



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Leslie Ralph Ball**

TITLE OF COURT: Coroners Court

JURISDICTION: BRISBANE

FILE NO(s): 2018/3715

DELIVERED ON: 13 June 2023

DELIVERED AT: Brisbane

HEARING DATE(s): 22 and 23 August 2022

FINDINGS OF: Stephanie Gallagher, Deputy State Coroner

CATCHWORDS: Coroners: inquest into suspected death, 71 year old man reported missing in 1993, suspected death, police investigation

REPRESENTATION:

Counsel Assisting: Sarah Lane

Le-Chelle Ball
Ethel Ison
(next of kin): Mr Ben Taylor instructed by the
Caxton Legal Centre

Commissioner of Police: Mr Ian Fraser (QPS Legal Unit)

DSS Knight:	Mr Craigh Pratt (Gilshennan & Luton Lawyers)
Anthony Hoyer:	Ms Jasmine Talub (Domantay Law)
Leanne Phillips:	Mr Dickson Ting (Domantay Law)

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Introduction

1. On 22 May 1993, Mr Ball, a 71-year-old single retiree, was reported missing by his daughter, Le-Chelle Ball. Mr Ball had been living with another of his daughters (and Le-Chelle's step-sister), Leanne Phillips, at her family home in Townsville at the time of his disappearance. Leanne's husband, David Phillips, and their four daughters, Rochelle, Samantha, Danielle and Jacqueline, aged between 9 and 14, also lived at the house, and Leanne's mother (and Mr Ball's first ex-wife), Margaret Ball, was visiting from Melbourne and staying with the family. The evidence of the family was that Margaret and Mr Ball did not get on, and that the last time she had stayed with the family in February that year, Mr Ball "cleared off without telling anyone where he was going"¹ for about 10 days to 2 weeks.
2. Mr Ball is said to have last been seen in Townsville by a friend of David and Leanne's, Anthony Hoyer, on a day that may have been Sunday 18 April 1993, but may have been earlier – possibly Thursday 15 or Friday 16 April. Mr Hoyer says that, when he saw Mr Ball, Mr Ball was putting a suitcase into his car, and said he was off to catch a train to Brisbane.
3. Mr Ball was supposedly going to Brisbane to visit Leanne, who had been in the Princess Alexandra Hospital since around 5 April 1993. Leanne has always maintained that he visited her in hospital on the evening of Wednesday 21 April, and that he told her that he was then going to visit Le-Chelle at the Sunshine Coast. Mr Ball did not subsequently visit Le-Chelle or contact her, and no member of his family has seen or heard from him since.

History of the matter

4. An investigation was commenced by the Townsville Criminal Investigation Branch and the Homicide Investigation Unit of the Queensland Police Service (QPS). As a result of those investigations, a report was completed and forwarded to the Office of the State Coroner. An inquest was opened in 1994 by then Coroner Evans to investigate the suspected death of Mr Ball, and findings were made in 1995. Subsequently cold case investigations were carried out by the Queensland Police Service (QPS) in 2011 and 2017. The inquest was re-opened under the *Coroners Act 1958* (repealed) (the 1958 Act) by then Deputy State Coroner Lock on 5 June 2019, following a direction given by the Attorney General on 21 February 2018.²
5. After a number of delays, including the provision of investigative material by QPS which had not previously been provided to the court, the retirement of Deputy State Coroner Lock, and amendments to the *Coroners Act 2003* (the 2003 Act), the inquest hearing occurred on 22 and 23 August 2022. At the commencement of the hearing, an order was made pursuant to s100B of the *Coroners Act 2003* stopping the inquest, which was an *unfinished repealed act inquest*,³ and re-opening it under the 2003 Act.
6. These findings take into account all evidence gathered in the QPS investigations as well as evidence given by witnesses at both inquests. I have been assisted in making these findings by Counsel Assisting and the parties, who have made

¹ Exhibit B5: Statement of Margaret Ball, p 3.

² Direction was given pursuant to s47 of the *Coroners Act 1958*.

³ See definition in s99B of the *Coroners Act 2003*.

written submissions in respect of the issues considered and the findings to be made.

