



**CORONER'S COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the death of unknown person

Hearing dates: 15 June 2022

Date of findings: 15 June 2022

Place of findings: Coroner's Court of New South Wales

Findings of: Magistrate Erin Kennedy, Deputy State Coroner

Catchwords: CORONIAL LAW – death of unknown - identity, date, cause and manner of death

File number: 2016/241495

Representation: Mr Timothy O'Donnell, Coronial Advocate assisting the Coroner

Findings: I make the following findings pursuant to Section 81 of the Coroners Act 2009 NSW:
No findings can be made

Recommendations Nil

Non-publication orders:

FINDINGS

1. This is an unusual matter in that it involves the discovery of human remains in the Liverpool Cemetery. The remains were found initially in 2014 in an unmarked grave in between two plots. For reasons unknown the remains were put immediately back in the ground. When further excavation work was being undertaken in 2016 they were again located and this time reported. It appears clear that the unknown person was subject to an autopsy prior to burial in an unmarked plot. It also seems that the person was treated in a hospital at some point and is wearing a wrist band. Despite

extensive investigations by the officer in charge, including radiocarbon dating, forensic analysis on the human remains, DNA investigation and EDSA/oblique light examination and VSC examination analysis of the wrist band it appears that each of the matters that are required to be addressed pursuant to section 27 Coroners Act 2009 (NSW) cannot be determined, and as such an open finding will be made.

Why was an inquest held?

2. Pursuant to section 27 the Coroner must attempt to answer questions in accordance with the Act. This involves an investigation to determine the identity of the person, when and where they died, and what was the cause and manner of their death. In this case none of the matters in 27(c) or (d) can be answered, and as such an inquest is required to be held.

The discovery of the remains

3. On 10 August 2016 workers at the Liverpool cemetery were conducting investigative excavation on an area of Liverpool Cemetery located on the boundary line between the Roman Catholic portion of the Cemetery, and the Presbyterian portion. Whilst excavating at approximately 1.2 metres depth, a backhoe lifted an elongated item hanging from the bucket. Upon inspection, it was clear that they had discovered human remains. They also located a human skull which was completely skeletal.
4. An investigation was undertaken through the cemetery in an attempt to identify the remains. Burial records were reviewed but no burials were listed at that location, which was directly in the centre of two plots. The Cemetery then contacted Police to attend.
5. Police arrived a short time later and made enquiries with the NSW Office of Environment and Heritage to determine if any burial records existed for the area the remains were located. No records were able to be identified. Police were present as the unidentified remains were exhumed from the site and photographed the remains.
6. The remains were examined, and reports were provided by forensic pathologist, Dr I'ons and anthropologist, Dr Denise Donlon.
7. Dr I'ons provided a report noting that the skeletal and body remains were located within a large amount of thick, wet clay. There was a plastic bag surrounding some of the body parts and a plastic bag presumably containing organs within the chest cavity. The skull had evidence of medical cut marks indicating an autopsy had been performed. The torso was that of an adult male with extensive saponification and decomposition. Skeletonisation was present on the left-hand side of the chest. Skin and decomposed tissue covered the remainder of the body. One identifying feature of

note was that the right little finger had been amputated at the distal end of the first metacarpal. Dr I'ons concluded that the cause of death was unknown.

8. DNA testing was undertaken but was inconclusive and produced no identification match. The results of the DNA testing have been uploaded to the DNA register for future identification purposes.
9. Dr Donlon provided a report stating that the remains were likely of Caucasoid ancestry. The pelvis displayed male features and the age was assessed as being between 40 and 66 years old at the time of death. Given the skull was located separately to the rest of the remains, Dr Donlon stated that it was possible they belonged to the same individual but could not exclude otherwise.
10. A sample of the remains were sent to the University of Waikato in New Zealand to undergo radiocarbon dating. The results were interpreted by Dr Donlon who indicated that burial according to the testing was likely 1962 or in the 1980's. However, a slab and an industrial shed had been built directly over the remains in the redevelopment of this area possibly sometime after 1968.
11. A statement was provided from the Director of Client Services and Operations at the Cemetery, Ms Hardgrove who provided a history of the location, identifying the area closest to where the remains were located as "Section Select Row K".
12. The original records for this area were destroyed in a fire, and as such the burial register was re created using third party records and individual recollection. The fire seemed to occur in 1939, and the register was rewritten in 1958 with a notation that the entries would be accurate from 1939 in every particular but entries prior to 1939 had to be recreated.
13. The information available indicates that 111 destitute individuals were buried in row K between 1947 and 1959, the majority in unmarked graves located close to the Catholic/Presbyterian border. The majority came from the State Hospital Liverpool, previously known as Liverpool Asylum for Infirm and destitute men and from State Hospital Lidcombe. Between 1971 and 1977 the cemetery administrators started to redevelop parts of the cemetery that had previously been used for destitute burial to generate additional income. The area was redeveloped to create above-ground tombs. Some such tombs were built on top of some graves in row K. The remains were found some 7 metres from one such tomb.
14. The information available leads to the finding that this was an area where destitute individuals were buried. It seems clear that these remains were buried prior to re development in the 1970's.

15. Enquiries were made with the State Records Authority of NSW which were not successful in identifying the remains. Hospital records were also cross-referenced with the cemetery records, however no records within the hospital registers indicated a match.
16. Dr Donlon was provided with the statement of Ms Hardgrove and, in combination with her original report and the report from the Waikato Dating Laboratory, provided the revised opinion that the most likely date of burial would have been in the late 1950's. However, the available evidence does suggest a wider range of possible dates of burial from late 1950's into early 1960's.
17. The hospital band attached to the wrist of the deceased was sent to FASS to be forensically examined and a report was produced from Senior Constable Paul May. Writing was present, but unfortunately the writing was unable to be deciphered. Investigations were undertaken to determine when hospitals commenced using the plastic bands, but no evidence was available to assist.
18. There are some inconsistencies present in the evidence in relation to dates of redevelopment of the cemetery. It seems clear that record keeping was not as thorough as would be expected today. There is also the question of the remains being found in between two plots, however we know that they had been previously disturbed and have limited information about how that may have affected the outcome of the location that they were found in 2016.

Conclusion

19. The process could not proceed without the investigating officer Senior Constable Heginbotham together with Coronial Advocate Mr Timothy O'Donnell who both have contributed a great deal of work in assisting this inquiry for which the Court is grateful. Extensive work has been undertaken by both to attempt to identify this individual and much thought has been applied to try different scientific techniques and record tracing to gain answers.
20. It seems that the deceased was male, treated in hospital, an autopsy was undertaken on him, he was most likely buried in the late 1950's and was most likely destitute at the time of death. On balance the skull, also showing signs of autopsy located close by is likely part of the same individual.
21. The Coronial function is an important one for the community. Although these remains remain unknown it may be at some future time with increased technology or through the interest of a relative investigating the death that indeed identification might be achieved. The information gathered in this inquest may help in that process. A thorough investigation to date has been undertaken by Senior Constable Heginbotham and Mr O'Donnell, affording respect and care to this unknown person.

Findings

Pursuant to section 81(1) of the Coroners Act (2009) based on the evidence available I am unable to make any of the following determinations:

- a. Identity
- b. Date
- c. Place
- d. Cause
- e. Manner

Magistrate E Kennedy
Deputy State Coroner
15 June 2022