughlin then started yelling at Mr McDonald and pushing him. Tamiqua told her not to touch him. Tamiqua went to walk away and Ms McLoughlin picked up a half full wine glass and threw it at Tamiqua. It hit her in the back of the head and shattered.
48. Tamiqua turned around and punched Ms McLoughlin.

49. Jessie saw Ms McLoughlin fall over while she was fighting with Tamiqua. She saw her fall onto the deck and fall into the timber and glass cabinet.
50. Tamiqua walked away and Ms McLoughlin picked up a chain and threw it at her. It hit her in the head. They then started fighting again and Tamiqua punched Ms McLoughlin to the head. She fell down and then got back up immediately. Mr McDonald was trying to get between them.
51. Jessie went inside to check on D.
52. Ms McLoughlin picked up a tin of red paint and threw it at Mr McDonald. They both had paint on them. Ms McLoughlin slipped in the paint and fell over and hit her head on the verandah railing.
53. Tamiqua went inside and closed the glass sliding door.
54. Ms McLoughlin was banging on the glass door and screaming.
55. Tamiqua told Jessie to pack up and get D.
56. F, M, C2 and C3 were eating dinner around that time and they heard loud banging noises coming from Ms McLoughlin's house.
57. At 8.24pm Tamiqua called Ms Anderson and asked her to come and pick her up. Ms Anderson heard Ms McLoughlin yelling in the background, "I'll kill you, you slut," and other obscenities directed towards Tamiqua.

58. Ms Anderson heard Ms McLoughlin screaming and she sounded “hysterical.”
59. Tamiqua asked Ms Anderson to come and get her as Ms McLoughlin had “gone nuts” and she needed to get D “out now.” She said that Mr McDonald was holding Ms McLoughlin back and that Ms McLoughlin was “going psycho.”
60. Tamiqua, Jessie and D left the house and walked down the road to meet Ms Anderson.
61. Ms Anderson went to pick them up and met up with Tamiqua, Jessie and D on Neusavale Road, Wolvi, about 10 to 15 minutes walk from Ms McLoughlin’s house. Tamiqua told her that she had to go and get Mr McDonald as Ms McLoughlin had tipped a bucket of red paint over him, had hit him with a baseball bat and was trying to kill him.
62. After picking up the girls, Ms Anderson then drove further down the road and picked up Mr McDonald who was walking on the road.
63. Mr McDonald told Ms Anderson that he did not want to get into the car because he was bleeding.
64. He said, “I’ve got blood all over me. I do not want to get near the girls.”
65. Mr McDonald has Hepatitis C.
66. Mr McDonald got into the back seat of her car and Ms Anderson drove back to Ms McLoughlin’s where he collected a couple of things from outside. He did not go into the house. All was quiet at the house at that time.

67. Tamiqua told Ms Anderson that she had punched Ms McLoughlin in the face a couple of times.
68. Ms Anderson, Mr McDonald and the others arrived at Ms Anderson's house at about 9pm.
69. Between 8.47 and 8.57pm Ms McLoughlin was on the phone to Roger McLoughlin. She was upset and crying and saying that she missed her children. He told her the children needed to go to bed and asked her to call back in ten minutes.
70. During the drive home Jessie heard Mr McDonald talking to Ms McLoughlin on the phone. He told her he loved her. Jessie thinks that she was hanging up on him because he kept calling her back.
71. Tamiqua told Ms Anderson that Ms McLoughlin had been having sex with the 17 year old boy who lives next door. Tamiqua said that she hit Ms McLoughlin four times but she kept getting up and going at her again.
72. Whilst they were at Ms Anderson's house Mr McDonald called Ms McLoughlin reverse charges. He had her on speaker and his brothers heard the call. S2 heard her voice on the phone. S1 heard Ms McLoughlin tell him that she had taken his pills. He said she sounded groggy and tired.
73. At 9.01pm Ms McLoughlin called Mr McLoughlin again. She spoke to him for 26 minutes. She asked him if he would move back into the house so that they could live together with their children. She said she would get rid of Mr McDonald so she could spend more time with her

children. About ten seconds before the call ended she suddenly and unexpectedly became aggressive and told him she would stab him in his sleep and then hung up.

74. Mr McDonald told Ms Anderson that he wanted to go home to check Ms McLoughlin was alright. She did not want him to go but S1 and S2 agreed to take him.
75. Phone records indicate that Mr McDonald was trying to make phone calls on his mobile phone every couple of minutes between 8.53 and 9.26pm.
76. When they arrived S1 and S2 waited outside whilst Mr McDonald went inside.
77. S1 and S2 waited in the car at the gate about 100 metres from the house. S1 saw that lights were on in the house and in the shed. Mr McDonald walked to the house and opened the sliding door and walk into the house. S1 didn't see anyone at the house or the windows.
78. S2 told police he saw Ms McLoughlin's face briefly at the window.
79. Mr McDonald came back to the car after about three minutes and said Ms McLoughlin was awake and she was ok.
80. At about 9.30pm C2 went outside to cut some firewood. He heard Ms McLoughlin yelling, "I don't love you anymore."
81. He heard screaming and banging which was even louder than that which occurred earlier in the evening.

82. C2 heard Ms McLoughlin screaming like she was being hurt. It then went quiet and he heard Mr McDonald's voice only. He then heard a car door close and a car drive away. He thought Ms McLoughlin had stopped screaming because Mr McDonald had left the house.
83. At 9.42pm Mr McDonald called Ms McLoughlin.
84. Seven calls were made from the landline at Ms McLoughlin's house to her mobile number between 9.56 and 9.57pm. The longest call lasted 68 seconds.
85. At 10.34pm two short calls were made from the landline at Ms McLoughlin's house to her mobile number.
86. S1 and S2 arrived back at Ms Anderson's house at 10.45pm.
87. At about 11.30pm M heard Mr McDonald yelling from next door. She walked to her kitchen window and saw him shining a torch into their pergola area and kitchen area. He was at the front of Ms McLoughlin's house close to the small verandah. She recognised his voice and he was yelling. He was calling out to C1 to come out and fight him. M woke her husband and told him about the yelling. He went back to sleep. She went back out to the kitchen window and Mr McDonald was still there and still yelling for C1 to come out and fight him. M decided to ignore him and went to bed.
88. When Ms Anderson provided police with a statement on 18 July she said that Mr McDonald phoned her at 11.26pm. That call is recorded in the phone records. It lasted approximately fifteen minutes. She said that he told her that Kirra was on the phone to Mr McLoughlin and she

had been for most of the night and he was worried that she had taken pills.

89. Ms Anderson said that while she was on the phone to Mr McDonald she did not hear Ms McLoughlin talking or any noise.
90. Ms Benson heard Mr McDonald and Ms McLoughlin arguing and then heard Mr McDonald speaking as if he was on the phone to someone and he sounded "desperate".

### **Events of 17 July 2014**

91. At 1.12am on 17 July 2014 two calls were made from the landline at Ms McLoughlin's house to Ms McLoughlin's mobile.
92. At 2.46am 13HEALTH was called from the landline at Ms McLoughlin's house. The call lasted 40 seconds but it is unknown whether the call was answered. 13HEALTH has no record of taking that call.
93. At 4.57am a text message was sent to Ms McLoughlin's mobile from Mr McDonald's mobile. The content of that message is unknown.
94. At 12.29 – 12.30pm Ms Anderson tried to call Ms McLoughlin's mobile several times.
95. At 1.11pm Ms Anderson was called from the landline at Ms McLoughlin's house. The call was not answered.
96. At 1.12pm S2 was called from the landline at Ms McLoughlin's house. The call lasted 11 minutes.

