



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION:	Inquest into the suspected passing of Markiah Eric Allenby Major
TITLE OF COURT:	Coroners Court
JURISDICTION:	CAIRNS
FILE NO:	2023/5072
DELIVERED ON:	19 July 2024
DELIVERED AT:	Brisbane
HEARING DATES:	17, 18, 19, 27 June 2024
FINDINGS OF:	Stephanie Williams, Coroner
CATCHWORDS:	CORONERS – INQUEST – missing person, suspected passing, suspected death, First Nations young person, police investigation, vulnerable witness <i>Roger Ward (A Pseudonym) v The Queen</i> [2017] VSCA 37
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ACKNOWLEDGEMENT & CULTURAL WARNING

Aboriginal and Torres Strait Islander readers are advised that these Findings contain the name of a deceased Aboriginal person.

Readers are warned that there may be words and descriptions that may be culturally distressing.

I acknowledge the Traditional Owners of the land where the Coroners Court of Queensland sat in this matter. I acknowledge their longstanding connection to Country, and I pay my respects to their Elders past and present.

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Introduction

- [1] Section 45 of the *Coroners Act 2003* (Queensland) provides that when an inquest is held the coroner's written findings must be given to the family of the person in relation to whom the inquest has been held, each of the persons or organisations granted leave to appear at the inquest and to officials with responsibility over any areas the subject of recommendations.
- [2] These are my findings in relation to the disappearance of Markiah Eric Allenby Major ("Markiah"). They will be distributed in accordance with the requirements of the Act and posted on the web site of the Coroners Court of Queensland.
- [3] These findings and comments confirm the identity of the missing person, whether he has passed and, if so, the date, place and medical cause of his passing, as far as can be ascertained.

Background

- [4] Markiah was an adolescent First Nations man born to Kamaree Major and David Ambrym. Markiah's parents separated when he was a baby. He remained in periodic contact with his father but lived with his mother throughout his life.
- [5] At the time of his disappearance Markiah was 17 years old. He lived in Yarrabah with his mother, grandparents and siblings. Markiah was a much loved member of his family. He had strong ties to both family and community. Markiah was described as a shy and polite young man who was prone to following the influence of others. He enjoyed playing touch football, camping and spending time with family in Yarrabah.
- [6] As Markiah grew up, he entered the youth justice system. He consumed alcohol, cannabis and methylamphetamine.
- [7] In August 2019 Markiah was a passenger in a car which crashed into a cane train level crossing pole. As a result of the collision, Markiah suffered an acquired brain injury and required surgical plates in his skull. He was in otherwise good health and was not known to experience any mental health issues when he went missing.
- [8] Markiah completed year eight of high school but thereafter did not attend. When he disappeared, Markiah was receiving Centrelink payments into an account with Queensland Country Credit Union.
- [9] Markiah was known to disappear from home for a day or two, sometimes longer. However, he was never gone longer than a week. Markiah would always return to family in Yarrabah or wherever his mother was living. On occasion, Markiah was known to have returned to Yarrabah from Cairns by driving a stolen car.
- [10] Markiah has not contacted his family or friends since 19 August 2023.
- [11] Checks with financial institutions, interstate police agencies and government departments have failed to produce any evidence of Markiah's whereabouts. The last recorded activity on his bank account was 17 August 2023.
- [12] There is no record of Markiah attending any hospital, emergency service or police station since he disappeared. Nor is there any record of Markiah travelling anywhere in Australia or overseas. Agencies who provide youth support in and around the

Cairns area, and who were engaged with Markiah, have not seen him since he went missing.

- [13] A number of media releases were undertaken by police and Markiah's family. All avenues of investigation which arose from those releases were exhausted by police with no results.

The Inquest

- [14] The inquest into the suspected passing of Markiah commenced on 17 June 2024 at Cairns. Eighty-eight exhibits were tendered and nine witnesses were called to give evidence: three police officers involved in the investigation into Markiah's disappearance and six people who had or were believed to have information regarding the circumstances surrounding Markiah's disappearance. Three of those people were juveniles when Markiah disappeared.

- [15] The predominant purpose of convening the inquest on 17 June 2024 was to capture the evidence of the three young people as contemporaneously as possible with Markiah's disappearance.

- [16] The young people had vulnerabilities which informed the decision to capture their evidence promptly. The vulnerabilities included:

- their age;
- their cultural and linguistic background;
- known drug and alcohol use;
- involvement in the criminal justice system;
- the size of the community in which Markiah and the young people live and spend time in; and
- their evidence may be culturally traumatic.

- [17] Given their ages and vulnerabilities, I have declined to publish the names of the vulnerable witnesses. Instead, referring to them as Young Person A, Young Person J and Young Person Q.

- [18] To enable the vulnerable witnesses to give their best evidence, special measures were implemented during the inquest.¹ The measures included:

- seeking the assistance of Legal Aid Queensland to fund legal representation for the witnesses;
- taking their evidence from a remote witness room, accompanied by a support person;
- directing the questioning of Young Person A, Young Person J and Young Person Q accord with ground rules.²
- facilitating a visit to the courtroom and remote witness room prior to giving evidence.
- facilitating introductions to the Coroner and legal representatives prior to giving evidence, should the witness wish to do so.

¹ Pursuant to s.35 *Coroners Act (2003)* (Queensland) and the *State Coroner's Guidelines 2013* Chapter 9, paragraph 9.1, page 18.

² The ground rules were modelled on examples of good practices for questioning children and vulnerable witnesses outlined in *Roger Ward (A Pseudonym) v The Queen* [2017] VSCA 37 at [111] - [112] and [114].

Missing Person Report

- [19] Kamaree Major reported her son missing to the Queensland Police Service (QPS) on 2 September 2023. Police immediately commenced searching for Markiah. The search for Markiah was formalised into ‘Operation Victor Rhenium’ on 11 September 2023.
- [20] Markiah was last seen by his family at about 2pm on 15 August 2023 as he walked out of 44 Brophy Street, Cairns. Markiah was wearing black shoes, a black cap with an insignia, black shorts, and a black shirt at the time. He was also carrying a jumper. Markiah’s shoes were a pair of black sole Rabens, size 40-42. Markiah’s hair was shoulder length with tight ringlets. This feature made his appearance particularly distinguishable.

