

FORM 44

Rule 65(2)

**ORDER BY CORONER TO RE-OPEN INVESTIGATION AND TO SET ASIDE A
FINDING IN PART**

Section 77(2) and 77(3) of the Coroners Act 2008

In the Coroners Court of Victoria at Melbourne,

I Kim M. W. Parkinson, Coroner having received an application to re-open the investigation into:

Details of deceased:

Unknown Remains

Remains located at Charlton

make the following order(s):

the findings be set aside in part as I am satisfied that there are new facts and circumstances and/or it is appropriate to re-open the investigation pursuant to section 77(3) of the Coroners Act 2008

for the following reasons:

1. This is an application made by Victoria Police for re-opening of Case Number 128 of 1965 in relation to unidentified remains of a male person and also in relation to an application in Case Number 249 of 2011 for a finding of death or likely death in relation to Mr William Martin Dixon, date of birth 25 October 1906. My decision in these matters was delivered in transcript on 5 May 2011 and this written finding has been settled from the transcript.
2. I am satisfied that it is appropriate to treat the matter as an application pursuant to s.77 of the Act for re-opening of an inquiry and I waive all formal requirements in that regard.

3. The unidentified remains, which are the subject of this application, have been subject of a coronial inquiry and finding in case number 128 of 1965. The remains of a male person were found by a farmer, Mr Bruce Kendall, beside a dam on his property located 10 miles north of Charlton in Victoria on 24 December 1964. At an inquest conducted on 14 October 1965, no conclusion was made as to identity, cause or location of death. However there were no suspicious circumstances. The remains were then interred at the Springvale Botanical Cemetery Trust at an unknown location.

4. The contents of the brief prepared by the Belier Taskforce, identify the circumstances in which Mr William Martin Dixon was recorded as being a missing person on 2 September 1964. He was reported as missing by his wife, Mary, known as Molly Jane Dixon. A report was taken by way of letter at the Hawthorn Police Station and he was described as being 57 years old, five foot eight inches tall, bald, with grey eyes, reddish complexion and having false top and bottom teeth. At the time he went missing he was described as wearing a grey gabardine overcoat, green and white shirt, grey tie, grey trousers, single breasted sports coat grey in colour, shoes and a grey felt hat.

5. He was understood to have been upset over financial matters. He was also a person who was described as a keen punter and usually attended course meetings, including regional course meetings. Investigations were undertaken by Belier Taskforce, which identified that a number of regional course meetings were being undertaken at the time around when Mr Dixon was said to have disappeared, and that he was apparently in possession of a reasonable sum of money at the time that he disappeared.

6. The evidence is that Mr Dixon disappeared at or around the same time as the unidentified male in Case Number 128 of 1965; there was nil suspicious in relation to either the disappearance or in relation to the circumstances of the death of the unidentified male; that Mr Dixon met the physical profile of the unidentified male and the clothing as described him as wearing at the time of his disappearance, was similar to that of unidentified male.

7. Mr Dixon wore dentures, both top and bottom, and the unidentified person recovered was also reported by the forensic pathologist and the odontologist, to have full dentures, however they were not present with the body.
8. No other person has been identified or described as fitting the profile of the unidentified male and no further information or contact has been made or discovered in relation to Mr Dixon since the date of the report of 2 September 1964.
9. In these circumstances I find that Mr William Martin Dixon, Case Number 249 of 2011 is deceased.
10. I am also satisfied on balance that more probable than not, that the unidentified remains relating to Case Number 128 of 1965 and which were interred at the Springvale Botanical Cemetery are those of Mr William Martin Dixon and I so find.
11. Having regard to these findings it is appropriate to set aside that part of the finding in 128 of 1965 relating to identification and to substitute with a finding that the remains are those of Mr William Martin Dixon, whose date of birth was 25 October 1906.

Signature:



Coroner Kim M. W. Parkinson

Date: 5 May 2011.



NOTE: An appeal can be made to the Supreme Court of Victoria within 3 months after the day on which this determination has been made
