



STATE CORONER'S COURT OF NEW SOUTH WALES

Inquest:	Inquest into the deaths of Benjamin Green and William Markee
Hearing dates:	18-19 July 2016
Date of findings:	19 July 2016
Place of findings:	Cooma Local Court
Findings of:	Magistrate Harriet Grahame, Deputy State Coroner
Catchwords:	Coronial law-manner of death; homicide; suicide; impact of untreated mental health issues
File number:	2015/147367 2015/147368
Representation:	Paul Bush – Coronial Law Advocate – Advocate assisting the Coroner
Findings:	<p style="text-align: center;">Identity of the deceased</p> <p style="text-align: center;">The persons who died were Benjamin Green and William Markee.</p> <p style="text-align: center;">Date of death</p> <p style="text-align: center;">Both men died on 15 May 2015.</p> <p style="text-align: center;">Place of death</p> <p style="text-align: center;">Both men died at Nimmitabel, NSW.</p>

	<p style="text-align: center;">Cause of death</p> <p>Both men died of a single gunshot wound to the head.</p> <p style="text-align: center;">Manner of death</p> <p>Benjamin Green died of a gunshot wound caused by William Markee.</p> <p>William Markee died, having deliberately shot himself with the intention of ending his own life.</p>
Non publication order	<p>Pursuant to section 75(5) I order that all of these findings may be published.</p>
Recommendations	<p>There are no formal recommendations arising from this inquest.</p>

These findings have been written without the benefit of a transcript.

IN THE STATE CORONER'S COURT
GLEBE
NSW
SECTION 81 CORONERS ACT 2009

REASONS FOR DECISION

1. This inquest concerns the deaths of Benjamin Anthony Green and William Thomas Markee.
2. Benjamin Green's death is a homicide and the holding of an inquest is required by the *Coroners Act 2009*. William Markee's death is so closely connected to the circumstances of Benjamin Green's death, that it is appropriate, in all the circumstances, to hold these inquests together.
3. Section 81(1) of the *Coroners Act 2009* requires that when an inquest is held, the coroner must record in writing his or her findings in relation to the death. These are my findings in relation to both deaths.

Introduction

4. Nimmitabel is in the Monaro region of south eastern NSW. It is a small town, about 37 kilometres from Cooma.
5. Early on the morning of 15 May 2015, this normally quiet town was the site of a terrible tragedy. As events unfolded, it became known that two local brothers, Benjamin and Hubert Green had been shot at close range. Benjamin had died instantly and slightly later a bullet grazed Hubert's arm, as he tried to escape. There were fears that a third brother, Arthur was also at risk. Police were alerted and commenced an investigation. Around 8am, William Markee was found dead in his own vehicle, with a shot gun between his legs.

6. The men had been close friends. Many in the town found the events shocking and incomprehensible. The loss of both these men has continued to cause pain in the local community and to their respective families.

The role of the Coroner and scope of the inquest

7. An inquest is intended to be an independent examination of all the available evidence in relation to the circumstances of a person's death. The Act requires a Coroner to make findings as to the identity of the nominated person and in relation to the date, place and time of death. The Coroner is also to examine the manner and cause of the person's death.¹
8. In this case, the identity of the men and the date, place and time of each death is easily established on the available evidence. Given that the medical evidence clearly establishes the cause of death in each case is as a result of a gunshot wound², the real issue for investigation in these matters is the manner of death or the circumstances surrounding the deaths. In trying to understand how this tragedy occurred, it is particularly important to examine William Markee's state of mind in the weeks leading up to the events of 15 May 2015.

The Evidence

9. The inquest ran over two days and commenced with oral evidence from the officer in charge of the investigation, Detective Sergeant Chris Putt. He oversaw a comprehensive investigation into the deaths and supervised the collection of forensic and technical evidence. Three witnesses³, each a longstanding friend of Bill Markee's, were also called to give oral testimony. A significant amount of documentary evidence was tendered including original documents, witness statements, maps and photographs. All of that material has been carefully reviewed.