97. S2 told police that Mr McDonald told him that Ms McLoughlin was unresponsive and had wet herself. S2 told him to call the health line. He could hear Ms McLoughlin coughing and choking in the background. He told Mr McDonald to put her in the shower. S2 called Ms Anderson and told her that Mr McDonald had woken up at about 1.30pm and couldn't wake Ms McLoughlin and she had wet herself and he told Mr McDonald to call an ambulance. S2 told her that Mr McDonald had washed her.
98. At about 2pm S2 was called from the landline at Ms McLoughlin's house. That call lasted 5 minutes.
99. At 2.06pm 13HEALTH was called from the landline at Ms McLoughlin's house. The call lasted 3 minutes and was recorded. Mr McDonald told the operator that his friend had taken "more than 20 Allegron tablets and can't be woken."
100. Mr McDonald said that he tried to shower her after she wet herself but she was not waking up. He said she was going through custody issues. The operator told him to immediately call an ambulance.
101. At 2.14pm 000 was called from the landline at Ms McLoughlin's house. Mr McDonald requested assistance. He said that he suspected his partner had overdosed on Allegron. He said his sister beat her the night before. He said she was breathing but was making weird noises. He said he had put her in the shower.
102. He said he left after the fight and when he came home she told him she had taken the tablets.

103. He said she was very bruised from being hit by his sister – she had two black eyes. He said that his sister hit her with a chain and he jumped in to try to protect her. He said his sister “just hit her and hit her.”
104. He said she had been asleep since 3am.
105. He said that he thought maybe she had taken the tablets because of the custody dispute about her children.
106. He said that he couldn’t get her into the car because his hand was so sore.
107. He said he was afraid to call an ambulance because didn’t want anything to affect the custody matter. He said that Allegron was given to him by his doctor to help him sleep. He said she was on Zoloft and she would have taken four of those yesterday.
108. He said her t-shirt was wet from when he put her in the shower. He said he did it to see if she would wake up and also she had wet the bed.
109. Mr McDonald told them that Ms McLoughlin got very sick a couple of weeks ago and was taken by QAS to Nambour Hospital and diagnosed with Hepatitis B – she caught it from him.
110. At 2.49pm Mr McDonald called S2 and said that the ambulance was there and he was going to the Gympie Hospital.
111. Mr McDonald called his mother from Ms McLoughlin’s landline at 3.05pm. That call was of three and a half minutes duration.

112. At 9.20pm on 17 July 2014 Mr McDonald was arrested by police for the offence of grievous bodily harm. He declined to be interviewed by police and was released at 11.15pm without charge.
113. Mr McDonald told his family that after S1 and S2 dropped him off he and Ms McLoughlin argued and then they made up, had sexual intercourse and then went to sleep. He said he woke up the next morning and Ms McLoughlin was asleep. He said he then went back to sleep until he woke up in the afternoon and found her unresponsive.

### **Paramedics and Medical Treatment**

114. The first ambulance arrived at about 2.20pm and contained paramedics P1, P2 and a student.
115. The second crew, arriving at 2.40pm, consisted of P3 and P4.
116. Mr McDonald told paramedics (according to a report completed by P2) that Ms McLoughlin told him she had taken a large amount of medication. He said he awoke at 7am and she was in bed with him asleep. He awoke again at 1.30pm and found she had wet the bed. He could not wake her. He got her out of bed, showered her and lay her down on a mattress on the lounge room floor. Not long after he called 13HEALTH.
117. Mr McDonald reportedly told P2 that Ms McLoughlin told him about midnight that she had taken Allegron tablets but he thought she was joking and didn't take her seriously. P2 asked why Ms McLoughlin had bruising on her face. He said there was a party and his sister had punched her in the face multiple times. He said that happened between midnight and 2am. He said she wasn't knocked unconscious.

118. Mr McDonald said that after the fight everyone left and he and Ms McLoughlin went to bed at about 3.30am. He said he woke up about 7am and thought she was sleeping, had a cigarette, went back to bed and woke again at 1.30pm and saw she had wet the bed and was unresponsive. He carried her to the shower, undressed her and washed her and carried her back to bed and dressed her.
119. Mr McDonald said they had both slept in the bedroom and he had placed Ms McLoughlin on the mattress in the lounge room when he brought her out of the shower.
120. Mr McDonald told P3 that Ms McLoughlin had been in a fight earlier in the night with his sister. He said he got home and found her like she was and called the ambulance. He said he had spent the night with his sister. P3 saw that Ms McLoughlin had bruising to both of her eyes.
121. P4 spoke to Mr McDonald at the house and questioned Ms McLoughlin's facial injuries. Mr McDonald told him that there had been an altercation with his sister and his sister had been sitting on top of Ms McLoughlin and hitting her repeatedly with her fists. He heard Mr McDonald speaking on a mobile phone and he said, "She can be in real trouble for this, even go to jail."
122. Mr McDonald made no mention to any of the paramedics about Ms McLoughlin hitting her head in the shower.
123. Paramedics transported Ms McLoughlin to the Gympie Hospital arriving there at 3.23pm.

124. On the way to the hospital P3 undressed Ms McLoughlin and saw that she had several old bruises to the insides of both thighs. P2 said that he saw old bruising on the inside of her thighs and older bruises on her forearms.
125. P2 spoke to Mr McDonald again at the hospital in an attempt to clarify what had occurred as he was vague on times. It was at this time that Mr McDonald said that Ms McLoughlin had hit her head on a cupboard when she was assaulted by his sister.
126. Notes recorded at the hospital indicate that at 4.20pm Mr McDonald told a social worker that there had been a party the night before and Ms McLoughlin and his sister got into a verbal argument which developed into a physical fight when Ms McLoughlin threw a chain at his sister. He said that his sister had hit Ms McLoughlin around the head (open hand slaps) and Ms McLoughlin fell over backwards and hit back of head against a cupboard. He said he thought that she took at least 20 of his tablets. He said that he did not wish to stay at the hospital and was aware she would be transferred to larger facility.
127. At 8.45pm Ms McLoughlin was flown to the Gold Coast University Hospital.

### **Examination of the House**

128. Police declared 825 Beenham Valley Road a crime scene on the evening of 17 July 2014. They seized a baseball bat which was found in the lounge room. They saw that a cupboard had been overturned and there was red paint spilled around the house. There was damage to the house.
129. Photographs indicate that the house was in disarray considering that Ms Anderson had spent some hours cleaning it that afternoon:

- There was damage to the back wall in the toilet – that must have been done after the fight with Tamiqua as there is red paint evident around the edges;
- There was damage to the toilet wall behind the door where the door has been opened with force such that the door handle has damaged the wall – this must have occurred after Ms Anderson had cleaned that afternoon as fresh dust from the damage can be seen on the floor;
- There was a broken broom stick on the couch;
- A baseball bat which was outside when Tamiqua left was found inside the house;
- There was a Dolphin torch in the lounge room;
- There were numerous holes and dents in the walls of the house;
- There were numerous dents in the steel door of the fridge including one which had red paint on it.

