



**STATE CORONER'S COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the suspected death of Robert Fredrick DONNELLY
Hearing dates:	30 September 2020
Date of findings:	30 September 2020
Place of findings:	NSW State Coroner's Court - Lidcombe
Findings of:	Magistrate Carmel Forbes, Deputy State Coroner
Catchwords:	CORONIAL LAW – missing person-suspicious circumstances-finding of death-referral to NSW Police Unsolved Homicide Unit
File number:	2019/70813
Representation:	Ms B Notley, Coronial Advocate Assisting the Coroner

Findings:	I am satisfied on the balance of probabilities, that Robert Donnelly is now deceased. He died on, or sometime after, 1 May 1972. The available evidence does not allow for any findings to be made as to where Mr Donnelly died or as to the cause and manner of his death.
Recommendation:	To The New South Wales Commissioner of Police: I recommend that the death of Robert Donnelly be referred to the Unsolved Homicide Unit for ongoing investigation

Introduction

1. This is an inquest into the disappearance of Robert Donnelly, who was last seen on 1 May 1972.
2. Section 27 (1) (c) of the *Coroners Act 2009* requires an inquest to be held if it has not been sufficiently disclosed whether a person has died. At inquest a coroner's first task in the case of a missing person, is to consider whether or not she is satisfied that, on the balance of probabilities, the missing person is deceased.
3. If the coroner is so satisfied she will then examine the available evidence and if appropriate proceed to make findings in accordance with s. 81 (1) *Coroners Act 2009*. That section requires the coroner at the conclusion of the inquest, should sufficient evidence be available, to make findings that a person has died, the identity of that person, the date and place of the death and the cause and manner or circumstances of their death.

Robert Donnelly

4. Mr Donnelly was a 27 year old man at the time he disappeared. He was born on 17 April 1944. He was the son of Michael and Dulcie Donnelly. He had three brothers; Albert, Vivian and John. Mr Donnelly's parents and Albert have now passed away. Vivian and John are participating in this Inquest.
5. In his family statement to the Court, John Donnelly said "I was very close to my brother Robert and idolised him as a teenager...I miss my brother and have missed him for nearly 50 years...the loss of a family member in these circumstances is devastating...that he probably died violently, has never left me-from childhood until today..."
6. Mr Donnelly left school in the early 1960's and began working as a french polisher with his father. During the period from 1963-1971 he began committing crimes and he has a lengthy criminal record for property offences and spent time in Long Bay Correctional Centre. At the time of Mr Donnelly's disappearance, he was living in Bondi and involved with several high profile Sydney criminals.
7. In March 1970 a Mayne Nickless armoured car was held up in Guilford and \$587,890 was stolen. The armed robbery is believed to have been committed by three men who had associations to the Painters and Dockers Union in Melbourne.
8. The trio became targets of the 'Toe Cutters', a Sydney criminal gang whose modus operandi was extortion of money from other known criminals. The 'Toe Cutters' members who were involved in this extortion are believed to have been Linus O'Driscoll, Andrew Maloney, John Maloney and Kevin Gore.
9. Mr Donnelly is believed to have been employed by Kevin Gore.

Disappearance

10. On 27 April 1972, Mr Donnelly was seen at identified criminal, Neville Biber's office in Paddington with Kevin Gore and Stewart Regan.
11. On the 1 May 1972, Mr Donnelly borrowed Kevin Gore's, 1970 Ford Fairlane sedan, registration number AIZ586 (NSW). He left Mr Gore's address at 8 Leurn Road, Rose Bay, at about 7pm with the intention of returning it by 8.30am the following day. Mr Donnelly has not been seen since.
12. On 3 May 1972 Kevin Gore attended the office of Neville Biber where he again met with Stewart Regan. Kevin Gore and Stewart Regan left the Paddington address. Before leaving Kevin Gore told Neville Biber he would be 'back in half an hour.' Kevin Gore was never seen again. His body has never been found.
13. On 7 May 1972, Kevin Gore's 1970 Ford Fairlane was located, burnt out, in Osroy Avenue, Earlwood. A .38 calibre rimless cartridge casing was found inside the vehicle.
14. On 11 May 1972 an anonymous phone call made to police stating that identified criminal, William Gordon Johnston, known as 'The Stockman,' was the person responsible for burning out the vehicle. William Johnston was never seen again after 20 May 1972. His disappearance has never been solved.