Operation Victor Rhenium

- [21] The focus of Operation Victor Rhenium was to find Markiah and understand the circumstances of his disappearance. Detective Senior Sergeant Glenn Wallwork was appointed as the lead investigator. Having regard to the passage of time and Markiah’s strong ties to his family and community, Police immediately held grave concerns for Markiah when they became aware that he was missing.
- [22] A detailed report of Operation Victor Rhenium was prepared by Detective Senior Sergeant Glenn Wallwork and tendered at the inquest.³ The facts contained in the report were neither challenged nor disputed. It was submitted by Counsel Assisting, and agreed by all parties, that the report of Detective Senior Sergeant Wallwork would assist with the formulation of the facts for the purpose of these findings. Thus, the following findings are drawn substantially from that report.

Markiah’s Movements Between 15 August 2023 and 19 August 2023

- [23] Between 15 and 19 August 2023, Markiah and his friends allegedly committed offences in and around Yungaburra, Cairns, and Palm Cove. During those dates, Markiah was with Young Person A, Young Person J and one or more of 15 other people.
- [24] The alleged offending was often precipitated by, or accompanied, illicit drug use. At times, Markiah’s behaviour, and that of his friends’, was high-risk – both to themselves and others.
- [25] Between 15 August and 19 August 2023, Markiah was alleged to have been linked to 10 burglary offences. He drove, or was a passenger in, three stolen cars. Those cars were:
- a. 2012 beige (gold appearance) Tiguan Volkswagen station wagon Queensland registration 875WYG (“the Tiguan”).
 - b. 2015 orange Colorado Holden dual cab Queensland registration 700VQV (“the Colorado”).
 - c. 2017 silver Polo Volkswagen hatchback Queensland registration 100XMU (“the Polo”).

³ Exhibit 3.24

16 August 2023

- [26] At about 11:50pm on 16 August 2023, closed circuit television (“CCTV”) footage captured the Tiguan at a Caltex Service Station in Bentley Park. The footage showed Young Person A, Markiah and others in the car. Markiah was in the front passenger seat wearing a hooded jumper and his baseball cap. His ringlets were clearly visible.
- [27] Police commenced searching for Markiah and his associates on this date, having become aware of their suspected property offending.

17 August 2023

- [28] At about 1:15am on 17 August 2023, CCTV captured Markiah in Yungaburra. The Colorado and Polo were stolen from Yungaburra.
- [29] At about 8:26am, police saw Markiah driving the Colorado on Cochrane Street, Manunda. Markiah had a passenger in the car with him. The Colorado was captured on police body worn camera. Markiah’s passenger later told police that Markiah was not in a good way, that he was under the influence of drugs.
- [30] That afternoon, Markiah drove the Colorado to an area near the Colonial Club, Manoora and consumed methylamphetamine. Afterwards, he walked to the Polo and met Young Person A and Young Person J who were in the car. Associates who were with Markiah at the Colonial Club told police after he consumed methylamphetamine, Markiah was acting out of character; he was paranoid and kept looking for police and tyre deflation devices.

18 August 2023

- [31] At about 9am on 18 August 2023, CCTV footage recorded Markiah in the Tiguan at a service station in Redlynch. This is the last known video recording of Markiah. An associate of Markiah’s told police that Markiah had been consuming methamphetamine on 18 August and was “not all there in the head”. Markiah was acting different, and did not recognise her sister – who he knew.
- [32] At about 10:30am, CCTV captured the Polo at Redlynch. The occupants of the Polo were suspected of having committed a burglary at the location where the footage was recorded.
- [33] Police were unable to determine Markiah’s activities between 10:30am and 5:30pm on 18 August. However, from 5:30pm to 12:15am on 19 August 2023, using CCTV footage and other data, police were able to identify the movements of the Polo throughout Cairns.

19 August 2023

- [34] From midnight to 2am on 19 August 2023, Markiah accessed his Instagram account ‘mackey.4yu2ce’. It was apparent from messages that Markiah sent that he was in possession of a ‘tooly’ (a pair of vice grips or similar item) and was with Young Person J and Young Person A. Messages said that Markiah and the pair were at Lions Park, Earlville. CCTV footage recorded the headlights of a car at Lions Park matches the time of the messages. These messages from Markiah are the last time that he used Instagram or any messaging application to send messages.

- [35] Markiah and Young Person A and J travelled in the Polo to the Pease Street, Manoora. They left the Polo near the Domino's Pizza. Young Person J went into the Edge Hill Tavern and ordered a taxi. When it arrived, Young Person J, Markiah and Young Person A requested the driver take them to a unit on Ishmael Road. There, they consumed methylamphetamine and smoked cannabis. They were joined by a female young person. Young Person A told police that Markiah consumed a big, strong shot of 'gear'. Young Person A said that, afterwards, Markiah was not in a good way; he looked fucked up from the drugs, scattered and paranoid. Markiah thought police were following him with drones.
- [36] The group left Ishmael Road by taxi, dropping Markiah and Young Person A back at Domino's Pizza. Young Person J and the female continued on to Young Person J's home while Markiah and Young Person A collected the Polo.
- [37] At about 3:20am the Polo, with Markiah and Young Person A inside, was at the corner of Pease Street and Reservoir Road. It remained there for 15 minutes. This location is nearby to Young Person J's home.
- [38] Markiah and Young Person A then drove the Polo to an address where Young Person A's mother was. Markiah stayed in the car while Young Person A went inside to retrieve a phone charger. Young Person A expected Markiah to wait for him. Inside, Young Person A was briefly confronted by his mother and brother. Despite only being inside the house for short time, when Young Person A returned outside the Polo was gone. There was no sign of Markiah. Young Person A walked down the road a short distance looking for the car and Markiah but could not find either. He returned home and went to bed. He has not seen nor heard from Markiah since.
- [39] Between 4:17am and 4:20am the Polo was captured on seven CCTV cameras in the Cairns City area. The driver was the only occupant in the front of the car. The footage did not capture the rear passenger seats.
- [40] Shortly before 4:40am, the Polo was recorded travelling through Mount Sheridan. At 4:41am police logged a 000 call in which the caller described driving northbound along the Bruce Highway, near Coconut Resort, Woree. The caller reported a small silver car driving toward him driven by a dark skin male with long dark curly hair. The driver was wearing a t-shirt and no cap.
- [41] At about 4:45am, the Polo was on the Bruce Highway near the intersection of Foster Road, Mount Sheridan.
- [42] At 5:05am, police received a call reporting a silver Volkswagen Polo driving aggressively along Hardy Road, towards Robert Road, Mount Sheridan.
- [43] At about 5:13am, the Polo was recorded on the Bruce Highway near Mill Road, Edmonton. CCTV at the intersection of Bruce Highway and Mill Road show there were no vehicles following the Polo out of Mill Road.
- [44] Police received a call at 5:21am reporting a small silver hatchback driving erratically on the Bruce Highway. The caller watched the car turn into Warner Road - the old Yarrabah turnoff. CCTV captured the Polo turning from the Bruce Highway onto Warner Road at about 5:17am. The Polo is recorded driving around road barriers which were closing off the road.
- [45] At about 5:38am, CCTV cameras at the East Trinity boat ramp captured the Polo travelling inbound along Pine Creek Road to Yarrabah.