The original investigation

7. Le-Chelle's missing persons report prompted a joint investigation by the Townsville Criminal Investigation Branch (CIB) and the Homicide Investigation Unit (HIU), led by Detective Sergeant Noel Powers. The investigation found that:
 - a. the last time Mr Ball withdrew money from his bank account was on 7 April;
 - b. on 17 April a train ticket from Townsville to Brisbane was booked by phone in Mr Ball's name;
 - c. the family say that Mr Ball had packed all of his possessions into his trailer as he was moving to a house he was buying in Cardwell, and that he left their house with his car and trailer while the rest of the family were out. Margaret and David say this was the same day that Mr Hoyer visited;
 - d. the contract on the house at Cardwell was to settle on 19 April. Although he had paid a \$7,000 deposit, Mr Ball did not transfer the remaining contracted amount by 19 April, and neither the estate agent nor his solicitors were able to contact him.
 - e. on 19 April Mr Ball's pension rail voucher was used to purchase the booked ticket from Townsville to Brisbane, and an additional ticket from Brisbane to Dalby;
 - f. a QPS handwriting expert gave a qualified opinion that it was probable that the signature on the travel voucher was not made by Mr Ball;
 - g. Mr Ball's car was parked at Townsville Railway Station from 19 or 20 April;
 - h. on 20 April Mr Ball's Gold Lotto card was used to buy a lotto ticket in Townsville;
 - i. later that day Mr Ball failed to board the train from Townsville to Brisbane;
 - j. on 22 April he failed to board the train from Brisbane to Dalby; and
 - k. in early May Mr Ball's trailer and all of his possessions were found burned in bushland off Jurekey Street, about a 10-minute drive from the Phillips' family home.

The original inquest

8. DS Powers made a report of his investigation to the Coroner in May 1994, and the original inquest was held in Townsville and Brisbane before Coroner Evans in 1994 and 1995.
9. Coroner Evans handed down his findings on 18 August 1995. He noted that neither David nor Leanne Phillips had given oral evidence at the inquest, due to medical conditions which prevented their attendance. He accepted that the signature on the rail voucher was a forgery, and that Mr Ball did not travel to Brisbane. Coroner Evans found that:

The evidence reveals that some person or persons have deliberately tried to convey the impression the missing person travelled to Brisbane by train leaving his vehicle unattended at the Townsville Railway Station. Attempts have been made by person or persons unknown to destroy and conceal the whereabouts of his trailer and personal effects. It is clear the missing person was at the time preparing to leave his daughter and son-in-law's premises. There are strong

indications to suspect the disappearance of the missing persons (sic) may be other than by his own intentions.⁴

and

If it had not been for the evidence of a prior disposition for the missing person to leave with his whereabouts unknown for a short period, I would have no hesitation in finding the cause of the missing person's disappearance is because of foul play.

The incident referred to was only a short duration, whereas the present period is over two years which strongly indicates his absence is due to other than his own making.⁵

The cold case reviews

10. Detective Senior Sergeant Chris Knight gave evidence before the inquest about the subsequent QPS cold case reviews of Mr Ball's case. He advised that the HIU conducted a review of the case in 2010 which led to further investigations in 2011, including taking of further statements, conducting Electronic Record of Interviews (EROIs) and the use of covert strategies. David, Leanne and Mr Hoyer were considered persons of interest, and were formally interviewed on video. A second review was conducted by the HIU in 2015 which led to further investigations in 2017. By this time, David had died (in 2015). Leanne was re-interviewed, as was Mr Hoyer. A new witness, Brian Murphy, an ex-Victorian Police Officer and friend of David's, gave information to police that around 1995 David had confessed to him that he had killed Mr Ball.
11. Detective Senior Constable Liz McNaughton made a report of the 2011 and 2017 reviews and investigations to the Coroner in May 2017. DSS Knight advised the court that he was DSC McNaughton's supervisor, and approved her report. The major points of the report can be summarised as follows:
 - a. in Mr Hoyer's EROI with police in 2011 he said he thought that he had actually last seen Mr Ball on a week-day rather than on a Sunday as he had previously said;
 - b. DSC McNaughton reviewed the other 2011 EROIs but notes no other major differences to what witnesses told police in the original investigation;
 - c. in his statement, Mr Murphy says that during conversations he had with David in 1995 in Melbourne, David told him about a time that he "took his father-in-law into the garage", and then said:
 - i. "After I took him into the garage I beat him to death";
 - ii. "there was blood everywhere. I tried to clean it up, but don't know if I got it all";
 - iii. [something like] "I nearly pulled his windpipe out";
 - iv. "I met this guy at the pub that looked just like my father-in-law. He helped me pick up the body and we took it out and buried it in a grave

⁴ Exhibit B54: Transcript of Coroner's findings, T5L59 – T6L18.