¹ Section 81 *Coroners Act 2009* (NSW)

² See Autopsy Report for Benjamin Anthony Green, Autopsy Report for William Thomas Markee, Exhibit 1.

³ Evidence of Alan McGufficke, Michael Schofield, Roger Roach (18/7/16)

10. On the second day of the inquest, heartfelt statements from both families were presented to the court.

Who was Benjamin Green?

11. Benjamin Green, known as Ben, was 32 years of age at the time of his death.

His parents Anthony Green and Bernadette Golby also had three other children, Katherine Henderson, Arthur Green and Hubert Green. They lived locally and had all been brought up on the land. Ben had worked on farms and in the rural industry in various other states, before returning to the Nimmitabel area in 2006. He was close to his siblings and had established a rural partnership with his brothers. At the time of his death, Ben had a girlfriend, Natasha Kessler.

12. Ben was greatly loved by his family and friends. He had a cheeky grin and a dry sense of humour. He was a natural bushman with a gift for working with animals. Ben was described as kind, gentle and loving. He was a free spirit who loved adventure, reading and a good meal with friends. It is a testament to his popularity in the community that his funeral was attended by a thousand people.⁴ Ben's unnecessary and cruel death is a great tragedy and his passing is a real loss to the Monaro region.

Who was William Markee?

13. William Markee, known as Bill, was 58 years of age at the time of his death. Bill had grown up in the Monaro area and spent his working life on local properties and in shearing sheds throughout the region. By all accounts he was an excellent shearer, who was greatly respected and admired. Over the years he was a mentor to many young people and he became well known as a talented shearing instructor. Bill also trained and bred dogs at a high level and was regarded as a great horseman. He was a good shot and enjoyed both hunting and fishing. Those that knew him well trusted that he was safe and careful with guns.⁵

⁴ See family statement provided by his mother Bernadette Golby attached to Court file.

⁵ ERISP of Amanda Elliot, Exhibit 1, Tab 52, evidence at Inquest of Roger Roach 19/7/16

14. Bill had known Amanda Elliot (Mandy) for many years by the time they formed a relationship in 2008. They married in 2009 and Bill became a step father to Mandy's daughters Jade and Nina. Bill's friend Michael Schofield stated that Bill idolised the girls during his relationship with Mandy and that they called him "Dad". He reported that prior to their separation, Bill had described Mandy as "the love of his life".⁶ There were good times for the family,⁷ but as his relationship with Mandy deteriorated, it is clear that Bill struggled to cope with the loss of a family life and all contact between them was eventually terminated.

15. Although, social in the sheds, Bill was also described as a bit of a loner. He was not one to share his feelings easily. When problems developed in his relationship with Mandy he had trouble accepting help. Bill was one of nine children and there is evidence to suggest that his early background had been hard and traumatic. Bill appears to have carried deep scars from childhood.⁸ He had experienced betrayal in an earlier intimate relationship and more recently he and Mandy had experienced the loss of a much wanted pregnancy.

What happened on the evening of 15 May 2015?

16. Bill Markee had known Hubert Green since about 2005 through the local shearing industry. Later he met other members of the family, including Ben. They became friends and Bill would stay from time-to-time with the Greens. However, in the weeks leading up to the deaths, they had limited contact.

17. As a result of a thorough police investigation,⁹ the facts of what happened on that evening are now well understood. On 14 May 2015 Hubert Green had been shearing at Berridale. Ben Green had been at Wodonga for a bull sale and had stopped by to visit his girlfriend, Natasha Kessler on the way home. When

⁶ John "Michael" Schofield, Evidence at Inquest 18 July 2016

⁷ Mandy Elliot's generous family statement (attached to the Court file) is a testament to the happy times they shared.

⁸ See for example the transcript of an ERISP interview with Amanda Elliot, Exhibit 1, Tab 52, admissions of childhood sexual abuse made to Mark McGufficke at Exhibit 1, Tab 48, paragraph 4 and patient records contained in Exhibit 1, Tab 55.

⁹ Detective Sergeant Chris Putt's statement at Exhibit 1, Tab 3 contains a detailed and comprehensive overview of the evidence.