- [46] Yarrabah Police Station CCTV cameras recorded the Polo arriving at Yarrabah and travelling in a northerly direction along Range Road at about 5:50am. No cars were recorded travelling into Yarrabah until approximately one hour later.
- [47] Police were unable to determine the Polo or Markiah's whereabouts from 5:50am to 6:40pm on 19 August 2023.
- [48] The Polo remained in the township or eastern part of Yarrabah until 6:40pm, at which time it was recorded travelling south along Back Beach Road, Yarrabah. The location of CCTV cameras at Yarrabah Police Station and Gurriny Yealamucka Health Service ensured that any cars travelling into the southern part of Yarrabah were recorded.
- [49] At about 7:05pm, Gurriny Yealamucka Health Service cameras captured the Polo travelling east along Bukki Road. By comparing the times between which the car was captured at the two locations, and the physical distance between them, police believed the Polo either stopped south of the police station or continued driving along Back Beach Road and then travelled back to Bukki Road.
- [50] At about 9:26pm, Yarrabah Police Station CCTV recorded a small silver hatchback, which I find to be the Polo, travelling south along Back Beach Road.
- [51] Sometime between 10pm and 11pm, Nathan Mundraby and his friends Tremayne Sands Senior and Tremayne Sands Junior were at the creek on Mr Mundraby's property on Back Beach Road. Mr Mundraby's property is known by Yarrabah locals as 'Dave Star'.
- [52] The men saw the Polo, next to a dirt track, approximately 100 metres west of Mr Mundraby's home. When they walked to the car they found it abandoned with the headlight on. The men called out but got no response. Inside the car the men found a wallet. Suspecting the car was stolen, Mr Sands Senior and Mr Sands Junior drove to Yarrabah Police Station, handed in the wallet, and reported what they had seen.
- [53] Police drove directly from Yarrabah Station to the Polo. They arrived at about 11:40pm. On arrival, the headlights were on, key in the ignition and the gear lever in drive.
- [54] Police officers found several items in the car including a Subaru key in a dark blue Champion bag, and identification in the names of Young Person A and Markiah. When police attempted to start the Polo, they were unsuccessful. Believing it to be out of petrol, police locked the car and planned for its recovery the next day.

Recovery and Forensic Examination of the Polo

- [55] When police returned to the Polo at 8:40am on 20 August 2023, they found a single black Raben left shoe in the driver's side footwell. The Polo was towed from Dave Star.
- [56] The car forensically examined that day because it was believed to be a recovered stolen vehicle. A trace DNA sample was taken from the shoe. Forensic analysis of the trace DNA from the shoe resulted in the identification of two DNA profiles, one of which belonged to Markiah. The other profile was not identified.
- [57] A mechanical inspection of the Polo determined it to be in a satisfactory mechanical condition without defect. Although a 20ml fuel sample was siphoned from the Polo, the fuel gauge registered the tank as empty.

- [58] A forensic examination using a presumptive chemical screening test did not find any traces of blood within the vehicle.

Searches for Markiah

- [59] Police from the Cairns Property Crime Unit began searching for Markiah on 16 August 2023 because of his possible involvement with stolen cars and other suspected offending.
- [60] On 23 August 2023 the Cairns Property Crime Unit continued to search for Markiah. An officer from the Unit contacted Kamaree Major in an attempt to find Markiah. The officer gave Kamaree her personal telephone number. Over the following week, the officer and Kamaree remained in contact with each other about Markiah.
- [61] On 24 and 25 August 2023, a youth worker who was familiar with Markiah, drove to Yarrabah to look for him. She spoke to Markiah's grandmother who told her that she and Kamaree were also looking for Markiah.
- [62] On 26 August, Kamaree Major spoke with a 15-year-old who knew Markiah. He told her that Markiah was going to steal a car from the bikies.
- [63] On 28 August, Kamaree phoned the youth worker and told her Markiah had not been seen for two weeks. Over the next few days, the youth worker drove Kamaree to a variety of locations in Cairns as they attempted to find Markiah.
- [64] On 31 August, while continuing efforts to locate Markiah, the Officer in Charge of Cairns Property Crime Unit contacted Kamaree and gave her his personal telephone number. They exchanged several messages about finding Markiah.
- [65] On 2 September 2023, Kamaree sent a text message to the first officer from the Cairns Property Crime Unit that she had spoken to. At about 6:15pm the same day, the officer spoke to Kamaree. As a result of that conversation, Markiah was formally reported as a missing person.
- [66] The Queensland Police Service Missing Person's Unit began conducting investigations with financial and health institutions on 3 September 2023. There was no relevant activity by Markiah.
- [67] On 6 September, the Cairns Property Crime Unit officer briefed her Officer in Charge and requested the search for Markiah be escalated. On 7 September 2023, an overview of the attempts to find Markiah occurred. The investigation into Markiah's disappearance was formally transferred to the Queensland Police Far North District Child Protection & Investigation Unit on 8 September. Operation Victor Rhenium was commenced three days later.