⁵ Exhibit B54: Transcript of Coroner's findings, T6L58 – T7L7.

that I'd dug. And then I put him in the same grave. The car (he might have said truck) we used was dumped at a train station".

- d. during Leanne's EROI with police in 2017, which occurred after David had died, she denied that she knew anything about Mr Ball's disappearance or that David had anything to do with it. She said that David had been mentally ill for the last 20 years after suffering a stroke in 1994, and that she came to understand that he had lied about lots of things. She said that David had been violent to her after his stroke but had had a good relationship with Mr Ball. She maintained that she was "pretty sure" that Mr Ball had visited her in hospital in Brisbane before he disappeared;
 - e. police also conducted EROIs with the Phillips' daughters in 2017. None appeared to be able to shed any further light on the circumstances of Mr Ball's disappearance. They recalled that Mr Ball had disappeared while Leanne was in hospital in Brisbane and their grandmother Margaret was looking after them. All of them recalled their grandmother did not like Mr Ball. They denied that their mother or father had been involved in Mr Ball's disappearance or had killed him. Rochelle confirmed that she had been in hospital in Townsville for an appendectomy and that Mr Ball had phoned her while she was there but was gone when she got home on Friday. Samantha also remembered the disappearance happened on a school day. However Danielle and Jacqueline recalled that Mr Ball had disappeared the day they visited some display homes, which Margaret and David said was the Sunday after Rochelle got home from hospital;
 - f. in April 2017 police conducted a forensic examination of the garage of the Phillips' former family home, which had since been sold to a new owner. Nothing was found; and
 - g. medical records obtained from the Townsville Hospital showed that Rochelle had been admitted on 13 April, discharged on 16 April and had received a phonecall from 'her father' on 15 April.
12. On the basis of this evidence, DSC McNaughton 'recommended' that:
- I. *[Mr Ball] is deceased due to an act of violence that occurred at [the Phillips' family residence];*
 - II. *I believe that [David Phillips] is responsible for the death of [Mr Ball].*
13. DSC McNaughton gave the following reasons for her conclusions in her report:
- Mr Hoyer has never committed to the date of 18 April having been the last date he saw Mr Ball alive – it could have been an earlier date;
 - Rochelle recalls that Mr Ball disappeared while she was in hospital;
 - accordingly Mr Ball is likely to have disappeared between 15 and 16 April, after he made the phonecall to Rochelle in hospital and before she came home;
 - although the notation in Rochelle's file says that it was her father who called her on 15 April, it is more likely to have been her grandfather;

- during the different interviews with police, David gave varying versions of the last time he saw Mr Ball, the dates of which include 14 and 15 April;
- Leanne has given differing versions of where she was when Mr Ball visited her in hospital (in the foyer or in her hospital room) but maintains that he did visit her on 21 April. Why would she maintain this when there is evidence Mr Ball did not travel to Brisbane, unless she was covering something up?;
- David and Leanne have always been vague about “their financial difficulties and their knowledge of [Mr Ball’s] financial status”;
- Leanne benefited financially from Mr Ball’s estate; and
- David is the only person to have the motivation and the means to kill Mr Ball.

