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NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

AN INQUEST INTO THE DEATH OF
SKELETAL REMAINS

MS L. McDADE, Deputy Coroner

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON TUESDAY 17 DECEMBER 2002

Transcribed by:
Court Recording Services (NT) Pty Ltd

F6/lw
Skeletal remains

DEPUTY CORONER: I declare the inquest in relation to skeletal remains open. Ms Lade, over to you.

MS LADE: Good morning Your Worship. This inquest relates to five individual sets of skeletal remains that have been located, so I will take them one at a time and attempt to clarify them for you.

The first one relates to the coronial file number of 24/2002, skeletal remains located at the mouth of the Moyle River at Port Keats.

These remains were located by some local Aboriginal people who were in that area fishing in February 2001. An exact date of when they were located is not known. The remains are picked up by the Aboriginal people and later handed to a Dave Norris who is from the Murin Resource Centre at Port Keats. Mr Norris later handed these remains, on 1 March 2001, to the Port Keats police.

A file was done and an investigation done by the Port Keats police and the skeletal remains were ultimately examined in February 2002 by the forensic pathologist Doctor - the local pathologist at the time, Doctor Ansford. He states in his report that the remains are those of an adult male aged between 26 and 30 years of age. He believes that they are Aboriginal, he believes that there has been at least 20 to 30 years since the death occurred, and he puts the person as 177 to 179 centimetres tall. He states that the cause of death cannot be established.

To assist Your Worship I'll hand up some documents. There's the report of Constable Wayne Curyer of Port Keats police who did the investigation. There are statements from a Norman Dumoo, and Ambrose Jongmin and a Betty Wdjar who were the local people who found the remains, and there's the autopsy report of Professor Ansford.

DEPUTY CORONER: Thank you. As we go on I'll just mark those exhibits. I will mark Constable Wayne Curyer's report, which is dated 28 August 2002, exhibit A.

EXHIBIT A Report Constable Curyer

DEPUTY CORONER: The statement of Norman Dumoo exhibit B. It is a statutory declaration in fact which is dated 30 April 2002.

EXHIBIT B Statutory Declaration Dumoo

DEPUTY CORONER: The statutory declaration of Ambrose Jongmin dated 1 May 2002 is exhibit C. And the statutory declaration of Betty Wdjar - it is in fact W-D-J-A-R?

MS LADE: I believe so Your Worship, yes.

DEPUTY CORONER: Which is dated 1 May 2002, as exhibit D. The post-mortem examination conducted by Anthony Joseph Ansford, will be exhibit E.

EXHIBIT C Statutory Declaration Jongmin.

EXHIBIT D Statutory Declaration Betty Wdjar

EXHIBIT E Post-mortem report Professor Ansford

MS LADE: Your Worship, part of the investigation centred on the remains possibly being those of a George Gumbaduk who went missing in the Moyle River during May 1980, some 20-odd years earlier and his body was never recovered. Unfortunately attempts were made to do mitochondrial DNA with those bones, with the remains that were found.

No appropriate family members were found to assist in that DNA. It's passed down maternally and so a mother or relative along that line is needed and unfortunately Mr Gumbaduk - no appropriate family member was found so that DNA could not be done. So at this stage it is unknown who the remains are, and there are no other missing persons from the area that it may be.

DEPUTY CORONER: In the circumstances I will make no finding as to identity of the remains, save to say that it would appear that they are more than likely of an Aboriginal person and leave the inquest as an open finding in the event that progress is made as there has been over time in relation to the examination of such remains. It may well be in the fullness of time we might be able to undertake some procedure that might help us to identify the identity of the remains.

At the present moment in time I make no finding in relation to who the remains may be and indeed how he may have come to his death. In that circumstance it might be best that we retain those bones rather than making an order that they be appropriately interred.

MS LADE: Yes, Your Worship.

The second matter relates to skeletal remains located at Magella Creek near Jabiru on 14 June 1978.

Briefly a human skull was located in that area by a water resources employee who was out there at the time. A thorough search of the area was made but no other remains were located, only the skull. The skull was noted to be of a distinctly unusual shape.

Inquiries were made by the police and it was found that a Charlie Nadjubu, a 50 year old male Aboriginal was missing and had been missing in that area for about seven weeks prior to the skull being found. Charlie, as I will refer to him, had wandered off from a group of Aboriginals, he was intoxicated at the time and he was never seen again alive.