Searches at Yarrabah

- [68] Three formal searches for Markiah occurred at Yarrabah. They centred on a lowland rainforest area to the south of Yarrabah. That is, they centred around the dirt track off Back Beach Road where the Polo was found abandoned. Police focused on this location because it appeared to be the place that Markiah was last known to be alive. The exact co-ordinates for the location are -17.00280, 145.87542.
- [69] The area where the Polo was found can only be accessed via Back Beach Road. Back Beach Road becomes gravel south of the township of Yarrabah. There are residential

buildings along Back Beach Road until it turns west. Thereafter, the buildings disperse into isolated properties. Back Beach Road is bordered by thick rainforest.

[70] A report of the Yarrabah searches described the search area as follows:

The area surrounding the Polo was thick lowland rainforest bounded to the west by the Yarrabah Ranges and to the east the ocean. The rainforest is very dense with stands of impenetrable 'wait-a-while' (Calamus australis) which can occur mere metres from road edges and progressively thickens the deeper one heads into the rainforest.

The rainforest is criss-crossed by small gullies and creeks which meander through the search area before eventually feeding into Budabadoo Creek and then out to the ocean. These creeks are freshwater in the search area but become tidal further downstream.

Traditional owners informed police of the presence of crocodiles in these streams. Two crocodiles, in particular, reside in the larger Badabadoo/Saltwater Creek system with reported sizes of 3-4.5 metres.

The area is damp, often muddy and covered in a deep layer of leaf litter.

First Search

[71] The first search for Markiah occurred from 11 - 13 September 2023. Three police officers, two operators with drones, 14 State Emergency Services (SES) personnel, four Yarrabah rangers and 10 of Markiah's family members participated in the search.

[72] The purpose of the search was to look in the area where Markiah was last thought to be alive to determine what, if anything, could be found to determine the next investigative actions.

[73] Foot searchers initially concentrated on 0.18 kilometres surrounding the Polo, utilising natural boundaries and roads. This was because there was no sign of Markiah's direction of travel or his presence in specific areas. The search was constrained by the difficulty of traversing the rainforest - in particular the presence of the wait-a-while trees. Several roads and tracks were also searched using an all-terrain vehicle.

[74] The first search did not locate any evidence of Markiah.

Second Search

[75] On 10 October 2023 a second land search was conducted in bushland to the north side of the track where the Polo was found. In addition to search co-ordinators, there were 10 police officers, two drone operators, 22 SES personnel, four rangers and 30 family members.

[76] Approximately 250 metres to the northeast of the Polo, a pair of black socks were found on the edge of a shallow creek. About 10-15 metres away from the socks, was a cap and a single black shoe matching one found in the car. Forensic examination of the cap located Markiah's DNA within it.

- [77] Foot searches of the area proved extremely difficult. It was reported that the search line was frequently interrupted by thick wait-a-while and vegetation, both were almost impossible to penetrate. Despite the difficulties, the search was extensive.

Third Search

- [78] On 21 and 22 November 2023, there was a third bushland search for Markiah at Yarrabah. Prior to the search, police engaged a search and rescue expert to review the previous searches and provide recommendations for the third search.
- [79] In addition to search coordinators, the search involved 11 police officers, four dive squad officers, one human remain detection dog and its handler, two police cultural unit officers, 10 police recruits, 12 SES personnel, two drone operators, four Yarrabah rangers and 10 family members.
- [80] Foot searchers were hampered by the hot and humid conditions, the challenge of moving through the rainforest without injury and the volume of leaf litter under the rainforest canopy. Despite the challenges, a large area was searched. No evidence of Markiah was located.
- [81] Police divers searched the creek running through the search area. They entered the water and searched 500 metres in either direction from the Back Beach Road causeway - a distance well beyond where the cap and shoe were previously located. Divers searched the creek until it became tidal and was deemed too dangerous due to crocodile risk. No evidence of Markiah was located by the divers.

Timeframes for Survival

- [82] Doctor Paul Luckin, in his capacity as medical advisor to the Australian Maritime Safety Authority, provided advice to police on 9 November 2023 about the timeframes for Markiah's survival in the area near Dave Star.
- [83] Doctor Luckin advised that it was possible to survive for some weeks without food, but only days without water. The area around the Polo had plenty of drinking water available in the creek. Thus, if Markiah was lost, survival might be possible. However, Markiah's ability to fend for himself was considered low due to his lack of bush skills, lack of equipment, acquired brain injury, and drug consumption.
- [84] According to Doctor Luckin, the specific risks to Markiah's life were predation from animals and the consequences of drug consumption. The risks to Markiah from drug consumption were:
- a. reduced awareness, progressive decreased physical ability, cognitive ability, thinking, planning, steps to self-rescue, progressing to the need to lie down and rest, then to loss of consciousness, obstructed airway and / or depressed breathing, and death from drug effects.
 - b. increased risk of accidental injury such as trips and falls, (head injury, fractures of upper or lower limb); major injury causing reduced mobility or immobility; increased risk of a fall into the creek, with inability to lift his face above the water.
 - c. increased risk of encountering dangerous creatures including crocodiles, pigs and snakes.
 - d. exacerbation of the effect of his acquired brain injury.

[85] Doctor Luckin considered Markiah's individual circumstances, the environment, the timeframe between the abandonment of the Polo and the first search (24 days) and that Markiah remained missing. Having regard to all factors, Doctor Luckin believed Markiah's timeframes for survival expired prior to first search on 11 September 2023.

Rumours

[86] There were rumours circulating amongst Markiah's friends, family and the Yarrabah community about what had happened to him. Rumours suggested that Markiah had taken his own life or had been murdered by 'bikies' or vigilantes. The 'bikie' rumour was principally fuelled by Young Person Q, who told Kamaree Major that she received an Instagram message with an image of Markiah and that bikies were involved in his disappearance.