The re-opened inquest

14. On the basis of the report by DSC McNaughton, then Deputy State Coroner Lock wrote to the Attorney-General seeking a direction under the 1958 Act for the matter be re-opened, so that the court could consider all of the investigation material with a view to making further findings as to Mr BALL’s suspected death. The Attorney-General agreed and made the direction for the inquest to be re-opened on 21 February 2018.
15. On 5 June 2019 the inquest was re-opened under the 1958 Act at a Pre-Inquest Conference before Deputy State Coroner Lock. On 6 August 2019 parties were advised that the Deputy State Coroner had decided to delay the inquest a further length of time to await the commencement of amendments to the 2003 Act which would allow matters that still fell under the 1958 Act to be reopened and/or further investigated under the 2003 Act. Parties were advised that the advantage of delaying the inquest pending this legislative change was related to the power to compel witnesses to give evidence in the public interest (where they may otherwise be able to claim privilege against self-incrimination and also spousal privilege, which is provided for under the 1958 Act), which was significant in relation to any evidence to be given by Leanne Phillips.
16. The relevant amendments, which included the insertion of new sections 99B, 100B and 100C (discussed below) came into effect on 25 May 2020. This inquest is, therefore, an ***unfinished repealed Act inquest*** according to the definition in the new s99B, in that it was started under the 1958 Act but had not concluded before the commencement of s99B.
17. Pursuant to the new s100B:
 - (1) *A coroner who is holding an unfinished repealed Act inquest may, on his or her own initiative –*
 - a) *stop the inquest, without a finding being given under the repealed [1958 Act], section 43; and*
 - b) *reopen the inquest as an inquest under this Act.*
18. Pursuant to s100C, once the inquest is reopened under the 2003 Act, then ss 50 and 50A of the 2003 Act apply. According to s50A:

- (1) *The coroner who held an inquest, or the State Coroner, may on his or her own initiative, reopen the inquest to re-examine a finding, or hold a new inquest, if satisfied—*
 - a) *new evidence casts doubt on the finding; or*
 - b) *it is otherwise in the public interest.*
- (2) *A coroner who has reopened an inquest, or is holding a new inquest, under this section may accept any of the evidence given, or findings made, at the earlier inquest as being correct.*

Issues

19. It was determined that the issues for investigation at the re-opened inquest were:
 - a. Whether or not Mr Ball is deceased;
 - b. If so, the findings required by s 45(2) of the *Coroners Act 2003* (the Act) namely the identity of the deceased, when, where and how he died and what caused his death; and
 - c. The identity of any other persons involved in the disappearance and/or death of Leslie Ralph Ball.

The evidence

20. The brief of evidence was tendered at the start of proceedings. The brief contained witness statements and interviews conducted by QPS in the original investigation and in the cold case reviews, as well as documentary and other evidence gathered in the course of the investigations. The transcripts of the original inquest and the exhibits tendered during the inquest were included in the brief. There were also a number of enquiries carried out by QPS at the direction of this court and some additional statements and material were obtained and added to the brief of evidence after the inquest was re-opened.
21. In addition, the following witnesses gave oral evidence during the two days of hearing at the re-opened inquest, in the following order:
 - a. William Nash;
 - b. Brian Murphy;
 - c. Anthony Hoyer;
 - d. Leanne Phillips; and
 - e. Detective Senior Sergeant Christopher Knight.
22. Each witness was cross-examined by Counsel for the family. Mr Hoyer, Leanne Phillips and DSS Knight each had legal representation during the inquest.

William Nash

23. Mr Nash was a new witness who was called at the request of the family, as Ms Ball believed that Mr Nash had told her that Mr Ball's body was "cemented in a car park at the Willows".

24. Mr Nash was a co-operative and credible witness. His evidence was that he was a former Victorian Police Officer who had retired as a Detective Senior Sergeant in 2010. He had been the head of a taskforce formed in 2003 to investigate a number of complaints made against a team of Victorian Police Officers. During the course of this Victorian-based operation, referred to as 'Operation Trencher', Mr Nash was investigating the source of information which had been previously given to Victoria Police by Brian Murphy. The information related to the death of a sex worker in Victoria and implicated two serving Victoria Police Officers in the death.
25. Mr Nash's investigations led him to David Phillips, who was the source of the information given by Mr Murphy. Mr Nash's evidence was that, before speaking to David directly, he made enquiries with various people to "get to know who [David] was". He spoke to David's sister, who mentioned that David was a suspect in the disappearance of Mr Ball. As a result, Mr Nash contacted the QPS as a courtesy and advised them he would be interviewing David and would pass on any information relevant to the Ball investigation. During this conversation he became aware of a rumour known to QPS that Mr Ball "had been buried in a carpark somewhere".
26. Mr Nash's evidence was that he subsequently had a number of conversations with David and with Leanne in 2004, confirmed that David had been the source of the information which had been passed on by Mr Murphy, but came to the conclusion that David had deliberately fabricated the 'information'. Mr Nash said that that was the extent of his involvement with David and his knowledge of the Ball investigation.
27. Mr Nash gave evidence that he was later visited by QPS Officers towards the end of 2011 (this would have been during the HIU review) who wanted to know what he knew about Mr Ball's disappearance, and he told them what is outlined above.
28. Mr Nash also gave evidence that Ms Ball had contacted him on his mobile phone in 2021, and that he didn't know who she was. He said that she wanted information about whether David was really deceased and he said he was aware that David had died in 2015 or 2016. While Mr Nash admits having mentioned the rumour to Ms Ball during the conversation, he denied saying it was anything more than a rumour, and denied that he said "the Willows", as he does not know any such place, and no particular place was mentioned to him when he was told of the rumour.

