

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 1998 0682

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 63(1)

Section 67 of the Coroners Act 2008¹

Inquest into the death of Elisabeth Membrey

Delivered On:	2 July 2025
Delivered At:	Coroners Court of Victoria 65 Kavanagh Street, Southbank
Hearing Dates:	2 July 2025
Findings Of	Judge John Cain, State Coroner
Deceased:	Elisabeth Francis Membrey
Counsel Assisting the Coroner:	Ms Jess Syrjanen, Senior Coroner's Solicitor
Keywords:	Unascertained cause of death; homicide; re-opened investigation; remains not located

¹ This finding is the result of an application to set aside a finding and re-open an investigation following an inquest held on 14 August 2000 and inquest finding made on 29 August 2000.

INTRODUCTION AND BACKGROUND

1. Elisabeth Membrey (**Ms Membrey**) was last seen alive at 11.45pm on the 6 December 1994. She was 22 years of age at the time.
2. Ms Membrey was a graduate of La Trobe University and at the time of her disappearance, was working as a casual bar assistant in the evenings at the Manhattan Hotel, Ringwood.
3. Ms Membrey lived at Unit 1, 92 Bedford Road, Ringwood, premises she shared with a friend, Vivienne Crump. Ms Crump was not at home on 6 December 1994 and had not been at the unit since 3 December 1994.
4. Ms Membrey's family became alarmed as they had not heard from Ms Membrey and contacted police. Police commenced an investigation, and the initial examination of Ms Membrey's unit revealed a significant amount of blood on the hallway carpet and walls. Blood was also located in Ms Membrey's motor vehicle which was parked at the front of her home. Subsequent analysis revealed a strong likelihood that this was Ms Membrey's blood. There was no evidence of forced entry to the premises nor were there any other signs of disturbance identified by police.
5. Police believe that it is likely that Ms Membrey was murdered by someone that she knew as evidenced by the absence of any sign of a break-in at the unit. They also believe that the person attempted to remove, by cleaning, any incriminating evidence and then carried Ms Membrey's body wrapped in a doona to her car before driving her car to an unknown location and disposing of her body.
6. On 14 August 2000, Coroner Jacinta Heffey held an Inquest into the death of Ms Membrey and published her finding on 29 August 2000. Coroner Heffey found that the identity of the deceased was Elisabeth Frances Membrey, and that death occurred on 7 December 1994 at Unit 1, 92 Bedford Road Ringwood from an unknown cause in circumstances set out in the finding published on 29 August 2000. Coroner Heffey also stated "I formally find that on the state of the evidence I am unable to identify the person or persons who contributed to the death of the deceased".
7. On 6 February 2023, Detective Sergeant Maurice Ryan (**DS Ryan**) made an application to set aside the finding of Coroner Heffey on the basis that there were new facts and circumstances pursuant to section 77 of the *Coroners Act 2008* (**the Act**).

8. That Application came to me and having reviewed the material in support of the reopening application, I determined on 23 October 2023 that the Application did raise new facts and circumstances and that it was appropriate to reopen the investigation.
9. This finding draws on material available to Coroner Heffey and material obtained by Victoria Police in the re-opened coronial investigation.

THE CORONIAL INVESTIGATION

10. Ms Membrey's death was reported to the coroner as it was unexpected and unnatural, and so fell within the definition of a reportable death pursuant to the *Coroners Act 1985* (**the 1985 Act**). Reportable deaths include deaths that are unexpected, unnatural, or violent, or result from accident or injury.
11. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
12. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
13. Victoria Police assigned an officer to be the Coroner's Investigator for the investigation of Ms Membrey's death. This investigation has a long history that spans over 30 years and included taking statements from witnesses – such as family, the forensic pathologist, and analysis and comparison of DNA samples. A coronial brief was submitted at the time of the first inquest and an updated coronial brief has also been submitted.
14. This finding draws on the totality of the coronial investigation into the death of Ms Membrey, including evidence contained in the original coronial brief and the new information provided by Victoria Police. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.