Charlie was known, and inquiries by police showed that he was a fellow who had an odd shaped skull with a particular noted ridge at the top and it was a very distinctive shape to his head that the local Aboriginals often commented on.

This matter has been to inquest and it was held on 10 November 1980 and again on 29 September 1983, before Ms Thomas SM. She made findings and those findings are dated September 1983. The findings state that Ms Thomas was unable to make any findings as to the identity of the skull, the date and place of death, or the cause of death. It appears that Ms Thomas relied on a report of Doctor Ross James who was the forensic pathologist at the Institute of Medical Veterinary Science in Adelaide.

Doctor James had examined the skull and for various reasons set out in his report - he stated that he didn't think it was Charlie because of the timeframe found between when Charlie went missing and the skull was found. Doctor James believes that it would have been a longer period than the seven weeks that Charlie was missing. Ms Thomas made her findings on that basis.

The skull has since been examined by Ken Mulvaney, who is an archeologist and anthropologist for the Aboriginal Areas Protection Authority. He states that he believes the skull is that of Charlie. Mr Mulvaney says that the skull is that of a male Aboriginal and that it was cleaned chemically prior to Doctor James looking at the skull which would explain - would give him his reasons for believing that the time period was longer than the seven weeks.

It appears that it was large and the apparent bleaching of the bones or the skull, that Doctor James makes his assessment that several years must have elapsed between the time of death and recovery.

I now hand up some documents which - firstly a copy of the original findings of Ms Thomas, dated 29 September '83. A copy of the report of Doctor James from the Institute in Adelaide, who examined the skull initially, and then the report of Mr Mulvaney who subsequently examined the skull again himself recently.

DEPUTY CORONER: Before we do that I take it you're formally requesting that we open the inquest in relation to the skull of Charlie, as you've referred to him. I understand recent amendments to the Coroner's Act permit that to occur.

MS LADE: That's correct Your Worship, yes.

DEPUTY CORONER: For the record I do formally re-open the inquest in relation to the skull located in the vicinity of Magella Creek.

I've read Her Honour, or her then Worship's findings or inquisition. I will mark the form of inquisition dated 29 September 1983 as exhibit A. The pathology report of Ross James, exhibit B, that's dated 29 August 1978. I will mark exhibit C the report of Kenneth John Mulvaney in which I note on page 1 at paragraph 5, he says as follows:

In view of the physical condition of the bones and that they have been chemically treated.....suggests non-burial origin.

He then goes on to say however - and this is in reference to his consideration of James' report:

The examining doctor at the time of the recovery of the cranium dismissed the possibility that the remains.....the actual condition of the bones.

He is quite convinced that in fact it is Charlie bearing in mind the distinctive features of his skull.

MS LADE: He is, Your Worship, yes, and I think his explanation of how Doctor James' explanation came about is one that can be accepted.

DEPUTY CORONER: Indeed Her Honour, or then Her Worship, also was of a predisposition to suggest it was Charlie save for the comments of Doctor James.

MS LADE: That's correct.

EXHIBIT A Inquisition form dated 1983.

EXHIBIT B Pathology report Doctor Ross James.

EXHIBIT C Report Kenneth John Mulvaney.

DEPUTY CORONER: You've indicated that he had a distinctive skull structure which Mr Mulvaney says was caused by premature fusing of the cranial structures.

MS LADE: That's correct. There are statements from local Aboriginals on the original file that talk about this unusual shape to Charlie's skull.

DEPUTY CORONER: We've had this skull in the precincts of the Coroner's office now for some number of years, is that right?

MS LADE: We have Your Worship, yes.

DEPUTY CORONER: Now you're going to put it to me to say his name.

MS LADE: Yes. I can't help you - I think the 'n' is silent so maybe - - -

DEPUTY CORONER: In the circumstances, bearing in mind the report of Kenneth John Mulvaney, who has re-examined the skull and the comments of Her Honour, then Her Worship, Thomas J and indeed even Doctor James' report and the circumstances gleaned from the file in relation to the disappearance of Charlie, I am satisfied to the requisite standard that the skull is that of Charlie Nadjubu.

I am unable to say how Charlie came to his death in the circumstances, and I am also unable to say we have not located any other bones in relation to the deceased, and I accept the explanation that more than likely given the area in which he disappeared that the skull may well have been transported away by natural process from the body.

In the circumstances I make that finding and I identify the skull as being that of Charlie and also make an order that it be appropriately interred at public expense. The circumstances of that interment can be resolved at another time.

