

**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

Unidentified remains located at Yarra River Port  
Melbourne.

**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 1985 of 1958 in relation to unidentified remains of a male person located at the Yarra River Port Melbourne on 27 July 1958 and also an application in Case Number 250 of 2011 for a finding of death or likely death in relation to Mr Edward Lawrence Reade, date of birth 28 July 1898. 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 of a male person, which are the subject of this application, have been subject of a coronial inquiry and finding in case number 1985 of 1958. At an inquest conducted on 19 December 1958, before Coroner Duggan, no finding was made as to identity and whilst the coroner found that the cause of death was drowning, he made no finding as to the circumstances in which the death occurred.
4. The remains were then interred at the Springvale Cemetery. The location of the remains has been identified, however police inquiries have revealed that it would not be practicable or in the public interest for the remains to be exhumed.
5. I have considered the material in the extensive brief of evidence produced by Belier Task Force Detectives and by Mr Shane Reade, I am satisfied that there are new facts and circumstances and that it is appropriate to re-open the investigation pursuant to s.77(2) of the Coroners Act 2008.
6. The new facts and circumstances relate to information about the possible identity of the unknown male person and evidence relating to the circumstances of the disappearance of a Mr Edward Lawrence Reade on or about 13 July 1958.
7. Case number 250 of 2011, listed before me this day, is an inquest in relation to missing person Mr Edward Lawrence Reade who disappeared in July 1958. There has not previously been an inquest in relation to Mr Reade. Mr Reade's disappearance was apparently never reported to police as a search of missing persons reports and police files failed to identify any report or other documentation.

8. Mr Reade disappeared at Melbourne on or about 13 July 1958. On the evidence before me, Mr Reade has not been seen or communicated with any person, including family members, since that time. Although there is no scientific or eyewitness evidence, there is some circumstantial evidence to suggest that the remains are those of Mr Reade.
9. The circumstances of his disappearance related by anecdotal family history and conveyed to police by Mr Reade's grandson, Mr Shane Reade, indicate that the last time he was seen was at the Yarra River bank in the company of his brothers on or about 13 July 1958.
10. The information which has been passed through the family suggests that they had been consuming alcohol and that there was a physical altercation between Mr Reade and one of his brothers and that as a result Mr Edward Reade came to be in the water. The report is that he failed to surface and was never seen again.
11. The unidentified remains were located in the Yarra River at Port Melbourne on 27 July 1958 and the forensic pathologist reported that the person had been in the water for approximately two weeks prior to being located. Some injuries noted on the unidentified person are consistent with the account that an altercation had taken place.
12. According to family members there is a physical similarity between the reconstruction data from mortuary photography and Mr Reade.
13. Initials on a coat located with the unidentified remains of the male person, which have been described as reading "FR", could easily by way of water marking and the limitations of the technology available to investigators at the time, have been misunderstood and in fact may well have referred to "ER" the initials of the deceased.

14. There is a consistency in relation to the nature of the clothing, which was identified on the deceased and clothing of the type which was generally worn by Mr Reade.
15. There are no other persons who were missing at or around the same time as Mr Reade, who would fit the profile for the unidentified male.
16. Mr Reade has not been seen or heard of for in excess of 50 years.
17. In relation to the question of the circumstances of the death, it is a serious matter for a finding to be made that any person caused or contributed to the death. Whilst there is some anecdotal material suggesting the involvement of another person in his death, and whilst there is no reason to regard this account as anything other than reliable, this material does not approach the standard required to entitle a finding of serious criminal conduct.
18. It is also a serious matter to make a finding as to a person intentionally taking their own life.
19. Whilst investigators located stones weighing down the pockets of the overcoat worn by the male deceased, that is not sufficient for me to find, in the absence of other credible evidence that he took his own life or that another person was involved in causing or concealing his death.
20. In the circumstances in which Mr Reade's body was located, these facts may be equally consistent with a number of scenarios none of which are sufficiently based in evidence to enable a finding to be made. I am unable to find as to the circumstances in which his death occurred.

21. Having regard to all of the evidence, I find that Mr Edward Lawrence Reade, Case Number 250 of 2011 is deceased. I am also satisfied on balance that it is more probable than not, that the unidentified remains relating to Case Number 1985 of 1958 which were interred at the Springvale Cemetery, are those of Mr Edward Lawrence Reade and I so find.
22. Having regard to these findings it is appropriate to set aside that part of the finding in 1985 of 1958 relating to identification and to substitute with a finding that the remains are those of Mr Edward Lawrence Reade whose date of birth was 28 July, 1898.
23. In view of my decision in relation to the finding in 1985 of 1958, I direct that a copy of this decision be placed upon that file.

Signature:



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Coroner Kim M. W. Parkinson

Date: 5 May 2011



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*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*

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