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REPRESENTATION:

Counsel:

Assisting: Senior Const. Anne Lade

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NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

AN INQUEST INTO THE DEATH

OF SKELETAL REMAINS

MS MORRIS. Assistant Coroner

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON THURSDAY 21 DECEMBER 2000

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THE CORONER: Senior Constable, where will we start?

MS LADE: Your Worship, I was thinking we would start with, there's five files I have before me, which have actually all been to inquest already but new information has come to light on those files and I would be requesting that the inquest be re-opened.

THE CORONER: Okay. I - don't think that I actually have the power to re-open an inquest without a Supreme Court order but perhaps we can just go through those files one by one and you can let me know what new information we have, stating also the file number for the transcript.

MS LADE: Certainly.

THE CORONER: And then we may, the Coroner's office may be able to make an application to the Supreme Court.

MS LADE: Certainly, Your Worship.

The first one is file number 14478, it's in relation to remains found at Magella Creek on the 14 June 1978. (Inaudible) this went before Ms Thomas, the Coroner at the time who has handed down findings. There is now new information from a Mr Ken Mulvaney from the Aboriginal Area Protection Authority in relation to that file with a possible identification on the remains.

THE CORONER: Okay, so perhaps we can organise an application in the Supreme Court for that file to be - an inquest to be re-opened so that we can accept the new information as to the identity as to who the deceased might be.

MS LADE: Yes, thank you.

The second one is file number 149 of 1985, in relation to remains found at Borroloola. Again this matter has already been to inquest before Mr Barrett in 1987. It appears that there may have been an error made. There's actually remains of two persons located but Mr Barrett only refers to one person, so I request that that be reopened to clarify that situation.

THE CORONER: And that new information comes from a pathologist?

MS LADE: A pathologist, yes, he has looked at the remains since, Doctor Pocock, and he has supplied a report.

THE CORONER: Okay. We'll endeavour to make the same application in the Supreme Court.

MS LADE: Thank you.

The next one is file number 184 of 1988 in relation to remains located at Koolpinyah Station. Again this has already been to inquest before - actually not to

inquest, it was an inquest deemed unnecessary by the then Deputy Coroner, Mr Minahan in 1992.. Further information has come to light as to a possible identity on that person and we would be looking at doing further DNA testing and hopefully identifying that person.

THE CORONER: Okay, we'll make the same application in the Supreme Court to re-open the inquest.

MS LADE: The next file is 245 of 1991, which relates to remains located near Beswick in -on the 4 September 1991. Again this matter already been to inquest before Mr Gray, the Coroner, in March 1992. Again, further information has come to light as to who these remains might be and we would be requesting to do DNA analysis to ascertain that.

THE CORONER: And who is it who that person is.

MS LADE: We believe that person may be a person missing from Beswick at the time, a Richard Liechhardt(?).

And the final file is file number 220 of 1985 in relation to skeletal remains located at Jabiru. Again this matter went to inquest in June of 1989 before Mr John Wallace. Again it appears that an error may have been made at the time, it's actually more than, well, one set of remains in - located and the Coroner has made findings which don't tie in with what we now know to be. Again we've had the pathologist, Dr Pocock look at the remains and he has made a report and made comments. So we would be asking that that inquest be re-opened to clarify the situation.

THE CORONER: Again, the Coroner's office will make an application to the Supreme Court in order to re-open those inquests. That doesn't stop any investigation being done into those deaths until the application's made. We can do the investigation, but to re-open an inquest and to change any findings, we need to make an application to the Supreme Court.

MS LADE: Okay. Thank you, Your Worship.

That's the five that I had those applications on. I have a total of 20 files that relate to new matters which haven't been before the court before. Unless you want it done any differently, I'll just go through them one by one and hand up certain documents.

The first one relates to remains located on Cartier Island on the 1 April 2000. I'm aware Your Worship has some knowledge of this file. At this stage I have information from a Paul Clark, the curator from the Maritime Museum, who has said that he feels that he would be able to identify these remains but needs more time to do that, so I would be asking that the matter be adjourned for some time so he can make further inquiries. Do you want me to hand up some papers now on it or - - ?

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THE CORONER: Perhaps it might be easier to keep those papers altogether on the file. How long a period of time?

MS LADE: We would be looking at probably three months.

THE CORONER: Perhaps we could just adjourn then that inquest sine die and relist it when the further information which might disclose the deceased's identity comes to hand. The Indonesian Consulate is aware of the proceedings today?

MS LADE: They have. I've let them know that the inquest was on today but haven't heard anything from them.

THE CORONER: Okay and what file number was that one?

MS LADE: Sorry, that's file number 56 of 2000.

THE CORONER: Thank you.

MS LADE: The next one relates to remains located on the 21 June 1977 at Marrakai Plains, file number 145 of 1999, refers - - -

THE CORONER: Excuse me, Senior Constable, I've just noticed a gentleman come into court. I think he's - - -

Are you from the Indonesian Consulate?

A PERSON UNKNOWN: Yes. ,

THE CORONER: The Senior Constable has just made an application to adjourn the hearing of the remains found at Cartier Island because a professor at the museum, who has contacts with the people who fish in and around the area of Cartier Island, believes he may be able to assist the Coroner in determining who this person was through family contacts and boat contacts. So we have adjourned the remains found at Cartier Island with no set date. And when that information comes to hand, we will re-list it and hopefully we will be able to identify that person.

Thank you.

MS LADE: Marrakai Plains, file number 145 of 1999. Did you want me to just give you a brief background and then hand up the documents?

THE CORONER: Yes.

