



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the disappearance and suspected death of Andrew Frank Clement
Hearing dates:	20 August 2018
Date of findings:	20 August 2018
Place of findings:	State Coroner's Court, Glebe
Findings of:	State Coroner Les Mabbutt
File number:	2017/260841
Catchwords	CORONIAL – Missing Person, suspected death
Representation:	Coronial Advocate Assisting the Coroner Mr Tim O'Donnell

Introduction

1. Andrew Frank Clement was 60 years of age when he disappeared in May 2017. The last known sighting of Andrew was on Sunday 21st of May 2017 at Wisemans Ferry.
2. Since that time Andrew has not been seen. Andrew did not attend his workplace as expected on Monday, 22 May 2017 nor did he contact anyone at work that morning which was totally out of character.
3. On Tuesday 23 May Andrew did not keep an appointment with his personal trainer at 6am and once again failed to attend work despite having a client meeting booked. A work colleague of Andrew's Mr Rod Ewen who knew Andrew became concerned that something was wrong. He reported Andrew's disappearance to the police that morning.

Why was an inquest held?

4. 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. Following the reporting of Andrew's disappearance by police to the Coroner an inquest is being held to determine whether Andrew is deceased.
5. The role of the Coroner pursuant to s 81 of the *Coroners Act* 2009 is to make findings firstly whether a person had died and if so:
 - The identity of the deceased
 - The date and place of that person's death
 - The cause and manner of that person's death
6. Pursuant to s 82 of the Act, a Coroner has the power to make recommendations, including concerning any public health or safety issue arising out of the death in question.

Background

7. Andrew was born in 1956 in South Taranaki New Zealand. He grew up on a dairy farm in Te Roti with his parents and three brothers. Andrew had a happy childhood and maintained a close family bond. Andrew completed his education, attended university and in January 1974 obtained employment with the bank of New Zealand in Hawera. Andrew transferred to New Plymouth in 1978 then to Huntersville and in 1981 to the branch at Palmerston.
8. Andrew emigrated to Australia in 1982 to work at the bank of New Zealand's Parramatta office and subsequently transferred to the Sydney office. He remained employed when his position was transferred to the National Australia Bank in 1992. His responsibilities were bankruptcy and debt cases. The National Australia Bank offered a redundancy that Andrew accepted.
9. Andrew purchased two properties, his residence in Artarmon Road Willoughby and another property in neutral Bay. He gained employment as a strata manager working out of an office close to his home.
10. Following the passing away of Andrew's parents, Andrew still maintained a very close relationship with his three brothers, his sisters in law and his extended family.

He returned to New Zealand at Christmas each year to visit the family. Andrew travelled extensively was a keen follower of rugby union, rugby league and AFL. He took up running and engaged a personal trainer.

11. In 2005 Andrew was diagnosed with depression and remained on antidepressant medication for an extended period. Following Andrew's diagnosis of type II diabetes in 2009 he had lost approximately 12 kg and had taken active steps to improve his health and fitness through a regime of exercise and diet.
12. Andrew commenced bushwalking on a regular basis, conducted research and spoke to people about particular walking tracks and locations. He did not join or walk with any bush walking groups. His personal trainer Karl Tamsley recalls Andrew speaking of a desire to increase the distance and difficulties of the bushwalks he was undertaking.
13. Andrew had told colleagues that on one occasion he got lost in the bush and had difficulty returning to his vehicle. Andrew did not pay much attention to the weather, may not have properly prepared for some of the walks he undertook, always walked alone and did not tell anyone where he was going.

Andrew's disappearance and the police investigation.

14. Follow Mr Ewen's report to the police about Andrew's disappearance Constable Kurt Vallin with Constable Crawford attended Andrew's address in Artarmon Road Willoughby shortly after 10 am on 23 May 2017. Constable Vallin spoke with Mr Ewen on the phone and also met Mr Peter Valacos who had last seen Andrew at 9 am Sunday 21 May at the Northern Bean Café Willoughby where Andrew spoke with him about an upcoming football game.
15. Given concerns for Andrew and no response at the front door forced entry was made into the unit with the assistance of the Fire Brigade. Police found Andrew's mobile phone in the front hallway plugged into a charger. A search of the apartment revealed a number of entry forms and other documentation relating to fun runs and Andrew's New Zealand Passport. Andrew's medication blister packs were located indicating the last medication had been taken on Sunday 21 May. The garage was searched and Andrew's car a silver Holden Astra was missing. There were no signs of forced entry at the premises.

