

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

**COR 2021 006135**

**FINDING INTO DEATH FOLLOWING INQUEST**

*Form 37 Rule 63(1)*

*Section 67 of the Coroners Act 2008*

**Inquest into the death of: RODNEY NORMAN GALVIN**

Findings of: AUDREY JAMIESON, Coroner

Delivered on: 2 May 2024

Delivered at: Coroners Court of Victoria,  
65 Kavanagh Street, Southbank, Victoria 3006

Hearing dates: 2 May 2024

Counsel assisting the Coroner: Ms Anna Pejnovic of the Coroners Court of  
Victoria

Catchwords: Missing person; suspected death

I, AUDREY JAMIESON, Coroner, having investigated the death of RODNEY NORMAN GALVIN

AND having held a summary inquest in relation to this suspected death on 2 May 2024

at the Coroners Court of Victoria, 65 Kavanagh Street, Southbank, Victoria 3006

find that the identity of the person suspected to be deceased was RODNEY NORMAN GALVIN  
born on 6 January 1966

suspected to have died on or after 6 April 1987

at an unknown location, Ballarat, Victoria, Australia

from:

1 (a) UNASCERTAINED CAUSES

**in the following summary circumstances:**

Rodney Norman Galvin was 21 years old when he left his family home in Ballarat East on 6 April 1987. Despite investigations following his disappearance, his whereabouts remain unknown, there have been no ‘proof of life’ indicators and he is presumed to be deceased.

**BACKGROUND CIRCUMSTANCES**

1. Rodney Norman Galvin was born in Ballarat to Norma Galvin. He was raised by Norma and his step-father, Peter Galvin. Norma and Peter had seven other children.
2. At 13 years old, Rodney was told by a social worker that Peter was not his biological father. According to Norma, Rodney ‘became a different child’ following this; he began misbehaving and became known to the police.<sup>1</sup>
3. Rodney attended Ballarat East High School until he was 15 years old, at which time he began working at a poultry farm. It was around this time that Rodney began to ‘settle down’. Rodney was very interested in sport and played football, cricket and ice hockey, all of which he was skilled at.<sup>2</sup>

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<sup>1</sup> Coronial Brief (CB), Statement of Norma Galvin, dated 26 April 1995.

<sup>2</sup> Ibid.

4. At around 19 years old, Rodney began a relationship with Justine Duncan, and began living with her shortly after. According to Justine, Rodney used drugs throughout their relationship, including intravenous speed (methamphetamine), cannabis, Rohypnol and alcohol.<sup>3</sup>
5. Rodney worked at the Ballarat meatworks until he was around 20 years old, when he injured his back. He collected social security benefits, the majority of which he spent on alcohol and other drugs.<sup>4</sup>
6. In December 1985, Rodney's younger brother Michael died in a car accident. This had a great effect on Rodney's mood; he became depressed, began acting irrationally and mentioned suicide. Norma recalled Rodney stating that 'Black Hill Lookout would be a good place to hang yourself'. Following Michael's death, Rodney began receiving drug and alcohol support.<sup>5</sup> Victoria Police records from 1986 suggest that Rodney was using heroin at that time.<sup>6</sup>
7. Justine noticed Rodney's behaviour change during their relationship; he became erratic and moody. He was depressed and 'down in himself' and would often come home in the early hours of the morning without an explanation as to where he had been.<sup>7</sup>
8. In around January 1986, Justine broke up with Rodney and he returned to live with Norma and Peter in Ballarat East. Rodney did not react well to the relationship ending, calling Justine and threatening suicide if he could not be with her.<sup>8</sup> He was 'very irrational' and angry at home, and once hit Peter during an argument, which was reportedly out of character.<sup>9</sup>
9. Victoria Police records indicate that between 1979 to 1986, Rodney was charged with offences including theft from motor car, burglary, theft, assault and indecent language.<sup>10</sup>

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<sup>3</sup> CB, Statement of Justine Duncan, dated 27 September 1995.