MS LADE: These remains were located in June of 1977 at Marrakai Plains. They were located as a result of a person later identified as a John Steer, S-T-E-E-R, advising army personnel and New South Wales police that he had murdered someone in the Northern Territory. As a result of that, other Northern Territory police

were contacted, Mr Steer returned to Darwin and he took Northern Territory police down to an area at Marrakai Plains where human remains were located.

Doctor Colin Manner(?) at the time examined the remains and has given a psychical description of the person, but that person has never been identified. The cause of death given is a gun shot wound to the head. Mr Steer ultimately appeared before the Supreme Court in February 1978 and pleaded guilty to a charge of manslaughter and he was sentenced to 2 and a half years imprisonment, which he served. Extensive inquiries were made at the time by NT police to try and identify the victim but no-one was ever found. One name was given and forensic inquiries was made but it was found that person wasn't the remains, out at Marrakai Plains and so to this date they remain unidentified.

I don't believe it needs to be taken any further as far as any sort of forensic examination or testing and so we'll be requesting that the remains be buried. I can hand up if you wish, Your Worship, a precis of the facts that I mentioned.

THE CORONER: That precis will be exhibit 1.

EXHIBIT 1 Precis for file 145 of 1999.

MS LADE: And also a copy of the report of the pathologist Doctor Colin Manner, who gives a cause of death and gives evidence that the remains are those of a male, Caucasian male of about 30 years of age and he gives some further psychical descriptions of who the victim is.

THE CORONER: That will be exhibit 2.

EXHIBIT 2 Pathology report.

MS LADE: If Your Worship wants anything further.

THE CORONER: And there is no more recent evidence in relation to these remains?

MS LADE: No, not at all.

THE CORONER: And the defendant in this matter, who served time in prison for the death of this person, was unable to give any assistance in relation to the person's identity?

MS LADE: That's right, he didn't know him at all and had just come across him and the incident happened in that short period of time of coming across him, but no clue or nothing as to who he was.

THE CORONER: I'll make findings now which will conclude the inquest into file number 145 of 1999. I'm required under section 34 of the Act, to make findings if

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possible, in relation to a death: finding the identity of the deceased person; the time and place of death; the cause of death; the particulars needed to register death under the Births, Deaths and Marriages Registration Act and any relative circumstances concerning the death.

In relation to those findings, I find that the deceased person is not able to be identified and any identity is unknown, that the deceased was male, the deceased was Caucasian, the deceased was aged about 30 years and the deceased had height of approximately 5' 8" in the imperial system.

The time and place of death, the deceased died at the Marrakai Plains but the time of death is unknown. Is that correct?

MS LADE: That's correct. It's put at about December 1976 but no more definite than that.

THE CORONER: Perhaps then I will make a finding that it was around about ~' December of 1976.

The cause of death from the pathologist's report was a large calibre bullet to the skull of the deceased.

I'm unaware of any other particulars needed to register the death under the Births, Deaths and Marriages Act and the relevant circumstances concerning the death contained in the Supreme Court proceedings against John Burton Steer: John Burton Steer appeared in the Darwin Supreme Court and pleaded guilty to manslaughter on the 13 February 1978. He was sentenced on the 17 February 1978 to 2 and a half years imprisonment with a non-parole period of 18 months.

And given that those findings have been made, / will sign an order that these remains can be buried.

MS LADE: Thank you, Your Worship. The next file relates to remains located at Export Wharf in Nhulunbuy in March of 1990. Located at the time was the lower jaw bone only at Export Wharf. These remains were ultimately examined by a forensic pathologist, Doctor Sinton, who stated that - and sorry they were also examined by a forensic dentist, Doctor Plummer. He stated that he believed the remains to be those of an Aboriginal person, probably a female due to the size of the mandible but was unable either himself or Doctor Sinton, were unable to offer anything more as to an age or a cause of death.

Identification of the remains has not been possible. There's no complete dental work on the mandible to assist with any dental comparison and there was no missing person reports that match with these remains. No other avenues of inquiry have been found to assist in identifying this person.

I'll hand up a report completed by Senior Constable Wardrope in relation to the remains and what was found.

THE CORONER: That will be exhibit 1 in case of 29 of 98.

EXHIBIT 1 Report for 29 of 1998.

MS LADE: There is also a report from Mr Ken Mulvaney of the Aboriginal Areas Protection Authority who also viewed the remains and he has stated that on teeth characteristics, he believed it to be an Aboriginal person as well.

THE CORONER: That will be exhibit 2.

EXHIBIT 2 Report of Mr Mulvaney.

THE CORONER: So there is no evidence that these remains could be many, many years old?

MS LADE: No, that's not stated. And it doesn't appear that the area was a known burial site or anything. The remains located have somehow turned up there.

THE CORONER: Doctor Plummer concludes from this report that they are not of recent origin, however, the jaw-bone.

MS LADE: That's correct, yes. There is also the report of Doctor Sinton, examination report and the report of Doctor Plummer. I request that the remains an approach be made to the Aboriginal Areas Protection Authority in relation to - the local Land Council to take these remains and bury them appropriately.

THE CORONER: Yes. So I will make some findings now in case 29 of 98.

I cannot find the identity of the deceased nor the time and place of death. I do find that the deceased was Aboriginal and was female and I cannot find from the evidence, the cause of death or any of the particulars needed to register the death under the Births, Deaths and Marriages Act. And I also cannot find any relevant circumstances concerning the death. However, I conclude the inquest and will sign an order that this remain can be disposed of or buried and it would be appropriate that the Aboriginal Areas Protection Authority, who have assisted the Coroner's office before in matters such as this, will take these remains and dispose of them in an appropriate way.

