



# OFFICE OF THE STATE CORONER

## FINDINGS OF INQUEST

CITATION: **Inquest into the death of Edward Alexander McBride**

TITLE OF COURT: Coroners Court

JURISDICTION: Brisbane

FILE NO: COR00000580/07(4)

DELIVERED ON: 15 October 2009

DELIVERED AT: Brisbane

HEARING DATE(s): 7 – 11, 16 September 2009

FINDINGS OF: Coroner John Lock

CATCHWORDS: CORONERS: Inquest – electrocution, Australian Defence Force and Church of Scientology

### REPRESENTATION:

Counsel Assisting: Ms A Martens, for the Office of State Coroner

Counsel for the Dept of Defence: Mr D Campbell, SC instructed by Clayton Utz

Counsel for the Church of Scientology: Mr D Gordon instructed by Q Solicitors

Counsel for Energex: Ms S Betzien, Minters Ellison Lawyers

## CORONER'S FINDINGS AND DECISION

1. These are my findings in relation to the death of Edward Alexander McBride who died at the Energex sub-station T36 located at Old Northern Road, Everton. These findings seek to explain how the death occurred and consider whether any changes to policies or practices could reduce the likelihood of deaths occurring in similar circumstances in the future. Section 45 of the *Coroners Act 2003* ("the Act") provides that when an inquest is held into a death, the coroner's written findings must be given to the family of the person who died and to each of the persons or organisations granted leave to appear at the inquest. These findings will be distributed in accordance with the requirements of the Act and also placed on the website of the Office of the State Coroner.

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

2. A coroner has jurisdiction to inquire into the cause and the circumstances of a reportable death. If possible he/she is required to find:-
  - (a) whether a death in fact happened;
  - (b) the identity of the deceased;
  - (c) when, where and how the death occurred; and
  - (d) what caused the person to die.
3. There has been considerable litigation concerning the extent of a coroner's jurisdiction to inquire into the circumstances of a death. The authorities clearly establish that the scope of an inquest goes beyond merely establishing the medical cause of death.
4. An inquest is not a trial between opposing parties but an inquiry into the death. In a leading English case it was described in this way:- *"It is an inquisitorial process, a process of investigation quite unlike a criminal trial where the prosecutor accuses and the accused defends... The function of an inquest is to seek out and record as many of the facts concerning the death as the public interest requires."*<sup>1</sup>
5. 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 with a view to reducing the likelihood of similar deaths. As a result, the Act authorises a coroner to make preventive recommendations concerning public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future.<sup>2</sup> However, a coroner must not include in the findings or recommendations, statements that a person is or maybe guilty of an offence or is or maybe civilly liable for something.<sup>3</sup>

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<sup>1</sup> R v South London Coroner; ex parte Thompson (1982) 126 S.J. 625

<sup>2</sup> Section 46 of the Act

<sup>3</sup> Sections 45(5) and 46(3) of the Act

## The admissibility of evidence and the standard of proof

6. A coroners court is not bound by the rules of evidence because the Act provides that the court “*may inform itself in any way it considers appropriate.*”<sup>4</sup> 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.
7. This flexibility has been explained as a consequence of an inquest being a fact-finding exercise rather than a means of apportioning guilt; an inquiry rather than a trial.<sup>5</sup>
8. A coroner should apply the civil standard of proof, namely the balance of probabilities but the approach adopted in *Briginshaw* is applicable.<sup>6</sup> This means that the more significant the issue to be determined; or the more serious an allegation; or the more inherently unlikely an occurrence; then in those cases the clearer and more persuasive the evidence should be in order for the trier of fact to be sufficiently satisfied that it has been proven to the civil standard.<sup>7</sup>
9. It is also clear that a coroner is obliged to comply with the rules of natural justice and to act judicially.<sup>8</sup> This means that no findings adverse to the interest of any party may be made without that party first being given a right to be heard in opposition to that finding. As *Annetts v McCann*<sup>9</sup> makes clear, that includes being given an opportunity to make submissions against findings that might be damaging to the reputation of any individual or organisation.
10. If, from information obtained at an inquest or during the investigation, a coroner reasonably believes that the information may cause a disciplinary body for a person’s profession or trade to inquire into, or take steps in relation to, the person’s conduct, then the coroner may give that information to that body.<sup>10</sup>

## The evidence

11. It is not necessary to repeat or summarise all of the information contained in the exhibits and from the oral evidence given, but I will refer to what I consider to be the more important parts of the evidence.

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<sup>4</sup> Section 37 of the Act

<sup>5</sup> *R v South London Coroner; ex parte Thompson* per Lord Lane CJ, (1982) 126 S.J. 625

<sup>6</sup> *Anderson v Blashki* [1993] 2 VR 89 at 96 per Gobbo J

<sup>7</sup> *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 361 per Sir Owen Dixon J

<sup>8</sup> *Harmsworth v State Coroner* [1989] VR 989 at 994 and see a useful discussion of the issue in Freckelton I., “Inquest Law” in *The inquest handbook*, Selby H., Federation Press, 1998 at 13

<sup>9</sup> (1990) 65 ALJR 167 at 168

<sup>10</sup> Section 48(4) of the Act

## Background

12. The circumstances surrounding the death of Edward McBride at an Energex substation at Everton Park were the subject of an extensive police investigation. Due to the fact that he was a member of the Australian Defence Force (“ADF”) at the time of his death, an internal ADF enquiry commenced for the purpose of deciding whether or not there were any Defence issues which may have contributed to his death.
13. The reason for this extensive investigation and subsequently for the holding of an inquest was due to a number of unusual factors which soon became evident. Firstly, the manner of his death and aspects of the scene were unusual. Edward McBride had trained as an electrician. It appeared from the circumstances found at the scene that he had intended to take his own life in such a manner that 110,000 V of electricity would pass through him. It would be plainly obvious to most people, but particularly clear to someone trained as an electrician, that such actions would certainly cause death. It also appeared that he also tied a rope around his neck which was attached to the substation tower in such a manner that it gave a very clear appearance that if he was not electrocuted a backup method to cause his death was in place. A number of cans of alcohol pre-mixed drinks were found at the scene. By all accounts, Mr McBride was not a drinker however his DNA was found on the cans of alcohol and toxicology results revealed he had a blood alcohol concentration of 0.06%.
14. Secondly, two local residents who lived opposite the substation, informed police on the evening that they saw two male persons inside the actual substation compound shortly after they heard the explosion that came from the substation area. Who those two persons were, whether in fact anyone was present and if so, what involvement they may have had in the circumstances that brought about the death of Mr McBride has been the subject of much conjecture by the investigation team and at this inquest. There were some investigators who doubted the versions given by the two locals on the basis that it would have been difficult to see into the substation at night.
15. Thirdly, police and other officials viewed and/or heard text or voice messages on a personal digital assistant (“PDA”) found in Mr McBride’s vehicle that evening. Those messages indicated that a person or persons who were then unknown may have been in communication with Mr McBride in the days and/or hours leading up to his death and were wanting to get into contact with him. Unfortunately, for technical reasons police were later unable to download these messages and the inquest had to rely on the memory and recollections of a number of witnesses as to what those messages were. As will become evident this was an unsatisfactory outcome which lengthened the inquest by a number of days and compromised the accuracy of the evidence.