<sup>4</sup> Ibid.

<sup>5</sup> CB, Statement of Norma Galvin, dated 26 April 1995.

<sup>6</sup> CB page 357, Victoria Police Result of Charge and Antecedent Form dated 5 March 1986.

<sup>7</sup> CB, Statement of Justine Duncan, dated 27 September 1995.

<sup>8</sup> Ibid.

<sup>9</sup> CB, Statement of Norma Galvin, dated 26 April 1995.

<sup>10</sup> CB page 349, Victoria Police Criminal History Sheet.

## THE CORONIAL INVESTIGATION

10. The purpose of a coronial investigation of a reportable death<sup>11</sup> is to ascertain, if possible, the identity of the deceased person, the cause of death and the circumstances in which the death occurred.<sup>12</sup> For coronial purposes, death includes suspected death.<sup>13</sup>
11. The cause of death refers to the medical cause of death, incorporating where possible the mode or mechanism of death. The circumstances in which death occurred refer to the context or background and surrounding circumstances but are confined to those circumstances sufficiently proximate and causally relevant to the death, and not all those circumstances which might form part of a narrative culminating in death.<sup>14</sup>
12. The broader purpose of any coronial investigation is to contribute to the reduction of the number of preventable deaths through the findings of the investigation and the making of recommendations by coroners, generally referred to as the prevention role.<sup>15</sup>
13. Coroners are empowered to report to the Attorney-General in relation to a death; to comment on any matter connected with the death they have investigated, including matters of public health or safety and the administration of justice; and to make recommendations to any Minister or public statutory authority on any matter connected with the death, including public health or safety or the administration of justice.<sup>16</sup> These powers are effectively the vehicles by which the Coroner's prevention role can be advanced.<sup>17</sup>
14. The Coroners Court of Victoria is an inquisitorial jurisdiction.<sup>18</sup> It must be emphasised that Coroners are not empowered to determine the civil or criminal liability arising from the

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<sup>11</sup> The term is exhaustively defined in section 4 of the Coroners Act 2008 (Vic) ("the Act").

<sup>12</sup> Section 67(1) of the Act.

<sup>13</sup> See section 3 of the Act for the definition of "death".

<sup>14</sup> This is the effect of the authorities – see for example *Harmsworth v The State Coroner* [1989] VR 989; *Clancy v West* (Unreported 17/08/1994, Supreme Court of Victoria, Harper J).

<sup>15</sup> The "prevention" role is now explicitly articulated in the Preamble and purposes of the Act, compared with the *Coroners Act 1985* where this role was generally accepted as "implicit".

<sup>16</sup> See sections 72(1), 67(3) and 72(2) of the Act regarding reports, comments and recommendations, respectively.

<sup>17</sup> See also sections 73(1) and 72(5), which requires publication of coronial findings, comments and recommendations and responses respectively; sections 72(3) and 72(4), which oblige the recipient of a coronial recommendation to respond within three months, specifying a statement of action which has or will be taken in relation to the recommendation.

<sup>18</sup> Section 89(4) of the Act.

investigation of a reportable death and are specifically prohibited from including in a finding or comment any statement that a person is, or may be, guilty of an offence.<sup>19</sup>

## **CONDUCT OF INVESTIGATION**

15. The coronial investigation of a suspected death differs significantly from most other coronial investigations which commence with the discovery of a deceased person's body or remains. The focus in those cases is on identification of the body or remains, a forensic pathologist's examination and advice to the coroner about the medical cause of death, and the circumstances in which the death occurred.
16. Absent a body or remains, the coronial investigation focuses on the last sighting of the person suspected to be deceased, any subsequent contact with family or the authorities, and evidence of proof of life since. In such cases, the coronial investigation is essentially an exercise in proof of death through the absence of evidence that a person has been alive via searches and a series of checks of records held by various authorities and databases.