MS LADE: Thank you, Your Worship.

The next two files relate to remains located at Malay Bay on the 22 August 1999. The first lot are file number 124 of 1999. These relate to remains located by a Peter Simms(?) as he was walking along the beach at Malay Bay, which is in Arnhem Land. The remains have been examined and found to be of two individuals.

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As I say, the first one on file 124 of 99 have been identified as a male aged between 20 and 30 years of age and most likely of Asian origin. Again Mr Ken Mulvaney of the Aboriginal Areas Protection Authority has completed a report, a very detailed report in relation to those remains. Doctor Pocock, forensic pathologist, has also reviewed the remains and agrees with Mr Mulvaney's findings in relation to those. There is no evidence as to who these people or to who these remains are and nothing further has been found to identify them.

The second lot of remains which are on file 125 of 99, found on the same date by Mr Simms, have been identified as being only a sacrum and a cranial fragment of bone, but separate to the first lot of remains that were found. Mr Mulvaney and again Doctor Pocock have examined the remains and are unable to make any determination due to the small sample that they have, in regard to race, age or sex and there is no indication to the cause of death on either of those remains.

I have a report of senior Constable Bernie Lee in relation 124 of 99, which gives details as to his investigations. There is also the original report of Doctor Pocock in relation to both sets of remains found at Malay Bay and the report of Mr Mulvaney again in relation to both sets of remains.

THE CORONER: Well just tender those as on file 124 of 1999 as one exhibit, that will be exhibit 1, those three reports.

EXHIBIT 1 Three reports.

MS LADE: Mr Mulvaney offers some suggestions as to how he thinks those remains came to be where they were, but nothing has been proved definitely one way or the other.

THE CORONER: What were his suggestions?

MS LADE: I'm not sure. Okay, I'll have a look in here.

THE CORONER: I note that he says in his report that the condition of the bones suggest that they have not been exposed to the elements for long and they have at some stage been buried.

MS LADE: Yes, he makes comment on page 2: 'Several options to explain the current circumstances of these human skeletal remains are plausible: (1) parts of the articulated flesh, that is flesh still adhering was washed up on the beach, bits may have been subsequently scattered or removed by scavengers. (2) person or persons died on or were disposed of at the beach. The activity of scavengers and tidal action, removing and re-depositing some of the bones. Or (3) the remains have been re-deposited by tidal or storm action. Skeleton material deriving from exposed burial at some unrelated location'.

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He makes the point that it is not a known burial site where the remains were found. Again I would be asking that due to the fact that they are definitely not Aboriginal that the remains be buried appropriately.

THE CORONER: I will make some findings then in relation firstly to 124 of 1999. The identity of the deceased person is unknown. The time and place of death is unknown, as is the cause of death and no particulars are known in relation to registering the death under the Births, Deaths and Marriages Act. No relevant circumstances concerning the death are known. What I do find is that the person was aged between the age of 20 and 30 and was of Asian origin. And I will also make an order allowing for the disposal of those remains.

In relation to 125 of 1999, the identity of the deceased person is unknown as is the time, place, cause of death and any particulars needed to register the death. Any relevant circumstances concerning the death are also unknown and it - there is insufficient evidence to include either the race, age or sex of those other skeletal remains in relation to 125 of 1999. Given that there is no likelihood of any other information in relation to these remains coming to light, I make an order that the remains under 125 of 1999 be released for burial.

MS LADE: Thank you, Your Worship. The next lot relate to remains, being a human skull, located in Katherine on the 17 July 1984 at an area known as the Million Gallon Tanks. It appears that on that date, 17 July 1984, some young people were playing near the Million Gallon Tanks area and located this skull. Police were advised and attended and collected the skull. This skull was examined by Doctor Derek Pocock, forensic pathologist, who states that he believes it to be a skull of a young female Aboriginal, probably less than 25 years of age but there is no evidence as to injury and cause of death.

Inquiries were made at the time, but nothing was found, except that it was noted and it is confirmed by Ken Mulvaney of the Aboriginal Areas Protection Authority, that the area where the remains were found is a known Aboriginal burial site and it appears most likely that the remains have been buried properly but for some reason have come uncovered and the young people have found the skull. I can hand up a copy or part copy of the report of Ken Mulvaney, who as I say, confirms that the area is a known and recorded Aboriginal burial site. Also the report of Doctor Pocock giving his evidence on the remains.

There is a copy of what is known as a complaint and enquiry form from the Katherine Police Station, which gives the details of them attending and collecting the skull. Statements were taken at the time but unfortunately no file can be located to assist any further and Mr Mulvaney has also supplied a map of the area showing the Katherine area and where the tanks are.

THE CORONER: Those items in relation to file 199 of 2000 will be together exhibit 1 on that file.

EXHIBIT 1 Reports for file 199 of 2000.

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MS LADE: I would ask Your Worship that the remains be handed to the Aboriginal Areas Protection Authority for return to Katherine and proper burial.

THE CORONER: There's no evidence on this how old, not the person was, but how old the remains are?

MS LADE: Apart from saying a young Aboriginal female, probably less than 25 years of age. You mean old as in - -

THE CORONER: How long they've been - - -

MS LADE: No.

THE CORONER: The person has been deceased.

MS LADE: No.

THE CORONER: In relation to the file 199 of 2000, I make the following findings, that the identity of the deceased person is unknown. That the time and place of death is unknown as is the cause of death. I do make a finding that the person was an Aboriginal female, probably less than 25 years old at the date of her death.