16. Fourthly, it became known to police investigators in the hours after his death that Mr McBride had become a member of the Church of Scientology and was undertaking various courses for which he had paid a considerable amount of money (\$25,000.00). One of the text/voice messages referred to above gave an indication that the persons who may have been wanting to contact him were associated with the Church of Scientology.<sup>11</sup> The subsequent police investigation revealed that a number of members of the Church of Scientology in Brisbane were in fact in contact with or trying to get into contact with Mr McBride on the telephone in the days and hours leading up to his death. Those persons may have had some information as to his movements and/or his state of mind at around that time. There was a delay in accessing telephone records and details about who those persons were and it was a year later that those persons were interviewed by police. Requests by police to access personal records relating to Mr McBride with the Church of Scientology were unsuccessful. Warrants were issued in Queensland and later in New South Wales and some documents were obtained. An “audit” and “ethics” files which may have recorded personal information relevant to Mr McBride’s state of mind at the time of his death was relocated from Brisbane to Sydney and subsequently to the United States and despite formal requests was not produced to the inquest.
17. Fifthly, it became known early in the investigation that Mr McBride was considered to be a “loner” in the army and there was an indication that some bullying or harassment issues may have been a contributing factor to his state of mind at around the time of his death. Many of his fellow army workers were interviewed by police soon after his death.
18. In respect to that last issue, this enquiry has also been assisted by the Australian Defence Force. Lieutenant-Colonel Meg Dugdale was appointed by the Chief of the Defence Force to report on whether Mr McBride’s death appeared to have arisen out of or in the course of his service with the ADF, and whether a Commission of Enquiry should be appointed. The office of the Brisbane Coroner and the Australian Defence Force, cooperated in an exchange of information to mutually assist both investigations. Lieutenant-Colonel Dugdale recommended that a Commission of Enquiry be appointed and found that Mr. McBride’s death could have arisen out of or in the course of his service as:
- (a) his potentially psychological state was not recognised;
  - (b) there may have been instances of harassment or bullying;
  - (c) there may have been systemic deficiencies in progress of his medical discharge; and
  - (d) his employment with the Battalion Training team may not have been properly managed.

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<sup>11</sup> The message with reference to “LRH”

19. The Commission of Enquiry is due to commence hearings in mid October 2009 and retired magistrate Mr J Gordon has been appointed to conduct that enquiry. Accordingly this inquest will await the outcome of that enquiry before coming to a final decision in this matter. However it is intended that interim findings be given to assist the Commission of Enquiry in its endeavours by providing findings as required by the *Coroner's Act 2003*, to consider the factual circumstances that led up to the death of Mr McBride and to comment on any Defence issues which have become evident to this inquest. A copy of these findings and the Transcript of Proceedings will be sent to the Commission of Enquiry.

## **Social History**

20. Edward Alexander McBride was born on 27 July 1976 in Belfast, the second of three sons of Alan and Kathleen McBride. When Edward McBride was 4 his family emigrated from Ireland to Australia and settled in Perth with a brief period in New Zealand.
21. Mr McBride attended primary and high school in Western Australia and then commenced an electrician apprenticeship which he completed when he was 21.
22. His parents described Edward as being a considerate and very inquisitive child with a tendency towards manual skills. He was interested in extreme sports and went on to study martial arts at a high level and represented his State. He was a non-smoker and essentially did not consume alcohol on a regular basis and when he did it was certainly not heavily.
23. After finishing his apprenticeship he travelled extensively through northern Europe, the Middle East and south-east Asia. He returned for a short while to earn more money and then headed back overseas again. He expressed an interest in joining the Army and was convinced by his parents to return to Australia to do this, rather than joining the British Army, which was his initial thought.

## **Life in the Army**

24. In January 2003 Mr McBride joined the Australian Army as a private and following initial training he was posted to 3CER (an engineer's company) in Townsville. He was selected for entry into the Special Forces and was posted to 4RAR in Sydney in late 2004 to commence commando training. Because of his interest in adventure and extreme sports he had a particular interest in joining the Special Forces and he was pleased when he was selected for that program.
25. In early 2005 Mr McBride was withdrawn from the course. Following further training Mr McBride was again selected for entry into the Special Forces course. In September 2005 he withdrew from the commando training course due to injuries to his knees and he was posted to an infantry battalion, 6RAR located at Enoggera, Brisbane later that year. Initially he was posted to A Company but his medical condition

- deteriorated and he was transferred to B Company which was also known as the Battalion Training Team (“BTT”). It seems that the purpose of the BTT was to provide medical rehabilitation to injured soldiers so that they could either rejoin an active company or so that they could be discharged from the Army on a medical basis.
26. After he was injured, by all reports he became less enthused with the Army. Around this time he joined the Church of Scientology in Sydney and in his frequent conversations with his parents and brothers he indicated this was a very positive experience for him. He told them that he had an intention to continue with Scientology and become an “auditor” himself and perhaps move to America when he was discharged from the ADF.
  27. There were some discussions with his family which indicated that he had some issues with the Army but his family were of a clear understanding that he was going through a period of rehabilitation and he was expecting to be discharged in the near future. He never mentioned that he was having trouble getting a medical discharge. His family were aware that he was coming home for a holiday in February 2007 and he had expressed an intention to review his future with the Church of Scientology but there was never any indication that he was having any difficulties with the Church. Mr McBride had very regular telephone contact with his mother, father and brothers.
  28. Just prior to joining the Army, Mr McBride commenced a relationship with Kate Divine. They dated for approximately a year and a half but because he moved to Sydney with the Army soon after they got together, the long distances eventually took their toll and they split up. This initially upset Mr McBride. Early on during their relationship Mr McBride confided to Ms Divine that he had previously had sex with a couple of males when he was younger. Mr McBride also confided to Ms Divine that he had seen a counsellor prior to joining the Army and that he had been depressed. There is no indication in his dealings within the ADF or the Church that these events, if they occurred, had any bearing on his state of mind in subsequent years or at the time of his death. There is no indication that Mr McBride was in any personal relationship with another person at or around the time of his death that may have had a bearing on his state of mind.
  29. Ms Divine recalls that when Mr McBride first joined the Army that he reported that he “loved it” however later in 2004 when they met up again he told Ms Divine that he was tired of the Army and all he wanted to do was to do his time and get out of there.
  30. Whilst Mr McBride was residing in Sydney he joined the Church of Scientology. Whilst Mr McBride was still dating Ms Divine he indicated to her that he loved Scientology because it was a way of healing himself.

31. Mr McBride also indicated to Ms Divine that he did not feel comfortable being around other males; that he could not stand to be looked at and would often lock himself in his room and not talk to anyone. There is very considerable and compelling evidence that he was considered stand offish by many other soldiers and was even disliked. I will set out examples of that evidence, not on the basis that it was an absolutely true reflection of Mr McBride's character, but that it was how he was perceived in the army environment. Mr McBride was by this time in his mid to late twenties, well travelled and no doubt mature. That may not necessarily be said to be the case for all of his fellow soldiers. That is not meant as a criticism of anyone. It has to be accepted that although a modern army would need to be inclusive of a variety of personality traits, as a necessity a certain robustness in attitude is important and a capacity to be involved in a team framework was essential at some levels.
32. Private Aurisch described Mr McBride as not liked, strange, quiet and stand offish. Mr McBride told Private Aurisch on many occasions that he hated the Army and complained about the way he was treated at work.<sup>12</sup>
33. Corporal Adam Hughes, who was Mr McBride's section commander for one month in early 2006, stated: "*McBride did not get on with anyone and nobody trusted him. People did not trust McBride because he never worked hard and never put a good effort in. Other soldiers would try to encourage him but he wouldn't be part of the team. I brought this fact to the notice of my chain of command and they moved him to a different company.*"<sup>13</sup>
34. Private Kahika's statement reads as follows: "*McBride kept to himself and was not very well liked. I would describe him as a loner. People would try and talk to him but he would not talk back to you.*"<sup>14</sup>
35. Private Knight was of the view that "*McBride was considered among Alpha Company as being rude for isolating himself and not speaking to other people*".<sup>15</sup>
36. Private McCabe gave a statement to police in which he stated "*I would describe McBride as being strange. He would isolate himself from others and would not socialise with anyone. This is very odd for a person in the army and he did not fit in.*"<sup>16</sup>
37. Private McEntee stated to police that "*I would describe his personality as being quiet. He kept to himself*".<sup>17</sup>