MS LADE: The third file Your Worship relates to skeletal remains located at the Patonga Airstrip area near Jabiru. Its coronial file number is 220/85.

The file is a little confusing in that at the time that the investigation was done by police an assumption was made that there were only two lots of human remains found. The pathologist, Doctor Lee at the time did not assist police in that he didn't do his report until some 3 years later and in fact there were four individuals amongst those - - -

DEPUTY CORONER: That's very unusual of Doctor Lee.

MS LADE: So the assumption - and the investigation was done on the basis that there were only two lots of remains which is the first confusing part of this file.

Briefly it is that on 2 September 1985 a gentleman by the name of Michael Fuss had been - he was employed by the Gagadju Association, he was given the job of cleaning out a dilapidated caravan that was at the Patonga Airstrip area. During the clean-out of this caravan he located skeletal remains. As I stated an investigation was done by the police and this matter subsequently went to inquest before Mr John Wallace on 15 May 1989.

As stated by this time Mr Wallace had the report of Doctor Kevin Lee and it appears that he has followed what Doctor Lee has said and in fact finds that there were four individuals located in the caravan. He describes them as an Aboriginal newborn infant, a young infant in the first few weeks of life. Twenty-four bones of a mature person aged between 17 and 19 years and an Aboriginal male aged between 5 and 6 years. Mr Wallace makes a finding that none of those four individuals have been identified. He is unable to say how, when or where these persons died and gave an open finding.

As previously, I request that the inquest into this matter be re-opened and that the evidence of Doctor Lee and subsequently the evidence of Doctor Pocock, who examined the remains in November 2000, be looked at and accepted.

The remains were somehow - got to the Coroner's office via the police forensic section. They were held at the hospital for a number of years, they were then held at the police forensic section for a number of years, and they were then handed to the Coroner's office.

By the time they got to the Coroner's office and we had them re-examined by Doctor Pocock in November, only three individuals were identified. These individuals relate to the ones that Doctor Lee talks about and the missing ones are the ones of the Aboriginal newborn infant. Those remains were not amongst the ones that Doctor Pocock has since re-examined.

DEPUTY CORONER: So the newborn infant's bones have not been re-examined?

MS LADE: That's correct.

DEPUTY CORONER: But they were examined by Doctor Lee?

MS LADE: Originally yes.

DEPUTY CORONER: And originally when the police were informed about the caravan and the remains they thought there were only two bodies.

MS LADE: That's correct.

DEPUTY CORONER: So we've gone two, four, three?

MS LADE: Yes, Your Worship.

As stated in relation to the police inquiry it appears that the police have not known that there four individuals and worked on the assumption that there were only two. I will hand up Constable Campbell's report, it talks about someone that it might be and then he makes the conclusion it's not that person. Ultimately we do not know who any of these four people are, the assumption is that they are all Aboriginal, although only two have - the pathologists have stated that two of them are Aboriginal and can't make that further comment for the other two lots.

I will hand up Constable Campbell's report but basically it doesn't really assist us at this stage. I will also hand up a copy of the findings of Mr Wallace and the report of Doctor Kevin Lee and the report of Doctor Pocock.

I request that the inquest be re-opened and even though there is no further evidence to assist us in identifying these remains I think it needs to be clarified that originally there were the four lots of remains located and now there are only the three lots of remains and an open finding as to the cause and the time of death and identity.

DEPUTY CORONER: Identity.

MS LADE: Identity, yes Your Worship.

I will hand up the documents which are as I stated. The findings of Mr Wallace - the original findings of Mr Wallace, the original report of Doctor Kevin Lee, the original report of Doctor Pocock and the original cover report of Constable Campbell.

DEPUTY CORONER: In relation to the newborn skeletal remains, do we have any idea where they might be?

MS LADE: Inquiries with the hospital show that they have remains signed out to the Aboriginal Areas Protection Authority from this group of remains. I have checked

with them and they say that they do not and have not received them. It is categorical that they are not at the hospital any more, but where they are now - - -

DEPUTY CORONER: And they're not in the Coroner's office?

MS LADE: No they're not in the Coroner's office.

DEPUTY CORONER: And we in fact hold the skeletal remains in relation to the other three individuals?

MS LADE: Yes, we do.

DEPUTY CORONER: In fact John Wallace, Coroner, in his form of inquisition does find that there were four distinct skeletal remains.