There are no particulars known in relation to registering the death under the Births, deaths and marriages Act and any circumstances concerning the death are also unknown. I will make an order that the remains can be released for burial and they will be returned to the Aboriginal Areas Protection Authority for appropriate burial in the Katherine region.

MS LADE: The next file, Your Worship, relates to skeletal remains located at Adelaide River on the 9 January 1993, file number 200 of 2000. The story behind these remains is that and working sort of backwards rather than when they were found, it appears that it is a well known fact, or was a well known fact down in Adelaide River that these remains were found and held at the single men's quarters at the railway station there. The police who investigated at the time, spoke with a number of people and everyone, all the locals seem to be aware that these remains were there and had been for many, many years as in over 10, 20 years.

Living in the quarters at the time was a fellow by the name of Pulleen(?) who had lived there for some time and apparently the remains were there and he was aware of them. He unfortunately was killed in a motor vehicle accident in October 1992 and when some people went to eventually clean out his premises at the railway station, found these remains. The fellow who found them at the time thought he would hang on to them but then thought better of it, but didn't know how to dispose of them, so told a third person that he was going to chuck them in a water tank somewhere, which he did. This third person didn't think this was probably right and so went and advised the Adelaide River police, who attended and found the remains.

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The remains were sent to Darwin and examined at the time by Doctor Pocock, who found that they were actually the remains of two people. He believed that both of them were Aboriginal. One was a male and possibly the other was female. He states that he believes the bones were at least 50 to 100 years old and then gives some further details in his report. In relation to the male, he states that he is Aboriginal, he believes that the male was probably about 169 cm tall. In relation to the female, he doesn't say any more than possibly it is a female, but Aboriginal.

When Doctor Pocock was recently in Darwin and again looked at these remains, he found that the remains of only one person now is in existence and that appears to be the male that was referred to originally. I'm unable to say what has happened to the female remains. They may have been returned and it is not recorded, or what has happened but at this stage we only have the remains of the male person. Again Doctor Pocock examined them and puts them down as male, aged over 60 years of age. He possibly, question mark, Asian, but he wasn't definite on that. Again no cause of death is given in relation to these remains we now have and no further inquiries are possible at this stage to ascertain as to who they were.

THE CORONER: So, Doctor Pocock says that the remains he examined now were different to the remains or he has changed his mind about whether the person might be Aboriginal?

MS LADE: I think he has changed his mind as to whether- well not that they're changed minds whether they are Aboriginal. When he has looked at them recently he say possibly, and I was there at the time, he thought maybe Asian, but he wasn't at all definite. So, I don't think it is a case of actually changing his mind from his original report. Obviously there have been some movement with the bones for one lot to be not there, so - -

THE CORONER: Was that a full skeleton or partial?

MS LADE: No, partial.

THE CORONER: And do we have any idea how long since the person died?

MS LADE: Only the comment that he made at the time that they were possibly the bones were at least 50 and possibly up to 100 years old.

THE CORONER: Thank you.

IVIS LADE: But an old person, on top of that.

THE CORONER: So, did you want to tender those reports?

MS LADE: I will. I'll hand up firstly, a precis that I've prepared in relation to these remains. There is a report, or a copy of a report prepared by Senior Constable Wardrope, back in 93 in relation to the remains at Adelaide River. There's a copy of

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the report of Doctor Pocock done back in 1993 and there's the original of the latest report done in December this year.

THE CORONER: Altogether, those will be exhibit 1 on file number 200 of 2000.

EXHIBIT 1 Reports for file 200 of 2000.

THE CORONER: I'll make findings in relation to file number 200 of 2000. The identity of the deceased person is unknown but that it is - the deceased is male, aged over 60 years of age. I make no finding - there is insufficient evidence to make a finding as to the race of the deceased. The time and place of death and the cause of death and any particulars needed to register the death and the circumstances concerning the death are unknown.

I do make an order that, allowing the proper burial of these remains.

MS LADE: The next file is file number 204 of 2000, which relates to remains located in Katherine on the 11 February 1989. These remains were held at the mortuary at Royal Darwin Hospital until recently and there is virtually no paperwork with them. I've made all possible inquiries to locate any other paperwork but have been unable to locate anything. The information that they were from Katherine on the 11 February 1989 was what was written on them and that is all I can base it on.

Doctor Pocock has since examined those remains which consist of a skull, lower jaw, left and right pelvis; sacrum and one lumbar vertebrae. He believes that the remains are of a deceased elderly person, as in over 50 years of age, and Aboriginal and a male. He can find no evidence as to a cause of death. I have a short synopsis that I'll - precis of the evidence that I prepared and the original report of Doctor Pocock. But as stated there is no other evidence as to exactly where in Katherine they were found or how old they were deemed to be or anything like that, Your Worship.

THE CORONER: That will be exhibit 1 on file 204 and there is no possibility of any further evidence coming to light in relation to - -

MS LADE: No there is not.

EXHIBIT 1 Reports for file 204 of 2000.

THE CORONER: And hopefully the Katherine police have improved there paperwork since then.

MS LADE: I hope so.

THE CORONER: I will make findings in relation to this matter, file 204 of 2000, relating to skeletal remains found in Katherine in 1989. The identity of the deceased person is unknown as is the time, place or cause of death and any particulars

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needed to register the death and any relevant circumstances concerning the death. I do find that the person was elderly, over 50 years of age, was Aboriginal and was male but I am unable to make any further findings. However, I'm satisfied that no further evidence will be forthcoming in relation to this and so I make an order that the remains be allowed to be disposed of and the Aboriginal Areas Protection Authority will take these remains and dispose of them in the appropriate way.