16. Police obtained a photograph of Andrew from Mr Ewen and Andrew's emails were checked revealing no threats or other material of concern. Mr Ewen indicated Andrew treated his work very seriously and was well regarded by all his work colleagues and clients. Andrew was reported as a missing person statewide. Warning were also placed on Andrew's motor vehicle if it was located. Andrew's family in New Zealand were notified that Andrew was missing.
17. Police received information from Andrew's personal trainer about Andrew's interest and desire to undertake more challenging fitness runs and bushwalks. Andrew had recently spoken of bush walking in the Berowra Waters area and had recently completed a bushwalk in the Wiseman's Ferry area.
18. On the 24th of May a search of walking tracks and parking areas in the Wiseman's Ferry area for Andrew and or his vehicle was allocated to the police officers of Wiseman's Ferry police station. Both local officers were on leave at the time and the search was conducted by a highway patrol officer. However, the car parks on the northern side of the river were not included as part of that search.
19. Police investigated Andrews banking account and mobile phones. No banking activity or phone use had taken place. Immigration checks and inquiries with various airlines confirmed Andrew had not travelled overseas. Police attended Andrew's treating doctor Dr Morton who advised Andrew had attended the practice on Saturday 20 May for routine blood tests. Dr Morton had not seen Andrew that morning but advised police that despite his medical condition Andrew was in general good health. He did not consider Andrew had any suicidal thoughts.
20. A media release was issued regarding Andrew on 26 May. On Saturday 27 May Detective Senior Constable Lee Gorman of Chatswood detectives took over the investigation. Over that weekend members of Andrew's family travelled from New Zealand and assisted police with searches of railway stations, car parks and streets around Andrew's residence in an attempt to locate Andrew or his vehicle without success.
21. Andrew's laptop computer was accessed by a relative that revealed Andrew had made a number of searches of accommodation and holidays in various locations in New South Wales. Enquiries with these facilities confirmed Andrew had not travelled or stayed at those locations.

22. On 2 June a meeting of investigators was held. It was realised that the car parks and walking areas on the northern end of Wiseman's Ferry had not been searched. Police were detailed to attend those specific areas and at 7.30pm that evening Andrew's vehicle was located in the car park at Mills Creek Reserve close to a bushwalking track. Approximately 5 km north of Wiseman's Ferry.
23. On Saturday morning 3 June a detailed search of the area with the assistance of the police rescue squad, police trail bikes, SES volunteers, staff from National Parks and Wildlife NSW and the police helicopter was conducted. The experience and knowledge of the National Parks staff regarding possible routes taken by Andrew on his walk was utilised. Andrew's vehicle was also searched and forensically examined. That examination did not reveal any material of assistance.
24. The 11 km walking track where the car was located is rated as a 4 ½ hour walk. There is steep terrain and many tracks run off the main track into dense bushland with a heavy forest canopy. Throughout the search volunteers and police could only travel short distances from the defined tracks due to dense undergrowth. On the first day of the search SES personnel returned to the command post with bushwalkers unrelated to the search who had lost their bearings in the area being searched. The search continued on Sunday 4 June with many members of the local community volunteering to assist. Police dogs were utilised and the search was continued until Wednesday, 7 June. The search ceased due to heavy rainfall. The search was then suspended pending further information about Andrew's whereabouts.
25. CCTV footage was obtained and it revealed Andrew's motor vehicle crossed on the river road ferry shortly before 11 am on Sunday, 21 May. The footage reveals Andrew was by himself and after crossing the river the car turned right in the direction of the car park where the vehicle was subsequently located. That footage is the last confirmed sighting of Andrew.

Possible sighting of Andrew

26. Police canvassing the Wisemans Ferry village received information of a possible sighting of Andrew on 29 May at the Convict Road Kiosk. A review of the CCTV footage in the vicinity showed three different males with a similar physical description to Andrew. A close examination of the footage and a photo of Andrew and the clothing Andrew was wearing on 21 May excluded the males in the footage as being

Andrew. In addition, the three males shown on the footage all got into vehicles different to Andrew's.

