



## **CORONER'S COURT**

**Name of Deceased:** Michael Kenneth CHANDLER

**File Number:** 1250/2011

**Hearing Dates:** 22 January and 24 April 2013

**Location of Inquest:** Court House Griffith, NSW

**Date of Finding:** 24 April 2013

**Coroner:** Magistrate P. A. MacMahon  
Deputy State Coroner

**Representations:** Ms B Lorenc - Advocate Assisting.

**Non-publication order made pursuant to Section 74(1)(b)  
Coroners Act 2009:**

Nil.

**Findings made in accordance with Section 81(1) Coroners Act  
2009:**

Michael Kenneth Chandler (born 29 September 1940) died on or after 8 March 1973 in or about the State of New South Wales. As to the cause and manner of his death the evidence available does not enable me to make a finding.

**Recommendations made in accordance with Section 82 (1)  
Coroners Act 2009:**

Nil

Magistrate P A MacMahon

Deputy State Coroner

24 April 2013

## **Introduction**

Michael Kenneth Chandler (who I will call Michael) was born on 29 September 1940. In 1973 he lived in Griffith in southwest New South Wales with his wife, Gwyneth (Gwen) and their seven children. Michael worked on a rail gang during the week at a camp in the vicinity of Goolgowi to the north of Griffith.

It was Michael's practice to return to Griffith each payday, collect his pay, provide his wife with housekeeping money, purchase a take away dinner for the family and then to return to Goolgowi the next day to work prior to returning to Griffith for the weekend.

Thursday 8 March 1973 was for Michael a payday. In accordance with his practice Michael returned to his home in Griffith and then went out to purchase 'fish and chips' and a 'Chinese takeaway.' He attended the Victoria Hotel and consumed a beer before collecting the 'Chinese Takeaway.' He did not, however, return home.

Gwen waited until the Friday evening and when Michael did not arrive home she spoke to her father and inquiries were made as to Michael's whereabouts. It was established that Michael had not returned to work on the Friday. Michael's disappearance was reported to the police on either Sunday 11 March or Monday 12 March 1973. An investigation as to Michael's disappearance was then commenced. Michael was not located nor has he made contact with Gwen, his children, his parents, siblings or other family or acquaintances since that day.

In 1989 Michael's brother Alan, who was then a South Australian Police Officer, made inquiries concerning the outcome of the investigation into the disappearance of Michael. Alan provided a comprehensive outline of the circumstances of his brother's disappearance to the extent that was known to him and detailed the inquiries he had made. As a result of Alan's inquiries Inspector Donald Welsh undertook a number of inquiries including speaking to Gwen, and others. As a result of his investigations, which were somewhat limited, Inspector Welsh formed the opinion that Michael had disappeared of his own volition.

In 2004 those inquiries came to the attention of Constable Joanne Williams at the NSW Missing Persons Unit as part of her duties. On 14 March 2005 Constable Williams completed a missing persons report and further investigations were undertaken. As a result of those further investigations the matter was reported to the coroner.

On 22 January 2013 an inquest into the disappearance, and suspected death, of Michael Kenneth Chandler was commenced in Griffith. Evidence was taken from Gwen, Alan Chandler, Claudio Testoni (Michael's brother-in-law) and Detective Sergeant Scott Wilkinson (the Officer in charge). The inquest was then adjourned to allow for further investigations that I considered were necessary to be undertaken.

## **Jurisdiction of the Coroner:**

Section 18, Coroners Act 2009 (the Act) gives a coroner jurisdiction to hold an inquest where the death, or suspected death, of an individual occurred within New South Wales or the person who has died, or is suspected to have died, was ordinarily a resident of New South Wales.

Section 81(1) of the Act sets out the primary function of the coroner when an inquest is held. That section requires, in summary, that at the conclusion of the inquest the coroner is to establish, should sufficient evidence be available, the fact that a person has died, the identity of that person, the date and place of their death and the cause and manner thereof.

In the case of a suspected death Section 80 of the Act provides that where an inquest is conducted and where, on the evidence available, a coroner is not satisfied that a person suspected to be deceased is in fact dead he or she is required to make a finding that the person is not dead and terminate the inquest.