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<sup>12</sup> Exhibit B2

<sup>13</sup> Exhibit B16

<sup>14</sup> Exhibit B24

<sup>15</sup> Exhibit B25

<sup>16</sup> Exhibit B32

<sup>17</sup> Exhibit B33



38. Private Merimba was of the view that *“Edward pretty much kept to himself and he was not very popular within the Regiment”*<sup>18</sup>
39. Private Nelson gave a statement to police in which he stated: *“I would describe McBride as a dickhead. I did not like him at all. He would never help anyone out or socialise. It was like he did not want any friends. He was like that the whole time he was here.”*<sup>19</sup>
40. Mr Rothera stated to police that *“I would describe McBride as being quiet and not very happy. He was not getting along with other people”*.<sup>20</sup>
41. Sergeant Tyers was of the view that *“McBride was relatively quiet and kept to himself. He was probably seen by other soldiers as a loner.”*<sup>21</sup>
42. Certainly it would seem that Mr McBride’s start with Alpha Company was not one which endeared him to some of his fellow privates and immediate section superiors. Interestingly Mr McBride stated as much in his own hand as part of his course work with the Church of Scientology. As part of his self assessments on 6 and 10 February 2006<sup>22</sup> in a course “How to Improve Relationships with Others”, he stated that he must start to communicate with his co-workers, get to know them better, get to know their names and acknowledge them rather than ignoring them. He also referred to the events of the Christmas work party which are set out below and how the group dynamic was partly responsible and what could have been learnt. It would seem however that his own recognition of his level of communication difficulties with his fellow army workers did not resolve the conflict because clearly similar incidents continued to occur, resulting in a complaint in June 2006. Whether that is because he did not try or try hard enough, or his fellow workers did not respond to his efforts because they also were inflexible, or a combination of both is unknown.
43. On 9 June 2006 Edward McBride lodged a formal complaint of unacceptable behaviour regarding a number of incidents. On 6 June 2006, he stated he had food smeared on the back of his shirt by another soldier whilst eating his lunch in the soldiers’ mess. He complained that there had been ongoing harassment which was affecting his attitude towards his work which was now getting him into trouble. In particular he stated that a number of incidents (which were not particularised) had occurred since he arrived in Alpha Company in November 2005, including his refusal to participate in what he described as a drinking parade in December 2005. In this latter incident he described as being humiliated and belittled by being requested to drink alcohol out of a

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<sup>18</sup> Exhibit B37

<sup>19</sup> Exhibit B41

<sup>20</sup> Exhibit B49

<sup>21</sup> Exhibit B56

<sup>22</sup> Parts 3 & 4 of exhibit F6

helmet and the enforced wearing of the helmet and being called “a lid” as part of a welcome to the unit tradition. He also noted that other soldiers had been subject to some similar harassing behaviour and they had complained about the practice. He specifically mentioned Private Benton Davidson, who confirmed this to those investigating the complaint.

44. His commanding officer appointed Captain Burns to conduct a “Quick Assessment”. This is a process used by the army to address complaints, to identify the extent of an issue and what further investigation, action or decision/s a commander may need to take. Interviews were conducted with Mr McBride and a record of the conversation held with him was made part of the records for the purpose of the Quick Assessment.
45. It is not intended to detail all of the evidence heard about that particular incident other than finding that an incident of that nature occurred in which Mr McBride refused to drink alcohol out of the helmet, refused to wear the helmet and a fight or scuffle resulted.
46. Private Knight explained that new members in the company are called “lids” and they are required to drink out of the helmet. They are required to attend a function called a “Boozer Parade”. When it came to Mr McBride’s turn he refused and stated that he was not going to drink out of the helmet and that he was not going to wear it either. Private Knight said that some of the soldiers told Mr McBride that even if he did not want to drink out of the helmet he should at least wear it. Mr McBride refused and left the function. Later on Knight went to Mr McBride’s room to get him to return to the function. Mr McBride refused however approximately 5 – 10 minutes later Private Knight saw him return to the function and he saw Mr McBride and a Private Nolan grapple. Members of the company broke the two men apart and Mr McBride left. Private Knight believes that another soldier told him that Mr McBride returned later on and shook Private Nolan’s hand. It is likely that during the grapple that Mr McBride was punched by Private Nolan and perhaps by some other soldier identified by Private Knight. Clearly it was not a fight which resulted in any significant injuries<sup>23</sup> and not a lot turns on that aspect of the incident.
47. Although it was stated by some soldiers that Mr McBride did not have to drink, the fact that the function is called a “Boozer Parade” is perhaps indicative of what was expected and the evidence I heard would certainly bring me to a conclusion that he was being strongly encouraged by the other soldiers, who no doubt were also affected by alcohol, to participate in the drinking exercise. I am not being particularly critical, one way or the other about such drinking practices. It appears a relatively immature practice and one can see why Mr McBride did not want to participate. As to such practices, that really is a

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<sup>23</sup> Mr McBride referred to it as a “brief conflict” in his course work

matter for the ADF to manage but it would have to be accepted that army members would have to be able to deal with occasional incidents of rough behaviour/comments from fellow workers, which may not be usual or even acceptable in other work environments.

48. Mr McBride clearly had a strength of personal character to say that he disagreed with engaging in what he considered was silly behaviour. Nevertheless Mr McBride was subsequently subject to name-calling. There appears to have been a number of other unparticularised but probably similar name calling events which culminated in the food smearing incident and at which time he decided to make a formal complaint. Mr McBride stated to those conducting the Quick Assessment that he would like to send a message that harassment would not be tolerated in the army, that he considered members of the unit immature and that as a result he was keen to discharge from the army. He made it clear that he did not want the complaint to be further investigated or the respondents being informed of the substance of his complaint.
49. The result of the Quick Assessment was that his complaint was substantiated but it was considered “that the unacceptable behaviour had been derivative of individual actions rather than a culture of workplace harassment or bullying”. In accordance with Mr McBride's wishes, no further investigation was to be conducted however it was recommended that remedial training should be conducted with Alpha Company with respect to compulsion of individuals to consume alcohol and that the tradition of wearing or drinking from the military helmet and associated usage of the term “Lid” was to cease immediately. It would seem from the evidence that I heard that the wearing and drinking of alcohol from the military helmet ceased but that remedial training with respect to the compulsion of individuals to consume alcohol may not have taken place. No doubt this is a matter that the Commission of Enquiry may wish to investigate and consider further but it is not an issue that I consider contributory to how and why Mr McBride died.
50. It is apparent to me that the army properly and adequately investigated Mr McBride's complaint; gave it appropriate and serious consideration; dealt with it expeditiously; and the process resulted in an outcome which should have satisfied Mr McBride. There is no evidence he was dissatisfied with the process or outcome or that this process in any way contributed to his frustration with his army service or that it was contributory to the deterioration in his state of mind in February 2007.
51. Lieutenant-Colonel Dugdale noted in her report that the descriptions of Edward McBride's personality and the apparent difficult relationship he had with some of his fellow soldiers indicated a high degree of social isolation. She stated that whilst some aspects of this social isolation appeared to be self-imposed by preference it also appeared that he

may have been ostracised to some extent.<sup>24</sup> That conclusion is supported by the evidence heard before this inquest.

52. Dr. Leonard Lambeth<sup>25</sup> carried out a psychological autopsy and came to a conclusion that Mr McBride was a perfectionist and a somewhat private person. He was considered to be a mature thoughtful individual but his interpersonal relationships in his unit were poor and he was characterised as someone who was disliked.
53. In August 2006, Mr McBride was referred to Rehabilitation Assessment and Rehabilitation Plans with CRS Australia (contracted by the ADF). He told his case manager, Ms Wendy Weiler, that he intended to discharge from the army at the end of the year but was uncertain whether it would be an elective or medical discharge. Later Mr McBride indicated to Ms Weiler that if he was unable to obtain a medical discharge he would choose to take an elective discharge.
54. Ms Weiler had a number of dealings with Mr McBride and described him as courteous and cooperative, someone who was somewhat taciturn and perhaps kept to himself, but did not display any particular signs of depressed mood.<sup>26</sup>
55. In late September 2006 Mr McBride advised a case manager performing a vocational assessment that he was planning on going further with the Church of Scientology and would not be looking for a job however he might do intermittent bar work as necessary. He also indicated that he was planning on travelling.
56. In October 2006 his medical review had been classified as MEC 401 and that recommendation had gone to Canberra. This classification meant that ultimately he would be discharged from the army on medical grounds unless medically upgraded.
57. In late October 2006 Mr McBride attended an interview with Ms Weiler to clarify his entitlements. When he was asked about his employment options after discharge he replied that he did not know what he wanted to do. Ms Weiler was surprised by Mr McBride's response as it seemed to be a contradiction as to what he had previously told Ms Weiler and another case worker. Ms Weiler hypothesised that his response may have been because he wanted to cut all ties to the military (which in her opinion is not uncommon) or that he did not want to discuss his involvement with the Church of Scientology.
58. In early November 2006 Mr McBride had completed all relevant paperwork that could be completed before receiving a discharge date. He indicated to his caseworker that he had requested a discharge date of no later than March 2007.