15. Section 52(2) of the Act provides the circumstances under which it is mandatory for a coroner to hold an inquest into a death. One of those circumstances is where a coroner suspects the death was a homicide and no person or persons have been charged with an indictable offence in respect of the death. In this instance as there has already been an inquest into the death of Ms Membrey, the requirement of section 52(2) has been satisfied.
16. As a result of my investigation, I am unable to rule out that Ms Membrey's death may be due to homicide. I note the observations of the Victorian Court of Appeal in *Priest v West*, where it was stated:

“If, in the course of the investigation of a death it appears that a person may have caused the death, then the coroner must undertake such investigations as may lead to the identification of that person. Otherwise, the required investigation into the cause of the death and the circumstances in which it occurred will be incomplete; and the obligation to find, if possible, that cause, and those circumstances will not have been discharged.”
17. Consistent with the judgment in *Priest v West*, one of the purposes of the inquest is to investigate any evidence that may lead to the identification of the person (or persons) who may have caused the death and the circumstances that led to the death. I am required to make findings of fact and not express any judgment or evaluation of the legal effect of those findings.

THE RE-OPENED CORONIAL INVESTIGATION

The previous inquest and finding

18. As I have previously stated, Coroner Jacinta Heffey investigated Ms Membrey's death. Her Honour held an inquest on 14 August 2000.
19. On 29 August 2000, Her Honour finalised her investigation and made the following findings:
 - (a) that the identity of the deceased was Elisabeth Frances Membrey.
 - (b) that death occurred on 7 December 1994 at Unit 1, 92 Bedford Road Ringwood from an unknown cause in circumstances set out in the finding published on 29 August 2000.
 - (c) that on the state of the evidence, her Honour was unable to identify the person or persons who contributed to the death of the deceased.

20. Her Honour's finding was published on 29 August 2000.

Application to set aside Coroner Heffey's findings

21. On 6 February 2023, the Court received a *Form 43 Application to Set Aside Finding* from DS Ryan of Victoria Police, dated 6 February 2023.
22. In his application, DS Ryan requested that the part of the finding that states 'That on the state of the evidence, I am unable to identify the person or persons who contributed to the death of the deceased' be set aside and that the investigation be re-opened pursuant to section 77 of the *Coroners Act 2008*. In summary, the basis of his application was that the investigations by Victoria Police had been ongoing and that the further investigations had identified a person who may have contributed to the death of the deceased.
23. I upheld DS Ryan's application and reopened the application on the 23 October 2023.

The scope of the re-opened investigation

24. The scope of the reopened investigation focused on the additional evidence that police obtained and the identity of the person or persons who may have may have contributed to the death of Ms Membrey.
25. The new material provided by DS Ryan updated me on steps taken in the investigation since the Finding of Coroner Heffey was published and additional evidence that had been obtained by Victoria Police.

Standard of proof

26. All coronial findings must be made based on proof of relevant facts on the balance of probabilities.² In determining these matters, I am guided by the principles enunciated in *Briginshaw v Briginshaw*.³ All coronial findings must be made on proof of relevant facts on the balance of probabilities. In determining whether a matter is proven to that standard, coroners should give effect to the principles enunciated in *Briginshaw v Briginshaw*.⁴ These principles

² *Re State Coroner; ex parte Minister for Health* (2009) 261 ALR 152.

³ (1938) 60 CLR 336.

⁴ (1938) 60 CLR 336.

state that when deciding whether a matter is proven on the balance of probabilities, in considering the weight of the evidence, the decision-maker should bear in mind:

- the nature and consequence of the facts to be proved;
- the seriousness of any allegations made;
- the inherent unlikelihood of the occurrence alleged;
- the gravity of the consequences flowing from an adverse finding; and
- if the allegation involves conduct of a criminal nature, weight must be given to the presumption of innocence, and the court should not be satisfied by inexact proofs, indefinite testimony, or indirect inferences.⁵

27. The effect of these authorities is that coroners should not make adverse findings against or comments about individuals, unless the evidence provides a comfortable level of satisfaction that they caused or contributed to the death.

