



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2018 4519

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

Deceased: **ERNEST HYDE**

Delivered on: **11 June 2019**

Delivered at: **Coroners Court of Victoria  
65 Kavanagh Street, Southbank**

Hearing date: **11 June 2019**

Findings of: **ROSEMARY CARLIN, CORONER**

Counsel assisting the Coroner: **Leading Senior Constable Kelly Ramsey**

## **HER HONOUR:**

### **BACKGROUND**

1. Ernest Hyde was born on 5 February 1911. He was 53 years old when he went missing on 24 June 1964.
2. Mr Hyde's family migrated to Australia from England in 1913.
3. In 1939, Mr Hyde married Ivy May Knight in Melbourne.
4. In July 1940, Mr Hyde changed his surname from Heydt to Hyde by deed poll.
5. From June 1941 to September 1945, he served in the Royal Australian Air Force, achieving the rank of Sergeant.
6. Mr and Mrs Hyde's only child, George Peter (known as Peter), was born in 1942.
7. Mrs Hyde passed away on 8 November 2004.

### **THE PURPOSE OF A CORONIAL INVESTIGATION**

8. On 6 September 2018, Victoria Police notified the Coroners Court of Mr Hyde's suspected death. Detective Sergeant David Reilly subsequently prepared a coronial brief, which included statements from Mr Hyde's son and members of Victoria Police, and copies of relevant historical documents.
9. Under the *Coroners Act 2008* (Vic) (**the Act**), Coroners independently investigate 'reportable deaths' to find, if possible, identity, cause of death and, with some exceptions, surrounding circumstances.<sup>1</sup> Cause of death in this context is accepted to mean the medical cause or mechanism of death. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death.
10. Broadly, reportable deaths are deaths that are unexpected, unnatural or violent or have resulted, directly or indirectly, from an accident or injury. 'Death' is defined to include suspected death.

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<sup>1</sup> Section 67 of the *Coroners Act 2008* (Vic) requires a coroner investigating a reportable death to find, if possible: (a) the identity of the deceased; (b) the cause of death; and (c) the circumstances in which the death occurred unless an inquest was not held, the deceased was not in state care and there is no public interest in making findings as to circumstances.

11. Under the Act, coroners have another important function and that is, where possible, to contribute to the reduction in number of preventable deaths and the promotion of public health and safety by way of making comment or recommendations about any matter connected to the death they are investigating.
12. Coroners do not make determinations of guilt or negligence; they are the province of other jurisdictions. Indeed, the Act specifically prohibits coroners from making a finding or comment that a person has, or may have, committed an offence. A coroner should set out relevant facts, leaving others to draw their own conclusions from the facts.
13. The standard of proof applicable to findings in the coronial jurisdiction is the balance of probabilities with the *Briginshaw* qualification.<sup>2</sup>
14. Although there were no suspicious circumstances, as Mr Hyde's body was never found, I exercised my discretion to hold an inquest (public hearing) into his death. At the inquest, Detective Sergeant Reilly gave evidence and no members of Mr Hyde's family were present.

#### **CIRCUMSTANCES LEADING TO MR HYDE'S DISAPPEARANCE**

15. At 12.30pm on 24 June 1964, Mr Hyde left the family home in his Ford Sedan. He was wearing a single-breasted dark grey suit, a white shirt and tie, a tweed overcoat, and black shoes. This is the last time his immediate family saw him alive.
16. On 28 June 1964, Mrs Hyde reported her husband missing at the Mitcham Police Station. First Constable L R Jarvis took the report, which noted that family and financial matters were a possible stressor affecting Mr Hyde's state of mind.
17. The *City of Nunawadding Gazette* published an article on 8 July 1964 which reported that on 29 June 1964 local residents notified police that a Falcon car had been parked at the corner of Lake Road and Jeffrey Street, Blackburn, near Blackburn Lake, for five days. The car was locked and a man's wristwatch was on the dashboard.
18. Police attended on the same day and identified the car as belonging to Mr Hyde.

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<sup>2</sup> *Briginshaw v Briginshaw* (1938) 60 CLR 336, especially at 362-363. 'The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issues had been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences...'

