



STATE CORONER'S COURT
OF NEW SOUTH WALES

Inquest:	Inquest into the discovery of unidentified skeletal remains located at St Albans
Hearing dates:	18 October 2021
Date of findings:	18 October 2021
Place of findings:	NSW State Coroner's Court, Lidcombe
Findings of:	Deputy State Coroner Carmel Forbes
File number:	2011/389950
Catchwords	CORONIAL – unidentified human remains- Eastern bank of the Macdonald River, near Wrights Creek Road, St Albans NSW-
Representation:	Ms B Notley Coronial Advocate the Coroner

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Introduction

1. This is an inquest into the death of an unidentified male.
2. About 12.30pm on the 19th of August 1976 skeletal remains were located in bushland on the eastern bank of the MacDonald River near Wrights Creek Road, St Albans, NSW.
3. The discovery of any bones which are believed to be human is reportable to a Coroner.
4. S 81(1) of the *Coroner's Act 2009 NSW* requires a coroner to make findings in relation to those remains: that a person has died, the identity of that person, the date and place of the death and the cause and manner or circumstances of their death. The manner of a person's death means the circumstances surrounding their death and the events leading up to it. A Coroner must examine the evidence available from an investigation and when the questions referred to above cannot be answered an inquest must be held.
5. In this case only the place the body was found can be determined and accordingly an inquest is mandatory.

Background

6. About 12.20pm on the 19th of August 1976 Mr Royden Field, Mr Stirling Dargin and Mr John Wyman were fishing in the Macdonald River, near Wrights Creek Road, St Albans. The three men were all from the Aboriginal Rehabilitation Centre, located on Wrights Creek Road. They located a large bone between the roadway and the eastern bank of the MacDonald River,

other bones and a skull were located under bracken fern in a shallow gully which forms a waterway into the river. Police were contacted and attended.

7. Detectives and scientific police attended the scene which was approximately sixteen kilometres north of Wisemans Ferry. The partially complete skeleton was spread within an area at the side of Wrights Creek Road of about 5 metres. The majority of the skeleton was found beneath bracken fern. Within the bones of the torso a woollen garment, possibly a cardigan was located with a pair of men's shorts in a state of deterioration. A detailed scientific examination was conducted of the scene by scientific police and all skeletal remains were labelled and collected. Police inspection of the bones did not locate any fractures or evidence to indicate the cause of death. On examination of the skull, the upper teeth were found to be intact however the lower jaw was badly decomposed. An examination of the clothing was unable to establish the identity of the deceased male. The unidentified remains were taken to Windsor Mortuary.

Investigation

8. For a number of days following the 19 August 1976, investigators manned a local nearby hall in an attempt to obtain any information about the located remains. The original investigators notes are unable to be located however, it is believed that no further information was forthcoming.
9. The Report of Death to the Coroner dated 20 January 1976 stated that 'enquiries reveal that a number of aboriginal persons residing at the reserve have smelt a stench in that area since sometime in January 1976, however they took no notice of the stench as dead animals are at times alongside the road.'
10. On the 27th of August 1976 the unidentified remains were taken by Superintendent Heslop, to the Department of Forensic Medicine, Glebe, then known as the City Morgue, Glebe.

11. Doctor Oattle, who was attached to the Department of Forensic Medicine, conducted an external examination of the unidentified remains. He determined that the skeleton was of an Aboriginal male, less some of the smaller bones, forearms and lower legs. He observed some teeth to be missing with very little wear present on them. He observed very little tissue to the left side of the head and found this to be consistent with a date of death being up to one year previous. He measured the right femur at 48cm and estimated the height of the male to be 176cm. He did not identify any evidence of injury or a cause of death.¹
12. The skull and incomplete skeleton having been identified as Aboriginal were taken to the Australian Museum, Sydney. In June 2009 the Australian Museum sought expert analysis of the skeleton. The purpose of the analysis was to inform the appropriate aboriginal communities about the bones before repatriation. The analysis was performed by Emeritus Professor of Archaeology, Richard Wright. Professor Wright determined that the bones were, in fact, far more likely to be of mixed and predominantly European ancestry.²
13. Professor Wright also determined the bones belonged to a male, 'perhaps around the age of 25.'³ He also concluded that it is 'likely that these bones are within the time period of the Coroner's Act.'⁴ The skeleton was returned to the Department of Forensic Medicine, Glebe.
14. On 15 March 2013, the partially complete skeleton was examined by Forensic Anthropologist, Dr Donlon of the Forensic and Biological Anthropology Department of Anatomy and Histology, of the University of Sydney. Dr Donlon stated, 'The absence of the forearms and hand bones (except for 3 phalanges) and the lower legs and feet is unusual and hard to explain. Given the good condition of the other bones it is unlikely to be due to weathering. It may be due to

¹ Exhibit 1, Volume 1, Medical Examination Report 27 January 1978.