CIRCUMSTANCES IN WHICH THE DEATH OCCURRED PURSUANT TO SECTION 67(1)(C) OF THE ACT

28. Before moving to the new evidence that Victoria Police have obtained, I will summarise what is known of Ms Membrey's movements in the period prior to her disappearance. This summary is taken from Coroner Heffey's finding and is not challenged by later evidence.

29. Ms Membrey commenced work at the Manhattan Hotel at 5.00pm on 6 December 1994. She was rostered to work from 5.00pm to 8.30pm or 9.00pm, however, as it was busy, she was asked to work until closing. On that night, she was working with colleague, Simon Miller and they both finished work at 11.45pm. The observation from staff was that Ms Membrey appeared her 'normal self' that evening. There were no reported issues with staff or patrons during the shift and Mr Miller told police that there was nothing unusual about Ms Membrey that evening. Ms Membrey 'signed off' at 11.45pm.

30. The available evidence supports the conclusion that Ms Membrey arrived home safely and changed out of her work clothes into a white T-shirt. It was a very hot night. A neighbour reported

⁵ *Briginshaw v Briginshaw* (1938) 60 C.L.R. 336.

that when she went outside to retrieve her barking dog, she heard a loud bang at approximately 12.30am on 7 December 1994.

31. Later investigations concluded that the only identified piece of clothing missing from the house was a white T-shirt and it is presumed that was the T-shirt Ms Membrey had changed into. Also identified as missing from the house was a doona.
32. Ms Membrey's parents contacted police when they had not heard from their daughter and reported her missing. Police commenced an investigation and initial examination of the unit revealed a significant amount of blood on the hallway carpet and walls. Blood was also located in Ms Membrey's motor vehicle which was parked at the front of her home. Subsequent analysis revealed a strong likelihood that this was Ms Membrey's blood. There was no evidence of forced entry to the premises nor was there any other signs of disturbance.
33. Police believe that it is likely that Ms Membrey was murdered by someone that she knew as evidenced by the absence of any sign of a break-in to the unit and that cleaning of the hallway carpet and wall had occurred to remove any incriminating evidence. Police also believe that Ms Membrey's body, wrapped in the doona, was carried to her car and then driven to an unknown destination to dispose of her body. Traces of blood were located in Ms Membrey's car.

Further Investigation by Victoria Police

34. The initial investigation by police focused on four potential suspects: Robert Lindsay Fry, John Andrew McLean, Shane Bond and Andrew Crump. Homicide detectives conducted extensive investigations of both Mr Fry and Mr McLean which included investigation by undercover officers. By approximately 2005, both were discounted as suspects. The evidence did not support any link or connection between either Mr Fry or Mr McLean and Ms Membrey's disappearance.
35. Shane Bond became the focus of police investigations from 2005 following the decision by police that Mr McLean and Mr Fry were no longer persons of interest. On 16 January 2008, Mr Bond was interviewed by police, and he denied knowing Ms Membrey and having any involvement in her murder. On 20 April 2010, Mr Bond was arrested and charged with the murder of Ms Membrey. The prosecution case against Mr Bond relied solely on witness accounts linking him to Ms Membrey but was not supported by any forensic evidence, phone related evidence or

CCTV footage linking Mr Bond to Ms Membrey. After an eight-week trial and one week of deliberation by the jury, Mr Bond was acquitted on 28 April 2012.

Andrew Crump Investigation

36. In 2017, police commenced a review of the evidence in the investigation and the focus turned to Andrew Crump. Several lines of inquiry that had not been fully investigated previously were identified. The review of the evidence identified the following information that was relevant to the investigation:

- Ms Membrey shared the house with Vivienne Crump (Vita), Andrew Crump's half-sister.
- 10 days after Ms Membrey disappeared, Andrew Crump left Melbourne on an unplanned trip to Queensland with an associate, Frank Coombes.
- On 29 December 1994, investigators spoke to Andrew Crump via telephone, after they had been advised by his mother that he had gone to Queensland. During this call, Andrew Crump stated that the last time he was at the Bedford Road address, was when he went to see his sister Vivienne, but she was not home (believed to be the Sunday night before Ms Membrey disappeared). He stated that Ms Membrey was at home and let him into the house and he recalled that he used the toilet and telephone.
- This account is not consistent with information provided to police by Sandra Crump (Mr Crump's mother) - indicating that Mr Crump went there on the Sunday night before the incident and Ms Membrey refused him entry.⁶ When questioned about this, he denied visiting Ms Membrey's unit on the weekend before her disappearance.
- In an interview with police on 30 August 1995, conducted in Caloundra, Queensland, Mr Crump disclosed that he had been in Ms Membrey's car when he had to move it from the driveway to make room for Vivienne's car. The details of this statement are unclear, as there is no recording or transcript of the interview that can now be located.

⁶ Statement Mrs Crump

- At the time of Ms Membrey's disappearance, Andrew Crump was living between his parents' house and Ms Danielle Hanson's house.
- In a further statement to police provided on 24 January 1997, Mr Crump stated that he was at home on the evening of 6 December 1994 at his parents' house and that on 7 December 1997, he went to visit a friend, Damien Browne, who lived near Ms Membrey's Bedford Street unit. However, Mr Browne was not home. He stated that he then attended the Bedford Road shops hoping to see another friend who worked as a hairdresser in a salon, but she was not free to meet him. He also stated to police that while at the shops, he noticed two men walking on Bedford Road near number 92 (Ms Membrey's unit) and get into a maroon/purple coloured car.
- For the remainder of the day Mr Crump stated that he attended Ms Hanson and Ross Higginbottom's house where he spent the remainder of the day, before going home for dinner between 5.00pm and 6.00pm.

37. Between 1996 and 1997, Mr Crump allegedly made several disclosures to a partner and family members about Ms Membrey's disappearance. The accounts of what he said varied; however, they include him being present on the night, seeing who was responsible and making statements that he believed Ms Membrey would not be found because there was thick bush in the immediate area.⁷

DNA Comparisons

38. In 2000, police attempted to link Mr Crump to Ms Membrey's disappearance through DNA comparison. On 9 October 2000, Mr Crump voluntarily provided a DNA sample, which was compared against all unidentified profiles linked to a cigarette butts located in Ms Membrey's motor vehicle. The DNA profile did not return a match to any profile on the cigarette butts. It was not compared against any other unidentified items linked to the investigation and in 2001, the sample was destroyed.

Mr Crump's travel to Queensland – further investigation

39. In 2003, the investigation scrutinised the circumstances leading up to Mr Crump's trip to Queensland, shortly after Ms Membrey disappeared. The investigation revealed that Mr Crump

⁷ Statement of Megan Durham, 21 January 1997, 4.

travelled to Queensland with Mr Coombes in Mr Crump's father's beige (light coloured) Toyota Sunbird. Mr Crump told Mr Coombes that before he could leave Melbourne, he had to backfill a hole for his employer. He left Mr Coombes in his house while he left to backfill the hole. He was away for approximately 45 minutes, but the investigation did not uncover any further information about the location of the hole or confirmation that this was at the request of his employer. His employer at the time had no recollection of this as Mr Crump had been on Workcover since 1992.

Further review in 2018

40. In 2018, police reviewed the evidence that they had obtained in the investigation to date and sought to verify various assertions made by Mr Crump in the statements provided to police on 29 December 1994, 30 August 1995, and 24 January 1997. Mr Coombes was interviewed again in February 2018, and he confirmed that he and Mr Crump travelled to Queensland together in December 1994 but had a falling out on 24 December 1994. He also confirmed that Mr Crump said that he had to fill in a hole before they left Melbourne, and he left the house for approximately 45 minutes prior to the two of them leaving for Queensland. Mr Coombes also confirmed that as they were driving out of Melbourne, Mr Crump drove past Ms Membrey's unit at 92 Bedford Road, Ringwood East, which Mr Coombes thought was strange as there was no reason to do this as it was not the most direct route out of Melbourne.
41. In 2020, Mr Crump's parents, Sandra and Trevor Crump, were interviewed, and they confirmed that Mr Crump was residing with them during December 1994, however neither could account for his whereabouts on the evening of the 6 December 1994, which is not unexpected given the passage of time. No other statements were obtained from either Sandra or Trevor Crump prior to this statement being obtained.