MS LADE: Thank you, ma'am. The next lot relate to skeletal remains located in Hooker Creek in 1973.

THE CORONER: What number is - - -

MS LADE: File number 205 of 2000. Actually located on 4 August 1973. These remains were held at the Police forensic section for a number of years and again there is very little in the way of any paperwork to explain these remains. I have a copy of the police forensic exhibit book which has skeletal remains found south of Hooker Creek on the 4 August 1973 and that's the only detail there.

Doctor Pocock, pathologist, has looked at these remains, consisting of two femora, two hemipelvis, two humeri, two ulnas, one radius, two cervical vertebrae, one clavicle, two ribs and one fibula. He believes the remains to be probably male of uncertain age, race not known and can give no evidence as to a cause of death on these remains. I've made all possible inquiries to try and find any paperwork, files, journal .entries, anything in relation to these remains and can't find anything. I'm advised that Hooker Creek Police Station wasn't even in existence in 1973. It came under the area of Wave Hill, but Wave Hill have been unable to help me with any sort of file or paperwork in relation to these remains.

So I have a precis of the evidence I've given, the report of Doctor Pocock and a copy of the forensic exhibit book entry in relation to these remains.

THE CORONER: Altogether, those will be exhibit 1 in file 205 of 2000.

EXHIBIT 1 Reports for file 205 of 2000.

THE CORONER: Accompanying the bones in the post-mortem report, it says there are some broken glass slides.

MS LADE: Yes, Your Worship and they are still here and form part of this file. They're talking about the little glass slides that you put under the magnifying glass. One assumes that something was collected at the time the bones were collected and put on a slide. There is also some pieces of branch, leaf matter type thing. Again, I can only assume they were collected at the time the remains were collected for some sort of forensic testing but - - -

THE CORONER: There's no - have they been looked at recently, those slides?

MS LADE: Not recently, no.

THE CORONER: It is, is there something on - is there anything on the slides that is visible?

MS LADE: Not that I can see, no.

THE CORONER: Was that, are you aware in the early 70s, whether the exhibits were put onto glass slides or - I'm just concerned whether or not they might be something that was with the deceased rather than - and was picked up at the same time as the body, rather than.

MS LADE: No, I would've thought that if it was something that was with the deceased, it would have been stored somewhere else, as in his clothing or what not, if that's found. It wouldn't necessarily go to the forensic section where these remains and these slides were found. I would say that they would've been something that was found at the scene. It appears that it was investigated as a suspicious death at the time, with these sorts of things being collected.

THE CORONER: I'll make - and there's no further evidence that you are aware of that could be obtained in relation to this matter---

MS LADE: No there is not.

THE CORONER: - -- that would help with the identity?

I'll make findings in-relation to file 205 of 2000. The identity of the deceased person is unknown and as is time, place and cause of death or any other particulars needed to register the death and any relevant circumstances concerning the death. However, I'm satisfied that I should make an order to release these remains and they be allowed to be buried.

MS LADE: Thank you, Your Worship.

The next two files relate to remains located in Katherine in 1974. Again it's a case of when they were examined by Doctor Pocock, it was found to be more than one person in the remains. The first lot is file number 206 of 2000. These were received from the mortuary at Darwin Hospital, again with very little in the way of paperwork. There was actually some paperwork with it, but from my inquiries it appears that they have nothing to do with these remains and it related to something else. Even though the numbers on the bag and the numbers on this report coincided, it appears that there has been an error somewhere along the way and they don't relate to the same remains that we have here.

The remains were divided into two lots by Doctor Pocock when he examined them early this month. He says the first lot of remains are two femora, two tibia, one fibula and two humus bones. He believes that they are male but cannot comment on age, race or cause of death.

The second lot of remains found in the same bag, marked Katherine 1974, is on file 207 of 2000. It is a left humerus bone which is a different person to the first lot mentioned but Doctor Pocock can make no comment, other than to say that they are male, but can make no comment as to race, age or cause of death. He does make the comment that he believes both sets of remains have been buried for different periods of time. He makes a comment that the two sets of remains have probably been in situ for significantly different periods of time, but that doesn't really help us at all, unless it - a possibility of a burial site is where they were found and two different lots have somehow become mixed.

There is no other evidence that I can put to you, but the remains were briefly looked at by Mr Mulvaney of Aboriginal Areas Protection Authority but not to the point that he noticed that there were actually two remains, so he comments on the remains as one lot. He makes the comment that the bones have an ochre colour paint on them, which he explains is a feature consistent with traditional secondary burial. practices, in that the bones are ochred, the ochre paint is put on, wrapped in paperbark and placed within a rock shelter, or ledge or crevice. They are actually buried firstly. Once there is only bones remaining, they are then removed and this ochre paint is put on them, they're wrapped in the paperbark and buried elsewhere.

These remains do have that ochre paint on them, so he assumes that they are from a burial site. But as there is no paperwork as to say exactly where they were found, that that's not a definite. And there is nothing further that I think, can be found in relation to cause of death or who these remains might be.

THE CORONER: Well, I make - do you want to tender that report?

MS LADE: Yes, I'll tender the original report of Doctor Pocock. He refers to both sets of remains, 206 and 207 in the one report. And also a part copy of the report of Mr Ken Mulvaney.

THE CORONER: The will be exhibit 1 on file 206.

EXHIBIT1 Reports.

