



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Trevor Bertram MOUNTFORD-SMITH**

TITLE OF COURT: Coroner's Court

JURISDICTION: Maroochydore

FILE NO(s): COR 806/03

DELIVERED ON: 19 May 2008

DELIVERED AT: Maroochydore

FINDINGS OF: CJ Taylor, Coroner

CATCHWORDS: CORONERS: Inquest – Missing person, last seen at motel, Caloundra – assumed drowned

REPRESENTATION:
Senior Sergeant LJ Hurley - appearing to assist the coroner

CORONERS COURT

C J TAYLOR, Coroner

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COR-00000806/0

IN THE MATTER OF AN INQUEST INTO THE
CAUSE AND CIRCUMSTANCES SURROUNDING
THE DEATH OF TREVOR BERTRAM MOUNTFORD-SMITH

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MAROOCHYDORE

..DATE 19/05/2008

FINDINGS

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CORONER: Now, I call on this matter of the suspected death of Trevor Bertram Mountford-Smith. Could you announce your appearance for the record please, Senior, as the officer assisting. Thank you.

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SNR SGT HURLEY: Thank you, your Honour. My name is Hurley, initials L J, senior sergeant of police. I appear to assist your Honour in the position of Coroner.

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CORONER: Now, as previously arranged I intend to deliver my findings in relation to the suspected death of one Trevor Bertram Mountford-Smith, but before doing so I wish to place on record my apologies for the lateness of the delivery of the findings due to inadvertence.

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But in any event, I'll move on to say that in accordance with section 45 subsection (1) and (2) of the Coroners Act 2003 and on the evidence before me I firstly find that Trevor Bertram Mountford-Smith is deceased, and secondly, I further find as follows:

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(a) that the name of the deceased person be Trevor Bertram Mountford-Smith;

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(b) that the deceased person has likely died as a result of he having gone swimming and getting into such difficulty due to his chronic fatigue syndrome that he has accidentally or otherwise drowned and in consequence, his body has been dragged out to sea by the strong tidal current;

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(c) that the deceased person died between 3.30 p.m. and 6 p.m. on the 27th day of March 2003;

(d) that the deceased person died in Plimpton Passage at Caloundra; and

(e) that the presumed cause of death be drowning.

It must be said by way of background that the deceased at the time of his disappearance was aged 58 years and was employed by the Australian Radiation Protection and Nuclear Safety Agency as a nuclear engineer, and more particularly, as a highly respected and regarded senior assessment engineer having worked in that field both in Australia and overseas for some 30 years.

The deceased person was initially married to one Frances Althea Brickhill on the 17th of July 1969 at Sydney, but the marriage ended in divorce a number of years later. However, the deceased person subsequently entered into a long term homosexual partnership with Antonio Franklin Alencar in the State of New South Wales, and that relationship continued up to the date of the disappearance of the deceased.

In 1985 the deceased was diagnosed as having an HIV infection which necessitated his being placed under the care and treatment of Dr Virginia Furner, a HIV specialist attached to the Albion Street Centre at Surry Hills, New South Wales.

Dr Furner formed the opinion that over the subsequent years the deceased adjusted very well to his diagnosis to the extent that he was able to lead a normal reasonably healthy lifestyle and did not require counselling in relation to his condition.

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However, in November 2002 the deceased complained of intractable fatigue and excess daytime sleepiness which had increased over the preceding 6 months. In February 2003 the deceased made further complaint to Dr Furner that he was experiencing significant short term memory loss.

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In consequence, the deceased underwent formal neuropsychological testing on the 5th of March 2003, the result of which revealed significant impairment of his cognitive performance, particularly affecting his speed of information processing and retrieval from memory.

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On the 25th day of March 2003 the deceased flew via Qantas directly from Sydney to Maroochydore and was collected at the airport at approximately 4 p.m. by a member of the gay community who was also his non-sexual friend of some 5 years standing, Dennis James Inglis.

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Mr Inglis drove the deceased to the WorldMark Resort, 75 The Esplanade, Golden Beach, Caloundra, Queensland where the deceased booked into a one bedroom unit, being room number 702, to commence his 3 day holiday with a check out time of 10 a.m. on the 28th day of March 2003.

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After booking in both the deceased and Mr Inglis went for a walk and purchased a meal, and during this time the deceased stated to Mr Inglis that he was suffering from chronic fatigue syndrome and was having trouble with his memory.