[87] Young Person Q ultimately told police that what she had told Markiah's mother was untrue. Young Person Q recalled that 12 to 18 months prior to his disappearance, she and Markiah had stolen a car which had a "bikie sticker" inside of it. She thought that might have been the reason behind his disappearance.

[88] The account of Young Person Q was further explored at the inquest.

[89] Police extensively investigated all rumours and concluded that none could be substantiated.

[90] There were numerous apparent sightings of Markiah after his disappearance, including several reports of information received from ghosts or spirits. Any CCTV connected to the sightings was obtained and viewed. None showed images of Markiah.

Investigative Hypotheses of Operation Victor Rhenium

[91] Operation Victor Rhenium did not find any evidence to suggest that Markiah's disappearance was a due to the involvement of another person or group of people.

[92] Whilst investigators could not discount that Markiah walked back to Yarrabah or was picked up by a second car, there was no evidence that a car followed the Polo while it was at Yarrabah or to Dave Star. Beyond 19 August 2023, there were no confirmed sightings of Markiah.

[93] Operation Victor Rhenium hypothesised that the most likely explanation for Markiah's disappearance was:

- a. After consuming illicit drugs (likely methylamphetamine) for several days, at about 5:50am on 19 August 2023, Markiah drove the Polo to Yarrabah.
- b. At 6:40pm the same day, Markiah drove southbound on Back Beach Road, Yarrabah. It is unknown where he went or what he did.
- c. Markiah, in possession of a stolen car, was paranoid and fearful of being caught by the police. Thus, at about 9:25pm, he drove the Polo out along the remote Back Beach Road to 'Dave Star' where he abandoned it. While doing so, he left his shoe and wallet in the car.
- d. In his paranoid state, Markiah went into bushland to avoid being seen.

- e. The bushland into which Markiah walked was dense, at times impenetrable, rainforest. It had a creek which zig zagged and turned back on itself and was boarded with thick wait-a-while trees on its banks.
- f. Approximately 100 metres from the Polo, Markiah discarded his cap and shoe on the banks of the creek.
- g. Markiah became lost in the bush and either perished from the elements, was attacked by a predatory animal, or had a medical episode from the extreme demands he placed on his body (either as a result of consuming illicit drugs and/or physical exertion).

Evidence at the Inquest

Civilian Witnesses

Young Person A

- [94] Young Person A was 17 years of age when he appeared as a witness at the inquest. He was 16 when Markiah disappeared. Young Person A and Markiah had known each other since the end of 2022. Young Person A considered Markiah his friend.
- [95] Young Person A last saw Markiah on 19 August 2023. At about midnight, he drove a silver Volkswagen Polo to an address where his mother was, intending to collect a mobile telephone charger. Markiah was in the front passenger seat.
- [96] Shortly before arriving, Young Person A, Markiah, Young Person J and a female young person had travelled by taxi to an address on Ishmael Road, Cairns and consumed methylamphetamine. After consuming the drug, the group travelled by taxi to a location near Domino's Pizza on Pease Street. Markiah and Young Person A got out of the taxi and walked a short distance to the Polo. Young Person J and the female companion remained in the taxi and continued their journey. The plan was for Young Person A and Markiah to travel directly to Young Person J's home in the Polo and collect him.
- [97] Markiah and Young Person A collected the Polo and travelled to Young Person J's home. On arrival, they parked in the driveway. Someone from the household came out and told them that Young Person J was in the shower. Young Person A and Markiah left the address and went to collect Young Person A's telephone charger. The plan was to return for Young Person J.
- [98] On arrival at the house where his mother was staying, Young Person A went inside, telling Markiah that he was going to get a phone charger. He left Markiah sitting in the front passenger seat. Young Person A left two bags, key card and clothes in the Polo. He went inside and had a brief disagreement with his mother and brother. Young Person A returned outside to find Markiah and the Polo gone. He estimated he was inside for less than five minutes. Young Person A walked down the street and around the block looking for Markiah, but he did not find either Markiah or the Polo. Young Person A returned inside and went to sleep.
- [99] Young Person A sent messages via Instagram to Markiah when he woke up later in the day. He did not receive a reply. Young Person A has neither seen nor heard from Markiah since he left him sitting in the Polo.

- [100] While Young Person A and Markiah were together on 18 and 19 August 2023, Markiah told him that he wanted to go to Yarrabah.
- [101] After consuming methylamphetamine, Markiah was acting “sketchy”. He was jumpy, looking around everywhere [like] someone chasing him.
- [102] When asked where, or who, he thought Markiah went to after leaving him, Young Person A speculated that Markiah went to Yarrabah because that was where he was from.
- [103] Young Person A’s evidence was consistent with what he told police about the last time he saw Markiah when he spoke to them in September 2023.
- [104] In September 2023, Young Person A told police that he and Markiah had been consuming methylamphetamine for a couple of days. While they were together they “almost got spiked a couple of times” in the Polo [referring to police methodology]. Markiah had been awake for a couple of days and was acting paranoid about the police and spikes.
- [105] Young Person A had previously been in stolen cars with Markiah when Markiah had mentioned abandoning cars at Yarrabah and going into Yarrabah township.

Young Person J

- [106] Young Person J was 17 years of age when he spoke to Police about the last time he saw Markiah. He was 18 at the time of the inquest.
- [107] Young Person J described knowing Markiah for a long time. He considered Markiah his little brother and had spent a lot of time thinking about what may have happened to him.
- [108] The last time Young Person J saw Markiah they had travelled by taxi from the Edge Hill Tavern on Pease Steet to a unit on Ishmael Road. They were also with Young Person A. At Ishmael Road, the group consumed methylamphetamine and smoked cannabis. They were joined, at the unit, by a female young person.
- [109] After consuming the drugs, the group travelled by taxi with the intention of going to Young Person J’s home. Along the way, Markiah and Young Person A asked to be dropped off at Domino’s Pizza on Pease Street because they wanted to retrieve the Polo which they had left there earlier. Young Person J told Markiah and Young Person A that he was going home to have a shower and change his clothes. He told them to come and pick him up. That was the last time Young Person J saw Markiah.
- [110] After Markiah and Young Person A got out of the taxi, Young Person J and his female companion continued on to his house at Patula Close. Once at home, Young Person J heard a horn sound from outside. He was busy with his female friend so did not go outside. The next day, and following days, Young Person J sent Instagram messages to Markiah asking where he was. He did not receive a reply.
- [111] Young Person J described being with Markiah and Young Person A earlier in the evening. They were either together or travelling alongside one another in stolen cars. Young Person J said they managed to avoid police “spikes” and dumped two stolen cars before travelling together in the Polo and leaving it near Domino’s Pizza. He said the group were all paranoid; they kept thinking the police were coming after them.