Brian Murphy

29. Mr Murphy is the witnesses who told police that David had confessed to him to having murdered Mr Ball. Mr Murphy, now in his 80s, was a co-operative witness, and I found him to be generally credible. His evidence is discussed further below.

Anthony Hoyer

30. Although Mr Hoyer admitted that his recollections have faded over time, I found him to be a co-operative and credible witness. His evidence is discussed further below.

Leanne Phillips

31. I note that Leanne and her representative, a Melbourne-based solicitor, appeared by videolink from the solicitor's office. It became clear to the court nearly 40 minutes into Leanne's examination-in-chief by Counsel Assisting, that without the leave of the court, her representative had allowed her to be present in his office, off-camera, during the evidence of the previous witnesses. The solicitor had not announced Leanne's presence in his office to the court when he made his appearance, or at any time thereafter.
32. Despite this irregularly, I find that the integrity of Leanne's evidence was not unduly affected by her knowledge of the evidence given by Mr Nash, Mr Murphy and Mr Hoyer. All of these witnesses had given statements and/or interviews which outlined their evidence and these made part of the brief of evidence, which was available to Leanne through her solicitor. The parties were asked if they had any objection to the continuation of Leanne's evidence after this fact was discovered, and none did.
33. Leanne's evidence was generally consistent with statements she had previously given to police over the years. I found her to be a credible witness. That is not to say that I accept all of her evidence, which will be discussed further below, but I did not form the view that she was deliberately lying to the court or withholding evidence.

DSS Knight

34. DSS Knight gave evidence in the inquest as the most recent Investigating Officer with knowledge of the original and successive QPS investigations. It was clear that he had a very detailed knowledge of the entire history of the investigations, and he appeared measured and reasonable in his conclusions. DSS Knight explained the various investigations and the reasons that QPS had followed certain leads and not followed others. He made concessions in cross-examination where appropriate. I found him to be an impressive and helpful witness.

Consideration of issues

Issue 1

35. The evidence which has been given at this inquest is sufficient for me to be able to make a finding in respect of the threshold first issue. Accordingly, I find that Leslie Ralph Ball, born 18 September 1921, is deceased, given that:
 - a. if he was alive today he would be nearly 102 years old;
 - b. it is almost 30 years since Mr Ball was last seen;
 - c. there is no evidence that he has established a life elsewhere; and
 - d. there is evidence which suggests that there was an attempt or attempts to cover up or delay a discovery that Mr Ball was missing.

Issue 2

36. Having made a finding that Mr Ball is deceased I must, if possible, make findings as to how, when and where Mr Ball died, and what caused him to die.⁶

When

37. In her report, DSC McNaughton was of the view that Mr Hoyer may have last seen Mr Ball as early as Sunday 11 April.⁷ Given that this day was Easter Sunday in 1993, and a day which it might be expected would have helped witnesses orient their recollections, this seems unlikely, and it is also inconsistent with other evidence, as follows:

- Margaret said that she last saw Mr Ball at the Phillips' house on Wednesday 14 April just before leaving at around 9:30am to take the girls to see Rochelle in hospital.⁸
- Rochelle said that Mr Ball called her in hospital on the morning of Thursday 15 April.⁹
- David said that he saw Mr Ball at home on the morning of Friday 16 April as he was going to work.¹⁰
- Tracey Kerley, the Legal Secretary at Mr Ball's conveyancing firm, Connolly Suthers, says that she took a phonecall from Mr Ball at around 12:45pm on Friday 16 April. Ms Kerley had not spoken to Mr Ball before and could not confirm that it was his voice. He said he would call or drop into the office on Monday 19 April.¹¹
- David said that Mr Ball called the Phillips' house on the evening of Friday 16 April and that Samantha answered the phone and then handed the phone to David.¹² Samantha confirms that she spoke to her grandfather, although could not say what day it was.¹³
- David and Margaret both confirm in their 1993 statements that it was Sunday 18 April that they took the children to see display homes and came home to find a note from Mr Ball mentioning Mr Hoyer's visit.¹⁴

38. In his evidence before this re-opened inquest, Mr Hoyer said that he initially thought it was a Sunday that he had last seen Mr Ball, and that he had only suggested it may have been a weekday as the girls had not been home, so he thought they might have been at school. He agreed during examination in chief that it is likely that his first account, given in his statement in 1993, was the most accurate. Accordingly, if Mr Hoyer's evidence is accepted, then it is likely that the last time he saw Mr Ball was Sunday 18 April 1993.

39. In his evidence at this inquest, DSS Knight agreed that Mr Hoyer's view that he last saw Mr Ball on Sunday 18 April was corroborated not only by David's

⁶ Section 45(2) of the *Coroners Act 2003*.

⁷ Exhibit A4: QPS HIU Report, p 20.

⁸ Exhibit B5: Statement of Margaret Ball, pp 2 - 3.

⁹ Exhibit B34: Statement of Rochelle Phillips.

¹⁰ Exhibit B31: Statement of David Phillips, p 4.

¹¹ Exhibit B21: Statement of Tracey Kerley, pp 1 – 2.

¹² Exhibit B31: Statement of David Phillips, pp 4 – 5 and Exhibit B31.1: Transcript of Interview with David Phillips, pp 54 – 55.

¹³ Exhibit B35: Statement of Samantha Phillips.

¹⁴ Exhibit B31: Statement of David Phillips, p 5 and Exhibit B5: Statement of Margaret Ball, pp 2 - 3.

statement, but by Margaret's. DSS Knight confirmed that if Mr Hoyer's evidence was to be discounted, then both David and Margaret's evidence on this point would also be called into question.

40. In her evidence to this inquest, Leanne remained firm in her contention that Mr Ball called her on Monday 19 April to say he was coming down to visit her in Brisbane, and that she saw Mr Ball at the hospital just before 8:30pm on Wednesday 21 April. DSS Knight's evidence at inquest was that Leanne's evidence is inconsistent with the body of evidence gathered by QPS which suggests that Mr Ball did not travel to Brisbane at all. Further, if Leanne's evidence is to be believed, and Mr Ball was alive on 21 April, then there is no explanation as to why he did not contact his lawyers about his settlement which had been booked for 19 April.
41. Accordingly, the evidence stands as follows:
 - a. If the evidence of the persons of interest, David, Leanne, Mr Hoyer is discounted, as well as the corroborating evidence given by Margaret, then the last member of the family to have spoken to Mr Ball, and to have any certainty about the date, was Rochelle Phillips on Thursday 15 April.
 - b. Otherwise, it must be accepted that Mr Ball was last seen on Sunday 18 April.
42. I find that it is probable that something had happened to Mr Ball by Monday 19 April 1993 as, had he been able to contact his solicitors about his settlement on that date, it is likely that he would have done so.
43. Accordingly, I find that Mr Ball is likely to have died on or about 18 April 1993. The fact that this finding is contrary to Leanne's evidence, and the implications of that, are discussed further below.

Where, how, and what caused the death

44. Mr Ball's body has never been discovered. DSS Knight confirmed in his evidence that QPS have not been able to locate any crime scene. Although some rumours have been referred to in the evidence, such as the rumour referred to by Mr Nash that Mr Ball's body was concreted beneath a parking lot, DSS Knight gave evidence that QPS were never able to discover the source of the rumour, or any details as to the alleged site of the burial with sufficient particularity to allow further investigation. It is simply not possible, as DSS Knight advised the court, to start digging up construction sites in Townsville, even those it could be established that David worked on, without some idea of where to look.
45. I agree with the submission made by Counsel Assisting that the evidence in relation to these questions is no further advanced than it was at the time of the original inquest, and it is not possible for me to speculate except to the same extent that Coroner Evans did – that is, that it is likely, given the fact that his trailer and possessions were burned, that Mr Ball did not disappear voluntarily and, therefore, that someone else was involved. Beyond that, it is not possible for me find where Mr Ball died, how he died and what caused his death.