Police Investigation

15. A Police investigation was conducted in 1972 into the disappearance of Mr Donnelly and Kevin Gore. The conclusion of the investigation was that the disappearance of Kevin Gore was one of a number of reprisal attacks carried out by figures from the Melbourne underworld on the 'Toe Cutters'. The consensus was that Mr Donnelly was murdered in mistake of Kevin Gore when he was driving Kevin Gore's car.
16. Stewart Regan was a stand over man and a hitman, who specialised in murdering other criminals. He was known as 'the Magician' due to his ability to make people disappear. Stewart Regan was responsible for a number of underworld murders during the 1960's and 1970's. The bodies have never been found. The police have a theory that he was hired to commit the revenge killings or was acting on his own to steal the proceeds from the 'Toe Cutters.' He was shot and killed on 22 September 1974 in Chapel Street, Marrickville by two or three gunmen. That crime has never been solved.
17. An inquest was held at the NSW State Coroner's Court, Glebe 15 February 2013 into the disappearance of Kevin Gore. Deputy State Coroner Dillon found Mr Gore died on or about 3 May 1972. He made open findings in relation to place, cause or manner.

18. In 2012 the discovery of unidentified human remains in sand dunes in Sydney led to a public appeal by the NSW Police. Mr Donnelly's brother, John, contacted police. He provided a DNA sample for comparison but sadly the remains were not a match. John then made an official missing person's report of his brother Mr Donnelly.
19. Since 1 May 1972, Mr Donnelly has no further dealings with Police in NSW or any other state of Australia. Police in NSW had his fingerprints on file and these have been entered into the national database.
20. Checks conducted with Centrelink reveal that no records are held in relation to Mr Donnelly since 1 May 1972.
21. Checks conducted with the Department of Immigration and Border Protection reveals that there are no records of movements by Mr Donnelly in or out of Australia since 1 May 1972.
22. Checks conducted with relevant financial institutions revealed that Mr Donnelly has not operated an account in his name since 1 May 1972.
23. Checks conducted with Medicare and Pharmaceutical Benefits Scheme indicates that he has not made any claims in his name since 1 May 1972.
24. Checks with the New South Wales Registry of Births Deaths and Marriages produced no record in relation to Mr Donnelly since 1 May 1972.
25. Checks conducted with the records held by New South Wales Missing Persons Unit confirm that no DNA match has been made with any identified deceased person or remains.
26. Since 1 May 1972 all relevant activity that one would expect from Mr Donnelly ceased.
27. The standard of proof to be applied by the coroner in an inquest is the civil standard, of the balance of probabilities. A finding that a person is deceased is one of significant gravity. There is undisputed evidence that Mr Donnelly was closely associated with unlawful activities and criminal figures at the time of his disappearance. Both the police and Mr Donnelly's brothers believe that he was killed on 1 May 1972. I am also satisfied that he died at this time in suspicious circumstances.
28. The available evidence only allows me to make findings in relation to his identity and date of death. I am unable to make findings in relation to the place, cause or manner of his death.
29. I acknowledge the painful and persistent uncertainty felt by his family in not knowing what happened to Mr Donnelly and the anguish at not being able to give him a proper burial and I extend my sympathy to them.

Findings in accordance with s.81 (1) Coroners Act 2009

Identity

The person who died was Robert Fredrick Donnelly

Date of death

Mr Donnelly died on, or sometime after, 1 May 1972

Place of death

The available evidence does not allow for any finding to be made as to where Mr Donnelly died

Cause of death

The available evidence does not allow for any finding to be made as to the cause of Mr Donnelly's death

Manner of death

The available evidence does not allow for any finding to be made as to the manner of Mr Donnelly's death

Recommendation

To the New South Wales Commissioner of Police:

I recommend that the death of Robert Donnelly be referred to the NSW Police Unsolved Homicide Unit for ongoing investigation

Deputy State Coroner Carmel Forbes

NSW State Coroner's Court - Lidcombe

Date 30 September 2020