## **SOURCES OF EVIDENCE**

17. This Finding is based on the totality of the material produced by the coronial investigation into the death of Rodney Norman Galvin. That is, the Court File and Coronial Brief of evidence compiled by Detective Sergeant Maurice Ryan. The Coronial Brief will remain on the Court File, together with the Inquest transcript.<sup>20</sup>
18. In writing this Finding, I do not purport to summarise all the material and evidence but will refer to it only in such detail as is warranted by its forensic significance and in the interests of narrative clarity.

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<sup>19</sup> Section 69(1) of the Act. However, a Coroner may include a statement relating to a notification to the Director of Public Prosecutions if they believe an indictable offence may have been committed in connection with the death. See sections 69 (2) and 49(1) of the Act.

<sup>20</sup> From the commencement of the Act, that is 1 November 2009, access to documents held by the Coroners Court of Victoria is governed by section 115 of the Act.

## **EVENTS PROXIMATE TO DISAPPEARANCE**

19. At around 6pm on 6 April 1987, Rodney said ‘see you later’ to Norma and walked out of the house. He was wearing blue jeans, black thongs and a dark blue singlet, but left behind all of his belongings including his license and wallet.<sup>21</sup>
20. He was in a ‘reasonable mood’ when he left, though did not tell anyone where he was going. Rodney did not return home.<sup>22</sup>

## **INITIAL INVESTIGATION**

21. Around a month after Rodney disappeared, Norma attended at Ballarat Police Station and spoke to Barry Stevens, whom she knew personally. She advised him that Rodney had not returned home since leaving on 6 April 1987 and provided a photo.<sup>23</sup> No missing persons reports were filed at this time<sup>24</sup>.
22. Around a year after Rodney’s disappearance, Norma conducted her own enquiries including approaching staff at Centrelink, who advised that he was no longer receiving payments. She also spoke to a staff member at Commonwealth Bank who advised that he had not withdrawn any money from his account.<sup>25</sup>

## **1995 INVESTIGATION**

23. On 24 April 1995, Rachel Poulton attended at the Ballarat Police Station and reported that her partner, Donald Hearn, had admitted to her that he killed Rodney.<sup>26</sup>
24. In her statement, Ms Poulton stated that she and Mr Hearn had an argument in January 1991, after which he became very upset, started crying and told her he was upset because he had murdered Rodney. According to Ms Poulton, Mr Hearn admitted to the following:<sup>27</sup>

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<sup>21</sup> CB, Statement of Norma Galvin, dated 26 April 1995.

<sup>22</sup> Ibid.,

<sup>23</sup> CB, Statement of Norma Galvin, dated 29 May 2019.

<sup>24</sup> CB, Statement Detective Sergeant Maurice Ryan, dated 31 October 2023.

<sup>25</sup> CB, Statement of Norma Galvin, dated 29 May 2019.

<sup>26</sup> CB, Statement of Rachel Poulton, dated 24 April 1995.

<sup>27</sup> Ibid.

- a. In 1986 or 1987, Rodney hit Mr Hearn with his car in Howitt Street, Wendouree, leaving him with face and leg injuries.
  - b. After leaving the hospital and recovering from his injuries, Mr Hearn befriended Rodney and invited him to smoke marijuana with him in Dunolly.
  - c. In Dunolly, Mr Hearn shot Rodney in the head with a nine-millimetre Beretta pistol and disposed of his body down a mine shaft. He had since melted down the pistol so it could not be found.
  - d. Rodney deserved to die because he had run Mr Hearn over.
25. In August 1994, Ms Poulton, Mr Hearn and her mother were watching television in the lounge room of their home. When a news report about a body being found in Dunolly was shown, Mr Hearn stood up and left their home without saying anything. Around twenty minutes later, Mr Hearn called Ms Poulton to tell her he would be home later, though he did not return that night.<sup>28</sup>
26. Mr Hearn had reportedly threatened to kill Ms Poulton if she told anyone that he had killed Rodney. Ms Poulton told investigators ‘I am convinced that he is capable of killing me if given the opportunity and I have absolutely no doubt that he did kill Rodney Galvin as he says he did’.<sup>29</sup>
27. On 19 October 1995, Ms Poulton visited Mr Hearn at Pentridge Prison in Coburg, where he was incarcerated for unrelated matters, wearing a tape-recording device fitted by investigators to covertly record their conversation. When the conversation turned to the death of Rodney, Mr Hearn pretended he did not know what she was talking about.<sup>30</sup>
28. On 25 October 1995, Ms Poulton again visited Mr Hearn wearing a tape-recording device, accompanied their daughter. They spoke about ‘general things’ and when the conversation