Section 82 (1) of the Act provides that a coroner conducting an inquest may also make such recommendations, as he or she considers necessary or desirable, in relation to any matter connected with the death with which the inquest is concerned. The making of recommendations are discretionary and relate usually, but not necessarily only, to matters of public health, public safety or the conduct of services provided by public instrumentalities. In this way

coronial proceedings can be forward looking, aiming to prevent future deaths.

## **The Evidence**

The evidence establishes that the last confirmed sighting of Michael was on 8 March 1973 in Griffith. He has not been seen by, nor made contact with, any of his family or acquaintances since that time.

The investigation also established that on 8 March 1973 he resigned from his employment with the Railways and his termination wages were paid. His resignation, and rumours that circulated in Griffith at about the time that Michael had travelled to Victoria, raised the possibility that Michael had left with the intention of re-establishing his life elsewhere under his own or a new identity. That possibility has been investigated to the extent that it is possible given the four decades that have elapsed since.

Michael has not come to the attention of the police in any Australian jurisdiction since 1973. His NSW drivers licence had expired prior to his disappearance and he has not applied for its renewal or for one to be issued in any other State or Territory of Australia in his name. He has not left Australia since 1973. In addition he has not claimed a pension, medical or pharmaceutical benefits from the relevant Australian Government agencies. He has not operated an account with any of the major Australian banks. He is not on the electoral roll nor does he have an Australian Tax File number. The investigations

that have been undertaken have not been able to locate any evidence whatsoever that Michael has been alive since 1973.

In these circumstances were Michael to have been alive he would have had to assume a new identity. To do that formally he would have had to change his name. The evidence available shows that that Michael has not changed his name in New South Wales, Victoria or South Australia, the States of Australia with which he had some connection, since 1973. He has thus not officially adopted a new identity since he disappeared on 8 March 1973.

Were Michael to be alive he would now be approaching the age of 73. That is, of course, not a very old age however it is at a stage where most Australians would be obtaining some of the many benefits, whether hospital, medical, pharmaceutical or financial, available from the Australian Government. The evidence shows that Michael has not done so. I am required to make a finding as to whether I am satisfied it is more probable than not that Michael is deceased. On this basis I am satisfied that Michael is deceased.

In finding that Michael is deceased I take into account the evidence from Gwen that his relationship with her was a close one and that, in particular, he was committed to his relationship with his seven children. Michael's daughter Sally died in 1984 and notices were placed in all major papers hoping that it would come to Michael's attention. He did not respond.

I also take into account Alan Chandler's evidence that Michael also had a close relationship with his parents and siblings with whom he maintained regular contact. That contact ceased unexpectedly on 8 March 1973. In fact at the time there were plans for Michael to travel to South Australia to visit his parents. When Michael's father died notices were also placed in major daily newspapers hoping it would come to his attention. Michael did not respond to those requests.

I consider that, even if for whatever reason Michael did decide to leave his wife, were he to have been alive during the past forty years he would more than likely taken some action to contact his children, parents or siblings particularly as his children entered adulthood and his parents grew older.

In coming to this finding I take into account that Michael resigned his employment on 8 March 1973. There is no explanation available to me as to why he did this. The evidence is that he directed his termination monies to be paid to Gwen. She does not recall receiving such monies however if this were the case it would suggest that he was not resigning to re-establish a new life. He would have had no money to do so. There is, however, no evidence to support the suggestion that he did this and, in any event even if he did, as I have already said one would expect that in the four decades since, and with the publicity that his disappearance has generated at various times over the years, he would have made contact with some family members.

Whilst I am satisfied that on the balance of probabilities Michael is deceased evidence available to make the other findings required by Section 81(1) is not available. In respect of these matters the best I can do is to make, what is referred to as, an; 'open finding'. I propose to find that Michael died sometime after 8 March 1973 in or about New South Wales but that there is no evidence to make findings as to the cause and manner of his death. If at some time in the future further evidence becomes available as to these matters then the State Coroner can reopen the proceedings and additional or alternative findings made as to those matters.

## **Section 82 Recommendations**

I mentioned above that at the end of an inquest I have the discretion to make recommendations as to any matter that I considered necessary or desirable that was connected with the death or suspected death with which the inquest was concerned. I am satisfied that no matters have arisen during the course of the inquest that requires me to make such a recommendation.

Magistrate P.A. MacMahon

Deputy State Coroner

24 April 2013