MS LADE: That's correct Your Worship, yes.

DEPUTY CORONER: You don't quibble with his identification of them as being Aboriginal newborn infant, a more mature young infant?

MS LADE: No, Your Worship.

DEPUTY CORONER: Twenty four bones of an almost mature person estimated to be between the ages of 17 and 19 and a male Aboriginal person of estimated age of 5 to 6.

MS LADE: That's correct, and that is actually confirmed by Doctor Pocock as well.

DEPUTY CORONER: I will firstly mark the exhibits. The form of inquisition conducted by John Wallace dated 15 June 1989 I mark as exhibit A.

EXHIBIT A Form of Inquisition by John Wallace

DEPUTY CORONER: The report by Doctor Kevin Lee dated 18 April 1989 exhibit B.

EXHIBIT B Report Doctor Lee.

DEPUTY CORONER: The report of Dale Campbell, constable of police, dated 14 January 1986, exhibit C.

EXHIBIT C Report Constable Dale Campbell.

DEPUTY CORONER: And the post-mortem examination conducted by Jerry Alan Pocock dated 14 December 2000 is exhibit D.

EXHIBIT D Post-mortem report Doctor Pocock.

DEPUTY CORONER: Just in relation to Campbell's statement, was anything done in relation to any type of forensic examination of who he has named here as being possibly related to the skeletal remains? Do we know that?

MS LADE: No, forensic examination was done but his investigations show that the person that he names, Paul Nowari(?) had passed away but had an autopsy done on him and so as a result of that the skull was found - that it could not have been this Paul Nowari. But no other forensic tests were done.

DEPUTY CORONER: So as we stand we've got no idea who these people might be?

MS LADE: No, Your Worship.

DEPUTY CORONER: Or how they may have come to their deaths.

MS LADE: No.

DEPUTY CORONER: And in fact I should not disturb the findings already made by Mr Wallace.

MS LADE: No, Your Worship, I suppose just to clarify that for whatever reason we now only have the three sets of remains.

DEPUTY CORONER: And we can perhaps continue inquiries as to where the others might be, and if that becomes unsuccessful so be it.

Accordingly I concur with the findings of Mr John Wallace of 15 June and that is that we don't know who these people are. He's broken appropriately into the groupings as he says and identifies in the sense of the age and at least in some circumstances the ethnicity of the remains. But I am unable to make any finding as to who these people are or how they came to their deaths.

Accordingly as best I can I say it's an open finding and note that we did have four distinct separate skeletal remains found at Jabiru.

Now in relation to interring these remains, what do you have to say in relation to that? Is it appropriate that should be done now in your view?

MS LADE: I think it is, Your Worship. I can make some inquiries to ascertain whether it's appropriate to take a sample now for any future developments in DNA that may assist and the bones can be interred.

DEPUTY CORONER: That may in fact be the same in relation to the first finding we were talking about, and it might be prudent that we perhaps fix a date to adjourn to in relation to those to see whether or not we might be being too optimistic to think that

developments might render it possible to make identification. If not it's more than appropriate that these remains should be appropriately interred.

MS LADE: Yes, Your Worship.

DEPUTY CORONER: Albeit unidentified.

MS LADE: The fourth file, Your Worship relates to skeletal remains located at Borroloola, it is Coroner's file number 149/85. Again this is a matter that has previously been inquest but I request that the inquest be re-opened.

The brief summary is that some time during July 1985 and November 1985 a number of skeletal remains were found by different people, in different areas on Centre Island and Harney Island, which is in the Sir Edward Pellew group of islands near Borroloola.

From the paperwork I have before me the details aren't exactly clear but it appears that some of the bones were initially located by people but left there. The police were told about them and they went back and collected them but also collected other remains.

On 9 April 1987 Mr Barritt held an inquest into the remains and he found that they were the remains of an unknown male Asian person and that his manner and time of death is not known.

The remains that are now held by the Coroner's office were forwarded to us from the Police Forensic Science Section in June 1994 and have subsequently been re-examined by Doctor Pocock, forensic pathologist.

Doctor Lee initially examined the remains and he gives a description of those remains. Doctor Pocock has re-examined them and found that there is a hemi pelvis - half of the pelvis which is belonging to a separate person, so in fact we have two individuals in this one lot.

Doctor Pocock believes that the pelvis - the separate piece that we have - is not from an Aboriginal person and cannot give any indication as to cause of death.

DEPUTY CORONER: Is it from an Asian person?