## **Statements and Interviews**

### ***Paul McDonald***

130. Police interviewed Mr McDonald on 28 July 2014. He described the fight between Tamiqua and Ms McLoughlin. He said that while they were fighting Ms McLoughlin's face was getting really swollen and she had a black eye. (Nobody else there saw that Ms McLoughlin had a black eye).
131. Mr McDonald said that when his brothers brought him home he saw that the baseball bat was at the front door so he picked it up and put it next to the book shelf inside the house.
132. He said that Ms McLoughlin couldn't find her phone and when the ambulance came, he saw that it had slid down beside the mattress and was lying on the floor.

133. He said that when he returned to the house he and Ms McLoughlin had a verbal argument, she had a shower and they went to bed at about 3am. He woke up at 7am and she was still asleep. He went outside and had a smoke. He went back to bed and awoke again at 1.30pm when he found her unresponsive. He put her in the shower and he hit her head against the shower wall.
134. Mr McDonald said that he has a sore left hand. It was bruised and swollen.
135. He said, "Apparently while Tamiqua and her were having altercations I punched the cupboard, the big cupboard out the back that got knocked over. Apparently I punched that cause it's like, I was just angry at what was happening."
136. Mr McDonald refused to tell police at what time he started drinking that day.
137. He said that he did not yell at C1 the night of 16 July 2014 but agreed that he had done so previously and said that he didn't like him because of his relationship with Ms McLoughlin.
138. On 29 July 2019 police interviewed Mr McDonald again at Arthur Gorrie Correctional Centre. At that time he was asked whether he agreed with J's statement (that he admitted to injuring Ms McLoughlin, as set out below). He said he had nothing to say but did not agree with it. At that time he said he thought he was yelling at C1 over the fence that night. He denied hitting Ms McLoughlin but admitted to damaging the house. He said that had approximately ten beers that night as well as wine and cannabis. He said he did not recall phoning 13HEALTH at 2.47am and said that maybe Ms McLoughlin made that call. He denied hitting Ms McLoughlin.

### ***Tamiqua McDonald***

139. Investigating police interviewed Tamiqua at 6.55pm on 18 July 2014. She was very cooperative and remorseful and I am satisfied she provided as much information as she could recall. She recounted the fight with Ms McLoughlin.
140. On 24 May 2015 Tamiqua spoke to police again. She told them that after the night of the fight Mr McDonald's whole hand was swollen and he couldn't use a cigarette lighter or do anything with it. He told her he had injured his hand punching holes in the wall and the cupboard. He refused to go to the doctor. She said there was no damage to the house when she left that evening.

### ***Kathleen Cox***

141. Ms Cox provided a statement to police in which she recounted Mr McDonald's physical and emotional abuse of her and their children when she was in a relationship with him from 2001 to 2013. The details are set out below.
142. In January 2014 Ms McLoughlin phoned Ms Cox. She was arguing with Mr McDonald at the time and Ms Cox could hear him threatening and abusing her. Ms McLoughlin told Ms Cox that he had hit her.

### ***Ms J***

143. Ms J commenced a relationship with Mr McDonald in February 2014. It was characterised by serious domestic abuse (as set out below). In July 2018 he told her about the events of 16 July 2014 involving Ms McLoughlin and Tamiqua and told her that after he went back to Ms McLoughlin's house they argued about her having sex with C1 and he banged her head against the floor in the house. She stated he told her

that he was on top of her and had hold of her shoulders and was forcing her head into the floor whilst shaking her by her shoulders.

144. She told police that he told her that he had been questioned by police and said, "I have got away with murder and I'll kill you if you ever say anything to anybody."
145. She told police that Mr McDonald felt very guilty that Tamiqua believed that she was responsible for Ms McLoughlin's death and he said he would tell her she wasn't.

### **Medical Evidence**

#### **Doctor Qi**

146. Dr Wenan Qi, medical officer at the Emergency Department of the Gympie Hospital assessed Ms McLoughlin on her arrival and noted multiple facial bruises and a spongy area over the left side of her scalp. Typical ECG change from Nortriptyline overdose was not demonstrated. He strongly suspected intracranial injury. He discussed the matter with a toxicologist who agreed that the clinical picture was not typical for tricyclic drug overdose.

#### **Doctor Comadira**

147. Dr Gregory Comadira was the Staff Specialist at the ICU of the GCUH. He summarised the medical records and considered whether the medical treatment and management of Ms McLoughlin was appropriate and concluded that it was.

#### **Doctor Coyne**

148. Dr Terry Coyne is a neurosurgeon. Dr Coyne noted that Ms McLoughlin did not lose consciousness when she was struck by Tamiqua on the

evening of 16 July 2014 and concluded that she was therefore unlikely to have sustained significant brain injury at that time.

149. Dr Coyne stated that the intracranial haemorrhages noted on GCUH CT were not resulting in significant mass effect and were unlikely to be the direct cause of her death i.e. they were not severe enough to cause the swelling of the brain which caused her death.
150. Dr Coyne said that the most likely scenario is that Ms McLoughlin sustained a second more severe head injury subsequent to the incident with Tamiqua.

### **Doctor Griffin**

151. Dr Adam Griffin is the Director of the Clinical Forensic Medicine Unit and Senior Forensic Physician. Dr Griffin noted the cause of Ms McLoughlin's death as hypoxic ischaemic encephalopathy which refers to changes in the brain due to loss of blood supply or oxygen or both to the brain causing irreversible brain damage. He considered the hospital and autopsy records.
152. Dr Griffin concluded that the haemorrhages to Ms McLoughlin's brain were caused by blunt force trauma which could be explained by the fight with Tamiqua. He noted that following those injuries she was "continually described as mobilising independently and seemingly of unchanged level of consciousness".
153. Dr Griffin noted that there were also changes to the brain which were caused by increased pressure in the skull caused by limitation in blood supply and/or oxygen supply to the brain which were "secondary changes" and not resulting directly from blunt force trauma.
154. Dr Griffin noted that Ms McLoughlin was suffering from aspiration pneumonia (chest infection arising from inhalation of stomach contents)

which is common with a loss of consciousness and the inability to protect the airway.

155. Dr Griffin identified a bruise on Ms McLoughlin's forehead as a "tram track" style injury which results from direct force when a rounded object (such as the end of a baseball bat) strikes with accelerated force.
156. He noted petechia (rupture of small blood vessels) which arise from an increase in venous pressure with ongoing arterial blood supply classically seen in strangulation severe enough to block the veins of the neck from emptying whilst not sufficient to block the arteries in the neck continuing to pump blood into the head.
157. Dr Griffin noted linear abrasions on Ms McLoughlin's neck.
158. Dr Griffin concluded that the haemorrhages caused to the brain by blunt force trauma (the injuries caused by Tamiqua) were not sufficient to cause the swelling to the brain which caused her death.
159. Dr Griffin concluded that the petechial haemorrhages were associated with raised venous pressure such as may be seen where the veins of the neck are restricted but the arteries are not i.e. a form of strangulation. Strangulation is also consistent with the abrasions to the bruises to the neck and the limitation of blood supply to the brain.
160. Dr Griffin stated that the level of Nortriptyline found in Ms McLoughlin's blood on her admission to Gympie hospital was not consistent with overdose of that drug and not consistent with her having taken 20 tablets of Allegron.

