

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

**COR 2017 006489**

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 63(2)*

*Section 67 of the Coroners Act 2008*

Findings of:	Judge John Cain, State Coroner
Deceased:	Christopher Luke Moore
Date of birth:	February 1899
Date of death:	30 December 1928
Cause of death:	1(a) ACCIDENTAL DROWNING
Place of death:	Waratah Bay Beach, Waratah Bay, Victoria, 3959

\*Amended pursuant to section 76 of the Coroners Act 2008 (Vic) on 9 August 2023 by order of the State Coroner, Judge Cain. On page 7, the date of the findings by Deputy Coroner William Woods JP has been amended from the 24 January 1928 to the 24 January 1929, and the date Coroner Woods found the death occurred has been amended from the 30 December 1927 to 30 December 1928.

## **BACKGROUND**

1. On 15 January 1929, a jawbone was discovered on the beach at Shallow Inlet, Sandy Point. Eighty-eight years later, on Christmas Day 2017, a snorkeler swimming in the waters at Shallow Inlet, discovered a human skull. Subsequent investigations by search and rescue teams found the complete skeleton buried in the sand near where the snorkeler had discovered the skull. The skeleton discovered did not include a jawbone.
2. Following extensive work by the Victorian Institute of Forensic Medicine (VIFM) in conjunction with the Court the jawbone and skeleton have been identified as the remains of Christopher Luke Moore, a First World War veteran who went swimming at Waratah Bay and drowned on 30 December 1928.
3. Mr Moore's identity was confirmed by DNA comparison. This is the first time that Forensic Genetic Genealogy has been used to assist confirming identity in a coronial finding in Victoria.

### **Coronial Inquest in 1929**

4. On 30 December 1928, Christopher Luke Moore of Buffalo, Victoria, was swimming at Waratah Beach with his brother Francis Moore.
5. At about 5pm, Walter Clarke and Lindsay Winchester who were standing on the beach witnessed Mr Moore in difficulty. They both swam out to where he was and attempted to assist him. Mr Clarke himself experienced difficulties due to the bad conditions and had to be assisted back to shore. In a statement to the Court, Mr Clarke stated that he saw Mr Moore 'in a big breaker and he immediately disappeared, and I did not sight him again.'<sup>1</sup>
6. Mr Moore's suspected drowning was reported to Constable P Hitch of Victoria Police at 6pm that evening. Constable Hitch attended at Waratah Bay and conducted a search with several volunteers including Mr Moore's father. No remains were found at this time.
7. On 15 January 1929, a lower jawbone was found at Shallow Inlet which is about 4 miles East of Waratah Bay Beach. Mr Moore's father identified the jawbone as his son's based on previous dental work to remove a molar and four filings. A search was conducted for further remains, but none were located.
8. Christopher Moore's death was reported to Deputy Coroner Mr William Woods JP on 22 January 1929.

---

<sup>1</sup> Statement, CLARKE

9. Deputy Coroner Woods investigated the death, accepted the evidence from Mr Moore's father as to identity and found that Mr Moore died at Waratah Bay on 30 December 1928 from accidental drowning.

### **Coronial Investigation of the remains discovered in 2017**

10. The Christmas Day 2017 discovery of the human skull in Shallow Inlet by a snorkeller was immediately reported to Victoria Police. Police Search and Rescue attended and conducted a search of the area where the skull was recovered. This extensive search found a skeleton in the bay under approximately 20 centimetres of sand. There was no associated tissue, clothing, or personal effects with the remains.
11. Victoria Police reported the death to the coroner on 25 December 2017 and transferred the remains to the Victorian Institute of Forensic Medicine (VIFM). Investigations by VIFM to attempt to identify the remains commenced with Coroner Byrne having carriage of the investigation.
12. Several examinations were performed on the skeletal remains at VIFM in an attempt to determine the identity of the deceased:
  - The skeletal remains were examined by forensic anthropologist Dr Samantha Rowbotham, with assistance from forensic pathologist Dr Matthew Lynch and forensic anthropologist Professor Soren Blau, who concluded that the deceased was estimated to be a Caucasian male between 21 and 37 years old with a stature of approximately 169.7cm.
  - Odontologist Dr Lyndall Smythe also provided a report on the remains, noting that the individual was likely to be over 21 and less than 50 years old, and that the status and quality of the dental restorations suggested that dental work was undertaken overseas rather than by an Australian dentist.
  - Dr Dadna Hartman, molecular biologist, reported that a partial nuclear DNA profile and a complete mitochondrial DNA profile had been obtained from the remains. The DNA profile information was compared to Victorian missing persons profiles held on the Victorian Missing Persons DNA Database (a stand-alone repository managed by VIFM) and no match was found.

- On 5 April 2018, Coroner Byrne approved the release of the DNA profile to enable a search to be undertaken on a national DNA database for identification purposes. No match was identified.
13. On 11 February 2020, Coroner Byrne issued a finding pursuant to section 67(1) of the *Coroners Act 2008 (the Act)* which closed the investigation without inquest, as in his opinion, ‘all avenues to identity have been exhausted so I can take the matter no further’ (Finding).<sup>2</sup> He closed the investigation and concluded by stating ‘I formally find the human remains located in the ocean at Sandy Point Inlet on 25 December 2017 remain unidentified. I am unable in the circumstances to make findings as to the cause of death, nor the circumstances surrounding death.’<sup>3</sup>
  14. Although the investigation was formally closed on 11 February 2020, some ongoing work continued to gather information that may assist in identifying the deceased. On 3 April 2020, at the request of VIFM, Coroner Olle approved the DNA profile of the remains to be included on the National Criminal Investigation DNA Database for identification purposes. This DNA comparison did not result in a match.