MS LADE: He does not say I don't think.

DEPUTY CORONER: So he gives no ethnicity in relation to the pelvis structure?

MS LADE: No. It appears that the fact that the remains were from two people was overlooked at the original inquest and the original inquest only talks about it being one person and in fact there was this other pelvis or half a pelvis which indicates there's two people there.

As I say, I request that the inquest be re-opened with a view to clarifying that the remains are of two individuals. The majority of them are as detailed by Doctor Lee with the conclusion being that it's an Asian male aged between 40 and 45 years, cause and time of death is not determined, and the second bone, the half a pelvis, belongs to another body but no conclusions can be drawn as to time, place or cause of death.

The request at this stage is that the inquest be re-opened just to clarify that there are the two remains - two sets of remains, and that the open findings be dealt with appropriately.

I will hand up the original findings of Mr Dennis Barritt. There's the original report of Doctor Kevin Lee, the original report of Doctor Pocock and attached to Doctor Pocock's report are some photographs showing the two separate individuals and there's photographs that were taken at the time back in 1985 at Borrooloola and there's a statement of Constable Grass explaining what those photos refer to. I hand up those documents.

DEPUTY CORONER: So the majority of the skeletal remains are of the Asian person.

MS LADE: That's correct.

DEPUTY CORONER: The pelvis bone, we've got no idea?

MS LADE: That's correct.

DEPUTY CORONER: I will mark the Coroner's Certificate by Dennis Barritt dated 9 April 1987 as exhibit A.

EXHIBIT A Coroner's Certificate Barritt.

DEPUTY CORONER: Post-mortem examination conducted by Kevin Lee?

MS LADE: Yes it was Your Worship, it appears that it was a part of something else and so it's not a full report.

DEPUTY CORONER: It's also undated but it's marked with a 'B' in the top right hand corner. I will mark that as exhibit B strangely enough. That's where he finds that including the right hemi pelvis, is that of an Asian male aged between 40 and 45. Is that what we're talking about when we come to Doctor Pocock's findings, that the right hemi pelvis is not part of that - - -

MS LADE: It's a separate person again, yes.

EXHIBIT B Post-mortem report Kevin Lee.

DEPUTY CORONER: The post-mortem report of Doctor Pocock I will mark as exhibit C with attachments of that of four photographs. One photograph grouping marked 149/85, which refers to the Asian Male as identified by Doctor Lee and confirmed by Doctor Pocock, and the other two photographs referring to 149A/85 which is the right hemi pelvis which Doctor Pocock says is a separate individual.

MS LADE: That's correct.

DEPUTY CORONER: Of Unknown origin.

EXHIBIT C Post-mortem report Doctor Pocock and photos.

DEPUTY CORONER: I also mark as exhibit D the statement and photographs of Rex Grass, dated 4 January 1986.

EXHIBIT D Statement and Photographs Rex Grass.

MS LADE: In fact Doctor Pocock clarifies in his report that the two pelvis bones located are not compatible with each other.

DEPUTY CORONER: And he talks of it - in fact I've been calling it the right, but it is in fact the left hemi pelvis.

MS LADE: That's correct.

DEPUTY CORONER: Is that of a separate individual.

In the circumstances I give leave to re-open the inquest and correct the original findings of Mr Barritt and Doctor Lee, and find that the skeletal remains that were located in fact related to two people the majority of which belonged to the Asian male as identified by Doctor Lee. The other, being the left hemi pelvis, belonging to an unknown person of unknown background.

In all other respects I make no changes to the findings that were made inasmuch as they find that we were unable to identify either of the deceased persons or indeed make any findings as to how or when they came to their deaths.

Now in relation to interment of these remains, do you have any comments to make bearing in mind I think it would be highly unlikely that we would ever be in a position to make any positive identification?

MS LADE: Yes, Your Worship, I just request that they be interred appropriately a marked grave.

DEPUTY CORONER: I make the order that the skeletal remains of both individuals be appropriately interred at government expense. The logistics of the arrangements can be made at some other time.

MS LADE: The final file Your Worship relates to skeletal remains located from the vessel 'Floodbird' which was a vessel that was sunk during Cyclone Tracy in December 1974.

DEPUTY CORONER: We're going backwards.