THE CORONER: I'll make findings in relation to those remains. The identity of the deceased person is unknown but that he is male. Time and place and cause of death is unknown as is age and race. And no particulars are known, needed to register the death and no circumstances concerning the death are known. I do find that there is little likelihood of any further evidence coming to light in relation to this matter, so I'll make an order allowing the burial of those remains. If given the observations of Mr Mulvaney, it would be appropriate that the Aboriginal Areas Protection Authority be allowed to take possession of those remains and to dispose of them in appropriate cultural way.

MS LADE: Thank you, Your Worship.

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MS LADE

Skeletal remains

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The next three files, I will refer to and hopefully I won't get to mumbled with the story. We received from the mortuary, two separate bags of human remains. One was marked East Point 10 July 1976. The other bag was marked with just a number being 242 of 88. I have been unable to find out what that number relates to. It is not a forensic exhibit book number. It is not a number used by the hospital and the current hospital staff can't help me as to what that number is.

So, we have the two bags of remains. Doctor Pocock has examined both lots and found that the remains marked East Point 10 July 1976, when we opened that bag, there is actually a police exhibit tag in there with that date and those details, so that appears to confirm that's where they were found and when they were found. Those - amongst those remains also was some - a piece of cloth and a- piece of what we now know to be a bankbook with a hard plastic cover on it. The bankbook is an ANZ bankbook which has deposits and withdrawals dated in 1971.

On opening the second bag, marked 242 of 88, Doctor Pocock not only found that there was remains of three people in that bag, but one lot of those three were matched the first lot found at East Point. There's again some markings on the bones. There's some - what looks like paint but I don't know whether it is or not, which ties in with the bones and on further examination by Doctor Pocock, he was satisfied that the ones found at East Point and one lot out of that second bag were actually the same person.

THE CORONER: Do we know exactly where at East Point they were found?

MS LADE: No. All it said on the tag was East Point Reserve. Well, I'm assuming that is at the end of East Point there. So Doctor Pocock was happy that these two lots married up and were of the same person. He believes that to be male. He says 'doubtful Aboriginaiity' so I don't, obviously, don't know what race we are talking about. Less than 30 years of age and a cause of death could not be determined.

Again there's the evidence of the bankbook with dates of 1971, so it probably is a safe assumption to say that it was a Caucasian person as opposed to an Aboriginal person. I've made all checks that I can with police and the forensic people and what not, to see if anything further was done in relation to those remains, but again I can't find anything that was done, nor find any paperwork to go with those remains. How the two lots became separated, I can't say.

As stated, in the second bag when that was opened, there was actually three people. One married up to East Point. The other two were found to be on file 212 of 2000, that was a child's femur was found. Doctor Pocock examined it and could say nothing more than that he believed it to be a child of 8 to 10 years of age. No indication as to race, sex or cause of death.

And the third lot found in that second bag on file 213 of 2000, was an adult tibia bone. Again examined by Doctor Pocock and apart from saying it was an adult, could give no indication as to sex, race, age or cause of death. How these three lots

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MS LADE

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of bones, whether they were found together or what, I'm unable to say and can find no other information that would help Your Worship.

THE CORONER: With the bankbook, and that wasn't able to be of any use in trying to identify the person?

MS LADE: No, the only indication was, it was only part of a bankbook and there was certainly no names or even a branch or anything like that. It was just - you could see on the cover, there was an ANZ and there was three or four entries which showed deposits in 1971 but nothing further. No account numbers or anything could be found to help identify.

I should say that the other reason Doctor Pocock was so convinced that East Point matched this other lot in the second bag, was that in the second bag there is also a piece of the hard plastic and a piece of the same sort of cloth that was found in the first bag, so he's quite confident that they are certainly the same person.

THE CORONER: And there was no missing persons reports around that time which would match with - -

MS LADE: No, I'm unable to find any sort of information like that, that would help.

THE CORONER: So, in relation to file 211, is that the bankbook file?

MS LADE: That's it, yes. East Point.

THE CORONER: Do you want to tender any - - -

MS LADE: yes. I'll tender the precis that I've done in relation to the evidence. The report of Doctor Pocock actually refers to all the remains that - the three in the second bag and East Point. That's the report prepared by him. Sorry, no, there is two reports. One report from Doctor Pocock which related to the East Point Reserve remains and then a send report which relates to the bag, the second bag, marked 242 of 88, which had the three sets of remains in it. There is a copy of the police exhibit tag showing that 1 pm 10 July 1976 East Point Reserve, remains were located. There is also a copy of the forensic exhibit book entry which relates to those remains.

THE CORONER: Altogether on file 211, they will be exhibit 1.

EXHIBIT 1 Reports for file 211 of 2000.

THE CORONER: In relation to file 211 of 2000, the identity of the deceased is unknown. What is known is that the deceased is male. It's possible that the

deceased is Aboriginal but it wouldn't appear that that is a - - -

MS LADE: It appears unlikely.

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THE CORONER: A firm opinion and it's possible that the deceased was less than 30 years of age. Given the evidence of the bankbook, I'm satisfied that the deceased passed away sometime between 1971 and 1976, when he was found. I don't, I'm unaware of any other particulars needed to register the death or any relevant circumstances concerning the death. I'm satisfied that an order should be made to release those remains for an appropriate burial.

MS LADE: Thank you for that.

THE CORONER: For the other 212 and 213, do you want to tender reports for those or---

MS LADE: I can, yes. in relation to 212, I'll tender just a precis of the evidence that I gave and a copy of the report of Doctor Pocock with the highlighted area relating to this file.

THE CORONER: That will be exhibit 1 of file 212.

EXHIBIT 1 Report and precis for file 212 of 2000.

THE CORONER: And that is the one where it appears to be a child's femur.

MS LADE: A child's femur, yes.