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<sup>24</sup> Exhibit E2, paragraph 77

<sup>25</sup> Exhibit E3

<sup>26</sup> Exhibit B61

59. In mid November 2006 Mr McBride spoke with Ms Weiler who was still waiting for discharge advice and advice regarding his compensation claim. He expressed irritation about the length of time the process was taking.
60. Towards the end of November 2006 Ms Weiler spoke with Mr McBride and she was of view that he appeared to be finding it most frustrating.
61. On 5 December 2006 Mr McBride advised Ms Weiler that he had heard from Canberra that the Medical Review Board would not be sitting again until early February 2007. He expressed disappointment that he could not access his entitlements during that period so that he could be doing something constructive in the meantime.
62. Ms Weiler last spoke to Mr McBride on 19 December 2006 when he advised her that his leave had been approved from 8 January 2007 and that he was due to return on 19 February 2007. At this stage, although Mr McBride was indicating to his family and others that his discharge was soon, no discharge date from the army had been set.
63. Mr McBride's family indicated that they were aware of his pending discharge, and that he was looking forward to leaving the army. He disclosed to his mother that he had not been happy with the way he was being treated. It would seem that Mr McBride did not tell his family the full extent of the difficulties he may have faced in the army.
64. Mr McBride commenced leave on 8 January 2007. He had airline tickets booked as part of his army entitlements to visit his family on 12 February. The discharge process and the uncertainty of his date of discharge does seem to be of some concern, and no doubt would not have assisted Mr McBride in being able to plan for the future at that time. However, there is no indication that there were any stressors evident as a result of this uncertainty which suggested this had such a detrimental effect on his state of mind that he would want to take his own life. It is evident that the process could have been handled better and this is a matter that the Commission of Enquiry will no doubt be considering.
65. Lieutenant-Colonel Dugdale has set out in some detail her findings as to the management of long-term injured soldiers in ARA battalions. She stated that there appeared to be anecdotal evidence to suggest that the army's approach may be placing soldiers at some risk of mental health problems. She was unable to draw any conclusions with specific regard to Mr McBride and any possible detrimental effects he may have experienced in his 11 months in the BTT, however she could not discount the possibility that his state of mind may have been adversely affected by issues arising from management structures and processes. She considered that there was a lack of dedicated organisational structure, consistent procedures, worthwhile employment and continuity

of appropriately qualified unit staff for the management of long-term injured soldiers.

66. Although I did not hear detailed evidence to examine this particular issue what I did hear does give support to her view. Apparently Mr McBride told his parents that he was bored with his activities in the BTT. I was somewhat surprised at what seemed to be little organised support for long-term injured soldiers and on a number of occasions references were made to the possibility that they were considered “malingerers”.
67. Again these are matters which will be best dealt with by the Commission of Enquiry. However it is clear that in January/February 2007 Mr McBride was on leave and was gainfully involved in his coursework with the Church of Scientology. He had an expectation that his discharge was imminent and the Medical Review Board was meeting in early February. He was about to visit his family. If there were problems associated with his rehabilitation within the BTT this would have largely abated when he went on leave and there is no evidence that his rehabilitation training or any uncertainty concerning his discharge contributed to a deterioration of his mental health such that he was depressed and potentially suicidal. There is no evidence that any of those issues had some dramatic change in the days before his death that could explain such deterioration.

## **Church of Scientology**

68. On 7 August 2006, Mr McBride withdrew \$20,000.00 from a loan he had obtained from the ANZ bank and subsequently paid \$25,000.00 for a Church of Scientology course. He had told his family about joining the Church after he joined in Sydney. He told his family that he had joined the Church to improve his life and during calls to his family he would often talk about it. His family indicate that he appeared to be more outgoing after joining the Church. His eldest brother described it as though the Church of Scientology was something that he had been looking for all of his life.
69. Mr McBride was clearly a willing participant in learning about the teachings of the Church and undertook a number of self-improvement programs. He obviously was prepared to expend a reasonably large amount of money to do so. There is every indication that he was enjoying his time with the Church and was clearly looking to improve aspects of his life.
70. Dr Richard Hutch, an associate professor in religious studies at the University of Queensland, was approached early in the investigation by police to advise on the Church of Scientology. He later provided a statement<sup>27</sup> clarifying a number of matters which were reported as having been said by him to police investigators. He describes that not unlike other modern religions, Scientology is a system of self

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<sup>27</sup> Exhibit F9

actualisation and personal growth. He stated that the Church facilitates an inner journey through the study of a structured set of beliefs, to explore and find meaning and purpose in life. He stated that it was for that reason that he had described it as psychotherapeutic in nature. As in any other Church he would expect there to exist a nurturing relationship and process to exist between persons more learned in their beliefs and teachings and the student. All religions have spiritual mentors who are sought out by participants for guidance. A strict bond of confidentiality and trusted must exist for self guidance to be effective in a person's journey of self actualisation.

71. There is no evidence that Mr McBride gave any indication to those he had contact with in the Church of Scientology that he was unhappy with his progress. His family and those he associated with in the army, such as Ms Weiler, thought that he enjoyed the Church and was wanting to progress further with it.
72. There is also no evidence that any members of the Church were given any indications that Mr McBride had suicidal ideations or that he was depressed or psychologically affected to the extent that he may have taken his own life in February 2007. I accept that the Church members were all shocked and surprised when they were first informed by police a year later that this may have occurred.
73. Mr McBride was undertaking a significant course program which included components of auditing/counselling. Some of the courses that he undertook involved a significant personal commitment by him including attendance three nights per week and all day Saturday. From January 2007 he attended three courses on virtually a full time basis. He was at this time on leave from the army but was still residing at the Enoggera army base. Three courses were called "Drug Run Down", "Happiness Rundown" and "ARC Straight Wire". Ms Lisa O'Kane was his auditor. These courses were undertaken in the month of January 2007 and in the first week of February 2007. Mr McBride had completed the ARC Straight Wire course on the afternoon of 5 February. Something unusual happened around this time.
74. It is not altogether clear what is involved in the auditing process. At the commencement of a parishioner in his course of religious counselling an Auditing file is created. The file is confidential and only the counsellor and case supervisor have access to this folder.
75. Ms O'Kane described that the Audit file would have limited notes from his counselling sessions as well as personal information. The notes are highly summarised but can include a short note of the incident or upset that is being discussed.

76. In her second statement<sup>28</sup>, Ms O'Kane stated that one of the fundamental principles of Scientology is that a person can improve their condition only if they are allowed to find their own truths about themselves and this is accomplished through auditing. She stated that auditing is a process undertaken by asking specifically worded questions designed to help you find and handle particular areas of distress in your life. Auditing offers the means by which one can explore their past and find their own ends to things that may be holding them back in their spiritual development. Auditing is a precise activity, thoroughly codified with exact procedures. The auditor does not offer solutions or advice but helps pinpoint problem issues for the participant. Auditing is assisted by the use of an Electropsychometer, or E-meter which Ms O'Kane said was a calibrated device used for measuring low voltage and changes in the human psyche. The E-meter assists in the final validation and attesting.
77. The courses can be fairly intense and auditing sessions can be draining. In their evidence both Ms O'Kane and Mr Cockerill agreed that auditing can be intense, straining, personal and confronting but both deny that the process could have in any way contributed to Mr McBride taking his own life and said it would be quite the opposite.
78. Interestingly, although Ms O'Kane described in her statement that auditing was a process designed to help find and handle particular areas of distress in the person's life, she repeatedly stated in her evidence that she was only considering past positive experiences in Mr McBride's life and that she was not dealing with any areas of distress as that would require a higher trained auditor. I have to say that I had significant difficulty in accepting all of the evidence of Ms O'Kane. It had a very distinct flavour of being selective and avoidant about various issues and the examples she gave about possible areas of distress in a person's life were indeed involved in areas of minor stress as distinct from more significant areas of distress.