MS LADE: It's a little confusing so I'll try and be as clear as I can. Basically there was five persons onboard the vessel Floodbird at the time of the cyclone and when it sunk in the Darwin harbour. There was the captain, a Japanese gentleman by the name of Shigamora and then there was four Australian gentlemen, Dennis Holton, Robert Swan, George Roewer and David Feeley.

As stated the vessel sunk in the Darwin harbour. The body of Dennis Holton was located on 28 December 1974 on rocks at the Larrakeyah cliffs, he was positively identified and buried. The body of Robert Swan was located on the same day near Channel Rock buoy, again he was positively identified and remains were buried.

The vessel the Floodbird was located by a Navy dive team on 22 May 1975. The divers located some human remains on the vessel which they removed, unfortunately at the time due to weather conditions they were unable to stay down there or raise the boat and so had to leave things as they were but had removed some skeletal remains at that time.

On 5 July 1977 some 2 years later the Floodbird was again located and this time it was raised and further skeletal remains were located onboard and moved. These consisted of some 16 individual bones.

Just going back, when it was first located in 1975 there were 4 bones located, there was 2 femurs and a complete pelvis and they were joined at the time indicating they all came from the one person. So in fact we have 20 bones that have been located.

Also recovered at the time was a skull and mandible which was sent to Adelaide for cranio facial video superimposition and these were identified as belonging to George Roewer, one of the other crew members. This skull has been buried at the Darwin General Cemetery.

DEPUTY CORONER: That was back in?

MS LADE: 1975.

The 20 bones located on the two separate occasions were then kept at the Royal Darwin Hospital for a number of years, then at the police forensic section for a number of years and then ultimately handed to the Coroner's office.

Due to the advances in DNA analysis it was decided to attempt mitochondrial DNA and as a result of this the 20 individual bones were taken to the Victorian

Institute of Forensic Medicine. The doctor down there did the analysis for us and obtained samples from some of the bones. He did not test all of them because some of them were of such a nature or too small and he didn't think he would get any result from them so didn't attempt those.

Blood samples were obtained from the mothers of George Roewer and David Feeley and the analysis went ahead. As a result of that testing it was found that 8 bones gave us a result. Of those 8 bones one showed a result that did not match either Roewer or Feeley, so the assumption is that it was Shigamora.

DEPUTY CORONER: When was that?

MS LADE: It is the left fibula, so the assumption is that because it didn't belong to either of them it must be Shigamora's.

As a result, 8 of the bones can be identified as belonging to George Roewer through mitochondrial DNA. One can be - on the assumption that the others weren't him, belonged to Shigamora. This leaves 11 bones which we cannot identify and probably at this stage never will be able to identify.

DEPUTY CORONER: They weren't tested?

MS LADE: Some were tested and didn't give any results and the others weren't tested.

DEPUTY CORONER: And none of them came up as Feeley?

MS LADE: That's correct. But as I say there are these 11 bones which could be a combination of all three of them, or one of them, or two of them and unfortunately at this stage we do not know.

DEPUTY CORONER: So how many bones have you identified that are Roewer's?

MS LADE: Eight. And as stated his skull had previously been interred at Darwin cemetery so one avenue may be to reunite those with the skull at the general cemetery.

Inquiries have been made in relation to Shigamora's next of kin and it appears his wife has passed away and we've been unable to locate any other family for him. The family of Feeley and George Roewer are in contact with us so I haven't spoken to them of recent times, so approaches could be made to them to see what their views are but from my understanding is that they really would just like the matter finally put to rest and would be agreeable to either interring all the remains together if that's appropriate or at least the remains of George Roewer could go with his previously buried skull and the others maybe could be interred together.

At this stage I ask that it be accepted that the 8 bones - and I can detail those if you need, are those, through the mitochondrial DNA analysis, of George Roewer.

That the one other bone can be identified as Shigamora the captain, and that there are 11 bones that cannot be identified.

DEPUTY CORONER: Just before I make it on that basis so that we just get this right. It's just probably that maths is not my forte. Four bones were found in 1975.

MS LADE: Correct.

DEPUTY CORONER: Then another 16 were found.

MS LADE: Correct.

DEPUTY CORONER: Making 20.

MS LADE: Correct.

DEPUTY CORONER: We then sent the 20 bones to the forensic centre?

MS LADE: That's correct.

DEPUTY CORONER: Of those 20, 8 were examined.

MS LADE: Yes, that's correct.

DEPUTY CORONER: Eight were examined, 7 were found to be Roewer?

MS LADE: No, 8 were found to be Roewer.