## **Domestic and Family Violence (DV) perpetrated by Paul McDonald**

161. Mr McDonald's criminal history reveals him to be a serial perpetrator of severe domestic abuse. He has a criminal history which includes over seventy convictions for domestic violence related offending. He has served lengthy periods of imprisonment for such offending.
162. Following is a summary of the domestic abuse of Ms McLoughlin and Mr McDonald's previous and subsequent partners, as compiled from the records of the Queensland Police Service, by the Domestic and Family Violence Death Review Unit of the Coroners Court of Queensland.

### **Between Ms McLoughlin and Mr McDonald**

163. Police were notified in relation to domestic abuse perpetrated by Mr McDonald against Ms McLoughlin on three occasions – 19 December 2013, 21 February 2014 and 5 April 2014.
164. On the morning of 19 December 2013 Ms McLoughlin called 000 to report that Mr McDonald was "going crazy". She said that he had kept her up all night hitting her, had taken her mobile phone and was trying to break her furniture. When police arrived Mr McDonald had left the property and Ms McLoughlin told police she had "overreacted" and it had been a verbal argument only. Police offered Ms McLoughlin a Supportlink referral, which she declined. Police were unable to locate Mr McDonald and did not speak to him. This was subsequently recorded in QPS records as a DV Referral.
165. Ms McLoughlin told police that she had been in a relationship with Mr McDonald for a few months and that he stayed both in the caravan at her property and in the house with her. She said she was done with the relationship.

166. On the morning of 21 February 2014 Ms McLoughlin's mother called police after she received an email from Ms McLoughlin saying, "Help me."
167. Police attended and spoke to Mr McDonald who said that they had had a verbal argument the night before but denied any further violence. Ms McLoughlin told police that the previous evening Mr McDonald had been aggressively questioning her about having sex with other people and that each time she answered he had pushed or slapped her and called her a slut.
168. Ms McLoughlin reported that later that night Mr McDonald demanded that she drive him to the bottle shop to buy more alcohol; she did not want to leave as she was looking after her children. Ms McLoughlin reported that Mr McDonald then forced her into the passenger seat, although he had been drinking, and drove off, running into a tree and a fence and nearly driving off a bridge. Mr McDonald then reportedly allowed Ms McLoughlin to drive, but slapped her as she did so. Ms McLoughlin left Mr McDonald in town and told him she did not want him at her house.
169. At approximately 1am Mr McDonald reportedly got a lift back to Ms McLoughlin's house and they had a verbal argument. In the morning Ms McLoughlin left the bedroom without giving Mr McDonald a hug and he reportedly started slapping her and shoving her, which the children witnessed. At this time Ms McLoughlin managed to email her mother asking for help.
170. Police saw numerous bruises on Ms McLoughlin and damage to the house.
171. Police detained Mr McDonald and commenced an application for a Domestic Violence Protection Order (DVO). A temporary DVO was

made on 26 February 2014 which contained conditions that Mr McDonald have no contact with Ms McLoughlin. On 12 March 2014 the order was varied to remove the no contact conditions. It is likely that Ms McLoughlin sought to have the order varied.

172. On the evening of 5 April 2014 Ms McLoughlin reportedly shut herself in her bedroom as Mr McDonald had become aggressive and abusive. Mr McDonald then punched the door to the bedroom, head-butted it and broke through and ripped the door off. He reportedly shoved Ms McLoughlin, called her names and said, "You'll get what's coming to you."
173. The abuse continued the next morning (6 April 2014) when Mr McDonald became abusive towards Ms McLoughlin and stated he wanted to punch her. He attempted to disable her car and took her phone from her.
174. At about 11.30am Ms McLoughlin drove with her children to her neighbour's house as she feared for her safety. The neighbour called the police, who eventually located Mr McDonald on a neighbour's property, lying next to a dam and pretending to be asleep.
175. Mr McDonald was arrested and charged with breaching a DVO and remanded in custody.
176. He was convicted of that offence in the Gympie Magistrates Court on 23 April 2014 and sentenced to 8 month's imprisonment with immediate parole. He had served 17 days in pre-sentence custody. The operational period of a previous suspended sentence imposed for breach of a DVO was extended for two years. On the same day the temporary DVO was made permanent with an expiry date of 22 April 2016.

177. The dam where Mr McDonald was arrested was on the property of Joan Benson. She told police that from about April 2014 she saw lots of bruises on Ms McLoughlin. She had bruises on her arms, legs, sides of her face and top of her ankles. She had black eyes on occasion. Ms McLoughlin told her that Mr McDonald was physically and mentally abusing her. She said she was frightened to report him to police as he had threatened to kill her if she did so. She said she wanted him to leave and Mr McLoughlin to move back in but he would not leave.

### **Between Mr McDonald and Kathleen Cox**

178. Prior to his relationship with Ms McLoughlin, Mr McDonald was in a relationship with Kathleen Cox for several years; they had three children together. This relationship was marked by frequent episodes of DV perpetrated by Mr McDonald against Ms Cox.
179. Police attended thirty-two jobs related to DV between Mr McDonald and Ms Cox over a ten year period – from 2004 to 2014.
180. On 29 November 2004 an application for a DVO was made naming Ms Cox as the aggrieved and Mr McDonald as the respondent.
181. On 8 March 2005 Ms Cox called the police during an episode of violence when Mr McDonald punched her in the face. Police attended and observed that Ms Cox had blood coming from her mouth and scratches on her neck. Police contacted the Queensland Ambulance Service as Ms Cox was three months pregnant.
182. On 16 March 2005 a DVO Application was made naming Ms Cox as the aggrieved and Mr McDonald as the respondent.
183. On 12 April 2005 a private DVO Application was made naming Ms Cox as the aggrieved and Mr McDonald as the respondent.

184. On 1 January 2006 police attended due to an incident where Ms Cox locked Mr McDonald out of the house during an argument, and he smashed through the door to get back in. On 18 January 2006 Mr McDonald was convicted of the breach of DVO and fined \$350.
185. On 27 March 2006 Ms Cox called police after a verbal argument. She told police that she had allowed Mr McDonald to live with her but that there was an order in place which did not allow this.
186. On 8 July 2006 police were called after Mr McDonald arrived at Ms Cox's house very drunk. She locked him outside and he smashed a window with a pram, causing fragments of glass to hit Ms Cox in the neck. Mr McDonald continued to verbally abuse Ms Cox and left before police arrived.
187. Mr McDonald was charged with two breaches of the DVO arising from that incident and on 2 October 2008 he was sentenced to twelve months' probation.
188. On 15 October 2008 police were called to a disturbance and spoke with Ms Cox. She said that Mr McDonald had been accusing her of cheating on him, and that he had grabbed her by the neck and threatened to slit her throat. Police noted that Ms Cox had red welts on her neck and was visibly scared. Police commenced a DVO application in relation to these events.
189. On 10 November 2009 Ms Cox called police saying that Mr McDonald was being abusive towards her, but called again before police arrived and said they were no longer required as things had calmed down. When police arrived both Mr McDonald and Ms Cox said it had only been a verbal argument, but Ms Cox added that she was sick of being controlled by Mr McDonald and that his drinking caused their arguments.