## **The Auditing and Ethics File**

79. One of the problems that this inquest faced is that Mr McBride's auditing and ethics files were not presented to the court. These files were moved out of the jurisdiction. I have no idea as to what is on these files and it may be something completely innocuous however the fact of the matter is that Mr McBride's attitude changed sometime after the afternoon of 5 February 2007 and these files may very well have had some information which could give the inquest some assistance in determining what happened.
80. On 13 March 2008 police investigators, in a coordinated approach, endeavoured to conduct interviews with Lisa O'Kane, Juliette Parker and Daniel Cockerill. Mr Cockerill could not be located at the address that police attended and they later spoke with him by telephone.

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<sup>28</sup> Exhibit F2.2



81. There was some criticism of police in the manner in which they attended at the residences of Ms O'Kane and Ms Parker at 7 am and conducted recorded interviews over some length of time. These interviews were conducted over a year after the death of Mr McBride. They were certainly lengthy interviews and in relation to Ms Parker it would have been better if she was informed of Mr McBride's death early in the interview rather than halfway through. Nevertheless police considered it was appropriate to coordinate interviews as clearly there were a number of matters concerning the telephone calls and text messages that had occurred with Mr McBride over the days leading up to his death that needed some explanation. I do not accept that there is any evidence that they were overborne, not allowed to leave or treated as suspects. Ms Parker somewhat understandably was anxious because she was not at first aware of the death and where the interview was leading. It is accepted that each of the persons interviewed were genuinely shocked and surprised about Mr McBride's death. It is also accepted that each of the interviewees were cooperative and provided valuable information.
82. The interviews largely speak for themselves and I do not intend to detail anything further about them except with respect to the issue concerning access to Mr McBride's personal records held by the Church and in particular the auditing file. In her interview Ms Parker tells police about the files held by the Church which included an auditing folder, accounts folder, a central communications file, student file with all his course work and an ethics folder. There is reference towards the end of the interview that the police would go to the Annerley office and "grab whatever information you got if you want to do that." Ms Parker replied "that would be good."<sup>29</sup> It is also clear that police were interested in all of the documentation and to say that they were not interested in the auditing file would misrepresent what was said. At the same time Ms Parker did state in the interview that in relation to some files such as the accounts and central file she did not think there would be a problem providing this documentation, but as to the auditing and ethics file she would have to speak to the "legals" in Sydney. I accept that was an appropriate response. She apparently did speak to Sydney and she was told to direct police to their lawyer in Brisbane. Again that is a totally appropriate response and without a warrant the approach was entirely legal.
83. On 26 May 2008 a search warrant issued under the Act seeking the accounts folder, auditing folder, student folder, central folder, PC folder and ethics folder. The folders other than the auditing and an ethics folder (if it existed) were received. It is apparent from records held at the Church that the audit folder was transferred to the Sydney Church on 16 March 2008 and this has been confirmed by Ms O'Kane, Ms Parker and Mr Gordon.

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<sup>29</sup> Exhibit D5 page 40 of second tape

84. On 26 November 2008 a search warrant was issued in New South Wales however it became apparent that the auditing file was no longer present and that it had been transferred to Church of Scientology headquarters in the United States of America on 2 June 2008. That is of course seven days after the execution of the search warrant in Brisbane on 26 May 2008. It is accepted that the Brisbane Church members had no previous experience with such legal procedures. They were constantly in contact with the Sydney branch of the Church. The contents of the warrant executed in Brisbane would have been made known to Sydney soon after 26 May, if not that day. By that time the Church hierarchy in Sydney would have had very clear indications about the interest that the Coroner had in accessing the remainder of Mr McBride's files for the purposes of the investigation, particularly the audit file. Although the Church was legally entitled to remove the file to the United States of America it did so in that knowledge.
85. Requests for production of the auditing file and/or information concerning what was in the auditing file have been directed to members of the Church in Brisbane and in response further statements from Ms O'Kane, Ms Parker and Mr Cockerill were provided. The auditing file has not been produced. Communication with Church of Scientology officials in the United States of America has been had with Counsel Assisting this enquiry and others at this office. At the commencement of the inquest this court made an order that if the auditing file was produced that a copy would be provided to the parties represented at the inquest for the purposes of the inquest only and that otherwise the file would be retained in a sealed folder and would not be open to any other person without an order of the Coroner.
86. The legal representatives for the Church of Scientology in Brisbane indicated that they did not represent Church officials in the United States of America and were unable to assist in having the file made available, although I note that there had been a request for it to be returned by Mr Gordon from the Sydney branch of the Church.
87. There is no doubt that police investigators were interested in obtaining the contents of the auditing file. Shortly after the police interview that file was removed out of the Queensland jurisdiction. Shortly after the execution of a warrant in Queensland the auditing file (and perhaps the ethics file if it existed) was removed to the United States of America where this court has no jurisdiction. This is the only personal file relating to Mr McBride that seems to have been dealt with in such a manner. A clear inference can be made that this course of action was taken as a deliberate decision to not produce the auditing file. I do not suggest that there has been a deliberate obstruction by Ms O'Kane, Ms Parker or others associated with the Church in Brisbane. It would seem that they were under instructions by firstly, Sydney and then subsequently the headquarters of the Church in America and they simply went along with those instructions. That file may have had information which would have assisted this enquiry in coming to some understanding as to the state of

mind of Mr McBride at the conclusion of his course work on 5 February 2007. It also may not have had anything of interest but it seems that we will never know. If the Church in the United States of America is willing to provide the file on the basis of the orders that I have made then I would be happy to receive it. It should be noted that I am not closing the inquest totally as the Commission of Enquiry may have further information that can assist me and the inquest can be reopened by me.

### **Events of 5 – 7 February 2007**

88. Not a lot is known about Mr McBride's movements on the days preceding his death. From what was found in his car it is apparent that he went to the Gold Coast on 7 February. At approximately 12.14 pm on 7 February 2007 a parking ticket was issued to Edward McBride's car at the Esplanade, Surfers Paradise between Laycock and Trickett Street.<sup>30</sup> At 1.52 pm a receipt from McDonald's at Burleigh Waters was issued. The purchase was for 1 meal which may indicate that he was alone at this point in time but is not conclusive of this fact. Why Mr McBride was on the Gold Coast is unknown.
89. Mr McBride was last seen by Private McEntree driving off the base at approximately 6:00 pm on 7 February 2007. It would seem that Mr McBride either purchased or was given 3 cans of southern comfort and coke. Checks of local liquor retailers did not come up with any information of assistance.
90. On 5 February 2007 Mr McBride's brother Stephen spoke with him for some 25 minutes. Stephen said this was a little bit longer than normal. He made arrangements to pick his brother up at the airport the following week when he came for his holiday to Western Australia. Mr McBride told him that he was not worried about the army and was just doing his time before he got out and that he was focusing on Scientology. His brother asked him how Scientology was going and although he told him that it was all right his brother thought that there was something that may have not gone his way as he usually talked about Scientology with more enthusiasm. However Mr McBride did not sound depressed and he was looking forward to coming home. The extent to how those comments by Mr McBride have been constructed by an understandable retrospective reflection based on hindsight is unclear. Mr McBride suggested to his brother that he might stay with his mother and father for a couple of months after he got out of the army to get his thoughts together. That is certainly indicative of a degree of reflection which is supported by comments made by members with the Church of Scientology. Mr McBride also spoke to his younger brother that day and spoke about the same things. His father said that not a lot could be made into the fact he spoke to both siblings on the one day and this was not unusual.