Ben arrived at 18 Boyd Street, Nimmitabel, he had a few beers with his brother, Hubert and watched television for a while. Both men went to bed.

- 18.** Around 3am Bill Markee quietly entered an unlocked back door of the Green's home. Bill knew the house well, having been there many times. He went straight to Ben's bedroom. It appears fairly certain that Ben was sleeping when he was shot to the head with a .22 calibre rifle at close range.
- 19.** Bill then went directly to Hubert's room with the intention of shooting him too. However, it appears that in reloading the gun, Bill disturbed and woke Hubert. There was a struggle and somehow Hubert was able to remove the bolt and magazine from Bill's firearm. Hubert ran to his utility which was parked at the rear of the house. He threw the bolt and magazine on the passenger seat and as he reached forward to start the vehicle, he saw Bill at the window, raising a rifle to his shoulder. It must have been a terrifying experience. Bill shot through the passenger window and the projectile split, one part grazing Hubert's left arm and one part lodging in the vehicle door.
- 20.** Hubert drove away from his home, perhaps hoping to find that his brother Ben was back at Natasha's house. He wasn't there and Natasha jumped in the ute, calling triple 0 as she did. That recording, later obtained by police, has her telling the operator " You need to come out here there's a man running around with a gun...Hughey Green has been shot and we think Ben has been shot too. You need to get here. He's running around here with a gun."¹⁰ Later she told police that they were concerned Bill had gone to Arthur Green's house in Munro street.
- 21.** Hubert and Natasha went directly to Munro Street to warn Arthur and his family. Hubert saw Bill Markee near the house so he sounded his horn and shone a spotlight on him in an attempt to scare Bill off. Hubert and Arthur spoke by phone and Amy Rourke, Arthur's partner also rang police to relay her concerns and call for help.

¹⁰ Exhibit 1, Tab 9

- 22.** Hubert and Natasha went straight back to Boyd Street to check if Ben was there and if so, what state he was in. Tragically, Hubert found Ben was already dead.
- 23.** It appears that Bill had been successfully scared away from Arthur Green and Amy Rourke's house, but for some hours his whereabouts were unknown. A crime scene was established at 18 Boyd Street and investigations and searches commenced. Police located the rifle, without a bolt and began to secure other evidence.
- 24.** Shortly after 8am police found Bill Markee in the driver's seat of his blue commodore. Police had been alerted to the car by a local resident. The car was in a gully by the local pre-school and had a smashed window. It appeared to be bogged as there were tyre marks from the roadway to where it was located. There was also evidence that the wheels had been spinning. The headlights were off. It is likely that Bill had failed to navigate a turn and got stuck in the field.
- 25.** When the police found Bill alone in the vehicle the keys were still in the ignition. There was a shotgun lodged between his legs. He had a significant head injury and he was already dead. Even before other evidence had been collected, it appeared to police that Bill's death was self-inflicted. Police examined the contents of the vehicle and found a rifle, fuel in the boot and a portable gas tank, among other items. Police also seized a note in Bill's handwriting.¹¹
- 26.** Later police found a number of other notes which were also tendered at the inquest.¹² Each of the notes referred in some way to Bill's perception that his life had been ruined by Mandy Elliot and that she continued to have him followed and harassed. At least one note referred to having been conned out of all his money "300K by the millionaires Elliots"¹³. There were a number of

¹¹ For detail of the state of the vehicle see paragraph 67, Statement of Detective Serfeant Putt, Exhibit 1, Tab 3.

¹² See Exhibit 2 containing 5 notes found at various locations.

¹³ Object 7, Exhibit 2

themes common to all the notes, these included that he was being listened to and followed. The final straw seemed to be that Bill believed that the Greens had “sold him out to the Elliots”. He appeared to believe that the Greens were colluding with his ex-wife to destroy him. He believed that Hubert “had coned (sic) him away from the house for ¾ hour” so that they could remove the vital documents that Bill believed he needed for his fight against Mandy. He wrote that he wasn’t 100% sure back when it had happened “but I am now the low down cunts”. He believed the Greens had “sold him out” to the Elliots and he wrote “I carn’t(sic) live with that”.