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And Mr Inglis also witnessed the deceased for no obvious reason trip over on the footpath on the way back to the resort, whereupon the deceased informed him that he had fallen the previous day and cut his finger.

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The deceased had then informed Mr Inglis that he was feeling pretty tired. Thus he parted with the deceased in what he thought was the foyer area of the resort after making arrangements to collect him on the following morning, and then has proceeded to drive to his own residence situated at 208 Kinmond Creek Road at Cootharaba.

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At approximately 9.30 a.m. on the 26th day of March 2003 Mr Inglis collected the deceased as arranged, whereupon he drove the somewhat depressed deceased to his residence via the coastal route, and en route the deceased subsequently purchased fuel for Mr Inglis' motor vehicle at the BP utilising his American Express card.

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The deceased has then stayed the night at Mr Inglis' residence and on the following morning, that is the 27th of March 2003, at approximately 10 a.m. the deceased, Mr Inglis and 3 of his female friends partook of morning tea and thereafter, at

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approximately 12 midday, Mr Inglis has driven the deceased back to his Caloundra unit via a slight scenic detour and at this stage the deceased continued to be disinterested and depressed.

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Once at the unit the deceased and Mr Inglis engaged in general conversation during the course of which he's consumed a glass of wine, and at approximately 3.30 p.m. Mr Inglis departed for his residence via Marcus Beach and he has not seen the deceased since.

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Qantas records indicated that the deceased was due to fly from Maroochydore to Sydney on flight number QF551 scheduled to depart at 5.40 p.m. on the 28th of March 2003. However, the deceased did not travel on that relevant flight.

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At approximately 12 midday on the 29th of March 2003 Caloundra police were contacted by the assistant resort manager, Christopher Ralph Dan in consequence of information that he had received from the resort's cleaning supervisor on the 28th of March 2003 that the deceased had not checked out of his room as scheduled, which was not necessarily an unusual occurrence within the hotel industry.

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Mr Dan had previously inspected the relevant room on the 28th of March 2003 and again at approximately 10 a.m. on the 29th of March 2003, and observed that the deceased's personal belongings were still in the room and remained unpacked.

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In the result, at approximately 12.25 p.m. Constable Pipia, the first response officer, attended upon the relevant room and accompanied Mr Dan and another police officer, Constable Peter McNamara, and found the room had been left messy with property including clothing, paperwork such as tourist pamphlets and magazines.

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The clock radio was on. The balcony door was open. The bed had not been made and there were travel bags on the floor and couch. The officer located a wallet on the kitchen bench which contained Qantas airline tickets in the name of the deceased and Ellen Jarvesalu and bankcards belonging to the deceased as well as a book containing the name and phone number of a friend at Noosa and other relatives and friends in Sydney.

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At this time the officer formed the opinion that there was no evidence to suggest that the deceased had met with foul play. Nonetheless, after further initial investigations Constable Pipia entered the deceased as a missing person on to the Queensland Police Service system, message 557CLDS03.

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On the 13th of March 2003 Detective Sergeant MacLean of the Sunshine Coast Criminal Investigation Branch was assigned the task of principal investigating officer in relation to the disappearance of the deceased being listed as missing person number 61393.

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Detective Sergeant MacLean thereafter conducted extensive and detailed inquiries through Exhibit 15. However, there has been no further sightings of the deceased or any indication that he is alive since he was last seen by Mr Inglis at 3.30 p.m. on the 27th of March 2003.

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On the 1st day of November 2004 probate of the last will and testament of the deceased was granted in the Supreme Court of New South Wales at Sydney on the presumption that the deceased died on or about the 27th of March 2003.

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Based upon thorough investigations that he conducted Detective MacLean concluded that the most likely outcome or scenario surrounding the disappearance of the deceased, there being no evidence to suggest that the deceased met with foul play or staged his own disappearance or committed suicide, was that the deceased was an avid swimmer and liked the beach, and that he'd gone for a swim in Plimpton Passage and got into difficulty due to his chronic fatigue syndrome and drowned between 3.30 p.m. to 6 p.m. on the 27th of March 2003, and his body has thence been dragged out to sea by the strong tidal current.

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In closing, I should say that should Mr Mountford-Smith be
alive, which I find on the evidence to be improbable having
regard to the effluxion of time since his disappearance, then
his present whereabouts are unknown. The inquest will now be
closed.

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STUART MARTIN IRVING APPOINTED AS RECORDER

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