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<sup>28</sup> CB, Statement of Rachel Poulton, dated 24 April 1995.

<sup>29</sup> Ibid.

<sup>30</sup> CB, Statement of Rachel Poulton, dated 27 October 1995.

turned to Rodney's death, Mr Hearn became quiet and asked Ms Poulton if she was 'wired'. Ms Poulton replied that she was not, and the visit continued for around an hour.<sup>31</sup>

29. In 2002, Ms Poulton died in non-suspicious circumstances.<sup>32</sup>

## **RECENT INVESTIGATIONS**

30. In 2018, Detective Sergeant Maurice Ryan ("D/Sgt Ryan") of the Victoria Police Missing Persons Squad commenced an investigation into Rodney's disappearance.

31. On 29 May 2019, detectives attended at Norma's house and took an additional statement in which Norma outlined the enquiries she made herself following Rodney's disappearance. Norma also provided a DNA sample.<sup>33</sup>

## **Involvement of Donald Hearn**

32. On 3 May 2018, Donald Hearn participated in a recorded interview with Detective Senior Constable Ben Gordon ("DSC Gordon") and Detective Senior Constable Damon Abbey ("DSC Abbey") at the Dandenong Police Station.<sup>34</sup> During the interview, Mr Hearn explained he had only met Rodney twice.

33. On the first occasion, on 6 December 1986,<sup>35</sup> Mr Hearn and Rodney attended a party during which they had an altercation over a woman that Rodney was interested in, with Rodney almost attacking Mr Hearn with a vacuum.

34. At around 8:30pm, after leaving the party, Mr Hearn was hit by a car while riding his bicycle. Mr Hearn believed the car was a Ford Coupe, either an XB or XC, though noted it was dark and the car did not have headlights on. As a result of the collision, Mr Hearn was conveyed to Ballarat Hospital where he was treated for his injuries, including a broken leg.

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<sup>31</sup> CB, Statement of Rachel Poulton, dated 27 October 1995.

<sup>32</sup> CB, Statement Detective Sergeant Maurice Ryan, dated 31 October 2023.

<sup>33</sup> CB, Statement of Norma Galvin, dated 29 May 2019.

<sup>34</sup> CB page 48, Transcript of DVD recorded interview with Donald Hearn, 3 May 2018.

<sup>35</sup> Ballarat Base Hospital records confirm that Donald Hearn was brought to hospital at 2am on 7 December 1986 by Ambulance having sustained injuries as a result of being hit by a car while riding a bicycle.