27. After his death, it became clear to police that Bill had been making preparations of various sorts for some time. He had moved a lot of his personal property to friend’s sheds, he had given away his dog and he had written a number of notes which appeared to have been written to be read after his death. In one such note left for his friends, the McGuffickes, Bill wrote “Mark and Allen sorry for the mess - I just carn’t (sic) do it – Hope you never get to where I am”¹⁴. In another note left for members of his family, he wrote “No church – Dig a hole or burn me I really don’t give a shit”.¹⁵ In others he leaves instructions or information about his financial affairs. The notes support a finding that Bill was in a state of extreme despair and that he had come to a decision to kill himself . They indicate that he had been planning to do this for some time.

28. The police investigation was thorough. The forensic and ballistic evidence was consistent with the eye witness accounts and the physical evidence observed by police. I am satisfied that the evidence clearly establishes that Bill Markee was responsible for firing the bullet that killed Ben Green and for then firing a bullet into his own head.

What was Bill Markee’s state of mind at the time of his death?

29. A number of witnesses gave further evidence shedding light on Bill’s state of mind in the months leading up to the tragic events in May 2015. There is no

¹⁴ Object 9, Exhibit 2

¹⁵ Object 10, Exhibit 2

doubt a picture emerged of a man with increasingly serious, yet undiagnosed mental health difficulties. Without the benefit of expert medical opinion, it is impossible to say exactly what was wrong, but the evidence clearly suggests Bill suffered a long slow decline in his mental wellbeing, becoming increasingly fixated and paranoid in the weeks before his death.

30. Alan McGufficke had known Bill for 30 years. He described him as generally placid and easy going. He was reserved in public, but in the sheds he was social and relaxed. Nevertheless Alan McGufficke had seen Bill “get stuck on an issue” in years gone by, when he became obsessed over a boundary fence issue with a former neighbour. When he was like that Bill became fixated in a negative way, to a degree that “nothing else seemed to matter”. When Bill broke up with Mandy, he also became fixated on the property settlement issue in a way that seemed to totally consume him. Alan McGufficke reported that Bill’s fixation on this issue went on for years.

31. Alan McGufficke told the inquest that eventually he became so concerned about Bill, that he had to say something. In March 2015, Bill had turned up at Alan’s place and shown him a document that Bill was convinced would help him in his fight with Mandy. Bill said he wouldn’t have sold his property to the Greens if he had possession of this document earlier. Alan McGufficke told Bill he had to “move on” and tried to make Bill understand that he “was losing it”. Alan McGufficke tried to encourage his friend to get back to work, to use his hands as a form of therapy.

32. About 6 weeks before his death, Bill again arrived at Alan McGufficke’s place, this time about 5.30 in the morning. He said he was dropping off tools “so that the bitch doesn’t get them”. Alan was still concerned about his friend and checked with Bill that he “wouldn’t do anything silly”, by which he meant harm himself. Alan had a bad feeling and that was the last time he saw Bill, although other items turned up in the shed from time-to-time over the next couple of weeks.

33. Michael Schofield had also known Bill for over 30 years. They had grown up knowing many of the same local families through the shearing industry. He had

seen Bill depressed before, particularly around the time of Mandy's miscarriage.