### **The Investigation was Reopened**

15. On 15 March 2023, Professor Noel Woodford, Director, VIFM made an application to set aside the finding of Coroner Byrne on the basis of new facts and circumstances pursuant to section 77 of the Act.
16. The new facts and circumstances relied upon by the Professor Woodford arose from additional DNA investigations that occurred as part of an approved research project undertaken by VIFM.
17. The relevant particulars of the research project that Professor Woodford provided were:

*Dr Dadna Hartman, Manager Molecular Biology Laboratory at the VIFM, is the principal investigator in a research project entitled “Assessment of Forensic Genetic Genealogy methodology and application for Australian investigations”, which was approved by the VIFM Ethics Committee on 1 September 2020 (the FGG Research Project). The aim of the FGG Research Project is to assess the scientific validity, and legal and ethical considerations of forensic genetic genealogy with the DNA of known samples (volunteers and casework), to determine if the methodology may be suitable for Australian forensic or humanitarian casework.*

---

<sup>2</sup> Finding into death without Inquest, Coroner Byrne, 11 February 2020.

<sup>3</sup> *Ibid.*, para. 5.

*This case was included in the FGG Research Project as the remains had not been identified by any other scientific means. The coronial investigation had been discontinued at this time. The DNA profile was uploaded onto two ancestry databases as part of the research, GEDMatch PRO and DNA Family Tree. A match list to individuals in these two databases was obtained and analysed, resulting in new investigatory leads for the potential identification of the remains. The VIFM considers that investigatory leads are compelling and should be pursued for the purpose of identifying the remains.*<sup>4</sup>

18. At my request, Professor Woodford provided further information, being a report dated 30 August 2022 entitled ‘Report of Research Analysis Coronial Case 6489/17 (Unknown)’. This report is authored by Dr Dadna Hartman and provides a detailed description of the forensic genetic genealogy process undertaken to attempt to determine the identity of the deceased. The report concludes:

*‘Based on the DNA matches to cousins (1C1R, 1C2R, and 1C3R) on both sides of the family, 2017006489 is identified as Christopher Luke Moore (b 1899 in Essendon, Victoria; d 30 Dec 1928, Waratah Bay Victoria)*

*Having drowned, the only remains located shortly after his drowning were a jawbone identified by his father based on dental work.*

*2017006489 is almost a complete skeleton that is missing the jawbone’*

19. Having reviewed the additional material provided by the Professor Woodford, including additional DNA matching, I was satisfied there were new facts and circumstances not known to Coroner Byrne at the time of the original investigation.
20. On 29 May 2023, I ordered that the investigation be re-opened and directed that Victoria Police contact the grandniece of Christopher Luke Moore. The grandniece confirmed the family history in relation to the drowning death of her great uncle including the recovery and burial of his lower jawbone.
21. The grandniece provided a DNA sample for comparison with the remains and DNA analysis has confirmed that they match.

## **THE ROLE OF THE CORONER**

---

<sup>4</sup> Referred to in Attachment to Application at pages 1-2.

22. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
23. In this investigation my role is limited by the path the investigation has taken. Following the reopening of the investigation, VIFM using forensic genetic genealogy established the likely identity of the deceased and this in turn led the investigation to Mr Moore's grandniece. She willingly provided a DNA sample and comparison has confirmed a match. I thank Mr Moore's grandniece for her assistance and co-operation in this investigation. It would not have been possible to reach a conclusion without her assistance
24. I am therefore satisfied that the identity of the deceased is Christopher Luke Moore, and his death was originally reported to Deputy Coroner Mr William Woods JP on 22 January 1929. Deputy Coroner Woods' finding on 24 January 1929 that Christopher Luke Moore died at Waratah Bay on 30 December 1928 means that no further investigation or inquiry is required by me and my investigation can be closed.
25. Mr Moore's identity was only able to be determined because of the work of the highly skilled staff at VIFM. Their extensive expertise in DNA matching and utilisation of forensic genetic genealogy is outstanding. In making this finding, I acknowledge and thank the staff at VIFM for their work in this investigation.

### **Identity of the deceased**

26. I find that the human remains located in the ocean at Shallow Inlet, Sandy Point on 25 December 2017 are the remains of Christopher Luke Moore, born in February 1899.
27. Identity requires no further investigation.

### **FINDINGS AND CONCLUSION**

Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:

- a. the identity of the deceased was Christopher Luke Moore, born February 1899

- b. Mr Moore's death was investigated, and a finding made by Deputy Coroner William Woods JP on 24 January 1929. Coroner Woods found that the death occurred on 30 December 1928 at Waratah Bay Victoria, from Accidental Drowning<sup>5</sup>

Pursuant to section 73(1A) of the *Coroners Act 2008*, I direct that this finding is to be published on the Internet.

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

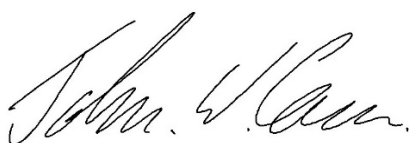
Ms Kathryn Hogan, Senior Next of Kin

Detective Senior Constable Darren Lomax, Coroner's Investigator

Detective Senior Sergeant Anthony Combridge, Missing Persons Squad

Professor Noel Woodford, VIFM

Signature:



---

Judge John Cain  
**STATE CORONER**  
Date: 9 August 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 investigation. 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.

---

---

<sup>5</sup> Copy of the Finding of Coroner Woods is attached to this finding