

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2015 000705

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the death of: UNIDENTIFIED REMAINS

Delivered on:	1 April 2016
Delivered at:	Coroners Court of Victoria 65 Kavanagh Street, Southbank
Hearing dates:	1 April 2016
Findings of:	JUDGE SARA HINCHEY, STATE CORONER
Counsel assisting the Coroner:	Ms Erica Capuzza, State Coroner's Solicitor.

I, JUDGE SARA HINCHEY, State Coroner, having investigated the death of UNIDENTIFIED REMAINS

AND

having held an inquest in relation to this death on 1 April 2016

at Melbourne

find that the identity of the deceased is unknown

and that the death occurred at an unknown date prior to 10 February 2015

at an unknown location

from an unknown cause

in the following circumstances:

1. This matter was listed for summary inquest this day on the basis that the identity of the deceased is unknown and an inquest is therefore mandated by section 52(2)(c) of the *Coroners Act 2008* (Vic).
2. At about 4.39pm on 10 February 2015, Victoria Police members found the remains in question whilst they were conducting further investigation and searches along the Maribyrnong River, Maribyrnong, as several human remains had been located along the river in the days prior. The remains located earlier were subsequently identified as Brendan Bernard.¹
3. Police located the remains the subject of this inquest, being a small piece of what appears to be muscle tissue, in the River near the 'Norm Anderson Activity Centre' at 22A Woods Street, Ascot Vale.
4. Scientific testing of the remains, in the form of DNA analysis, was undertaken by Ms Michelle Spiden, a Scientist in the Molecular Biology Laboratory of the Victorian Institute of Forensic Medicine (VIFM).
5. Ms Spiden stated that nuclear DNA analysis of the remains was attempted, but that results failed to yield a nuclear DNA profile. A mitochondrial DNA profile was also unable to be obtained. Ms Spiden stated that as the remains failed to yield either a nuclear or

¹ A current criminal investigation is underway in relation to the death of Mr Bernard, and the coronial investigation into his death remains open.

mitochondrial DNA profile, this suggests either that the remains are not of human origin, or that if the remains are human, DNA could not be recovered.

6. VIFM officers have advised that there are no further tests that can be conducted that would enable a clear conclusion to be drawn as to whether the remains are of human origin.
7. As the possibility is open that the remains are of human origin but could not be identified, I formed the view that an inquest was mandated.
8. Based on the available evidence before me and notwithstanding full investigation, it cannot be established to the requisite coronial standard that the remains are of human origin (and are therefore evidence of a reportable death). The identity of the remains, if human, is therefore also unable to be established to the requisite coronial standard.
9. I cannot be satisfied that there is sufficient evidence to enable a finding that the remains belong to Mr Brendan Bernard, simply due to their being found in the same location proximate to that where other remains belonging to him were located.
10. I am satisfied that no further investigation is warranted. I note that there is scope under section 77 of the Coroners Act to consider reopening the coronial investigation should compelling new facts and circumstances become known in the future, and if at that time, it is considered appropriate to do so.
11. No person has made claim to recovery or return of the remains to date. I therefore order that provided no application for release of the remains is made by any person within 28 days from the date of this finding, the remains thereafter be released by the Coroners Court of Victoria for public burial at an approved facility.

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

The Victorian Institute of Forensic Medicine

DSC Simon Quinnell, Victoria Police.

Signature:



JUDGE SARA HINCHEY
STATE CORONER

Date: 1 April 2016