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<sup>30</sup> Exhibit B44.1

91. Ms O’Kane was probably the person who had the most contact with Mr McBride over that one month period leading up to 5 February 2007. On that day they completed the ARC auditing and he stated that he was tired and would see her tomorrow to do the final attestation and complete the paperwork.
92. Early on 6 February 2007 Ms O’Kane received a telephone call whilst she was driving. She says in her evidence that Mr McBride told her that he was not going to come in that day and would come in tomorrow. She said that she did not want him coming tomorrow and wanted him to come in that day. He stated he could not be bothered. She stated that she would get back to the Church and ring him back.
93. Her reasoning for wanting him to come in that day was that she knew that his Perth trip was close (a week) and things would be left undone and she liked things to be completed. Although Mr Cockerill said it was not essential that things be attested straight away and could wait until his return, Ms O’Kane seemed to be particularly concerned to the extent she specifically spoke to Mr Cockerill and even rang the Church in Sydney to tell them what happened.
94. There was considerable activity by Church members to convince Mr McBride to come into the Church to complete the audit. There were some 10 messages in all that were sent to him by members of the Church over the next few days. I find that this was not simply an enquiry as to when he was going to come in and sign off on his latest course. Something more serious is implied from the content of those messages and that degree of contact. I also got the distinct impression from hearing Ms O’Kane that she was virtually demanding him to come in and her explanation about that did not have a sense of reality about it.
95. A PDA belonging to Mr McBride was found in his vehicle on 7 February 2007. Not unreasonably investigators decided to access the PDA that night to see if there was anything of interest which could lead them to other enquiries. I have no criticism of that occurring and it is an appropriate investigative procedure. Much could be learned immediately which could assist the investigation and time could be lost in waiting for a full forensic analysis. What subsequently became known to police is that, unlike mobile telephones, once a PDA loses its battery power its data is lost because it has a volatile memory. It seems that this was not common knowledge amongst the police investigators and as a result when the PDA was taken for forensic testing no data could be accessed because the battery had run down. The Forensic Computer Examination Unit was unable to recover any text messages, voicemails, details of the phone’s call history or contacts. Attempts were made to utilise ADF experts and later with updated software by Police Forensics, but to no avail. This may be a lesson learnt for police for future investigations involving PDA devices.

96. Because the police assumed that they could access the information later there was no written recording of the information heard or read by the police in their police notebooks or elsewhere. That may also be another lesson learnt. A number of persons recall having heard or being told about messages that were accessed. They include Senior Constable Nieland, Constable Holder, Senior Constable Melissa Buckle, Detective Sergeant McIlveen and ADF Sergeant Deanne Ihle (now Wheeler). Their statements were taken within weeks of the events and no later than a month after the events. It is not clear from their evidence as to what exactly was heard by them, read by them or reported to them and with the benefit of time this did not improve. Although the precise content of the telephone messages or texts could not be ascertained the witnesses each gave recollections which had a basis of fact and truth about them which could not have been simply made up. When looked at with the benefit of the telephone records, the interviews of Church members and some uncontroversial evidence, I am able to come to some conclusions.

97. I do not intend to set out in detail the evidence of all of these witnesses in relation to who heard or saw what on the PDA. Various accounts of what was heard or read were given and they are as follows: -

- you are putting another person's job at risk through your actions;
- you should come in for an interview;
- you should contact Sergeant Bevan urgently;
- this is not good enough you need to call me you are going to get me into a lot of trouble. You need to come in now, we need to get this sorted out;
- LRH would not approve;
- it is not kosher of you to be out of contact with me. You really should come in for an audit;
- a message from the duty officer in the barracks telling Mr. McBride to contact him urgently;
- you need to come in, we need to speak to you;
- you need to talk to us, contact us urgently;
- this behaviour is unacceptable, you have missed your interview;
- we need to wrap things up; and
- we are concerned that we haven't heard from you.

98. Telephone records of Mr McBride's mobile phone were accessed and further investigation revealed that only members of the Church of Scientology were in contact with him in the days leading up to his death.

99. The telephone records indicate as follows:

5/2/07 1958:31 – Ms Parker calls Edward McBride for 63 seconds

5/2/07 2139:25 – Ms Parker send an SMS to Edward McBride

6/2/07 0833:03 – Edward McBride calls Ms O'Kane for 105 seconds

6/2/07 0902:11 – Ms Parker mobile phone calls Edward McBride for 257 seconds

6/2/07 1140:22 – Ms O’Kane calls Edward McBride for 53 seconds  
 6/2/07 1428:07 – Ms O’Kane sends an SMS to Edward McBride  
 6/2/07 1604:58 – Ms Parker calls Edward McBride (and is diverted to voicemail) for 35 seconds  
 6/2/07 1742:36 – Ms Parker calls Edward McBride (and is diverted to voicemail) for 25 seconds  
 6/2/07 1809:31 – Number registered to Church of Scientology in Sydney calls Edward McBride (and is diverted to voice mail) for 41 seconds  
 7/2/07 0728:22 – Edward McBride retrieves voicemails for 131 secs  
 7/2/07 0958:31 – Ms O’Kane sends two SMS (more likely one long text message) to Edward McBride  
 7/2/07 1429:39 – Ms O’Kane sends two SMS (more likely one long text message) to Edward McBride  
 7/2/07 1953:16 – Mr Cockerill contacts Edward McBride (and is diverted to voice mail) for 8 seconds  
 7/2/07 1953:54 – Mr Cockerill contacts Edward McBride (and is diverted to voice mail) for 3 seconds  
 7/2/07 1954:28 – Mr Cockerill contacts Edward McBride (and is diverted to voice mail) for 3 seconds  
 7/2/07 1955:00 – Mr Cockerill contacts Edward McBride (and is diverted to voice mail) for 56 seconds 3  
 7/2/07 2004:55 – Mr Cockerill contacts Edward McBride (and is diverted to voice mail) for 5 seconds  
 7/2/07 2323:30 – Enogerra Army base calls Edward McBride (and is diverted to voicemail) for 18 seconds  
 7/2/07 2325:23 – Enogerra Army base calls Edward McBride (and is diverted to voicemail) for 69 seconds  
 8/2/07 0009:41 – Enogerra Army Base calls Edward McBride (and is diverted to voice mail) for 6 seconds  
 8/2/07 0039:46 – Edward McBride’s voice mail is retrieved by police (at the scene) for 151 seconds

100. The telephone records indicate that over these dates Mr Cockerill, Ms Parker and Ms O’Kane were also communicating with each other and with the Church in Sydney.

101. There is no doubt that Sergeant Bevan, the duty sergeant at the Enogerra Barracks, called Mr McBride at around 11.23 pm and 11.25 pm on 7 February and left a message for him to call him. That explains the reference to someone hearing a message about contacting Sergeant Bevan or the duty sergeant at the base. I accept that the message would have been as simple as that.

102. Ms O’Kane spoke to Mr McBride on the morning of 6 February and that is confirmed in the telephone records at 8.33 am.

103. That leaves a number of other messages or texts which were sent by various members of the Church over 6 and 7 of February. Mr Cockerill agrees that he may have left a message to the effect of needing to “wrap things up” which explains that message which was heard or read which used those words. That phrase was used by him on a number of occasions in his statements and evidence and seems to be something he would commonly say. He may have told him he was “concerned”. His messages were all sent on 7 February.

104. That leaves the other messages which speak about putting “someone’s job at risk”, “to come in for an interview” or “audit”, “getting people into trouble” etc. The word “audit” clearly is a reference to the Church of Scientology. The reference to LRH clearly is a reference to L Ron Hubbard, the Church’s founder. It is unlikely that the persons who heard or read these words had sufficient knowledge of the Church to make them up and I accept that the messages did make reference to those terms. Ms O’Kane, Ms Parker and Mr Cockerill deny that messages of that nature with a reference to audit or LRH were sent. In so far as Mr Cockerill is concerned I accept that his messages have probably been identified.

105. That leaves Ms O’Kane and Ms Parker. I did not consider that Ms O’Kane was an impressive witness with much of what she had to say as being selective and at times implausible. Ms O’Kane agrees she sent some messages and they could have included words to the effect that he needed to come in and to contact them urgently. That accounts for those messages. I find that one or both of them sent messages with references to “jobs being at risk”, “audit”, and “getting people into trouble”. In my view those messages were more likely said or sent by Ms O’Kane. Ms O’Kane uses the word “trouble” in her record of interview with police and gave a most unsatisfactory explanation when she gave evidence to suggest the word did not really mean actual “trouble” but was more of an inconvenience to her schedule. Getting her into “trouble”, “audit” and “a job at risk” fit more properly with her relationship as an auditor for Mr McBride.

106. It was suggested that any contact with Mr McBride over those days was simply to have him come in and finalise the administration processes of his auditing program which was just completed with Ms O’Kane. Mr McBride apparently had expressed a wish to have a break from his course work. The tenor and quantity of the messages however is not one of a desire to finalise some administrative process. It seems to have a much more serious tone about them as if something else had happened. Ms O’Kane, Ms Parker and Mr Cockerill also said that Mr McBride’s actions were most unusual in that he was usually so reliable. One wonders why anyone would have been concerned about him, as suggested by Mr Cockerill. What was there to be concerned about because someone wanted to postpone a meeting to finalise the course? What is clear to me is that there had been a change. Something had happened to Mr McBride because in the next day/hours he would take his own life in quite a premeditated manner.

