

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2013 1226

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

**Inquest into the Death of: JOHN KISYLYCZKA**

Distributed On: 22 January 2015

Hearing Date: 20 May 2014

Finding Of: AUDREY JAMIESON, CORONER

Police Coronial Support Unit Leading Senior Constable Andrea Hibbins

I, AUDREY JAMIESON, Coroner having investigated the death of **JOHN KISYLYCZKA**

AND having held an inquest in relation to this death on 20 May 2014

at MELBOURNE

find that the identity of the deceased was **JOHN KISYLYCZKA**

born on 31 July 1951

and the death occurred on an unknown date

at an unknown location

**from:**

1 (a) UNKNOWN CAUSES

**in the following circumstances:**

1. On 20 May 2014, an inquest under section 52(1) of the *Coroners Act 2008* (Vic) (the Act) was held into the death of Mr John Kisylyczka, as “suspected deaths” are included in the definition of “deaths” contained in section 3 of the Act.

#### **BACKGROUND AND CIRCUMSTANCES**

2. Mr Kisylyczka was 20 years of age at the time of his disappearance. He was the elder of two sons born to Polish immigrants, who had met in a concentration camp in Germany during World War II. Very little is known about Mr Kisylyczka’s childhood as he has no surviving relatives or long-term friends.
3. Mr Kisylyczka’s father died as a result of a train accident in 1967, his mother Mrs Bronia Kisylyczka died in 2007 and brother, Mr Michael Kisylyczka died in 2007 in circumstances where it was found that he intended to take his own life.<sup>1</sup> Consequently, most of the information relating to Mr Kisylyczka has been obtained from the executor of Michael Kisylyczka’s estate, Mr William Melios.
4. Mr Kisylyczka attended Dookie Agricultural College where he received a Diploma of Agricultural Science on 18 December 1970. He was a Railways employee and enjoyed

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<sup>1</sup> COR 2007 5221.

outdoor activities such as hunting. It is believed that he suffered from hyperhidrosis,<sup>2</sup> which was the source of embarrassment for him.

5. On 1 June 1971, Mr Kisylyczka's mother attended the Coburg Police Station and reported him as missing. At the time of his disappearance, it was reported that he was wearing "older" type clothes that he used for hunting. According to the original Missing Person Report, the reason for reporting him missing was due to his mother being "worried re welfare".
6. At the time of Mr Kisylyczka's disappearance, he was described as being of Caucasian appearance, 180 centimetres tall with blonde hair, blue eyes and fair skin. He had a part-denture consisting of four front top teeth and birth marks or scars at the corner of his right eye. His last known address was 78 The Avenue, Coburg.
7. Michael Kisylyczka had informed Mr Melios that Mr Kisylyczka had left a note stating he was leaving and asking family not bother searching for him. Soon after, Michael Kisylyczka discovered \$5,000 had been deposited by his brother into his bank account. It is believed that this amount would have symbolised the totality of Mr Kisylyczka's life savings. According to Mr Melios, Michael Kisylyczka had expressed to him that he believed his brother had taken his own life in an abandoned mineshaft in the Marysville area.
8. No contact has been received from Mr Kisylyczka since his disappearance.

#### **POLICE INVESTIGATION**

9. The circumstances of Mr Kisylyczka's death have been the subject of investigation by Victoria Police. Police obtained statements from Mr Melios and various Victoria Police members. No evidence suggesting direct third party involvement was identified.
10. The investigation indicated that on 14 March 1973, a letter from the Victorian Police Acting Chief Commissioner A L Carnichael was sent to local Member of Parliament Mr Gordon Bryant. The letter explained that Mr Kisylyczka's motor vehicle had been located in Marysville on 31 May 1972. A search had been conducted in the vicinity by local Police members and staff from the Forests Commission but the search failed to locate Mr Kisylyczka. A further extended search was conducted over several days by members of the Police Search and Rescue squad. No information was obtained from enquiries with Mr Kisylyczka's family and co-workers.

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<sup>2</sup> Excessively sweaty palms.