Issue 3

46. DSC McNaughton's conclusion in her investigation report was that Mr Ball was killed at the Phillips family home by David. I am prohibited, by s45(5) of the Act, from including in the findings any statement that a person is, or may be, guilty of an offence. Notwithstanding this, I could find, for instance, that David engaged in an act which caused Mr Ball's death, if there was evidence upon which to make such a finding.
47. The difficulty with DSC McNaughton's conclusion is that there is no compelling evidence which would support such a finding. DSS Knight agreed, in his evidence, that the QPS conclusion that David was the most likely suspect was based on circumstantial evidence: David had opportunity, there were inconsistencies in his statements, and Mr Ball's trailer and possessions were last seen at his family home. DSS Knight agreed that there was no forensic or witness evidence which directly linked David to Mr Ball's suspected death.

Mr Murphy's evidence

48. DSC McNaughton's conclusion was based, in large part, on the statement given by Mr Murphy. This court has now had the benefit of hearing from Mr Murphy. Mr Murphy's evidence was consistent with his statement. He recalls David telling him, apparently unprompted, that he viciously attacked and killed Les in the garage of his family home, after confronting him about an allegation that Les had interfered with one of David's daughters. Initially, Mr Murphy told the court that he thought David's story about the attack was "bull-dusting" or telling lies. Mr Murphy also confirmed David's story about going down to the pub and finding a stranger who looked like his father-in-law, who helped him bury the body and who then David also killed and buried. David said that he had to find someone who looked like Les because a neighbour over the road always looked out for who was coming and going and waved, and they were taking Les' car to bury the body. Strangely, Mr Murphy told the court that these additional details made him think that David's story was likely to be true.
49. DSS Knight gave evidence that he believed Mr Murphy's evidence in this sense – he believed that David had said those words to Mr Murphy. DSS Knight was careful to advise the court, however, that this was not the same as believing that what David said to Mr Murphy was true.
50. The court in this inquest also had the opportunity to hear evidence from Leanne about Mr Murphy's story. Leanne was outraged at the allegation that Les abused any of her daughters, and emphatically denied that she ever heard such an allegation from anyone, including David. Leanne's evidence is that David and Les never had a cross word and got on very well. Leanne also gave evidence that David could be violent but says that this was only after his stroke in 1994. According to Leanne, the problems with David, that she has described to police over the years, his lying, violence, fits, psychotic rages – were all conditions which developed after his stroke, and subsequent brain injury following a colonoscopy, and were not features of his personality around the time that Mr Ball disappeared.
51. Mr Murphy's evidence is not proof of a confession by Mr Phillips. Had David killed Mr Ball in a bloody attack in the garage of the family home, it could be reasonably assumed that at least one of the other 5 people living there at the time may have

noticed, or that neighbours may have seen or heard something. If there had been blood everywhere, it is likely that some would have been left in the garage or in Mr Ball's car. However, DSS Knight confirmed in his evidence that QPS examined the car in 1993 and did not find any evidence that a body had been moved in the car; and examined the garage in 2017 and found no traces of blood. DSS Knight also gave evidence that, in response to Mr Murphy's statement, QPS made enquiries about whether there had ever been a second missing person in the Townsville area around the time of Mr Ball's disappearance who matched the description of Mr Ball, and there was no evidence found of such a person.