## **The explosion**

107. Mrs Bernadine Colligan<sup>31</sup> was travelling inbound in a vehicle along Old Northern Road, Everton Hills at approximately 8:45 pm when she saw a large explosion at the power plant. Mrs Colligan described it as being similar to fireworks and saw sparks however the explosion

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<sup>31</sup> Her statement is exhibit B9

- continued to burn in a red glow. Mrs Colligan did not see any cars or persons near the power plant.
108. At approximately 8.45 pm Ms Hocking and Mr Simpson recall hearing a loud sound and a flash of blue light. Ms Hocking who was exiting her ensuite at the time, immediately went to her bedroom window which overlooks the substation in Old Northern Road.
109. Ms Hocking observed a large flame inside the substation just past the three cylinder like containers that appear at the front of the substation when looking at the substation from the direction of Ms Hocking's property. Ms Hocking observed two males inside the complex. She described one male as being of normal height, with short hair wearing brown coloured shorts and a t-shirt. She described the other male as being of normal height, with a shaved head, white t-shirt, running shoes and long track pants with a reflective strip down the side. She thought the male persons were older than teenagers and in their late teens or early twenties.
110. Ms Hocking was able to give a detailed description of the movements of both males within the complex. The inquest conducted a view of the complex during darkness on 9 September 2009. Although she was some distance away it is clear to me that she and Mr Simpson would have been able to see into the front of the complex where she described the two male persons to be standing.
111. Ms Hocking then saw the male in shorts walk towards a green shed towards the left of her view. He had his hands up near his head. In her evidence she showed this as rocking over his ears and she stated that she thought that he might have been hurt. Ms Hocking then observed the male in the track pants waving his arms up and down. In her evidence she stated that the two men started to disappear as the fire engines turned up.
112. Ms Hocking called out to Mr Simpson who joined her in the bedroom approximately 30 seconds following the explosion.
113. Mr Simpson observed the flames and saw a male wearing shorts and a shirt with short sleeves coming from towards the shed which was on his left facing the substation towards the fire waving his arms. Mr Simpson also saw movement in the dark and believes that it may have been the silhouette of someone passing in front of the flames. He called the emergency services.
114. Ms Hocking and Mr Simpson both indicated that their visibility towards the front of the substation was reasonably good as a result of the street lights and flame however towards the rear of the substation visibility was poor.



115. Neither Ms Hocking nor Mr Simpson were able to observe the tower where Edward McBride was later found.
116. Ms Hocking and Mr Simpson provided their first statements on 11 February 2007 and participated in a re-enactment on 15 February 2007. Mr Simpson was also heard to give a contemporaneous version of events during his 000 call. Having viewed that re-enactment, attending on the view and after considering their statements and evidence I have no doubt that there were two male persons in the substation at the time that the explosion occurred.
117. Ms Hocking said that she had seen people in and outside of the substation misbehaving in the past with an incident reported by her some one or two weeks previously. Police were able to confirm that complaints had been made about such activity in the past.
118. A number of other residents living in the area (and also people in the near vicinity at the tennis courts) also heard the explosion and some saw a flash. Many of these residents exited their houses and walked around to see if they could see what had occurred. They did not observe any vehicles parked (with the exception of a white vehicle that had been parked broken down on Old Northern Road) or anything that was obvious. They did not see any suspicious persons in vicinity of the complex or running away. Trent Dolman<sup>32</sup> was playing tennis that evening and saw two males in their early twenties walk behind the courts towards the scout den. They were not doing anything unusual and one had a cap and one had a shaved head.
119. Queensland Fire Service and Rescue (“QFSR”) officers (who attended the scene) observed two teenage boys, approximately 14, standing together on a pathway opposite the Collins Road intersection. Mr Mark Johnston observed 3 youths walking from Collins Road past Steve Jones hardware towards the substation. A fire engine stopped nearby these males and they did not run away.
120. As to the identity of the two persons in the substation, the police investigation was unable to come to any conclusion and ultimately neither can this inquest. I can say that there is no evidence that would indicate that either of them were attached to or had anything to do with the Church of Scientology. Their descriptions could give a view that they looked like army personnel but that does seem unlikely considering that Mr McBride had virtually no friends in the army and there is no evidence anyone was with him that day. There is no evidence that any person, even within the army context, would want to harm Mr McBride.
121. I consider it unlikely that either of the two persons had been providing any direct assistance to Mr McBride. The scenario which I think is most likely is that they were indeed two young men who had entered the

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<sup>32</sup> His statement is exhibit B13

substation compound and were up to no good. They may have seen Mr McBride in the compound and were curious. They may have just entered and not known that he was there. The actions of one of them in holding his hands around his ears is indicative of someone who had experienced a large noise and was holding his head in pain. The other one was waving his arms around and one of them was walking backwards and forwards. This is indicative of two persons who had found themselves in a stressful situation and were panicking. They were not near enough to Mr McBride to receive flash burns but they would have received a considerable fright. It is probable that they then exited the compound after hearing the fire trucks arriving and knowing that they were in trouble. Although this is a scenario which I consider to be plausible and the most likely of the speculative theories it is not a finding that I can make on the requisite standard of proof without there being some further supporting evidence. It still speculation but the one I favour the most.

## **The Scene**

122. QFRS officers and Mr Simpson walked around the substation and observed Mr McBride hanging from the tower. QFRS continued to walk around and discovered a blue vehicle (later ascertained to be a blue Suzuki Swift, registration number 706 JDA which was registered to Mr McBride). QFRS opened the vehicle and examined identification belongings.
123. The Substation was surrounded by Weldmesh fencing about two metres high, with three strands of barbed wire running along the top, and a recessed gate providing access to the compound off Old Northern Road. Inside there were two separate areas where blue metal crushed rock covered the ground. Inside each of these areas was a bank of towers including six small and two larger towers. The towers were seated in concrete footings and timber edging held the surrounding gravel in place. The ground outside the blue metal areas was grassy with stony dirt in some locations.
124. Mr McBride's body was found hanging by the neck from a rope attached to the top cross bar of a tower called an isolator located in the middle of the rear row of towers. His feet were touching the concrete footing of the tower with the knees slightly bent.
125. Mr McBride's vehicle was found next to the western perimeter fence at the rear of the substation. It was positioned close to the southside of the compound, facing north. The vehicle was unlocked with the keys left on the dash board on the driver's side. There was no evidence of property belonging to anyone else in the vehicle.
126. The top of the fencing in south west corner of compound near where vehicle was parked had some of the wires which protrude along the top of the fence bent over. These wires were in close proximity to the corner post and were bent over in both directions. It is most likely that it was

here that Mr McBride accessed the compound. The fact that the wires were bent both ways gives some support to a theory that this is also where the two others persons in the substation exited the compound.

127. Mr McBride's shoes and socks were off and placed on the ground near the tower. Almost certainly this was in an endeavour to ensure that the base of the soles did not prevent him being earthed through the tower.
128. I heard from a number of witnesses from Energex and also had access to an investigation report<sup>33</sup> prepared by Mr McManus. The conclusion reached was that this incident was a result of a deliberate act by Mr McBride to enter a live substation and climb a 110,000 V switchgear structure where an electrical arc was initiated between the 110,000 busbar and the earth metal structure. The existing perimeter fencing was designed and constructed in accordance with Australian standards and there is no issue as far as Energex is concerned which would warrant any comment.
129. After hearing from the Energex workers, all of whom were very experienced, it is evident that Mr McBride could have thrown his army issue rope (because of its synthetic nature) over the busbar without being electrocuted. Further it is unlikely that whilst climbing up the tower he would have been electrocuted. Indeed it is highly likely that the fatal charge occurred as he approached the busbar by either grabbing hold of it or the charge arcing as a point on his body, be it a hand or his head came in close proximity to it. Mr McBride would have had sufficient knowledge of the electrical network and the effects of high energy voltage currents to know what were the likely consequences of his actions.
130. I also satisfied that neither of the two persons who were seen within the substation were directly involved in physically assisting Mr McBride. Anyone else who was on the structure would have received some form of shock and may have needed medical attention. Enquiries with the two nearest major hospitals, namely The Prince Charles Hospital and Royal Brisbane Hospital did not reveal any persons attending for treatment of flash burns. Someone holding on to the rope may not have received a charge but anyone in the vicinity would possibly have eye damage from the flash and anyone closer than 10 metres may have had flash burns.
131. I do not intend to set out in any detail the extent of the police investigation. The investigation was given the operational name of "Operation Foxtrot Faxleaf". On the whole the police investigation was comprehensive and appropriate. Detective Senior Constable Adam Bennett has set out in detail the extent of the investigation.<sup>34</sup> Most

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<sup>33</sup> Exhibit G1

<sup>34</sup> His statement is exhibit B58

relevant witnesses were interviewed within the first two weeks. Over 50 soldiers were spoken to and asked some set questions and statements taken from those who had some knowledge of Edward McBride. There was some delay in approaching the members of the Church of Scientology about the telephone messages and his dealings with the Church which is not entirely explained although there would have been some delay in accessing, interpreting and understanding the telephone records.

