



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2018 0183
COR 2018 0274

FINDING INTO DEATH FOLLOWING INQUEST

Form 37 Rule 63(1)

Section 67 of the *Coroners Act 2008*

INQUEST INTO THE DEATH OF UNKNOWN PERSON

Findings of:	Coroner Kate Despot
Delivered on:	22 November 2023
Delivered at:	Coroners Court of Victoria 65 Kavanagh Street, Southbank, Victoria, 3006
Inquest Hearing Date:	22 November 2023
Counsel Assisting:	Ms Ann Kho, Coroner's Solicitor

INTRODUCTION

1. On 11 January¹ and 17 January 2018², a total of 426 bone fragments³ were located at Rickets Points Marine Sanctuary in Beaumaris. These fragments were later confirmed to be human remains.

THE CORONIAL JURISDICTION

2. Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury. The discovery of any bones that are believed to be human remains is a reportable death under the *Coroners Act 2008* ('the Act').
3. Section 67(1) of the Act stipulates that a coroner investigating a death must find, if possible, the identity of the deceased, cause of death and circumstances in which the death occurred.
4. Pursuant to section 52 of the Act, a coroner may hold an inquest into any deaths that the coroner is investigating. Subsection (2)(c) of the same section stipulates that a coroner must hold an inquest into a death if the death or cause of death occurred in Victoria and the identity of the deceased is unknown.
5. While there is insufficient evidence for me to establish the identity of the deceased and the cause of death, I consider it more likely than not that the death occurred in Victoria. Accordingly, an inquest is mandatory.

STANDARD OF PROOF

6. The finding draws on the totality of my coronial investigation into the death. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings

¹ The bone fragments recovered on this date has been allocated Court Reference: COR 2018 0183.

² The bone fragments recovered on this date has been allocated Court Reference: COR 2018 0274

³ Coronial Brief of Evidence (CB), Statement of Samantha Rowbotham, Coronial Brief, page 25.

or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.⁴

BACKGROUND

7. On 11 January 2018, at approximately 4.30pm, Parks Victoria employees Jack Breedon and Julia Pickwick were patrolling at Ricket Points Marine Sanctuary. Mr Breedon observed several bone fragments submerged in the rock pools of the foreshore. He sought the views of Ms Pickwick and his manager, who shared his opinion that the bone fragments appeared to be of human origin.⁵
8. Victoria Police were contacted and attended the scene. Members of the Bayside Criminal Investigation Unit attended the scene, which was at north/north-east of the marine sanctuary. They recovered additional bone fragments, which were scattered within the proximity of eight metres.
9. The Coronial Admission and Enquiries Office (**CAE**) of the Victorian Institute of Forensic Medicine (**VIFM**) was notified and requested to identify the potential origin of the bone fragments via photographs.
10. Dr Samantha Rowbotham⁶, Forensic Anthropologist Research Fellow at the VIFM reviewed the photographs of the bone fragments and advised police that they were human remains.⁷
11. On 17 January 2018, Victoria Police Search and Rescue reattended Ricketts Point and located additional bone fragments. No clothing, personal effects or other items were located at the

⁴ Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

⁵ CB, Statement of Jack Breedon, page 15.

⁶ Dr Samantha Rowbotham is currently a Forensic Anthropologist with the Victoria Institute of Forensic Medicine (VIFM).

⁷ CB, Report by Dr Samantha Rowbotham, page 24.

scene. Police transported the bone fragments to VIFM for biological, dental and anthropological examinations.

12. On 22 January 2018, Dr Rowbotham and Senior Forensic Anthropologist Professor Soren Blau⁸ determined the bone fragments recovered separately on 11 and 17 January were human of origin and belonged to the same individual. Notably, the mandible fragments from both groups of bone fragments were anatomically cojoined.⁹

FORENSIC AND VICTORIA POLICE INVESTIGATION

Forensic Investigation

13. Dr Rowbotham provided a report noting that the remains comprised 426 bone fragments of various sizes. These included fragments of the skull, thoracic cavity, vertebrae, upper extremities, lower extremities and non-diagnostic pieces.
14. Dr Rowbotham noted that given the poor preservation of the skeletal remains, the biological profile can only be considered an estimate. While some measurements were taken, such measures were limited due to the distortion of bone associated with the effects of fire.
15. Further, the skeletal features most informative for providing accurate estimations of the biological profile were not available. Accordingly, Dr Rowbotham noted that the *“interpretation of the morphological traits persevered from these fragments should be taken with caution.”*
16. Acknowledging these limitations, Dr Rowbotham provided the following estimation of the biological profile:

⁸ Professor Soren Blau is currently the Head of Forensic Anthropology at the VIFM.

⁹ On 16 February 2018, Coroner John Olle authorised the consolidation of both cases, with COR 2018 0183 as the lead.