- 34.** Michael Schofield told the inquest of Bill's growing obsessions and paranoia after the breakdown of his relationship with Mandy. He talked constantly and sometimes for hours about his phone being bugged, and his movements being videoed. He said trackers had been placed on him and GPS systems placed in his vehicles. It appeared to Michael Schofield and others that this was largely delusional thinking, but Bill could not be persuaded.
- 35.** Michael Schofield gave evidence that Bill also talked endlessly about "his file" and the documents he was collecting for his case against Mandy. It was Michael Schofield's perception that this "file" became like a "security blanket", something that would finally solve all Bill's problems. Others were also aware of the "file", but nobody seems to have actually inspected it.
- 36.** On 7 May 2015, just days before his death Bill arrived at Michael's house unannounced and told him that the Greens had "sold him out to Mandy". Previously he had only ever spoken highly of the Greens, but on this occasion Bill reported that Hughie had convinced him to go fencing and whilst he was away someone had taken all the papers and receipts from his car. Bill believed that he was "now living in the enemy camp". Michael Schofield said that at the time he took it all "with a grain of salt". However, with hindsight, he remembers a kind of calmness, even happiness in his friend, as though Bill had made a decision. Looking back, Michael thinks it was also a cry for help. He remembers that around this time Bill had returned a saddle "out of the blue" and he thinks that may have been part of the final preparations Bill was making in those weeks before his death.
- 37.** Michael Schofield acknowledged the need for rural men to care for their own mental health, but Bill was someone who could not be reached.
- 38.** Roger Roach also gave evidence. He was married to Bill's niece and had shared many interests with Bill over the years including breeding and training sheep

dogs, fishing, hunting and horses. They had slaughtered and butchered animals together and were good friends.

- 39.** Roger had also seen Bill depressed before and usually tried to help him by encouraging him to get involved in outdoor activities and work. He gave evidence that Bill had become extremely bitter and obsessed about his financial settlement with Mandy. In the six months before his death, he felt Bill had almost given up. It was like he was “really beaten for the first time in his life”. He appeared to believe he was being tracked and that various unlikely people were in collusion with Mandy to destroy him.
- 40.** Roger, too, had heard the story about the Greens taking Bill’s file, but he didn’t believe it. He tried to change the subject and distract Bill with talk about dogs or his kids. Roger also reported that Bill had commenced storing his property in Roger’s shed and giving away things. Roger was worried about his friend, but he too was unable to find a way to help.
- 41.** The picture that emerges is of a disturbed and isolated man suffering significant delusions and paranoid thoughts. Once Bill became fixated on the idea that the Greens were in collusion with Mandy Elliot and had stolen his “file”, he could no longer see a future for himself. He seems to have been aware that there was a court hearing of some kind on 15 May 2015, but he did not acknowledge it. Instead it appears that he began slowly distributing his property to his remaining friends and making preparations for his own death¹⁶ and perhaps for the violence he was about to inflict on the Green brothers.
- 42.** It should be stated that there is no evidence before me that any of the Greens were involved in taking any documents from Bill or that they were in contact or collusion with Mandy Elliot. If anything, the Greens appeared to have protected Bill, and possibly even assisted him in evading service in the marital property proceedings

¹⁶ See for example Exhibit 2, Object 10 which advises that there should be “no church”

43. According to records available to the Court, Bill's property at Ironmungie road, Bungarby had been sold to the Green brothers in March 2014. It was 1700 acres and they paid \$320 000 for it. Bill wanted to sell the property so that Mandy could not benefit from it.
44. Hubert Green told police that he and his brothers had paid the price Bill had asked and there appeared to be no problems. After the sale Bill even resided at the family property at Doolondondoo for some months. Friends of Bill's confirmed at the inquest that they had never heard Bill mention the deal was unfair. There is nothing before me to suggest that the Greens swindled or cheated Bill in any way.
45. On the contrary, Alan McGufficke told the inquest, Bill seemed happy with the sale at the time. He seemed more at ease and positive, more his old self, "almost normal" when the transfer was complete. It wasn't until much later, when he arrived with a new document, that Bill ever suggested he shouldn't have sold that property to the Greens.
46. It should also be stated that there is no evidence before me to suggest that Mandy Elliot was hiding excessive wealth or doing anything more than pursuing her legal right to finalise a property settlement.
47. Nevertheless, it was Bill's perception that he was being hounded and attacked. He appears to have genuinely believed that the Greens were colluding with Mandy Elliot. This was certainly a delusion.

Past mental health treatment

48. Bill Markee had previous brief contact with the mental health system. In 2008 and 2009 he had extremely limited contact with the Cooma Mental Health Service, at the instigation of his wife Mandy. At one stage he was prescribed medication for depression, but he appears to have been non-compliant.
49. During their marriage Mandy Elliot recognised that Bill Markee needed assistance and she did what she could to help him get it. However, if someone is determined to refuse treatment, there are limited options. At that time,

although Mandy believed he had significant problems, Bill was able to convince his mental health worker that he did not require ongoing help.