190. On 1 February 2010 police were called in relation to an argument where Mr McDonald was drunk and verbally abused Ms Cox.
191. On 10 May 2010 Ms Cox called police saying that Mr McDonald should not have been living there and had forced his way into her house. Police reported that, "her version of events was extremely exaggerated". Ms Cox said that Mr McDonald had kicked in the door; Mr McDonald admitted that he had kicked and slammed the door several times and police noted damage to the door frame. Police noted: "no physical violence or threats...but wilful damage to property and a degree of intimidation." The children had left during this incident and gone to a neighbour's house. Police commenced a Domestic Violence Application on this occasion, and an Emotional Abuse Report in relation to the children.
192. On 17 May 2010 a DVO was made naming Ms Cox as the aggrieved and Mr McDonald as the respondent. The order included a condition that Mr McDonald participate in the Gympie Lifeline Safe Choices program.
193. On 1 June 2010 it was noted that he had breached this condition by failing to attend the program and he was served with a Notice to Appear.
194. On 1 August 2010 Mr McDonald began drinking at about 10am and by 5pm was heavily intoxicated. He began criticising Ms Cox and accusing her of having affairs with other men. He was playing loud music and she asked him to turn it down so she could get her 2 year old child to sleep. He grabbed her around the throat and threatened to punch her. She called police. Police charged Mr McDonald for breach of a DVO.
195. On 29 August 2010 police were called after an argument where Ms Cox had locked Mr McDonald out of the house and he yelled at her to let him back in. Police noted that Ms Cox and Mr McDonald were calm by

the time they arrived and that they both declined the domestic violence information offered. No charges were laid.

196. On 31 August 2010 a neighbour called police after hearing yelling and crashing noises. Police attended and heard screaming and swearing. They entered the house when they heard a crashing sound. They found a TV cabinet in pieces. Ms Cox told police that that Mr McDonald had accused her of sleeping with his 17 year old brother and called her a slut. S1 corroborated that Mr McDonald made this false allegation. Police arrested Mr McDonald and charged him with breaching the DVO.
197. On 1 November 2010 police were called after an argument between Ms Cox and Mr McDonald. Police reported that both Mr McDonald and Ms Cox pushed each other and grabbed each other by the throat. A phone was thrown against the wall and smashed. Mr McDonald was charged with breach of a DVO.
198. On 30 November 2010 police were called after an argument between Ms Cox and Mr McDonald. When they attended police noted that Ms Cox was “emotional and upset” and Mr McDonald was, “calm and composed.” No further action was taken.
199. On 9 December 2010 police were called by a neighbour who heard Mr McDonald and Ms Cox arguing. Mr McDonald left as police arrived and police spoke to Ms Cox. She said that she had become aware of a relationship between Mr McDonald and another woman and had yelled at him about this. When Mr McDonald returned to the house he confirmed this version of events. Police named Mr McDonald as the aggrieved and Ms Cox as the respondent on QPS records.
200. On 20 April 2011 in the Gympie Magistrates Court Mr McDonald was sentenced for the breaches of DVO which had occurred on 1 June 2010, 1 August 2010, 31 August 2010 and 1 November 2010. He was

sentenced to two months imprisonment wholly suspended for an operational period of eighteen months and twelve months' probation.

201. On 19 April 2012 Mr McDonald was convicted of breaching the probation order imposed on him on 20 April 2011 and was convicted and fined \$100.
202. On 25 October 2012 Ms Cox called police. Police reported that Ms Cox had shouted in Mr McDonald's face while he was sleeping and Mr McDonald had pushed her, causing her to fall over. Police noted that this was a normal response to being woken suddenly. When police arrived Ms Cox said that she was sorry she had called them and wanted them to leave as the children had just gone to sleep. One of the boys woke Mr McDonald so police could speak to him and Mr McDonald also pushed his son away; police have noted this is Mr McDonald's normal reaction when woken. Police named Mr McDonald as the aggrieved and Ms Cox as the respondent on this occasion.
203. On 28 October 2012 Ms Cox called police after what was reported as a verbal argument. Ms Cox told police that Mr McDonald had accused her of having an affair. Police noted that Ms Cox had bruising to her top lip; she told them that Mr McDonald had back-handed her across the face on 25 October. Ms Cox told police that on that occasion she had lied to them and said the argument was her fault as she was afraid of Mr McDonald and feared reprisal. Police commenced a DVO application, noting that they believed there was a high likelihood of continuing domestic violence perpetrated by Mr McDonald.
204. On 31 October 2012 a DVO was made naming Ms Cox as the aggrieved and Mr McDonald as the respondent, in relation to the events of 28 October.
205. On 6 July 2013 Ms Cox called the police after an argument with Mr McDonald during which he became aggressive and grabbed her by the

throat. Ms Cox said that they fell to the floor, with his hands still around her neck, and she was struggling to breathe. While trying to get away she grabbed a broken piece of ceramic and stabbed Mr McDonald in the neck, leaving a small cut. Police observed bruising around Ms Cox's neck, a blood nose, minor lacerations to her hand and a large lump on her left eye to temple. Mr McDonald was charged with breach of a DVO.

206. Mr McDonald was sentenced for that offence in the Gympie Magistrates Court on 2 December 2013 to four months imprisonment, wholly suspended for eighteen months.
207. On 27 March 2014 a temporary DVO was made in the Beenleigh Magistrates Court. It included conditions that Mr McDonald not contact or approach Ms Cox.
208. On 16 May 2014 Mr McDonald was charged with breach of a DVO which named Ms Cox as the aggrieved. This followed a phone call from Mr McDonald to the children on 12 May, during which the phone was on loudspeaker and he ended the call with, "hate you Katie."
209. On 26 May 2014 Mr McDonald was charged with breach of a DVO which named Ms Cox as the aggrieved. This related to Mr McDonald leaving Ms Cox abusive and threatening voicemail messages a few weeks earlier. When questioned by police Mr McDonald said he wasn't aware of the contents of the DVO as he ripped it up and threw it in the bin when he was served with it.
210. On 30 June 2014 a DVO naming Ms Cox as the aggrieved and Mr McDonald as the respondent was varied.
211. On 30 September 2014 Mr McDonald was convicted of breaching DVOs on 16 May and 26 May 2014. For the first offence he was sentenced to two month's imprisonment with a parole eligibility date of

30 January 2015. For the second offence he was sentenced to four month's imprisonment, cumulative (to be suspended for two years). His suspended sentence of four months imprisonment was fully invoked and ordered to be served concurrently with the other sentences.

### **Between Mr McDonald and Ms G**

212. In July 2015 Mr McDonald commenced a relationship with Ms G. He moved in with her and her 11 year old son. They were in a relationship for only six months but the DV included threats to kill her and her family, strangulation, suffocation and rape.
213. On 21 November 2015 they were at home and Mr McDonald was drinking. An argument commenced about her ex-husband. He threatened to head butt her, pulled her hands away from her face and then placed her in a headlock and squeezed her throat with his arm. She sustained swollen and bruised fingers. Two days later she went to the doctor and an x-ray revealed that her left middle finger and right index finger were fractured. Ms G was too scared to make a complaint to police.
214. On 6 December 2015 Mr McDonald was again intoxicated and started arguing with Ms G about her ex-husband. He threw a coffee cup at her which hit her on the wrist causing a small laceration. He also threw a wine bottle at her but she was not hit.
215. Mr McDonald then demanded that Ms G drive him to the bottle shop to buy more alcohol. On the way home he grabbed hold of the steering wheel and wrenched it about five times whilst yelling at her to crash the car. She lost control of the car and drove up onto the median strip. He told her she was going to die and threatened to slit her throat.
216. Ms G was again too scared to make a complaint until 17 December 2015 when she left work to attend the police station.