Estimation of ancestry: morphological features of the skull indicated that this individual was of Caucasian descent;

Estimate of sex: morphological features of the skull and metric calculations of the humerus indicated that the individual was female;

Estate of age: the individual was an adult. Based on the visual assessment of epiphyseal fusion the individual would have been older than twenty years;

Estimation of stature: the height of this person was between 151 cm and 160 cm;

It was not possible to comment on the time since death.¹⁰

17. Dr Rowbotham commented that the extensive fragmentation of the remains indicated that a number of taphonomy processes had affected the body. These included the effects of fire and being in a marine environment (sea water). It was also possible that additional fragmentation occurred at a time following or during the fire event, during events that resulted in the remains being placed in the rock pools, and during the recovery process prior to the transportation of the remains.
18. In relation to the effects of fire, Dr Rowbotham commented that the changes in bone colour to white and grey were the result of collagen loss in the bone through heat exposure: *“the grey and white colour changes exhibited in these bones were the final two stages of colour change resulting from the effects of burning.”* A number of features were typical of the effects of fire. These include the separation of the inner and outer tables of the cranial vault (i.e. delamination), specific fracture morphologies and the presence of warping on some fragments.
19. Dr Rowbotham further stated that while the bone fragments exhibited the effects of fire, they were located underwater in rock pools; *“[t]hus, the burning of the body, and subsequent*

¹⁰ CB, Report by Dr Samantha Rowbotham, page 26.

fragmentation had to have occurred prior to the fragments being placed in the ocean. The two recovery efforts on the 11 and 17 January...both included the location of fragments from most anatomical regions of the body (i.e. skull, thoracic cavity, upper extremities and lower extremities) including the small bones of the hands and feet. This pattern of preservation suggested that the skeletal remains (previously burnt) likely were placed in the ocean a relatively short amount of time prior to their recovery. Given the fragmentary and fragile state of the remains, had they been in the water for a substantial period of time, they most likely would have washed away and / or further disintegrated. All the fragments were located within a relatively small area. It therefore likely that the fragments were placed in or near the place of final recovery (i.e. the rock pool)”¹¹.

20. Consultant Forensic Odontologist Dr Lyndall Smythe from the VFIM also examined the dental remains and noted the following features:

Missing post-mortem teeth 48, 45, 42, 41,33, 34 (socket visible).

Missing ante-mortem (socket healed) teeth 47, 46, 35, 36, 37, 38.

Retained roots of teeth 44, 43, 31, 32, with portions of the crown of teeth 32, 43, 44 visible though severely damaged and structure lost.¹²

21. Dr Smythe commented “[t]he condition of the post mortem remains was extremely weathered, fragile and fragmented. Sections of the lower mandible were fragmented with evidence of crown fractures and missing teeth post-mortem at/or around the time of death (peri-mortem) evidenced by empty sockets.”¹³
22. Dr Smythe was unable to match the dental evidence with any potential candidates and could not establish the identity of the deceased through these investigations.

¹¹ CB, Report by Dr Samantha Rowbotham, page 27.

¹² CB, Report by Dr Lyndall Smythe, page 39.

¹³ CB, Ibid.

Victoria Police Investigations

23. Victoria Police Investigators conducted extensive inquiries in an effort to determine the identity of the deceased person and circumstances in relation to their death. Victoria Police¹⁴ are of the opinion that the death is suspicious.
24. On 27 February 2018 and 3 May 2018, Victoria Police Missing Person Squad detectives met with VIFM Forensic Specialists¹⁵ to discuss any potential forensic avenues available to identify the deceased. It was subsequently concluded that no further avenues existed in Australia, and the only other viable option to obtain either a full or partial DNA profile from the bone fragments was to convey a small sample of the human remains to a private DNA testing company overseas.
25. On 11 September 2018, six bone fragments were conveyed by Victoria Police to Cellmark Laboratory ('Cellmark') in the United Kingdom for Mitochondrial DNA (Mt DNA) testing.
26. Cellmark analysed the bone fragments and prepared a report dated 8 March 2019, in which it concluded that the bone fragments were in relatively poor condition and were poor candidates for Mt DNA analysis.

SUMMARY INQUEST

27. On 22 November 2023, an inquest was held. No witnesses were called to give evidence on the basis that no further evidence was available which would advance the inquiry. Accordingly, the matter proceeded by way of summary inquest.

¹⁴ CB, Report Summary by Detective Senior Constable Benjamin Gordon, page 51-52.

¹⁵ Professor Soren Blau, Dr Samantha Rowbotham, Dr Lyndall Smyth and Dr Dadna Hartman (Manager of the Molecular Biology).

CONCLUSION

28. Despite exhaustive investigations, it is not possible to make findings as to identity, cause of death and circumstances surrounding the death pursuant to section 67(1) of the Act.
29. Pursuant to section 77(3) of the Act, the coronial investigation may be reopened should new facts and circumstances become known in the future.
30. Pursuant to section 73 (1) of the Act, I order that a copy of this finding be published on the Coroners Court of Victoria website.

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

Detective Senior Constable Thexton, Coroner's Investigator, Victoria Police

Detective Sergeant Maurice Ryan, Missing Person Squad, Victoria Police

Signature:



Coroner Kate Despot

Date: 22 November 2023



NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
