



QUEENSLAND
COURTS

CORONERS COURT OF QUEENSLAND

FINDINGS OF INVESTIGATION

CITATION: Non-inquest findings into the disappearance of Bruce Gavin Schuler

TITLE OF COURT: Coroners Court

JURISDICTION: Cairns

FILE NO: 2012/3968

FINDINGS OF: Nerida Wilson, Northern Coroner

CATCHWORDS: Coroners: missing person; homicide; no body; successful prosecution; indictable offence; circumstantial evidence; Palmerville Station; Schuler; Struber; Wilson-Struber; fatal injuries sustained from gunshot wounds; no body, no parole legislation

PUBLICATION OF THESE FINDINGS

1. I have decided not to hold an inquest into the circumstances of Bruce Gavin Schuler's death because my coronial investigation has revealed sufficient information to enable me to make findings about his death. I have published these non-inquest findings in the public interest.

FINDINGS REQUIRED BY S 45

2. I make the following findings, pursuant to s 45 of the *Coroners Act 2003* (Qld):
 - a. **Identity of the deceased -** The deceased is Bruce Gavin Schuler.
 - b. **How he died -** Bruce Gavin Schuler is likely to have died from shotgun wounds inflicted by Stephen Struber and/or Dianne Rose Wilson-Struber. The precise circumstances of his death are unknown.
 - c. **Place of death -** Bruce Gavin Schuler's body has not been found. He is likely to have died at Palmerville Station, Palmerville, in the state of Queensland.
 - d. **Date of death -** Bruce Gavin Schuler is likely to have died on 9 July 2012.
 - e. **Cause of death -** The medical cause of Bruce Gavin Schuler's death is likely to have been fatal shotgun wounds.

EVIDENCE

3. These findings have been informed by the evidence contained within a coronial brief prepared by the Queensland Police Service. The brief of evidence was prepared by the investigating officer, Detective Senior Constable Alina Bell and Detective Sergeant Brad McLeish. I have also relied on the evidence obtained from the transcripts of the Supreme Court criminal trial *R v Struber; R v Wilson-Struber* [2016] QCA 288.

BACKGROUND

4. On 9 July 2012, 48-year-old Bruce Gavin Schuler went missing from Palmerville Station where he was camping and gold detecting with friends.
5. Mr Schuler lived in Mareeba with his wife of 27 years, Fiona Splitt. He and Ms Splitt are the parents of two adult children. Mr Schuler was a builder and a small business owner.
6. Stephen Struber and Dianne Wilson-Struber were charged and convicted in the Supreme Court of Queensland at Cairns for the murder of Bruce Schuler.

7. Mr Schuler's body has not been located.

CIRCUMSTANCES LEADING TO MR SCHULER'S DISAPPEARANCE

8. On 8 July 2012, Bruce Schuler, Daniel Bidner, Tremain Anderson, and Kevin Groth travelled from Maytown to the Palmer River Crossing. The Palmer River Crossing is situated on Palmerville Station, a 1360km² cattle station, approximately 208km north west of Cairns, North Queensland.
9. Mr Bidner and Mr Groth travelled to Palmerville Station with Mr Schuler in his Nissan Patrol dual cab utility. Mr Anderson travelled separately on his motorcycle. The men hid their vehicles in a dry creek bed and set up camp in the creek bed to avoid being detected by the station owners. The Palmerville Station owners were Mr Struber and Ms Wilson-Struber. Mr Bidner's prior recent contact with the owners had been unpleasant, which he described later to police as aggressive.
10. On 9 July 2012 at about 7:30am, the men began gold detecting. They walked along the Palmer River towards the station homestead. Mr Schuler had with him his gold detector, Bose headphones fitted to the detector, a pick, and a Garmin GPS. He was in the company of his dog, 'Red'. The men separated and were spread out.
11. At around 10:00am, Mr Anderson, Mr Groth, and Mr Bidner, from separate vantage points, saw a tan coloured Toyota utility drive along a track adjacent to the dry gully where Mr Schuler was prospecting.
12. The observations and evidence of Mr Bidner are summarised as follows:
 - a. He recognised that the vehicle belonged to Stephen Struber and he observed Dianne Rose Wilson-Struber in the passenger seat;
 - b. He saw Ms Wilson-Struber gesture towards the gully where Mr Schuler was located gold detecting;
 - c. He observed Ms Wilson-Struber get out of the utility, flip the back seat, and pull out what he later described as a black stick, which he believed to be a long-range rifle;
 - d. He saw Ms Wilson-Struber move her hand in an up and down motion whilst holding what he believed to be the rifle;
 - e. As Mr Bidner moved away to avoid the danger, he heard a gunshot; and
 - f. 10 -15 minutes later, he heard a second gun shot.
13. The observations and evidence of Mr Anderson are summarised as follows:
 - a. He observed Stephen Struber driving the utility on the track adjacent to where he knew Mr Schuler was prospecting;
 - b. As Mr Anderson ran from the area, he heard a gunshot;