² Page 5, Emeritus Professor Richard Wright, 'Report on human skeletal remains from Windsor' NSW (No. E76547), 5/12/09.

³ Page 9, Ibid.

⁴ Page 11, Ibid.

scavenging or the methods of collection.’⁵ ‘Staining was observed to the bone suggesting it may have been buried in a shallow grave or it may have become covered in muddy soil for a time.’⁶ Doctor Donlon formed the opinion, ‘that this skeleton is that of male in the age range 25-40 years of age and of estimated stature is 169.6 to 182.6cm or 5’7” to 6’. He may have been of mixed ancestry, possibly Caucasoid and either Negroid or Australian Aboriginal. Without knowing the circumstances of how the skeleton was found it is difficult to estimate time since death.’⁷

15. In 2019 a sample of bone from the skeletal remains was subjected to radiocarbon age determination testing at Waikato University, New Zealand. The results dated the bone sample to the 1960’s. Doctor Donlon had further discussions with the radiocarbon laboratory and came to the conclusion that the most likely range of dates that the death occurred was during the period from 1960 to 1976.⁸

16. A DNA sample was obtained from the skeletal remains and uploaded to state and national data bases. At this time a match has not been found. DNA was also sent to the United States for Mitochondrial DNA Testing.⁹ A match was not found. (It may be that at some time in the future, further enhancements to DNA technology may lead to a match.)

17. Specialist Forensic Odontologist, Doctor Alain Middleton examined the dental remains. No evidence was found that could establish the identity of the unknown remains.¹⁰

18. Detective Sergeant Wilson conducted investigations regarding persons who went missing around the St Albans area at the time and before the skeleton was found. Detective Sergeant

⁵ Page 3, Doctor Denise Donlon, Report on the examination of unknown skeletal remains from City central 13/48099.

⁶ Page 4, Ibid.

⁷ Page 6, Doctor Denise Donlon, Report on the examination of unknown skeletal remains from City central 13/48099.

⁸ Doctor Denise Donlon, Anthropology Report, 22 August 2019.

⁹ Ex 1 Vol 1 Tab 19

¹⁰ Ex 1 Vol 1` Tab 14

Wilson identified three possibilities. Unfortunately, subsequent DNA testing did not provide a match to any of the missing persons.

19. Detective Sergeant Wilson researched the topography and history of flooding in the MacDonald River after 1952. He discovered the remains were discovered in an area of the riverbank susceptible to flooding.
20. Detective Sergeant Wilson obtained an article from the NSW Police Force Library, 'River metamorphosis and environmental change in the MacDonald Valley, New South Wales, since 1949.' The article indicates the last flooding of the MacDonald River at St Albans was 4-5 June 1974, where the water reached a height of 6.71 metres.¹¹
21. Detective Sergeant Wilson is of the opinion that the death may have occurred a distance from where the remains were found and one explanation as to why only parts of the skeleton were found is that the remains could have been moved by the flow of the river.
22. Mr Field and Mr Dargin are now deceased and there are no records of the whereabouts of Mr Wyman.
23. Investigators have not been able to locate any evidence which leads to the identity of the skeletal remains.

Conclusion

24. The available evidence suggests that the person died during the period from 1960-1976. The person was a male aged 25-45 years of age. The person may have died a distance from where

¹¹ River metamorphosis and environmental change in the MacDonald valley, New South Wales, since 1949, page 91.

the remains were found as they could have been moved to that position by a third party, by scavenging or by the flow of the river. The available evidence does not allow me to make the required findings as to identity, place of death, or cause and manner of death.

Findings pursuant to s 81 (1) Coroners Act 2009

Identity

1. The available evidence does not allow me to make a finding as to the identity of the skeleton remains found in bushland on the eastern bank of the MacDonald River near Wrights Creek Road, St Albans on 19 August 1976.

Date of death

The unknown person died between 1960-1976

Place of death

The available evidence does not allow for any finding to be made as to the place of death

Cause of death

The available evidence does not allow for any finding to be made as to the cause of death

Manner of Death

The available evidence does not allow for any finding to be made as to the manner of death

I close this inquest.

Magistrate Carmel Forbes

Deputy State Coroner

18 October 2021

NSW State Coroner's Court Lidcombe