Crump's Conviction in Queensland

42. In 2011, Mr Crump was charged and convicted of rape and assault of a previous partner in Queensland. This conviction resulted in a four-year term of imprisonment and his DNA was obtained and placed on a national database.

DNA Evidence

43. In 2018, a request was made for biological testing to occur in relation to all current samples still held by Victoria Police. A sample of Mr Crump's DNA that was stored on the national database was compared against all DNA related exhibits in this case.
44. On 7 December 2018, a report compiled by Biologist Kate Bradley stated that Mr Crump's DNA was located at two sites within Ms Membrey's vehicle. The first was from the driver's side seat cover. Ms Bradley concluded that there was "Partial mixed DNA profile - three contributors". Ms Membrey was an assumed contributor and DNA evidence indicates that Mr Crump was 52 times more likely to be a contributor; one profile was unidentified.
45. The second site was blood taken from the inside surface of the driver's door. Ms Bradley concluded that there was "Partial mixed DNA profile - two contributors" Ms Membrey as an assumed contributor and DNA evidence to indicate Mr Crump was 2300 times more likely to be the contributor.
46. The conclusion reached by Ms Bradley was that "Andrew Crump is not excluded as a contributor (along with Elisabeth Membrey) to a P+ DNA profile obtained from a sample of apparent blood collected from the inside surface of the front offside door of the vehicle FXB 323. The DNA evidence is 2300 times more likely if Andrew Crump is the other contributor than if another person is selected at random from the Australian Caucasian population in the other contribution"⁸.
47. Of significance is that extensive testing of the inside of the house occurred and Mr Crump's DNA was not located in the house. In addition, in relation to the DNA samples from the car, there is still an unidentified DNA profile contained with the mixed profiles that were tested. Further, the DNA profiles that are identified and matched are in the range of low likelihood ratios (2300 and 52) and could not be considered compelling.

Further Interview with Mr Crump

48. On 27 April 2025, members of Queensland Police obtained a further statement from Mr Crump at my request. The issues covered in the statement focused on whether Mr Crump had seen Ms Membrey prior to 6 December 1994, whether this was in the presence of his sister Vivienne and whether he was ever in a romantic relationship with Ms Membrey. Mr Crump stated that he did not remember the last time he saw Ms Membrey and could not remember if he saw her on 6

⁸ Statement of Ms Bradley CB p471

December 1994. He did agree that it is possible that he had seen Ms Membrey when his sister Vivienne was not present but denied any romantic involvement with her.

49. As to the suggestion that Mr Crump may have told the former partner of Annette Crump, Mr Alan Ingraham, that he was responsible for killing Ms Membrey, he denied that he ever made such a statement.
50. Queensland Police also asked Mr Crump about an associate 'Peter' that Mr Crump mentioned during some covert recordings made by Police. No relevant information was obtained from Mr Crump that identified a connection with Ms Membrey, Mr Crump or Peter and he could not recall if Peter had ever been to Ms Membrey's flat. This information is mostly unhelpful and irrelevant as Peter's identity was not clear.
51. The further evidence obtained by Queensland Police has confirmed Mr Crump's denial of involvement in the death of Ms Membrey and does not open any further lines of investigation.

Conclusion

52. The investigation into Ms Membrey's disappearance and death has been ongoing for more than 30 years. A trial in 2012 resulted in the acquittal of Mr Bond and from that time, further investigation of other potential suspects has continued. Police have now reached a conclusion that it is likely that Mr Crump is responsible for the death and disappearance of Ms Membrey. In reaching this conclusion they point to the evidence that:
 - he was known to Ms Membrey through his half-sister who shared the apartment with Ms Membrey;
 - his unplanned travel to Caloundra, Queensland on 17 December 1994 shortly after Ms Membrey's disappearance;
 - his disclosures to friends and family about what he believed had happened to Ms Membrey, and;
 - the presence of Mr Crump's DNA mixed with Ms Membrey's DNA located in Ms Membrey's vehicle
 - his conduct generally around the time of Ms Membrey's disappearance.