THE CORONER: In relation to file 212, the identity - my findings are that the identity of the deceased person is unknown but that it was a child aged between 8 and 10, but the race, sex and cause of death, time and place of death, are all unknown, as are any other particulars and circumstances concerning the death. I'm satisfied that there's - that there would be no further evidence in relation to this matter so that I can make an order ordering the disposal of those remains.

MS LADE: Thank you, Your Worship. And the same in relation to file 213, a copy of my precis and a copy of Doctor Pocock's report with the highlighted area in relation to the adult tibia that was found.

THE CORONER: Those reports will be exhibit 1 on file 213.

EXHIBIT 1 Reports for file 213 of 2000.

THE CORONER: In relation to file 213, I make the following findings. The identity of the deceased person is unknown, as is the time and place and cause of death or any other particulars needed to register the death or any relevant circumstances concerning the death. There is no indication from the evidence of sex, race or age. I'm satisfied that there will be no forthcoming evidence in relation to this matter and I close the inquest and make an order that the remains be released for burial and disposal.

MS LADE: The next file, Your Worship, relates to the unidentified remains, I do not know where they were found or when they were found. It's file 201 of 2000. These remains became known to the Coroner's office and as a result Doctor - beg pardon, Ken Mulvaney from the Aboriginal Areas Protection Authority, has completed quite a detailed report in relation to these remains.

In summary, he states that what we have is almost the complete remains of a young woman; with only a few foot, hand bones, sternum and cervical vertebrae absent, basically the full skeleton. He states: ' Examination of these skeletal remains confirm that they are of an Aboriginal person, most likely buried in sand dunes in accordance with traditional customs of her people. Condition of the teeth are consistent with a person subsisting on a traditional diet and she is unlikely to lived within the last 60 to 80 years.'

I have made all inquiries that I can to try and find any paperwork that might match up to these remains but have been unable to find anything. As stated, we don't know where they were found or when and rely on Mr Mulvaney's evidence as to their being, having been buried in the sand dunes. Doctor Pocock examined the remains while he was up here and concurs with Mr Mulvaney's findings on the sex and age of the remains. He can give no cause of death and he agrees that the age of the bones is sufficient to suggest that death probably occurred 50 to 100 years ago.

So, I will hand up Mr Mulvaney's report and Doctor Pocock's report.

THE CORONER: Those items will be exhibit 1 on file 201 of 2000.

EXHIBIT 1 Reports of file 201 of 2000.

THE CORONER: I will make findings in relation to file 201 of 2000. The identity of the deceased person is unknown. What is known, and I make a finding, that they are female, aged in the mid-20s and that they are = she was an Aboriginal woman. The time and place of death is unknown but I note that it is unlikely that she was ,alive within the last 60 to 80 years. Cause of death is unknown. Any other particulars needed to register the death are unknown or any other relevant circumstances concerning the death are unknown.

I'm satisfied that there wouldn't be any evidence forthcoming in relation to this young woman and I make an order that she be released for burial and it would be appropriate to take up the offer of Mr Mulvaney for the Aboriginal Areas Protection Authority to take these remains and dispose of them in an appropriate traditional way.

MS LADE: Thank you, Your Worship.

THE CORONER: How are we going, senior Constable?

MS LADE: We have, one two, three, four, five files remaining.

THE CORONER: Would you like to keep going or have a cup of tea? .ADE: A short break might be nice, thank you.

THE CORONER: The court will adjourn for 15 minutes.

ADJOURNED

THE CORONER: There is transcript going, isn't there? THE ORDERLY: Yes, they are there, it's rolling.

CORONER: Senior Constable.

MS LADE: Your Worship. The next lot of remains are referred to, cover two files. 202 of 2000 and 203 of 2000. There is no indication as to where or when these remains are found. They were forwarded from the police forensic section, back in June 94, with no paperwork with them. Doctor Pocock has examined the box of remains and stated - has said that they actually belong two separate people.

The first lot on file 202, consisted of a skull, lower jaw and lower jaw-bone. I beg your pardon. The first lot consisted of a skull. He states that its from an elderly non-Aboriginal female, aged over 60 years of age but is unable to give a cause of death and has stated that there is no indication as to where or when the remains were found.

The second lot on file 203, found together, were - consisted of a lower jawbone. Again examined by Doctor Pocock. He believes it to be of a young person, probably less than 25 years of age, non-Aboriginal, unable to determine the sex and unable to give a cause of death. Again, I've made inquiries, what inquiries I can to try and ascertain where or when these remains were found, but have been unsuccessful.

So I will hand up my precis and a copy of Doctor Pocock's report. In relation - his report covers both sets of remains located together. The precis for- file 202 and 203 and Doctor Pocock's report.

THE CORONER: Together, they will be exhibit 1 on file 202.

EXHIBIT 1 Report and precis on file 202 of 2000.

THE CORONER: And there is no other evidence that would be forthcoming in relation to either of those two matters.

MS LADE: No, there is not,

Your Worship.

THE CORONER: File 202 of 2000, I make the following findings. The identity of the deceased person is unknown, as is the time, place, cause of death, particulars

needed to register the death or any relevant circumstances concerning the death. The only finding I do make is that the - in relation to file 202, that the skull is an elderly, non-Aboriginal female. I'm satisfied that no further evidence would be forthcoming and that the remains should be released for burial.

In relation to file 203, I make the following findings, that the identity of the deceased person is unknown as is the time and place and cause of death, any particulars needed to register the death or any relevant circumstances concerning the death. I do find that the person was probably less than 25 years of age, was non-Aboriginal, but I'm unable to make a determination in relation to their gender. I'm satisfied that no further evidence would be forthcoming in this matter and so I make an order that those remains be released for burial.