50. I have examined the contemporaneous medical records and it is clear that Bill attended little more than an initial meeting with a mental health worker, John Willington. It appears that he did not seek any further help and only recontacted the worker in 2010 in the context of wanting support of some kind in his property dispute with Mandy.

Statement of from Southern NSW Local Health District

51. Although Bill had not been formally diagnosed with any mental health condition at the time of his death and was not engaged in any treatment, he was clearly in need of help. For this reason a statement was requested from the Local Health District about what services were available in the area.

52. A statement prepared by Nicola Yates, Acting Director, Mental Health, Drug and Alcohol, on behalf of Dr Pavan Bhandari, Clinical Director of the Chisholm Ross Centre was tendered¹⁷. Ms Yates commented on some of the difficulties people have when making the first, difficult steps to seek help. Some may experience confusing or frightening symptoms, others may have little real insight into their problems, experiences certainly differ. What is clear from the research is that “people in rural communities and men from farming communities in particular are often reluctant to seek help, with fear of stigma and concern for their privacy within close knit communities contributing to the reasons for this.”¹⁸

53. For this reason national helplines such as Lifeline and Beyond Blue where people can call anonymously are available. Many rural communities also have a specialist worker from the Rural Adversity Mental Health Program, whose role it is to reach out into communities and assist those who might not otherwise access services. The Southern NSW Local Area Health District has an access line, staffed by a mental health professional which can be contacted

¹⁷ Statement of Nicola Yates, Exhibit 3

¹⁸ Statement of Nicola Yates, Exhibit 3

24 hours a day, 7 days a week¹⁹ (1800 011 511) . This is an important point of contact for those seeking help as well as for those who are concerned for the health of a family member or friend. The service should be widely advertised and I hope any reporting of this inquest will contain reference to it.

54. Nevertheless, for those who are completely resistant to seeking professional help, dangers remain. Bill Markee knew help was available. His wife had referred him to it before. However, he did not think he needed help or perhaps he thought he could not be helped. Whatever the case, he remained untreated in the community, with tragic results.

Need for recommendations

55. Pursuant to section 82 of the *Coroner's Act 2009*, Coroners may make recommendations connected with a death in an attempt to increase public safety or reduce the likelihood of dangerous circumstances recurring. I have considered carefully whether or not any recommendations should be made on the basis of the evidence arising from this inquest.

56. It appears to me that there is no easy or obvious answer to the problem raised here. Certainly not one that can be simply solved by a Government Department or institution. For this reason I decline to make any formal recommendation in this matter.

57. However, as citizens we must continue to look out for those in our community who seem to be struggling. We must do our best to steer them towards professional help and support all their attempts to find effective treatment. Much has been done to break down the stigma surrounding mental illness and that should be applauded. The issue in this case was not that appropriate services did not exist, but that Bill Markee could not understand that he needed urgent help. The end result was the tragic homicide of Ben Green and indeed Bill's own untimely death.

¹⁹ Statement of Nicola Yates, Exhibit 3

Findings required by section 81 (1) Coroners Act 2009 NSW

58.As a result of considering all the documentary evidence and the oral evidence heard at inquest, I am able to make the following findings.

Identity of the deceased

The persons who died were William Markee and Benjamin Green.

Date of death

Both men died on 15 May 2015.

Place of death

Both men died at Nimmitabel, NSW.

Cause of death

Both men died of a single gunshot wound.

Manner of death

Benjamin Green died of a gunshot wound caused by William Markee.

William Markee died, having deliberately shot himself with the intention of ending his own life. I am well satisfied, on the evidence before me, that his death was the result of a planned suicide.

59.I offer my sincere condolences to members of both families and thank them for participating in the inquest.

60.I close this inquest.

Magistrate Harriet Grahame

Deputy State Coroner

19 July 2016