- c. He later heard the vehicle's engine start up again; and
 - d. 15 minutes later, he heard a second gunshot.
14. The observations and evidence of Mr Groth can be summarised as follows:
- a. He saw the roof of the utility drive towards the area where Mr Schuler was prospecting;
 - b. He hid and heard a gunshot;
 - c. He ran, and as he did, he heard a sound he later described as, "like something being thrown into the back of the utility"; and
 - d. He heard a second gun shot approximately 10-15 minutes later.

RETURN TO THE CAMPSITE

15. Mr Bidner and Mr Anderson returned to the campsite at around 11:00am on 9 July 2012. Mr Schuler's dog, Red, was also there. The satellite phone was locked in Mr Schuler's vehicle and they did not have the keys to the vehicle.
16. Mr Bidner rode the motorcycle to his property in Maytown and returned in his Nissan utility. By that time, Mr Groth had returned to the campsite.
17. At approximately 4.30pm, the men left a note on Mr Schuler's vehicle and returned to Mr Bidners' property at Maytown.
18. Mr Anderson called Palmerville Station Homestead at 6:16pm and 6:19pm and left a voicemail advising that he had heard shots, and would call the police if he did not hear from Mr Schuler within the half hour.
19. The police later established that the messages had been retrieved at the Homestead.
20. Mr Groth contacted Bruce Parker who knew the owners of Palmerville Station (Mr Struber and Ms Wilson-Struber) and he asked Mr Parker to call the station. Mr Parker did so at 7:05pm and left a voicemail message.
21. At 7.13pm on 9 July 2012, Mr Anderson and Mr Bidner reported Mr Schuler missing to the Laura Police.

POLICE SEARCH AND INVESTIGATION

22. A police search for Mr Schuler commenced on 10 July 2012. Special Emergency Response Team members were deployed to the area. Search warrants were executed at the Palmerville station homestead where Mr Struber and Ms Wilson-Struber were located. Both denied seeing anyone on the property in the 48 hours prior, and both denied using firearms the day prior.

23. Mr Struber and Ms Wilson-Struber were arrested for the murder of Mr Schuler. A forensic examination did not reveal any evidence of interest to police. Mr Struber and Ms Wilson-Struber did not participate in a record of interview. They were released without charge.
24. Palmerville Station was declared a crime scene and a large-scale ground, air, and water search was undertaken utilising State Emergency Service volunteers, and Queensland police (including dive squad, stock squad, trail bike riders and general duties officers).
25. The following items were located during the search:
 - a. Cow pats with tyre impressions consistent with the vehicle driven by Mr Struber on 9 July 2012;
 - b. Burnt patches of grass where Mr Schuler was last seen;
 - c. Two pieces of twine containing Mr Schuler's DNA;
 - d. Small pieces of metal in blood stained grass;
 - e. Damaged trees, consistent with recent vehicle damage;
 - f. A broken termite mound containing marks, consistent with marks matching the undercarriage of Mr Struber's vehicle in a location where Mr Schuler was last seen;
 - g. Tyre marks from the top of the gully leading to a fire, approximately 100m from where Mr Schuler was last seen;
 - h. Mr Schuler's DNA located on a blood stained leaf, a white film canister, and four partially burnt matches; and
 - i. Spent projectiles in blood stained grass.
26. The police were unable to account for a .357 handgun or a .22 bolt-action rifle registered to Mr Struber. They were also unable to account for a .22 lever action rifle registered to Ms Wilson-Struber's brother, George Wilson.
27. Police established that Ms Wilson-Struber made an anonymous telephone call to the Palmerville Station homestead from a payphone in Mareeba three days after Mr Schuler disappeared, whilst the police were conducting a search of the station. Ms Wilson-Struber advised the officer who answered the phone that the police were looking in the wrong spot and that they should be looking "12-15km east".
28. The police investigation was complex and thorough.