35. Following the collision, Mr Hearn made enquiries of friends and acquaintances as to who was driving the Ford Coupe and was told that Rodney had been driving a Ford XB or XC on the night of the party. Mr Hearn told investigators that he did not confront Rodney with this knowledge, and conceded that it may not have been Rodney who hit him, but at the time, he 'put it all together' and it 'fit in with the story at the time'.
36. A few days later, Mr Hearn again saw Rodney on Sturt Street in Ballarat. Rodney was on the other side of the road, and they did not talk. According to Mr Hearn, he never saw Rodney again.
37. DSC Gordon put to Mr Hearn Ms Poulton's statement that he had left the house abruptly when a news report about a body being found in Dunolly was shown on the television. Mr Hearn denied leaving the house due to the news report, stating that '[Ms Poulton] and her mother have jumped to conclusions' and 'I've just picked the wrong time to get up and leave.'
38. DSC Gordon further put to Mr Hearn that in 1991 he had told Ms Poulton he murdered Rodney and dumped his body in a mineshaft near Dunolly. Mr Hearn again denied this, stating 'I never ever admitted to killing anybody'.
39. On 22 March 2022, Mr Hearn participated in a recorded interview with Detective Senior Constable Taqdir Deol and Detective Senior Constable Jason Stewart at Melbourne West Police Station.<sup>36</sup> Mr Hearn maintained that he had nothing to do with Rodney's disappearance and had never told Ms Poulton that he murdered him.
40. Investigators found no evidence supporting the allegation that Mr Hearn was involved or responsible for the disappearance of Rodney.

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<sup>36</sup> CB page 196, Transcript of DVD recorded interview with Donald Hearn, 22 March 2022.

## **Involvement of Christopher Evans**

41. On 28 June 2022, Police received a report that in around 1999 or 2000, Christopher Evans, an associate of Rodney, had admitted to killing him. The person making the report<sup>37</sup> told Police that he had admitted to the following:
- a. Mr Evans and his brother Cameron took Rodney to a bush area in the vicinity of White Swan Reservoir in Springs Road, Brown Hill.
  - b. Cameron intended on killing Rodney but ‘chickened out’, and so Mr Evans shot Rodney multiple times in the limbs and joints intending to torture him, before fatally shooting him.
  - c. Mr Evans had killed Rodney as revenge, as Rodney was ‘awful’ to Mr Evans’ family and had ‘ripped them off’.
42. Apparently, Mr Evans had admitted to killing Rodney during an incident of domestic violence, and he was known for ‘beating all his girlfriends’, having also previously shot his former partner Suzanne Huyton.
43. The reporting person further advised police that Mr Evans had grown up on Morris Street, around the corner from the Galvin family and knew them well. Mr Evans’ best friends were Andrew Rae and Craig Britt. The reporting person had previously brought up Rodney to Andrew Rae and was told by him ‘don’t go there’.
44. Following the report, D/Sgt Ryan made enquiries with Suzanne Huyton, Andrew Rae and Craig Britt.
- a. Ms Huyton confirmed that on 5 October 1987, Mr Evans was ‘mucking around’ with a shotgun when he shot her in the stomach. He was later charged with negligently causing serious injury. She told D/Sgt Ryan that she grew up with

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<sup>37</sup> The person making the report wished to remain anonymous and did not provide a signed statement.

Rodney and Mr Evans, that Rodney and Mr Evans were ‘best mates’, and that Mr Evans was also a close friend of Craig Britt.

- b. Mr Rae told D/Sgt Ryan that he didn’t know Rodney that well but went to school with his brother Darren. Mr Rae did not mention Mr Evans.
  - c. Mr Britt told D/Sgt Ryan that he knew of Rodney but did not know him personally, and that Rodney may have been dealing drugs at the time he disappeared. Mr Britt did not mention Mr Rae.
45. On 27 July 2023, Mr Evans participated in a recorded interview with D/Sgt Ryan and Detective Leading Senior Constable Daniel Passingham.<sup>38</sup>
46. Mr Evans told detectives that he had known Rodney since he was around five years old as they lived in close proximity to one another. Rodney was around three years older than him, and he was good friends with Rodney’s brothers Michael and Darren as they were closer to his age.
47. Mr Evans described Rodney as being ‘a bit out of control’. He was into hard drugs, started fights and his friends were ‘bad news’. He was banned from Mr Evans’ home for this reason, though Mr Evans noted that Rodney never assaulted any of his family.
48. According to Mr Evans, Rodney borrowed a substantial amount of money, believed to be around \$8,000, from Norma. He did not pay back his debt to her and Darren paid Norma back on his behalf.
49. D/Sgt Ryan questioned Mr Evans about the report that he had taken Rodney to White Swan Reservoir and killed him. Mr Evans said he had been to White Swan Reservoir ‘plenty of times’ but never with Rodney. When asked if he had killed Rodney, he replied ‘no, no, no.’
50. Mr Evans stated that he did not know what happened to Rodney and did not turn his mind to it, but had heard a rumour that he had moved to Adelaide.