Leanne's evidence

52. As noted above, Leanne has maintained that Mr Ball came to see her in hospital on 21 April 1993. DSS Knight gave evidence at this inquest that, given the body of evidence which appears to suggest that Mr Ball did not purchase the train tickets himself, did not travel on the train to Brisbane, and did not take the subsequent train to Dalby from Brisbane, he struggles to believe Leanne's evidence on this point. DSS Knight's view is that because David and Leanne maintained the story that Mr Ball visited Leanne in hospital for so many years despite the evidence to the contrary, an inference can be drawn that they must have been involved in some sort of coverup and therefore, have some knowledge of what happened to Mr Ball.
53. Counsel for the family has submitted that, if I do not accept Leanne's evidence on this point, then the appropriate finding is that Leanne's evidence was a deliberate lie on her behalf, which suggests consciousness of guilt on her part.
54. I do not accept that, if Mr Ball is unlikely to have travelled to Brisbane, that his daughter's evidence of his visit must be a deliberately constructed lie. Leanne has been consistent in her evidence despite it being put to her by police, on numerous occasions over the years, that she must be lying about Mr Ball's visit to the hospital. She remained firm under cross-examination by Counsel for the family. I find that Leanne has a genuinely held, but mistaken belief, that her father visited her in hospital.

Mr Hoyer

55. Mr Hoyer has consistently denied that he had anything to do with Mr Ball's disappearance or has any knowledge of what happened to him. At this inquest, DSS Knight gave the view that "he could not see any tangible evidence which would link Mr Hoyer to Mr Ball's disappearance".

Conclusion

56. Unfortunately, the evidence before this court does not answer many of the questions which have arisen in this investigation. Although some of the evidence points to other persons having been involved in Mr Ball's death, or at least in covering up his death, there is no direct evidence implicating any person in these acts. Le-Chelle and Mrs Ison have, through their legal representatives, made lengthy written submissions outlining the reasons for which they submit the court should find that David, Leanne and Mr Hoyer were involved in Mr Ball's death. There is insufficient probative evidence to make such a finding.
57. While there may be suspicions that, because of inconsistencies in their evidence, their financial difficulties and the fact Mr Phillips was living with Mr Ball

when he disappeared, that Mr Phillips killed Mr Ball and Mrs Phillips helped him to cover it up, there is still no direct evidence on which to make any firm allegation against the Phillips. Despite three successive police investigations, there is no forensic evidence of any killing at the Phillips residence or elsewhere, there is no witness evidence to any altercation or assault, there is nothing to link Mr Phillips to the scene at which Mr Ball's trailer and belongings were apparently disposed of, nor to suggest that Mr or Mrs Phillips had anything to do with the apparently forged rail ticket or the use of Mr Ball's bank card to buy a lotto ticket in Townsville on 20 April. There is no 'money trail' which would tend to implicate the Phillips, and the documents relevant to the probate of Mr Ball's estate do not shed any further light - to the contrary, Le-Chelle was able to successfully obtain an order to reverse the grant of probate to Leanne and obtain a grant of probate herself.

58. Again, I accept the submission of Counsel Assisting and find that the evidence is no further advanced than it was at the original inquest. Accordingly, there is insufficient evidence for me to make any finding that any particular person or persons were involved in Mr Ball's death.

Conclusions

59. The evidence at inquest, which includes the investigation material gathered by QPS over period of nearly 30 years since Mr Ball's disappearance, is insufficient for the court to make firm findings in respect of what happened to Mr Ball. This is an unfortunate situation, and certainly a very distressing one for Mr Ball's family, particularly his daughter Le-Chelle who has not stopped trying to find out what happened to her father.
60. Le-Chelle and her mother, Ethel Ison, have made lengthy written submissions through their legal representatives in which they explain the reasons for which the court should make a finding that Mr Ball died by an act of violence and that David is responsible for his death, or alternatively, David and Leanne are responsible for attempting to conceal his death.
61. However, I do not accept the submission that the evidence amounts to a strong circumstantial case. There are other possibilities open on the evidence, and there is, presently, insufficient evidence on which to make any conclusive findings other than that Mr Ball is deceased, and that another person or persons unknown may have been involved in his death.

Findings required by s. 45

Identity of the deceased – Leslie Ralph Ball

How he died – For the reasons given above, it is not possible for me to make a finding as to how Mr Ball died.

Place of death – Mr Ball was last seen at 83 Yolanda Drive, Murray in Townsville. It is likely that he died in or around Townsville.

Date of death– Mr Ball is likely to have died on or about 18 April 1993

Cause of death –

For the reasons given above, it is not possible for me to make a finding as to the cause of Mr Ball's death.

I close the inquest.

Stephanie Gallagher
Deputy State Coroner
BRISBANE