[112] Shortly after Young Person J last saw Markiah he was arrested and taken into custody. He did not see Young Person A again for several months. When he spoke to Young Person A about what happened, Young Person A told him about Markiah driving off while he went to retrieve a mobile telephone charger.

Nathan Mundraby

[113] Nathan Mundraby lives at the end of Back Beach Road, Yarrabah. He has done since 2009 or 2010. His property is situated close to the end of the road at Budabadoo. Yarrabah locals known Mr Mundraby's place as 'Dave Star'. The property has access to Budabadoo Creek and is surrounded by thick rainforest. At night the surrounding area is pitch black. The rainforest around Dave Star has venomous snakes, centipedes, scorpions, and wild pigs.

[114] On the evening of 19 August 2023 Mr Mundraby was at home with Tremayne Sands Senior (Uncle Bully) and Tremayne Sands Junior (Tremayne). The men were using electric tools powered by a generator creating art. They were wearing personal protective equipment on their ears.

[115] Sometime between 11 and 12 pm the men walked to Budabadoo Creek to get water to make tea. On the way back from the creek Uncle Bully told Mr Mundraby that he could see a car with its light flashing. Mr Mundraby then saw a car with flashing brake lights and headlights. He and the others returned to his home to collect Mr Mundraby's spectacles and torches. They walked, single file, to the car. Mr Mundraby was in front, followed by Tremayne and Uncle Bully.

[116] En route Mr Mundraby saw the interior light of the car turn on and thought he saw two shadows cross into the path of the headlights and move away from the car. It appeared they went towards the bush. Mr Mundraby described the shadows as "skinny figures" that "looked like kids". When they reached the car, Mr Mundraby saw it was a silver Volkswagen. It was deserted. Mr Mundraby called out but there was no response. Concerned the car was stolen, he looked inside and found a wallet. Inside the wallet was identification for a person he did not know. Uncle Bully took the wallet to police.

[117] Nathan Mundraby provided statements to police on 15 September 2023, and 14 November 2023. He adopted the contents of those statements at the inquest. In 2023, Mr Mundraby told police there were times that stolen cars were dumped near his house. When that happened, he would see the occupants walking back to Yarrabah along Back Beach Road or be collected by another car. Mr Mundraby estimated it would take about five hours to walk from Dave Star to Yarrabah.

Tremayne Sands Senior

[118] Tremayne Sands Senior knows Markiah. Mr Sands considered Markiah his grandson. He explained that Markiah was his cousin's grandson's son, so culturally Markiah was his grandson.

[119] Mr Sands Senior was at Dave Star on the evening of 18 August 2023 with Mr Mundraby and his son, Tremayne Sands Junior. At about 11:30pm the men walked down to the creek situated about 100 metres from Mr Mundraby's home. They went to collect water for a billy tea. As they were walking back from the creek they saw a car with its lights on, parked about 200 metres from the creek. They walked back to Mr Mundraby's house, collected torches then made their way to the car in

single file. Mr Sands Senior was at the rear, with his son and Mr Mundraby ahead of him. He did not see anybody in or near the car.

[120] When they arrived at the car, it was empty. They called out but there was no response. Mr Mundraby reached in and grabbed a wallet from the car. When Mr Mundraby opened the wallet, Mr Sands Senior recognised the person on the identification within as Markiah.

[121] Mr Sands Senior and his son returned to Mr Mundraby's house and immediately made their way to the Yarrabah Police Station where they handed over the wallet and reported what they had seen. Mr Sands Senior did not see any other cars along Back Beach Road while driving from Dave Star to Yarrabah Police Station.

[122] Mr Sands Senior provided statements to police on 15 September 2023, and 17 October 2023. He adopted the contents of those statements at the inquest. His evidence at inquest was largely consistent with what he told police in 2023.

Tremayne Sands Junior

[123] Tremayne Sands Junior was at Nathan Mundraby's house with his father on 18 August 2023. They were working with power tools creating art. Sometime between 11:30pm and midnight the group walked to the creek to fetch water for tea. While walking back they saw a car with its lights on. They returned to Mr Mundraby's home to gather torches before setting off, single file, towards the car. On arrival, the car was deserted. He did not see anyone other than those he was with. After Mr Mundraby picked up the wallet in the car, his father said they should take it to the police. He and his father left immediately for Yarrabah Police Station and reported what they had seen.

[124] Mr Sands Junior provided statements to police on 15 September 2023, and 17 October 2023. He adopted the contents of those statements at the inquest. His evidence at inquest was largely consistent with what he told police in 2023.

Young Person Q

[125] Young Person Q was 16 years of age when she spoke to Police about Markiah's disappearance. She was 17 at the time of the inquest.

[126] Young Person Q remembered speaking to police about receiving an Instagram message with a photograph and/or video of Markiah and telling Kamaree Major that 'bikies' were involved in Markiah's disappearance. Young Person Q said that she might be mistaken about receiving the message.

[127] Young Person Q said she couldn't save the message, and she could not remember what the image looked like. When the image was described to Young Person Q in the terms she used in 2023, she repeatedly expressed that she didn't really remember everything and was not good at remembering things.

[128] Young Person Q did not know who sent her the message "...but in [her] thinking, bikies...because he [Markiah] stole stuff." On one occasion she was with Markiah when they stole a "green flashy Holden" that she thought might have belonged to bikies.

[129] Young Person Q never produced the message, photograph and/or video she told Kamaree Major she received.