217. On 17 December 2015 Mr McDonald was charged with two counts of Assault Occasioning Bodily Harm and Dangerous Operation of a Vehicle. Mr McDonald told police that he had a problem with alcohol and when intoxicated could not control his conduct re Ms G. He said that arguments about her ex-husband had become physical.
218. An application for a DVO was made.
219. On 21 April 2016 in the Gympie Magistrates Court Mr McDonald was sentenced to eighteen months imprisonment for offences of Dangerous Drive and Assault Occasioning Bodily Harm (DV offences) on 6 December 2015 and Assault Occasioning Bodily Harm (DV offence) on 11 December 2015. He was also disqualified from driving for twelve months. A parole release date of 18 June 2016 was imposed. He had served 126 days in pre-sentence custody. His suspended sentence was fully invoked and the four months was ordered to be served cumulatively (effective head sentence of twelve months imprisonment).
220. The DVO was varied to include conditions that Mr McDonald not contact Ms G.
221. Between 15 July 2016 and 25 September 2016 Mr McDonald continually breached the DVO by contacting Ms G. In total he sent 1361 text messages (including 89 on one day) and made 198 calls to her (including 13 in one day). It was not alleged by police that any of these contacts were threatening or abusive.
222. On 14 September 2016 he was charged with fifty-nine breaches of the DVO.
223. On 25 September 2016 Mr McDonald was in breach of the order when found with Ms G. She had travelled from New South Wales to spend time with him.

224. On 20 March 2018 Mr McDonald was again in breach of the order when found with Ms G.
225. On 27 April 2017 Mr McDonald was sentenced in the Gympie Magistrates Court for the above offences to a head sentence of ten months imprisonment, wholly suspended for an operational period of three years.

### **Between Mr McDonald and J**

226. On 3 August 2018 Mr McDonald and Ms J broke into a canteen at the Cedar Creek Pony Club looking for alcohol. When they didn't find any Mr McDonald used a can of fuel to set the building on fire. A witness called police.
227. Ms J told police that she met Mr McDonald on Facebook in February 2018 when she lived in South Australia. After speaking via Facebook for a couple of days he asked whether he could stay with her. He caught a flight the following morning. She picked him up at the airport and took him home where he regularly assaulted her. She said they slept on the streets of Adelaide and then went to Melbourne where they stayed in boarding houses for about three months. She said Mr McDonald became more controlling and abusive. She said they travelled to Taree and from there to Brisbane and they camped in the Logan area.
228. Mr McDonald initially told Ms J that Ms McLoughlin had died from a drug overdose.
229. In July 2018 while they were living at a boarding house in Caulfield, Victoria, Mr McDonald told her that his sister Tamiqua had hit Ms McLoughlin in the face and she died from those injuries as well as the overdose of drugs. He said this happened at his sister's house and then Ms McLoughlin left that house and went home and he followed her after

that. He said that he and Ms McLoughlin argued about her having sex with a 17 year old and she took the overdose after that.

230. Mr McDonald told Ms J that he then started banging Ms McLoughlin's head against the floor. He said he was on top of her and he had hold of her shoulders which he was shaking and forcing her head into the floor.
231. He said he then took off her clothes and put her in the shower to try to wake her up but she wouldn't wake up and he eventually called an ambulance.
232. He told her, "I have got away with murder, and I'll kill you if you ever say anything to anybody."
233. Mr McDonald told Ms J that he felt guilty that his sister Tamiqua believed that she had killed Ms McLoughlin and he said that one day he would tell her the truth so she didn't have to live with that guilt.
234. After telling her what he did to Ms McLoughlin Mr McDonald became paranoid that she was recording him and checked to make sure she wasn't "bugged". He would guard her at night to make sure she didn't leave him.
235. They moved around from Adelaide to Tasmania, New South Wales, Adelaide, New South Wales and then to Queensland where they arrived in August 2018.
236. On 21 August 2018 Mr McDonald detained Ms J in a tent against her will. He assaulted her and threatened to stab her in the throat with a tent peg. She escaped when he fell asleep and she cut a hole in the tent and went to a nearby restaurant and sought assistance.

237. He was charged with Breach DVO, Deprivation of Liberty, AOBH and Assault. He was also charged with Arson and Enter Premises with Intent in relation to offences not related to DV.
238. On 12 November 2019 Mr McDonald was sentenced in the District Court to four years imprisonment for all of those offences. His suspended sentence was wholly activated. His parole eligibility was 12 November 2019. He had served 448 days in pre-sentence custody. Mr McDonald remains in custody with a full-time discharge date of August 2022.

## **Inquest**

239. Twenty-six witnesses gave evidence at the inquest including police officers, doctors, family and neighbours of Ms McLoughlin and Mr McDonald. Mr McDonald chose not to give evidence at the inquest. the following is a summary of the relevant aspects of the evidence of those witnesses.

## **Dr Coyne**

240. The doctor repeated his opinion that Ms McLoughlin suffered a blow to the head which caused a haemorrhage but that injury was insufficient to cause the brain swelling which killed her. He said the direct cause of death was a lack of oxygen and blood flow into the brain.
241. Dr Coyne stated that there could be a number of causes of the lack of oxygen and/or blood. One possibility was the fight with Tamiqua caused a severe primary brain injury but “that would be exceptionally rare in clinical practice.” One would expect Ms McLoughlin to be unconscious after receiving such an injury.
242. Dr Coyne said the second possibility would be that there was a minor brain injury caused by the fight with Tamiqua and then a second minor

impact but again, this was rare (has happened once or twice during football games over the past decade). Further, one would not expect a person who had suffered second impact syndrome to be conscious and well after it.

243. Dr Coyne said that the most likely cause of death was a second severe brain injury with loss of consciousness resulting in impairment of the airway.
244. Dr Coyne considered the fact that Ms McLoughlin was still conscious up until at least 10.30pm that night indicated that the brain injury leading to her death had not occurred at that time.

#### **Dr Griffin**

245. Dr Griffin stated that the herniation of the brain was caused by pressure which was caused by a lack of air or blood. The bleeding and bruising to the brain (i.e. the haemorrhages possibly caused during the fight with Tamiqua) were not the cause of the pressure and an additional mechanism was required to cause that pressure.
246. Dr Griffin agreed with Dr Coyne and Dr Tannenberg that the blows delivered by Tamiqua were not a sufficient explanation for Ms McLoughlin's death.
247. Dr Griffin stated that mechanisms of the lack of oxygen or blood include unconsciousness with loss of support of the airway, and direct strangulation or choking.
248. Dr Griffin identified petechiae and superficial neck injuries which suggest strangulation as a mechanism of obstruction of blood by occlusion of venous return. Dr Griffin said that the most likely cause of the petechial haemorrhaging he saw in the photographs of Ms McLoughlin was some sort of impairment in the blood flow returning to

the neck – some sort of force applied around the neck with sufficient force to occlude venous return to the head.

249. Dr Griffin identified a bruise on Ms McLoughlin's forehead, photographed whilst she was in Gympie hospital, as having a "tram track pattern" which could be consistent with her being struck with a baseball bat or a headbutt.
250. Dr Griffin gave evidence that Ms McLoughlin was not suffering from drug overdose when she was admitted to the Gympie hospital.
251. Dr Griffin agreed with the statement put to him by Counsel Assisting, "the fight described between Tamiqua and Paul and Kirra-Lee McLoughlin is unlikely to have led to her death, and some further mechanism is likely to have been involved and strangulation looms large as a possibility in that regard."