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<sup>38</sup> CB page 347, Transcript of recorded interview with Christopher Evans, 27 July 2023.

51. Whilst investigators found the initial report of Mr Evans admitting to killing Rodney to be ‘genuine and honest’, there is insufficient evidence and intelligence to confirm that the report is true and correct.<sup>39</sup>

### **Proof of life checks**

52. Investigators have conducted numerous ‘proof of life’ checks with, to no avail.<sup>40</sup> D/Sgt Ryan noted that Rodney had extremely limited means of survival with no income, no employment, no vehicle and no known associates to assist him.<sup>41</sup>

### **THE INQUEST**

53. Having reviewed the available evidence, I determined that this matter would be appropriately finalised by way of a Summary Inquest and Form 37 *Finding into Death with Inquest*.

### **FINDINGS AND CONCLUSION**

1. Police investigation and proof of life checks between 1987 and the present have failed to lead to any further information on Rodney’s whereabouts. I note that Rodney’s current age would be 58 years were he alive.
2. The standard of proof for coronial findings or facts is the civil standard of proof on the balance of probabilities, with the *Briginshaw* gloss or explication.<sup>42</sup>
3. Having applied the applicable standard to the available evidence, I make the following Findings pursuant to section 67 of the *Coroners Act 2008* (Vic).

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<sup>39</sup> CB, Statement Detective Sergeant Maurice Ryan, dated 31 October 2023.

<sup>40</sup> CB, Statement Detective Sergeant Maurice Ryan, dated 31 October 2023; Statement of Detective Senior Sergeant Stephen Trewavas, dated 1 May 2024.

<sup>41</sup> CB, Statement Detective Sergeant Maurice Ryan, dated 31 October 2023.

<sup>42</sup> *Briginshaw v Briginshaw* (1938) 60 C.L.R. 336 esp. at 362-363: “*The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issues had been proved to the reasonable satisfaction of the tribunal. In such matters, “reasonable satisfaction” should not be produced by inexact proofs, indefinite testimony, or indirect inferences...*”.

4. I find that Rodney Norman Galvin, born 6 January 1966 and formerly of 17 Rice Street, Ballarat East, Victoria, 3350, is deceased.
5. AND, I find that Rodney Norman Galvin died on or after 6 April 1987, but the evidence does not enable me to make more specific findings as to the date of death.
6. AND FURTHER, a number of possible scenarios as to the circumstances of Rodney Norman Galvin's death have been posited in the period since his disappearance. These include the possibility that he was killed, intentionally took his own life, or died due to misadventure. However, the available evidence does not enable me to a make a finding with comfortable satisfaction as to the medical cause or circumstances of Rodney Norman Galvin's death, including whether there was any third-party involvement.
7. Should new and compelling evidence be obtained, an application to reopen the coronial investigation can be made.

I convey my sincere condolences to Rodney's family for their loss.

#### **PUBLICATION OF FINDING**

To enable compliance with section 73(1) of the *Coroners Act 2008 (Vic)*, I direct that the Findings will be published on the internet.

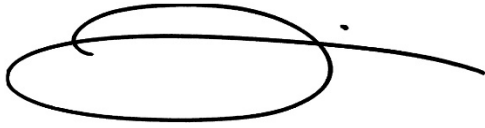
#### **DISTRIBUTION OF FINDING**

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

Detective Sergeant Maurice Ryan

Detective Senior Sergeant Stephen Trewavas

Signature:



AUDREY JAMIESON  
CORONER



Date: 2 May 2024

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NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.

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