Police Witnesses

Aaron Thomas

- [130] Aaron Thomas was employed as a principal project officer with the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships. At the time of Markiah's disappearance he was working as a Detective Senior Constable at the Queensland Police Service Cairns Child Protection Investigation Unit. Mr Thomas was employed by Queensland Police for 16 years.
- [131] Mr Thomas became involved in the investigation into Markiah's disappearance three months after it commenced. He was tasked with following up outstanding inquiries. One such inquiry related to information that Young Person Q told people she had received a video, image and/or message via Instagram that depicted Markiah being tortured by unknown persons in a small room tied up to a chair. Mr Thomas was unable to locate evidence of an image, video or message of Markiah that was consistent with the description given by Young Person Q.
- [132] Mr Thomas' review identified that Young Person Q was the only person who described seeing or receiving the image and/or message. As such, he sought to obtain the message and speak to Young Person Q about receiving it.
- [133] Mr Thomas, along with Senior Constable Courtney Hughes, spoke to Young Person Q on 29 of November 2023 at her home. The primary purpose was to explore Young Person Q's memory about the message. During the conversation Young Person Q was unable to produce the message or provide login details for her Instagram account, where she said she had received it. After some time, Young Person Q told Mr Thomas and Constable Hughes that the message did not exist. Young Person Q explained that she and Markiah had stolen a green car about 12 to 18 months earlier. While driving around in the car, Young Person Q saw a sticker which she thought represented an outlaw motorcycle club on the dashboard.
- [134] The conversation between police and Young Person Q was recorded on body worn camera and played at the inquest.
- [135] There was no evidence of any person other than Young Person Q receiving or viewing a video of Markiah being tortured. That is, there was no other evidence to suggest the video, image and/or message existed. Mr Thomas did not uncover any evidence to suggest a member of an outlaw motorcycle gang was involved in Markiah's disappearance.

Detective Sergeant Glenn Wallwork

- [136] Detective Senior Sergeant Glenn Wallwork (DSS Wallwork) had been an investigator in the Child Protection Unit within the Queensland Police Service since 2006. Prior to Markiah's disappearance, DSS Wallwork had experience in hundreds of investigations.
- [137] DSS Wallwork was appointed lead investigator for the search for Markiah on 8 September 2023. His responsibilities were to:
- a. manage and analyse information, investigate, direct investigators and intelligence analysts.

- b. manage and coordinate the Queensland Police Service Information Management and Control (IMAC) system, supervise staff, and assist the overall manager with logistics.

- [138] From the information provided to him on 8 September 2023, DSS Wallwork immediately understood there were grave concerns for Markiah's safety and welfare. He considered that his role was to discover the circumstances of how and why Markiah went missing and to attempt to locate him.
- [139] The police investigation, as described by DSS Wallwork and evidenced by the exhibits was extensive. It involved obtaining statements from Markiah's family and friends, identifying and seizing CCTV footage, engaging a search co-ordinator for multiple land searches at Yarrabah, engaging a survivability expert, analysing mobile telephones, and following up numerous reports of sightings of Markiah after 19 August 2023.
- [140] DSS Wallwork gave evidence about the purpose of each search at Yarrabah. He described participating in the third search for Markiah. He explained the difficulties encountered with the impenetrable rainforest. DSS Wallwork described the area around Dave Star as rough, dangerous country.
- [141] There were additional challenges in searching for Markiah arising out of the possibility that Markiah was affected by methylamphetamine when he left the Polo. DSS Wallwork described searching for a person under the influence of illicit drugs akin to searching for someone with dementia – their movements were unlikely to follow the path of least resistance.
- [142] DSS Wallwork paired up with an investigator during the third search. They walked from where the Polo had been abandoned on a path of least resistance to where he believed the cap and shoe were found. They did so to understand the terrain and what it would have been like for Markiah if he had followed that path. The land was difficult to traverse because of the wait-a-while trees. To get to the location of the cap and shoe, DSS Wallwork had to enter the creek to avoid the wait-a-whiles. Within 20 minutes of walking, he felt he was approaching his physical limits, despite being adequately prepared for the search with appropriate clothing and hydration.
- [143] DSS Wallwork and his colleague started to lose an understanding of their exact location – that is, they began to feel lost. They discussed ending their efforts and walking to the road but didn't know which direction the road was in. DSS Wallwork thought he was in a similar location to where the cap and shoe were found but did not know how to get out. A short time later they discovered they were near the track but did not know it, such was their level of disorientation in the daylight.
- [144] DSS Wallwork ended his involvement Operation Victor Rhenium on 14 December 2023, when he transferred to another role based in Brisbane. By 14 December, investigators had substantially completed most investigations and inquiries. Nonetheless, the investigation for Markiah remained ongoing. Upon departure, DSS Wallwork briefed Detective Joel Campbell with the status of the investigation into Markiah's disappearance.
- [145] DSS Wallwork said the investigation into Markiah's disappearance will continue to remain ongoing.

Detective Acting Sergeant Joel Campbell

- [146] Detective Acting Sergeant Joel Campbell (DS Campbell) had been employed by the Queensland Police Service for 12 years. He had been attached to the Child Protection Investigation Unit for 8 years.
- [147] DS Campbell was initially involved in the investigation into Markiah's disappearance under the lead of DSS Wallwork. After DSS Wallwork's departure, DS Campbell was tasked with investigating any outstanding leads or information.
- [148] DS Campbell forensically examined a mobile telephone that had been seized and repaired by police. The telephone was said to have been used by Young Person Q at the time she reported receiving an Instagram message about Markiah. Forensic examination of the telephone did not locate a photograph, image, video or message that was similar to what Young Person Q described.
- [149] The investigation into Markiah's disappearance remains ongoing. DS Campbell advised that any relevant investigative leads are being pursued and will continue to be pursued.

The Submissions

- [150] At the conclusion of the evidence the parties made submissions on the findings and other issues. I have taken those into account.
- [151] Counsel Assisting submitted that there was no direct evidence of what happened to Markiah after he departed Young Person A's home on 19 August 2023 but, rather, there was a series of circumstances which formed a circumstantial case about what may have happened.
- [152] Counsel Assisting submitted there was nothing on the evidence to suggest that Markiah was alive and the evidence would not suggest or permit me to make any further findings in that regard.
- [153] Counsel for Markiah's paternal family agreed with Counsel Assisting that there was no evidence to suggest that Markiah was alive. It was further submitted that there had been a great amount of time and effort put in by investigators and others about the timeline from 17 to 19 August 2023. It was submitted, except for identity, I make an open finding for all s.45(2) matters.⁴
- [154] Counsel for Markiah's maternal family adopted the submissions of Counsel for the paternal family. All other parties adopted the submissions of counsel assisting insofar as they related to their clients.