#### **Dr Qi**

252. Dr Qi examined Ms McLoughlin at the Gympie hospital and concluded that her symptoms were not typical of nortriptyline overdose.

#### **Dr Comadira**

253. Dr Comadira was of the opinion that the blows delivered to Ms McLoughlin by Tamiqua causing her to fall over and hit her head had the potential to cause the brain injury which caused her death.

#### **Jane Anderson**

254. Ms Anderson gave evidence although her recollection was very poor. She said that she hadn't noticed any holes in the walls when she was cleaning but that she would not have because it was normal for there to be holes in the wall. When it was clarified that she had never been

inside that house previously she said she meant it was normal in other houses in which her sons lived.

255. Ms Anderson said in evidence that during the phone call between her and Mr McDonald at 11.26pm on 16 July she heard Ms McLoughlin talking in the background and she told Ms Anderson that everything was fine. This is inconsistent with the statement Ms Anderson provided on 16 July in which she told police that she did not hear Ms McLoughlin talking during that phone call. It is inconsistent with the evidence of the neighbours.
256. It was clear from the rest of Ms Anderson's evidence that she had a poor recollection of the events around the time of Ms McLoughlin's death and some of her evidence was inconsistent with phone records. I do not accept her evidence that she heard Ms McLoughlin talking at 11.26pm on 16 July.

### **Tamiqua McDonald**

257. Ms McDonald gave evidence that she hit Ms McLoughlin four times and each time she fell down but then got up again straight away.
258. She said that there were no holes in the toilet wall on the afternoon of 16 July 2014. There was a mattress on the floor in the lounge room. She did not see the green broom with the broken handle on the couch.
259. Tamiqua said that Ms McLoughlin had the baseball bat when they were on the verandah and Tamiqua took it and threw it off the verandah into the yard. She said that Mr McDonald later told her that the paramedics saw the bat near the doorway inside the house and then wouldn't listen to him when he said she had overdosed as they thought she had been hit with the bat.

260. Tamiqua said that in late 2017 or early 2018 she was discussing Ms McLoughlin's death with Mr McDonald and said she needed to be able to live with herself and he replied words to the effect, "Don't worry, you didn't do it." She asked him how he knew that and then he "went off" and said she was saying that he murdered Ms McLoughlin.
261. Tamiqua stated that every time she struck Ms McLoughlin it was with her right hand and the blows landed on Ms McLoughlin's left side. She said she didn't think that she had hit Ms McLoughlin in the front of her face.

### **Jessie McDonald**

262. Jessie gave evidence that Ms McLoughlin did not hit her head at any time when she fell down after being struck by Tamiqua. She thought that Ms McLoughlin fell over two or three times.
263. She could not recall there being any holes in the toilet wall when she was at the house. She said the couch was clear and there was no broom on it. The lounge room was tidy and there was no mattress in the lounge room or the hallway. She said the house was "fairly clean and tidy." She said she would remember if the house had "been that trashed" when she was there.

### **S1**

264. S1 said that Mr McDonald had a sore hand after Ms McLoughlin died and he "was hiding his hand for a long time. He was always a bit worried about his hand and police, I believe."

### **S2**

265. S2 gave evidence that Mr McDonald was intoxicated when he came back to their house on the evening of 16 July. He said that when he and

S1 took Mr McDonald home he saw Ms McLoughlin briefly look through the curtain. Mr McDonald went inside and then came back out very shortly after and said she was ok and everything was alright.

### **Roger McLoughlin**

266. In relation to his phone conversation with Ms McLoughlin on 16 July 2014 Mr McLoughlin said that she had been speaking nicely to him and asked him to reconcile before suddenly changing her tone completely. He said it seemed like she “put a face on that she wasn’t ringing to be nice to me ... she was ringing to abuse me.”

### **Kathleen Cox**

267. Ms Cox produced two documents outlining her relationship with Mr McDonald.
268. They contain a harrowing account of constant abuse, both physical and psychological, perpetrated by Mr McDonald on her which commenced shortly after she met him in 2001 when she was still at high school and continued until he went to prison in 2014.
269. In summary, Ms Cox stated that Mr McDonald frequently raped her, hit her and called her names. He often kept her awake all night whilst hitting and abusing her. He spent all their money on drugs and alcohol so that she was unable to pay rent or buy food for their children. He threatened to kill her family (including burning down her grandparents’ house) if she left him.
270. In evidence Ms Cox stated that Mr McDonald frequently grabbed her around the throat when they were arguing. He would start with verbal abuse and then accuse her of infidelity. He would then become enraged and then push her, grab her, punch her and throw her around. He

punched the walls and threw her into the walls. Sometimes he grabbed her by the throat and pushed her face into the walls.

## **Ms J**

271. Ms J said that she was with Mr McDonald and they were staying at a half way house in Caulfield in Victoria and he told her that Ms McLoughlin and his sister had an altercation at his sister's house. He said that Ms McLoughlin left and went home and he followed her back there and they argued and he shook her violently and her head kept banging. He said that he and Ms McLoughlin were arguing about her having sex with a 17 year old neighbour. He said he was in a violent rage and he was shaking her and her head was going back and forth. He said they then sorted it out and went to bed and had sex. He woke up later and she was unresponsive so he put her in the shower. He said he called someone because he didn't know what to do and then he called an ambulance.
272. Ms J stated that Mr McDonald told her he felt guilty because his sister thought that she had killed Ms McLoughlin but she didn't know what had occurred afterwards between him and Ms McLoughlin.
273. Ms J gave evidence that Mr McDonald was very violent towards her during their relationship. She said that he slapped her, punched her, pushed her, held her down, tried to strangle her, threatened to kill her and her family if she left him.
274. After he told her about shaking Ms McLoughlin the violence escalated and he was more possessive and controlling to the point where he would not let her out of the room to go to the toilet and made her urinate in cups and bowls. If he did let her go to the toilet he would stand and watch her. Just before she escaped from him he became even more paranoid and believed that she was bugged and assisting the police who had put cameras in the tent they were staying in in the bush.

## **M**

275. M gave evidence that she was certain that it was about 11.30pm when she heard Mr McDonald yelling from his verandah for C1 to come out and fight him. He was shining a torch into their yard.

## **C1**

276. C1 gave evidence that he and Ms McLoughlin had a sexual relationship for about two months from early June 2013. He was 17 years old at the time.

## **C2**

277. C2 stated that it was probably about 10pm when he was cutting firewood that he heard Ms McLoughlin screaming, "I don't love you any more."
278. However, he estimated the time according to when the family ate dinner and was not sure of the time.
279. He said at that time the screaming got much worse and he was standing still to listen because "it was sounding really, really bad." Shortly afterwards all the sounds stopped and then he heard Mr McDonald walk down to below the bottom shed and make the phone call. He said that hearing Mr McDonald state, "I fucked up" on the phone is a vivid memory and he distinctly remembers it.

## Findings and Conclusion

### The scope of the Coroner's inquiry and findings

280. An inquest is not a trial between opposing parties but an inquiry into a death. The scope of an inquest goes beyond merely establishing the medical cause of death.
281. 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.
282. 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 may be guilty of an offence or is or may be civilly liable.
283. 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.
284. 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.