DEPUTY CORONER: So 8 out of 8 or have we missed one with Shigamora. I appreciate it would be easier to be able to do it as numbers but I'm just wanting to clarify how many bones we had tested. And are you able to tell me whether or not the 2 femurs and pelvis found in '75, were they identified as Roewer?

MS LADE: I believe so, yes. Yes. The four found in 1975 with the evidence that they were joined at the time - the 4 weren't all tested, one was only tested.

DEPUTY CORONER: So you've got the left and right pelvis and the two femurs.

MS LADE: That's correct.

DEPUTY CORONER: And they were Roewer?

MS LADE: And they have been matched to Roewer, yes.

DEPUTY CORONER: So there's 4 of them.

MS LADE: Yes, there's a humerus bone, which is George Roewer. There is a clavicle to George Roewer. There's the left ulna which is Roewer and there is a thoracic vertebrae which is Roewer.

DEPUTY CORONER: And then there is a left fibula which is believed to be Shigamora?

MS LADE: Yes.

DEPUTY CORONER: So that makes 9 bones.

MS LADE: Eight bones were tested, but of the 8 that I'm saying are Roewer's, three weren't tested because they were part of the four.

DEPUTY CORONER: I know what you're saying. Yes, now I understand what you're saying.

MS LADE: Eight were tested.

DEPUTY CORONER: So we presumed because we had evidence to suggest that the two pelvic bones and the two femurs were joined at the time they were found, only one of those bones was tested?

MS LADE: That's correct, yes, so that's where the difference is. Eight were tested, five technically were found to be George Roewer. Results weren't obtained from two of them and the third one, results were obtained but they didn't match either Feeley or Roewer so the presumption is it's Shigamora.

DEPUTY CORONER: The presumption being it's the Japanese captain.

MS LADE: That's correct.

DEPUTY CORONER: So that leaves us how many bones that are not identified, that have all proven to have been taken from the Floodbird?

MS LADE: Eleven bones.

DEPUTY CORONER: Eleven of various types and nature I take it.

MS LADE: Correct.

DEPUTY CORONER: And the presumption being that in all probability they are either Feeley's, Roewer's or the Japanese captain's?

MS LADE: That's correct, Your Worship.

DEPUTY CORONER: But they're in such a state they can't be tested using the procedure we used at the forensic centre, is that right?

MS LADE: That's correct, yes, and it was felt by the doctor down there that they would not yield any results.

DEPUTY CORONER: Because of their age and condition?

MS LADE: That's correct, and because of the actual bones that they were. You'd need actually the larger bones to do this sort of testing.

I will hand up this to try and assist you. There's reports prepared by the previous Coroner's Constable, Senior Constable Wardrop who did a lot of work in relation to these remains previously, and his report may assist Your Worship. There is also the report of the Victorian Institute of Forensic Medicine who did the DNA analysis for us. There's my summary of the bones that were taken down and tested and a graph hopefully trying to explain it a little bit more clearly as to what was found. There's the autopsy report of Royal Cummings who did the initial analysis when the bones were found, and there's some other documents.

As Your Worship will see and has commented yourself, it was initially thought that because of the age for particular bones, the clavicle, that it could have only been the captain, but it appears that Doctor Cummings made that assumption on wrong information - he was given wrong information as to the height of the deceased and also he took a view which may not be the case necessary, and so the assumption had always been that the clavicle was Shigamora and in fact the DNA analysis shows it to be George Roewer. So there is some documentation here trying to explain that point but it's probably not that relevant if Your Worship accepts that the DNA shows that the clavicle is in fact George Roewer's.

So I'll hand those up, and there's also my covering report. I will hand those up as a bundle which probably makes it a bit easier to keep together.

DEPUTY CORONER: I should indicate for the record that I have read these. It might be easier if I by way of exhibiting them - I think I might just do it as one exhibit, exhibit A, unless you've got any objection to that..

MS LADE: No, Your Worship.

DEPUTY CORONER: And they can be kept as one pile. It's significantly marked in relation to its various component parts.

EXHIBIT A Bundle of documents.

DEPUTY CORONER: In relation to how George Roewer and the Japanese captain and Feeley came to their deaths - - -

MS LADE: I'm not too sure whether that is actually commented on by the pathologist.

DEPUTY CORONER: The high likelihood of course would be that they died by drowning I would presume bearing in mind the circumstances of the sinking of the Floodbird.