Findings and Comments

Findings

- [155] I have considered the evidence gathered during Operation Victor Rhenium, the coronial investigation, and the inquest. I agree, in part, with the investigative hypotheses about what happened to Markiah after he abandoned the Polo. However,

⁴ Referring to s.45(2) of the *Coroners Act 2003* (Queensland)

I am not persuaded there is sufficient evidence to elevate all of them beyond their hypothetical status.

[156] Having regard to the evidence I find:

- a. Between 15 and 19 August 2023 Markiah was consuming illicit drugs (methylamphetamine and cannabis) and involved in activities which he knew were likely cause police to look for him. One such activity was unlawfully taking possession of a 2017 silver Polo Volkswagen hatchback Qld registration 100XMU (“the Polo”).
- b. In the early hours of 19 August, after consuming methylamphetamine with Young Person A and Young Person J in Cairns, Markiah travelled with Young Person A in the Polo to a house where Young Person A’s mother was staying. Young Person A went inside, Markiah remained in the car. Whilst Young Person A was inside, Markiah drove off in the Polo. Markiah was paranoid and afraid that police were either following, or looking for, him.
- c. Markiah drove the Polo southbound from Cairns. As he did, he drove erratically, prompting several reports to police. At about 5:50am on 19 August, Markiah drove the Polo into Yarrabah.
- d. At 6:40pm on 19 August, Markiah drove the Polo southbound on Backbeach Road, Yarrabah.
- e. At about 9:25pm, Markiah drove the Polo along Back Beach Road to ‘Dave Star’. It is likely that the car was out of petrol when it stopped at Dave Star. Once the car was stopped, Markiah abandoned it and went into the nearby rainforest. He left his shoe and wallet in the car.
- f. The rainforest into which Markiah walked was dense and impenetrable. Budabadoo Creek is disorienting and boarded by thick vegetation including wait-a-while trees. It was difficult terrain.
- g. Markiah walked approximately 250 metres from the Polo. On the banks of Budabadoo Creek, Markiah discarded or lost his shoe and cap. It is unknown why or when this occurred.
- h. Markiah did not return to his family or community. I find that Markiah passed after he walked into the rainforest. It is likely that he passed in the area surrounding Budabadoo Creek.
- i. There is insufficient evidence to determine when, how or what caused Markiah’s passing. Having regard to the evidence of Doctor Luckin, I find that Markiah passed on an unknown date between 19 August 2023 and 11 September 2023. I note the evidence of Doctor Luckin accords with logic and ordinary experience.

[157] There is insufficient evidence to suggest the involvement of another person in either Markiah’s disappearance or his passing.

[158] Whilst Young Person Q said she received a message connecting ‘bikies’ to Markiah’s disappearance, there was no other evidence to suggest the involvement of outlaw motorcycle gangs.

[159] Having regard to Young Person Q's age and personal history, I find that she was trying to assist with the search for Markiah, albeit in her own unorthodox way. Having previously stolen a car with Markiah that she thought was connected to outlaw motorcycle gangs, it is likely that Young Person Q was worried about a connection between the car and Markiah's disappearance. By creating the story about the message, it is likely Young Person Q was attempting to bring her concerns to the attention of police in a way which did not disclose her own offending.

[160] It was submitted by counsel for the paternal and maternal families that Detective Thomas' conduct while questioning Young Person Q caused her to recant her account. The submissions about the nature of Detective Thomas' questioning are at odds with the body worn camera footage of it. Furthermore, it was not suggested to Young Person Q during her evidence that she said the story about the message was untrue because of the way she was questioned or spoken to. Thus, I am not persuaded that Detective Thomas' conduct while questioning Young Person Q caused her to recant her account.

[161] The police investigation into Markiah's disappearance was thorough and comprehensive. It remains ongoing.

Comments and Recommendations

[162] Section 46 of the *Coroners Act 2003* (Queensland) provides that a coroner may comment on anything connected with a death that relates to public health, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future.

[163] There are no issues about public health or safety or the prevention of deaths in similar circumstances that arise from this inquest.

[164] The funding by Legal Aid Queensland for legal representation for Young Person A, Young Person J and Young Person Q occurred in circumstances where none were considered 'persons of interest' in Markiah's disappearance. It required a flexible approach to the granting of aid and a commitment to vulnerable people who are unwillingly thrust into the court system. The legal representation of these vulnerable people reduced the risk of system trauma and ensured they were equipped to give their best evidence. The latter was of considerable assistance to the inquest.

[165] I acknowledge Markiah's family and friends, who are grieving for him. The ambiguous loss experienced by the family of a missing person is considered to be the most traumatic kind of loss, and a most unmanageable form of stress. No doubt the trauma and stress are exacerbated when the missing person is young and much about their disappearance remains unanswered.

[166] Markiah was cherished by his family and friends, and he is sorely missed. I extend my condolences to them.

Aboriginal and Torres Strait Islander readers are advised that the Findings pursuant to section 45 of the *Coroners Act 2003* (Queensland) appear on the following page. They contain words that may be culturally distressing.

Findings Required by Section 45

I find that Markiah Eric Allenby Major is deceased.

Identity of the deceased:	Markiah Eric Allenby Major
How he died:	Markiah Eric Allenby Major died after he went missing in dense rainforest surrounding Budabadoo Creek, Yarrabah. I am unable to determine how he died.
Place of death:	An unknown location in the rainforest surrounding Budabadoo Creek at YARRABAH QLD 4871 AUSTRALIA.
Date of death:	On a date unknown between 19 August 2023 and 11 September 2023.
Cause of death:	The cause of Markiah's death remains undetermined.

I close the inquest.

Stephanie Williams
Northern Coroner
CAIRNS