27. Evidence of another witness indicated Andrew's car had not moved from its position in the car park between 27 and 31 May. Police also reviewed CCTV from the ferry to confirm Andrew's car did not return over the river after 21 May. Police also considered Andrew would not have spent that period of time in the area either sleeping in his car or somewhere nearby and not attending to his work responsibilities or contacting colleagues. Ultimately Police properly discounted that reported sighting.

Is Andrew deceased?

28. A finding that a missing person is deceased requires cogent and exact evidence to satisfy the court of that fact.

29. Andrew has not been sighted since 21 May 2017. Detective SCHEPIS completed extensive enquiries up to 12 July 2018 of searches for any evidence that may indicate Andrew is still alive. Those enquiries revealed Andrew has not departed Australia, accessed government services, used bank accounts or come under notice by police or other government agencies in NSW or interstate since his disappearance.

30. Taking into account Andrew's active lifestyle, strong work ethic and his very close connection with his family, I am satisfied Andrew has not disappeared of his own choice and is deliberately disguising his identity.

31. I have also considered if Andrew's disappearance is suspicious. The extensive investigation by police has revealed no evidence to suggest another person may have wished harm to Andrew or targeted him.

32. The site where Andrew's vehicle was located, forensic examination of it combined with the CCTV footage of Andrew crossing the ferry alone and his keen interest in bushwalks satisfies me there are no suspicious circumstances regarding Andrew's disappearance.

33. The locating of Andrew's vehicle at the commencement of a bushwalking track combined with the CCTV footage of Andrew crossing the ferry alone, his keen interest in bushwalking and statement to his personal trainer about wishing to undertake more difficult and challenging bushwalks satisfies me that Andrew went on a bushwalk on 21 May 2017 alone.
34. The evidence also indicates Andrew did not take his phone and it is unknown exactly what bushwalking equipment, if any, he may have taken with him including water, maps and any navigation assistance. Regrettably it is not known what exact distance or route Andrew was proposing to walk. No other person was aware of Andrew's itinerary that day. His strong interest in bushwalking must be balanced against the risks of walking alone.
35. Despite an extensive search of the area where Andrew's motor vehicle was located and the possible tracks Andrew may have taken, Andrew has not been located. I am satisfied once police became aware of the location of Andrew's vehicle a proper search was conducted as far as the terrain allowed.

Conclusion

36. There are a number of possible circumstances that may have befallen Andrew whilst he was bushwalking alone. He may have suffered a medical episode or injury but if that occurred on the main track he would have been sighted. Andrew must have taken a side track. Whilst off the main track he may have suffered a medical episode, fallen and/or injured himself and/or became disorientated and unable to find his way back to the main track or his vehicle. The available evidence does not allow a positive finding in that regard.
37. The evidence of the difficult nature of the terrain and vegetation in the area establishes a finding on the balance of probabilities that Andrew's remains are somewhere in thick bushland in the area north of Wiseman's Ferry.
38. I find that Andrew is deceased. I am satisfied Andrew died in the area of Wiseman's Ferry and its surrounds on or about 21 May 2017.
39. On the available evidence I am unable to establish the exact cause and manner of Andrew's death.

40. Andrew was well loved and respected by his family who remember him as a thoughtful and generous person. Andrew is sadly missed. The concern and efforts of his family, friends, colleagues, emergency personnel and volunteers who took part in searches to locate Andrew should be properly acknowledged.

41. To Andrew's family who travelled to Australia initially to search for Andrew shortly after his disappearance and who have travelled over from New Zealand to attend this inquest, I offer my sincere condolences. I regret this inquest has been unable to answer all your questions.

I wish to thank Coronial Advocate Mr Tim O'Donnell for his assistance in this matter.

Findings pursuant to s 81 of the Coroners Act 2009

I find that Andrew Frank Clement is deceased

Identity

The person who died was Andrew Frank Clement

Place of death

Wisemans Ferry and its surrounds

Date of death

On or about 21 May 2017

Cause of death

Unable to be determined

Manner of Death

Unable to be determined

Les Mabbutt
State Coroner
20 August 2018