MS LADE: Thank you, Your Worship.

The next lot of remains are file 208 of 2000. Again these are unidentified remains. It is known where they were found or when they were found. They were forwarded from the mortuary of the Royal Darwin Hospital and no paperwork was with them or could be found.

Doctor Pocock has examined those remains and believes they are remains of a female Aboriginal. He is unable to determine age or cause of death. The remains consist of a femur, left ulna, fragments of a thin skull, fragments of the pelvis, one tooth: He says in his report that in relation to the bones, -he cannot say whether they are Aboriginal or not, but he says that the tooth came from an Aboriginal person. So there are some feelings that they belong together and its an Aboriginal woman of unknown age.

Again, I've made all inquires that I could make to try and locate any paperwork that would assist and have been unable to locate anything. I'll hand up my precis and the original of Doctor Pocock's autopsy report.

THE CORONER: Those papers will be together exhibit 1 on file 208.

EXHIBIT 1 Reports for file 208 of 2000.

THE CORONER: I make the following findings in relation to that matter. The identity of the deceased person is unknown, as is the time and place of death, any other particulars or any relevant circumstances concerning the death. I do make a finding that the person was female and was Aboriginal.

I'm satisfied that there is no further evidence will be forthcoming in relation to these particular remains and I'm satisfied that they should be released for burial. Given that they are Aboriginal remains, it may be that the Aboriginal Areas Protection Authority can assist in relation to their proper disposal.

MS LADE: Thank you, Your Worship.

And finally there is a set of remains, again, when examined, were found to be actually be two separate individuals. Again it is not known where or when these remains were found. They were forwarded to us from the police forensic section in 1994 and no paperwork was with them and no paperwork has been found.

File 209 relates to the first set of remains found in the bag. Doctor Pocock examined those remains and states that they are Aboriginal, but is unable to determine sex, age or cause of death.

And in relation to the second lot of remains that were found in that bag, the second lot are on file 210 of 2000. They were actually just, the only bone was a clavicle, which Doctor Pocock said was a child's clavicle, compatible from coming from a child aged between 6 and 8 years of age. There is fragments of skull and twelve milk teeth found but he can give no evidence as to sex, race or cause of death on those remains.

So, I will hand up my precis in relation to file 209 and 210 and Doctor Pocock's original report, which refers to both sets of remains.

THE CORONER: Together they will be exhibit number 1 on 209.

EXHIBIT 1 Report and precis for file 209 and 210 of 2000.

THE CORONER: So there was -you couldn't find any trace of police records to say where these remains had been found.

MS LADE: Nothing. The only paperwork that came with the remains was a copy of the forensic exhibit book entry, but that was an entry made only recently when the remains were found at forensic and entered into the exhibit book. But there was no paperwork and I am unable to find anything, other police records in this instance.

THE CORONER: In relation to file 209 of 2000, I make the following findings. The identity of the deceased person is unknown, as is the time and place of death, cause of death, any particulars needed to register the death or any relevant circumstances surrounding the death. I do find and agree with Doctor Pocock's opinion that the remains are those of an Aboriginal person but he was unable to assist us by determining sex or age or indeed cause of death. I'm satisfied that there would be no further information forthcoming in relation to that matter, so I'll make an order that those remains be released for burial.

In relation to file 210 of 2000, I make the following findings. The identity of the deceased person is unknown but they were a child somewhere between the ages of 6 and 8 years. There is no evidence to enable me to make a finding of the time and place of death, cause of death, any particulars needed to register the death or any circumstances surrounding the death. I am satisfied that no further evidence would be forthcoming, so I'll make an order that those remains be released for burial.

MS LADE: Thank you, Your Worship.

THE CORONER: And that's the - - -

MS LADE: That concludes them.

THE CORONER: For the court's information, Senior Constable, what happens now when remains are found by the police or the police are notified *of* remains being found?

MS LADE: When police are notified of remains found in remote areas or areas like we have been dealing with today, the policy now is and it is certainly part *of* general orders, that the remains will not be moved at the time. The area will be sealed off and appropriate people such as Aboriginal Areas Protection Authority, a pathologist and others who may be appropriate, are called to the scene. They will examine the remains in situ.

If it is found the remains are Aboriginal and there is nothing suspicious about the death, they will not be disturbed, they will be left and certainly the local Aboriginal land councils are informed of that. If it is found that it's a suspicious death of some sort, well then the remains will be selected and be dealt with as a suspicious death and investigated. But certainly, it is not the situation that we obviously had here, where remains were just collected because they were found and in areas where they were obviously either known Aboriginal burial sites or something similar and they could have been left there. It appears that the situation in the past was that they were collected, but that does not happen now.

THE CORONER: And do you wish to make a comment to me in relation to the lack of paperwork that appears to have followed many of these remains?

MS LADE: I think this is probably just an unfortunate situation, that I'm sure there was paperwork on all of them along the way but for whatever reason now, cannot be found. I'm aware that archives, police archives, destroy paperwork after certain periods of time. Some of it's 10 years, some of it's 14 years, so whether that's what has happened in this case, I'm not sure, but it's certainly hasn't helped the situation, not having the paperwork, but I think, as with finding remains, that things are done better nowadays.

THE CORONER: Okay. I've made all the findings that I can make in relation to all of these matters and I thank you, Senior Constable, for your hours of work that have gone into the preparation of these files.

MS LADE: Thank you, Your Worship.

THE CORONER: Close the court.

ADJOURNED