CRIMINAL PROCEEDINGS

29. On 30 October 2012, the police attended Palmerville Station and arrested Mr Struber and Ms Wilson-Struber. They were charged with the murder of Bruce Schuler and misconduct of a corpse. They refused to participate in a record of interview and were released after a successful bail application before the Supreme Court of Queensland.
30. During the criminal trial, the presiding judge, Henry J, and all members of the jury were taken to Palmerville Station to view the location of where the relevant events unfolded.
31. Mr Struber gave evidence in his own defence at trial. Ms Wilson-Struber did not.
32. On 24 July 2015, Mr Struber and Ms Wilson-Struber were convicted in the Supreme Court of Queensland at Cairns for the murder of Bruce Schuler. They were both sentenced to life imprisonment.
33. Mr Struber and Ms Wilson-Struber appealed their convictions to the Supreme Court of Queensland Court of Appeal. Mr Struber further appealed to adduce new evidence. The joint appeal was heard by Margaret McMurdo P, Philippides JA, and North J on 31 May 2016.
34. On 11 November 2016, the Queensland Court of Appeal delivered judgment dismissing all appeal grounds.
35. Mr Struber sought special leave in the High Court of Australia on 12 May 2017 but he was refused leave to appeal.

NO BODY – NO PAROLE LEGISLATIVE AMENDMENT

36. On 13 October 2015, Mr Schuler's wife, Fiona Splitt, lodged a paper petition and an electronic petition with a total of around 8,775 signatures to the Queensland Parliament advocating a 'no body, no parole' rule.
37. After a number of submissions and a public hearing, the *Corrective Services (No body, No parole) Amendment Bill 2017* was passed in the Queensland Parliament on 8 August 2017 and assented on 25 August 2017. The legislation has retrospective effect.
38. Mr Struber and Ms Wilson-Struber have to date remained silent as to their involvement in the death of Mr Schuler and as to the location of his body.

CONCLUSION

39. There is no evidence that Mr Schuler returned to the campsite in the creek bed at Palmerville Station. His dog returned to the site without him. Since 9 July 2012, there has been no activity in relation to Mr Schuler's bank accounts. He has not communicated with his family. Traces of Mr Schuler's DNA and blood were located in proximity to where two gunshots were heard by three separate people. Mr Schuler's vehicle remained at the campsite.

40. Mr Bidner, Mr Anderson, and Mr Groth all saw the vehicle belonging to Mr Struber in the location, and travelling towards the location, where they knew Mr Schuler to be gold detecting. Mr Anderson identified Mr Struber. Mr Bidner identified Ms Wilson-Struber. Each of the three men heard two gunshots approximately 10-15 minutes apart.
41. Based on the totality of the circumstantial evidence, it is my conclusion, on the balance of probabilities that Mr Schuler died as a result of injuries suffered after being shot by Mr Struber and/or Ms Wilson-Struber.
42. As there has been a successful criminal prosecution for the murder of Bruce Schuler, and the coronial investigation has revealed sufficient information to enable me to make findings about Mr Schuler's death, I have decided not to hold an inquest. It seems unlikely that an inquest will result in Mr Struber and Ms Wilson-Struber breaking their silence in relation to the circumstances of Mr Schuler's death or the location of his body.
43. I offer my sincerest condolences to Ms Splitt and to the Schuler family for their loss.
44. I close the investigation.

Nerida Wilson
Northern Coroner
Coroners Court of Queensland

8 August 2018