285. 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.

### **Submissions**

286. I have considered the submissions of Counsel Assisting and the parties.

287. Although Mr Boyce submitted that I should make adverse findings about the adequacy of the police investigation, I decline to do so. The police investigation was not one of the issues explored at the inquest and none of the parties, including Mr Boyce, submitted that it should be. However, I am satisfied on the information before me that the police investigation was appropriate in all of the circumstances and I note that it continues.

288. Mr Boyce also submits that I should not hand down findings in this matter but instead refer the matter to the Homicide Squad of the Queensland Police Service for further investigation. I do not accept this submission. I have a duty, pursuant to s 45 *Coroners Act* 2003, to make findings and, in the present circumstances, no reason to delay doing so. The QPS investigation will continue regardless of my findings.

### **Findings of Fact**

289. I find that Ms McLoughlin died from hypoxic-ischaemic encephalopathy due to head injury. She died at the Gold Coast University Hospital at 3.10pm on 18 July 2014. Her death was due to swelling of the brain which was caused by an obstruction of air or blood.

290. The medical cause of Ms McLoughlin's death is not in issue. The issue for this inquest is the means by which she sustained the injuries which caused her death.
291. I find that Ms McLoughlin struck Tamiqua several times at about 8pm on 16 July 2014. She also became aggressive with Mr McDonald at that time. Tamiqua responded by striking Ms McLoughlin to the facial area. Ms McLoughlin fell to the ground and it is likely that she struck her head on the floor at least twice and perhaps on the veranda railing after slipping in the paint. Ms McLoughlin may have been momentarily stunned following one of the falls to the floor but was able to get back up immediately and continue fighting. There was no change to her level of consciousness after this altercation.
292. There is a slight divergence of medical opinion in relation to whether the blows delivered by Tamiqua could have caused Ms McLoughlin's death. Dr Comadira's opinion is that it is possible that they could have if Ms McLoughlin had hit her head hard enough when she fell down. Dr Coyne and Dr Griffin prefer the view that those blows and the bleeding they caused to the brain were insufficient to cause the swelling which caused her death and there was a second significant brain injury which resulted in lack of oxygen/blood to the brain which caused the swelling. With all respect to Dr Comadira, I accept the opinions of Dr Coyne, a neurosurgeon, and Dr Griffin, a Forensic Medical Officer.
293. I find that it is very unlikely that the injuries Ms McLoughlin sustained during the altercation with Tamiqua McDonald were sufficient to cause her death or cause the majority of the 102 bruises which were found on her body at autopsy. I take into account that she did not lose consciousness and was well and conversing with Mr McLoughlin and Mr McDonald after that altercation.
294. Tamiqua, Jessie and D left the house at about 8.30pm. Mr McDonald left soon after. They all went to Ms Anderson's house where Mr

McDonald spoke with Ms McLoughlin on the phone. His brothers overheard her speaking on the telephone. They drove him back to Ms McLoughlin's residence and I find that he arrived there at about 9.27pm.

295. I find that his arrival caused Ms McLoughlin to change her attitude to Mr McLoughlin to whom she was speaking on the phone at that time.
296. I find that Mr McDonald and Ms McLoughlin then started to argue – most probably about her relationship with C1 and it is likely that she told him she wanted to end the relationship.
297. I find that Mr McDonald has a propensity to inflict severe physical violence on his partners and is a habitual perpetrator of severe and serious domestic abuse including coercive control of his partners. He becomes particularly violent when jealous or concerned that his partner may leave him.
298. On the evening of 16 July 2014 there were numerous factors which were likely to have (and had in the past) caused Mr McDonald to become violent:
  - He was intoxicated;
  - He had been told that Ms McLoughlin had a sexual relationship with C1 which he had suspected and had previously been very angry about;
  - Ms McLoughlin had been on the phone to her ex-husband and told him that she wanted to reconcile with him and wanted Mr McDonald to move out – it is likely that she told Mr McDonald this as C2 heard her yell, “I don't love you anymore”.

299. I accept that Mr McDonald confessed to Ms J that he struck Ms McLoughlin and told her he had got away with murder, and he also made an equivocal admission to his sister, Tamiqua, when he told her she wasn't responsible for Ms McLoughlin's death.
300. Mr McDonald gave several possible reasons for the injuries that caused Ms McLoughlin's death - that they were inflicted by Tamiqua, that she took an overdose of prescription medication and that he hit her head on the wall in the shower when she was unconscious. All are inconsistent with the medical evidence, the injuries identified at autopsy and by Dr Griffin, the damage caused to the house that evening and admissions he made to Ms J and Tamiqua. I do not accept that Ms McLoughlin's death is explained by any of the scenarios put forward by Mr McDonald.
301. I am satisfied that after he returned to the house and while they were arguing, Mr McDonald struck Ms McLoughlin numerous times. He also caused damage to the house. It is possible that he pushed Ms McLoughlin's head into the toilet wall as that hole was edged in red paint. It is likely that he struck the fridge door causing a large dent in which red paint can also be seen.
302. I find that Mr McDonald injured Ms McLoughlin during the argument. It is probable that he hit her head into the back of the toilet wall, struck her to the forehead (very possibly with a baseball bat) and hit the back of her head on the floor. It is likely that he struck her with a broom stick. It is highly probable that he choked her.
303. I am satisfied that the argument and physical violence occurred just before 11.30pm. Mr McDonald then went outside and made a phone call (which coincides with the phone call made to Ms Anderson) and it was that phone call that C2 overheard when he heard Mr McDonald say, "I have fucked up. I don't know what to do."

304. It is likely that by 11.30pm Mr McDonald had caused the injuries that killed Ms McLoughlin and she was unconscious as a result of those injuries.
305. I am satisfied that by about 11.30pm on 16 July 2014 Mr McDonald knew that Ms McLoughlin was seriously unwell.
306. I find that Mr McDonald called 13HEALTH at 2.46am on 17 July but then hung up before he spoke to a call taker. I am satisfied that he knew at this time that Ms McLoughlin required medical treatment.
307. Mr McDonald then delayed calling for assistance until 2.06pm on 17 July 2014. At that time, although she had been unconscious for hours, he called 13HEALTH rather than 000.
308. I find that Ms McLoughlin's death was caused by Mr McDonald either choking her and thereby restricting blood and/or oxygen to her brain or alternatively, inflicting head injuries which caused her to lose consciousness resulting in loss of control of her airway which restricted oxygen and/or blood to her brain.
309. Taking into account the petechial haemorrhages and the abrasions to her throat, I find that choking is the most likely mechanism by which her death was caused.

## **Findings required by s. 45**

**Identity of the deceased –** Kirra-Lea McLoughlin

**How she died –** Ms McLoughlin died from injuries inflicted on her by Paul McDonald between 9.30pm and 11.30pm on 16 July 2014. It is probable that he struck her to the face, struck her to the head and choked her. It is most likely that she died from brain injury caused by pressure applied to her throat (i.e. choking) which resulted in venous occlusion.

**Place of death –** Gold Coast University Hospital, Southport  
Queensland 4215 Australia

**Date of death–** 18 July 2014

**Cause of death –** 1(a) Hypoxic-ischaemic encephalopathy  
1(b) Head injury

## **Comments and recommendations**

I make no recommendations.

I close the inquest.

Jane Bentley  
Deputy State Coroner  
Southport