19. According to Peter Hyde police found a letter in the car stating that Mr Hyde would agree to “pay back \$5,000 not \$8,000” to his employer. However, that letter was taken by the police at the time and has not been seen since, now probably destroyed.
20. The *Gazette* article also described an unsuccessful two-day search by the Victoria Police Search and Rescue Squad. Divers searched the lake for several hours on 30 June 1964 and conducted a more extensive search of the lake and surrounding area the next day without success.
21. In his statement Peter Hyde said he believed his father went missing because he was heavily in debt to his employer, a real estate agency. He recalled that his father often travelled to Sydney, but he did not know why. He also said the family believed his father had changed his name and disappeared to escape his debt.
22. There have not been any confirmed sightings of Mr Hyde since his disappearance. However, at Mrs Hyde’s funeral in November 2004 an aunt told Peter Hyde that she had seen his father in Narrabeen, North Sydney (where the Hyde family used to holiday) in September 1965. She explained that she had not said anything before so as not to upset Peter or his mother.
23. After receiving this information, Peter Hyde contacted a number of nursing homes in the area to no avail.
24. In November 2005, *The Manly News* published an article about Mr Hyde’s disappearance. There was no public response to this article.

## **VICTORIA POLICE COLD CASE INVESTIGATION**

25. In October 2009, Detective Senior Constable Kerrie Gilroy took over the police investigation into Mr Hyde’s disappearance.
26. During her investigation, she searched Births, Deaths and Marriages in both Victoria and New South Wales and conducted a name check on the Victoria Police Law Enforcement Assistance Program (LEAP). These searches did not produce any results.
27. On 14 December 2010, Detective Senior Constable Gilroy searched the Victoria and New South Wales Change of Name Database, also to no avail.

28. In late 2013, Detective Sergeant Reilly took over the investigation. He contacted Births, Deaths and Marriages in New South Wales and Queensland, which did not produce any results.
29. Detective Sergeant Reilly also contacted the Victorian, New South Wales, and Queensland Returned Services League, which again produced no results.
30. In February 2014, Peter Hyde informed Detective Sergeant Reilly that his father liked ballroom and square dancing, however due to the time that had passed, Detective Sergeant Reilly was unable to check any relevant records from New South Wales and Queensland.
31. At the same time, Peter Hyde alerted Detective Sergeant Reilly that his father had been a Freemason. A subsequent search along those lines in Victoria and New South Wales again produced no results.
32. A Medicare search in 2014 produced no information, however their records only date back to 1984.
33. A nuclear DNA profile obtained from a sample provided by Peter Hyde has been added to the Victorian Missing Persons DNA database. This is a database of DNA profiles from all Victorian unidentified human remains. As at 4 April 2019 there was no match, but comparisons will continue to be made as further entries are made to that database. In due course Peter Hyde's DNA profile will also be compared to a national database of missing persons which is in the process of being established.
34. If Mr Hyde was still alive today, he would be 108 years old. Peter Hyde believes his father is no longer alive.

## **FINDINGS**

35. Having investigated the suspected death of Mr Hyde and having considered all of the available evidence, I am satisfied that no further investigation is required.
36. I am satisfied that Mr Hyde is now deceased, but I am unable to determine when or the circumstances in which he died. Given the unconfirmed sighting in September 1965, the unproductive extensive search of the lake, and the potential motivation for him to go missing, I cannot even be certain that he died around the date that he went missing, although that is possible. If any further information becomes available subsequent to this finding, the investigation may be reopened.

37. I make the following findings, pursuant to section 67(1) of the Act:

- (a) that the identity of the deceased is Ernest Hyde, born 5 February 1911;
- (b) that the cause of his death is unascertained;
- (c) that he died on or after 24 June 1965; and
- (d) the circumstances of his death are unknown.

It is a terrible burden to never know the fate of a loved one. I convey my sincerest sympathy to Peter Hyde and his family.

Pursuant to section 73(1) of the Act, I order that this Finding be published on the internet.

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

Peter Hyde, senior next of kin

Detective Sergeant David Reilly, Coroner's Investigator, Victoria Police

Signature:



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**ROSEMARY CARLIN**  
**CORONER**  
Date: 11 June 2019.