132. Police searched Mr McBride's motor vehicle and found no suicide note. I have already referred to the PDA. I will recommend that the lessons learnt about the technical issues in dealing with such devices be brought to the attention of the Commissioner of Police on the basis that some training be considered or information provided to Police Officers. It would seem to me best practice that if such devices are being viewed or listened to, whether mobile phones or PDAs that information is recorded in some form in case for technical reasons the information is lost.
133. The window, window frame, gear stick and steering wheel of Mr McBride's vehicle were all swabbed and tested for DNA. No DNA sample was able to be obtained from the window and window frame however the DNA from Mr McBride was on the vehicle's gear stick and steering wheel. A number of items located in Mr McBride's car were also tested for DNA. These items were all consistent with Mr McBride's DNA. As a result of the DNA examination there is no positive evidence to suggest any other person was present at the scene with Mr McBride.
134. Mr McBride's room at Enoggera Barracks were searched. No suicide note was located. It was tidy and contained over 40 Church of Scientology books, DVD's etc. His computer was accessed. No suicide note was found on the computer. On his desk were details about the loan he had taken out and about the course he was taking.
135. Three cans of pre-mix alcohol (southern comfort and cola 440ml) were located near the deceased's vehicle. On one of the cans, police officers noticed that it appeared to have condensation on the outside which led police to conclude that it had been opened recently. The other two cans had ants crawling on them which led police to conclude that these cans had been opened earlier. One of the cans had conclusive proof (one in 550 billion) of the existence of Mr McBride's DNA around the rim. The other two cans had an incomplete DNA profile but which matched Mr McBride's profile with a probability that it came from someone else as one in 19.<sup>35</sup> His blood alcohol reading of 0.06% and urine reading of 0.88% would equate with Mr McBride consuming them over a short period. This evidence leads me to conclude that prior to his death Mr McBride consumed three cans of 440mL of southern comfort and cola.

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<sup>35</sup> Exhibit B8

## The autopsy

136. Dr Urankar noted that Mr McBride's conjunctivae appeared congested however she did not observe petechial haemorrhages. Had petechial haemorrhages been observed this would tend to indicate that Mr McBride had died as a result of manual strangulation, hanging or smothering. Externally there were signs of electrocution with extensive crocodile skin changes noted over the anterior surface of the entire body. This is consistent with a large heat transfer. Singeing of the hair was noted and the eyebrows and eyelashes were lost. Dr Urankar thought that the entrance of the electric current was through his right hand due to the fact that there was more damage on the right side of the body. She did not see an entrance wound on his head. Although there is some evidence from the Energex workers which suggested that the entrance was likely to be through the head and passing through the right calf it is clear that whatever is the case the cause of death was due to electrocution from a very high voltage.

## Summary

137. In his Psychiatric autopsy report Dr Lambeth made the following comments:-

- (a) the circumstances surrounding Mr. McBride's death indicated that this was a suicide;
- (b) his suicide could not have been reasonably predicted;
- (c) the lack of a suicide note or marked depression or recent behavioural change along with established future plans suggests that any premeditation was recent, possibly within hours of his death;
- (d) his psychological profile indicated that he had a reasonable measure of self control and had some protective factors including some limited social support from his family and the Church;
- (e) there were a number of structural/organisational factors within the army which may have contributed to his suicide and which have been identified and are the subject of the Commission of Enquiry; and
- (f) it was not possible to identify any clear personal factors which may have led to his suicide, but the role of his blood alcohol concentration, others observed by witnesses to be present at the time of his suicide and the role of his contacts with the Church of Scientology remain unclear.

138. It is clear that there was a high degree of lethality, with death almost a certainty when he climbed the substation tower. There is no evidence that this was as a result of a risk taking adventure on his part. The presence of the two other persons within the substation compound was certainly one which required investigation. It is not absolutely certain as to what role those persons may have played in the events of that evening although I have found that it is less likely that they had any

involvement and it was a matter of coincidence that they were present at all.

139. Although there are a number of organisational factors which should be examined by the Commission of Enquiry, I had formed the view early in the course of the investigation and that there was nothing to suggest that his ADF service was a contributory factor to his death, and I am still of that view. Although there were reported incidents of bullying and harassment they did not seem to me to be at the serious end of the range and action had been taken upon receipt of his complaint which was appropriately and satisfactorily dealt with. There was a degree of frustration with the discharge process and evidence of some social isolation within his rehabilitation programme but by January 2007 Mr McBride was informing family members and others that he was expecting his discharge in March. Any bullying or harassment from members of the Alpha Company would largely have abated many months previously because this company had been deployed to East Timor. In the month leading up to his death he was on leave and was involved full-time in his Church of Scientology course. He was looking forward to visiting his family. They would have been understandably shocked that he would take such a drastic step. There was no evidence which would have suggested to them this would occur.

140. The only evidence of any thing that approached unusual behaviour seemed to occur on 6 and 7 February 2007 when he expressed some reluctance to attend for the finalisation of his auditing with the Church of Scientology. Up until that time all evidence indicated that his experiences with the programs offered by the Church were positive and enjoyable. There is evidence that he wanted a break and did not want to come in and attest the course he had largely completed. There is nothing to suggest that there was anything in that behaviour which should have alerted anyone in the Church or elsewhere to the possibility that he was contemplating taking his own life. There are some unknowns as a result of the non-production of his auditing file which may have shed some light on what he was thinking at that time. It may not. It is clear to me that the degree of forcefulness and amount of contact from church members over those few days is indicative of something more than concerns about completing an administrative process at the completion of his course. Interestingly Ms O’Kane’s statement says the audit file was sent to Sydney for review and as a result of the review she later went to Sydney for further training in the appropriate aspects of auditing.

141. If the auditing file is produced then this can be examined further. I will in any case await the outcome of the Commission of Enquiry before closing this inquest.

### **Findings required by section 45**

142. I am required to find, as far as is possible, who the deceased was, when and where he died, what caused the death and how he came by

his death. As a result of considering all of the material contained in the exhibits and the evidence given by the witnesses, I am able to make the following findings in relation to the other aspects of the death:

- (a) The identity of the deceased was Edward Alexander McBride;
- (b) The place of death was the Energex Sub-station T36 located at Old Northern Road, Everton Park, Queensland;
- (c) The date of death was 7 February 2007;
- (d) The formal cause of death was:
  - 1. (a) Electrocution
- (e) Mr McBride died as a result of intentionally placing himself in a position on the substation tower such that he would receive a high voltage electric charge with almost certain death as a result. In placing a rope around his neck and tied to the substation tower he intended to provide a backup method to ensure his life was ended. On the evidence presently before me, his intention to take his own life was not reasonably foreseeable by his family, the Australian Defence Force or members of the Church of Scientology.

### **Concerns, comments and recommendations**

143. Section 46 of the Act 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.

144. There may be some lessons to be learnt by Police as to the forensic testing of electronic devices such as the PDA. I recommend that the Commissioner of Police include in any future training or further in service education of Police, information concerning the importance of recording at the scene any evidence gathered in an examination of such electronic devices in case that data is subsequently lost. There should be included in such training information pointing out the potential loss of such data as occurred in this particular case.

My condolences are expressed to Mr Alan McBride, Mrs McBride and the family and friends of Mr Edward McBride.

**John Lock**  
**Brisbane Coroner**