I am just thinking - you appreciate, this is a matter for identification, I probably shouldn't put that question to you because it was only meant to be confined to that but it might in the circumstances being if I do make a finding of identification of Roewer in particular - it might be worth exploring the possibility that we might put this over and come to a finding as to his cause of death.

MS LADE: Yes, Your Worship.

DEPUTY CORONER: Bearing in mind we all know the circumstances of Cyclone Tracy and the circumstances of the sinking of the ship and its being found.

MS LADE: In fact I just note that the death of George Roewer has previously been to inquest because of the location of the skull.

DEPUTY CORONER: And that may well be, and I presume there's been a finding as to his cause of death?

MS LADE: There has and I can hand you up a copy of that. It went to inquest before Mr Bruce McCormack on 31 August 1990.

DEPUTY CORONER: And there has been a finding as to - - -

MS LADE: There's insufficient evidence to make any finding as to the cause of death of George Roewer.

DEPUTY CORONER: So there's been an undetermined finding?

MS LADE: That's correct.

DEPUTY CORONER: And he's referring to the remains that were found firstly, is he?

MS LADE: That's correct, yes, the skull and the mandible that was located and identified by the cranio video work.

DEPUTY CORONER: Well I withdraw my comments on that, that issue has been determined albeit not in a positive light.

MS LADE: No. My understanding is that both Doctor Cummings who examined all the remains initially, and certainly Doctor Pocock more recently, aren't in a position to give any evidence as to cause of death.

DEPUTY CORONER: There's much speculation as to how it may well have happened, as I say, we know the circumstances of the cyclone but what was going on at the Floodbird at the time and as to how he might have come to his ultimate demise yes, remains unknown.

MS LADE: That's correct. I can though check on the inquest into the other two where bodies were found and buried more quickly, which may assist.

DEPUTY CORONER: It's interesting, our Act now requires we find relevant circumstances surrounding deaths, which is a bit different to the manner and cause of death I guess, and we come up with a cause of death in the medical sense but it's probably of no great import in relation to these particular matters bearing mind their age.

Coming back to the issue of identification, having read and considered the evidence presented in relation to the forensic examination of the bones that were found on the Floodbird and not identified previously, I am satisfied to the requisite standard that the humerus, the clavicle, the ulna - is it a thoracic disk?

MS LADE: Thoracic vertebrae, yes.

DEPUTY CORONER: Thoracic vertebrae, the two femurs and the pelvis, left and right hemispheres, are part of the skeletal remains of George Roewer. His name is spelt?

MS LADE: R-O-E-W-E-R.

DEPUTY CORONER: The issue then becomes as to the interment of these remains. As you've indicated part of his skeletal remains have already been interred at the general cemetery I understand, in Darwin.

MS LADE: That's correct.

DEPUTY CORONER: I will make an order that the remains be appropriately interred at public expense after discussion with the deceased's family as to what preferences they might have in relation to that but notwithstanding that something appropriate by way of interment be undertaken as soon as is possible.

In relation to the left fibula, bearing in mind the tests that were done and the information we have about the occupants of the Floodbird at the time of its going down, I am confident to the requisite extent that the left fibula does belong to the Japanese captain and I will probably say his name incorrectly, which is - his name is?

MS LADE: Shigamori Odawara.

DEPUTY CORONER: I order that - you've told me of the difficulties in locating family members in relation to this particular deceased. I make an order nonetheless that we appropriately inter that bone.

I can make no findings in relation to the relevant circumstances concerning his death or his cause of death.

In relation to the remaining bones it's more than likely that they also are a combination I would suggest, of the Japanese captain, Roewer and Feeley.

MS LADE: Yes, Your Worship.

DEPUTY CORONER: I'm not able to make any particular finding in relation to any particular bone but I'm happy to make a general finding that they are a combination of the three. As to what we then do in relation to their interment again is something that might be for discussion with relatives as to what they might choose to do.

In relation to all three gentlemen, well it's unfortunate it's taken a number of years before their remains should be appropriately dealt with and I can accept the family's have probably got to the stage of wanting significant closure.

MS LADE: Yes, Your Worship.

DEPUTY CORONER: Is there any other that you want in relation to that particular file?

MS LADE: No, there's not.

DEPUTY CORONER: So in summary: I make no orders as to the relevant circumstances concerning the death of Rower, Feeley and/or the Japanese captain as I'll refer to him, and that we make appropriate arrangements to bury what we have identified appropriately.

ADJOURNED