53. Police did refer the brief of evidence to the Office of Public Prosecutions (**OPP**) for consideration of criminal charges against Mr Crump. The OPP reviewed the evidence and concluded that there was no reasonable prospect of conviction. Police have not charged Mr Crump with any homicide offence or any other offence in relation to Ms Membrey's death to date.
54. As a matter of procedural fairness, the Court wrote to Mr Crump and provided him with an opportunity to respond to Victoria Police's view about his alleged involvement in Ms Membrey's death. Mr Crump did not respond to the letter.
55. Section 67(1) of the Act requires that I must, if possible, determine the identity of the deceased, the cause of death and circumstances in which death occurred. Coroner Heffey previously determined the identity of the deceased being Elisabeth Frances Membrey and that the date of death is 7 December 1994 at Unit 1, 92 Bedford Road, Ringwood from an unknown cause. I agree with these findings and make no further comment.
56. In relation to the circumstances, Coroner Heffey reached the conclusion that on the state of the evidence she was unable to identify the person or persons who contributed to the death of Ms Membrey. I must consider whether I can come to a different conclusion based on the new evidence available to me in this reopened investigation. In particular, I must determine whether there is sufficient evidence to conclude to the coronial standard that Mr Crump caused or contributed to the death of Ms Membrey. In order to reach this conclusion, I must be satisfied that the evidence before me reaches the required threshold consistent with the *Briginshaw* standard. In this context I am mindful that as the allegations involve conduct of a criminal nature, I am required to give weight to, the presumption of innocence, and that I should not be satisfied by inexact proofs, indefinite testimony, or indirect inferences.
57. Having reviewed all the evidence and being mindful of the criteria I have referred to above, I am not comfortably satisfied that there is sufficient evidence to conclude to that Mr Crump caused or contributed to Ms Membrey's death. Police appropriately investigated and reviewed all the evidence and focused on Mr Crump as a likely suspect. There is much evidence that justifies police attention being focused on Mr Crump, and I accept that their conclusion in relation to Mr Crump is open to them. However, I have concluded that the evidence falls just short of the coronial standard of proof, and I am therefore unable to find that Mr Crump caused or contributed to the death of Ms Membrey. There are many gaps in the evidence of Mr Crump's movements

and activities on 6 and 7 December 1994. There are many inconsistencies and some contradictory aspects to the evidence. This combined with the DNA evidence being at best inconclusive, has persuaded me to come to the conclusion that I have.

FINDINGS AND CONCLUSION

58. Having investigated the death, I find pursuant to section 67(1) of the *Coroners Act 2008* that:
- a) the identity of the deceased was Elisabeth Frances Membrey born 6 June 1972.
 - b) the death occurred on 7 December 1994 at Unit 1 92 Bedford Road Ringwood from an unknown cause; and
 - c) the death occurred in the circumstances described above
59. Ms Membrey's family, in particular her mother and prior to his death, her father, have suffered unimaginable grief and anguish over the last 30 years, through the criminal investigation, criminal trial and now two coronial investigations with no answers and no closure. Mrs Membrey's family impact statement delivered in open court on 2 July 2025, clearly articulated her grief and loss over the last 30 years. It is regrettable that I have not been able to provide the closure that Ms Membrey's family would want but the evidence simply does not support a conclusion other than the one I have come to.

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

Pursuant to section 73(1) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.


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

Mrs Joy Membrey, Senior Next of Kin

Detective Sergeant Maurice Ryan, Coronial Investigator

Mr Andrew Crump

Signature:

A handwritten signature in black ink, appearing to read 'John W. Cain', written over a horizontal line.

Judge John Cain
State Coroner

Date: 2 July 2025

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.