11. A second letter dated 7 September 1973 from A L Carmichael to solicitors Marsh and Lewis of Lonsdale Street, Melbourne, confirmed the content of the 14 March 1973 letter.
12. Mr Kisylyczka's Missing Person file was reviewed by the Belier Cold Case Missing Person's Taskforce. This involved examination of Mr Kisylyczka's known biometric data and comparison against known unidentified human remains from Victorian and interstate from 31 May 1972.
13. On 4 December 2007, Detective Senior Constable (DSC) Mark Rippon attended and spoke to Mr Kisylyczka's brother who was unable to provide any additional information. Michael Kisylyczka was found deceased having taken his own life on 25 December 2007.<sup>3</sup>
14. Mr Kisylyczka's Missing Person File was forwarded to members of the Field Investigator Course at the Police Detective Training School. DSC P Vescio took carriage of the investigation and conducted further enquiries. On 3 December 2009, enquiries were made with Births, Deaths and Marriages in an attempt to identify any information relating to Mr Kisylyczka including any name changes. Enquiries were also conducted with Immigration and Interpol and Fedpol databases were also searched. None of these enquiries yielded results.
15. On 7 June 2012, DSC Ryan Forde took carriage of the investigation. On 6 September 2012, unsuccessful enquiries were made with Centrelink and Australia Post to determine whether there had been any activity in relation to Mr Kisylyczka since his disappearance. DSC Forde also established contact with the Victoria Police Search and Rescue Squad as well as local Marysville members who were involved in the 1972 search. A copy of the Search and Rescue Task Log from 1972 was obtained. The log states "search in bush around Mt Arnold for John Kisylyczka, 20 years of 78 The Avenue, Coburg. M/P left Holden sedan parked beside Marysville/Woods Point Road. ¼ Mile East of (unreadable location)". It is apparent from the log that members of the Search and Rescue Squad conducted a search of the area on 1, 2, 5 and 6 June 1972 without success. A retired Marysville Police member (MPM) who attended the search initially recalled that no suicide note or any other note was located within the vehicle, and that the vehicle was located on the Marysville side of Cambarville, on the side of Woods Point Road. The MPM recalls the bush in the vicinity of the vehicle was thick. However, the MPM currently suffers from dementia and a formal statement was therefore not obtained.

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<sup>3</sup> COR 2007 5221.

16. In December 2012, Sergeant Greg Paul of the Marysville Police Station submitted articles in the *Alexandra Standard* and the *Marysville Triangle News* with basic details of Mr Kisylyczka's disappearance, calling for people involved in the search to contact Police.
17. A local resident initially came forward providing details of the search, however it became apparent that this person was confused as to which search they recalled (there was another large-scale search in 1974 conducted for a missing youth).
18. Enquiries were made with the Marysville Historical Society (MHS), however due to the events of the February 2009 Black Saturday bushfires, all MHS records were destroyed. The Department of Sustainability and Environment (formerly the Forests Commission) were also unable to provide information relating to the search.
19. DSC Forde identified that Mr Kisylyczka had been suffering from long-term depression, which appears to have a familial aspect. DSC Forde opined that due to his hunting hobby, he might have had access to a firearm. There was no obligation to register firearms in Victoria until 1985 and there are no records available which could clarify whether or not Mr Kisylyczka owned a firearm.
20. The Victorian Institute of Forensic Medicine have been requested to retain samples from Mr Michael Kisylyczka's death for the purpose of post mortem DNA reference should any future located unidentified remains require comparison.<sup>4</sup>

#### **FACTORS CAUSING OR CONTRIBUTING TO DEATH**

21. There is a lack of evidence that could reasonably support any conclusions regarding the cause of Mr Kisylyczka's death or the surrounding circumstances.

#### **FINDING**

Mr John Kisylyczka's prolonged absence of contact with any persons, together with the totality of the evidence of the circumstances surrounding his disappearance, supports a finding that he is dead. However, there is insufficient evidence on which to make any findings as to the cause or circumstances of his death. I accordingly note that the investigation into the death of Mr Kisylyczka may be re-opened pursuant to section 77(3) of the *Coroner Act 2008* should any new facts and circumstances come to light.

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<sup>4</sup> No ante mortem sample are held by the Victoria Police Forensic Service Department or the Homicide Squad for Mr Kisylyczka.

Pursuant to section 73(1) of the **Coroners Act 2008**, I order that the following be published on the internet.

I direct that a copy of this finding be provided to the following:

Leading Senior Constable Andrea Hibbins

Detective Senior Constable Ryan Forde

Signature:

  
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AUDREY JAMIESON  
CORONER  
Date: **22 January 2015**

