



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

Coroners Act 1995

Coroners Rules 2006

Rule 11

I, Simon Cooper, Coroner, having investigated the death of Wilfred Pearson Procter

Find, pursuant to section 28(1) of the *Coroners Act 1995*, that

- a) The identity of the deceased is Wilfred Pearson Procter;
- b) Whilst I am satisfied that Mr Procter is dead I am unable to make any further finding as to the particular circumstances of his death;
- c) I am unable to determine the cause of Mr Procter's death; and
- d) Mr Procter died on a date I am unable to determine but after 6 January 1971 at Dilston, Tasmania.

Introduction

- I. In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Procter's death. The evidence includes:
 - A Tasmania Police Report of Death for the Coroner;
 - Affidavit of life extinct;
 - Original Tasmania Police Missing Person Report dated 21 January 1971 (and associated correspondence);
 - A report from forensic pathologist;
 - A report from forensic anthropologist;
 - DNA identification evidence;
 - Forensic, physical, documentary and photographic evidence;
 - Affidavits of investigators;
 - Affidavits of Mr and Mrs Hudson;
 - Affidavit of Mr Derek John Procter, Mr Procter's son¹; and
 - Police information system records.

¹ Mr Derek Procter spells his surname differently to his father.

2. In addition, my finding has been informed by my inspection of the place where Mr Procter's remains were found.

Why Mr Procter's disappearance is being investigated

3. The *Coroners Act 1995* (the "Act") governs the investigation of deaths in Tasmania. Section 21(1) of the Act provides that "[a] coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death."
4. "Reportable death" is defined in the same section as including a death which occurred in Tasmania and was unexpected or the cause of which is unknown.
5. Thus, if a coroner suspects (on reasonable grounds) that a person has died and the death meets the definition of a reportable death, then that coroner has the power to investigate that person's disappearance. In the case of Mr Procter, I am satisfied, on reasonable grounds, that he is dead and the cause of his death is unknown.

Mr Procter's background and disappearance

6. The evidence is that Mr Procter was born on 2 January 1918 in Burnley, Lancashire, England. He arrived in Tasmania in about 1955 and worked initially as a weaver before securing employment with the then Post-Master Generals Department. He was still in the employment of the Post-Master Generals Department at the time he disappeared in January 1971.
7. Mr Procter had been married to Emma and they had four children – Derek, Maureen, Marjorie and Michael. In about 1960, Emma and Mr Procter separated and Emma returned to England. She took with her Maureen, Marjorie and Michael leaving Derek with his father. Mr Procter followed Emma back to England and apparently convinced her to return. Maureen, Marjorie and Michael all remained living in the United Kingdom. Marjorie and Maureen are still there. Michael apparently passed away in 2015.
8. Mr Procter and his wife separated, again, and finally, sometime in the 1960s and Mrs Procter moved to Sydney. It is unclear but it would seem she died sometime between 2001 and 2003.
9. After Mr and Mrs Procter separated for the final time, Mr Procter bought a house at 13 Notley Street, Newnham. He was living at that house at the time he was reported missing.

10. Mr Derek Proctor described his father as an “energetic man” who used to “walk everywhere”. He apparently did not own a car and could not drive one. His normal mode of transport was to walk or alternatively obtain a lift from friends. Mr Derek Proctor said that his father was very upset after he separated from his wife. He described him as crying a lot. This may suggest he was suffering from what would now be described as depression. However, there is no evidence he received any formal diagnosis or treatment for any mental health problems.
11. The evidence is that Mr Procter routinely carried around with him a very large sum of money (between \$12,000 and \$20,000) in a sugar bag. It seems that the fact that he carried such a large sum of money was quite well known.²
12. Mr Derek Proctor discovered his father missing from his home in Notley Street on 6 January 1971. He reported the fact of his father’s disappearance to police, telling them that he thought that his father had been murdered. Significantly, Mr Derek Proctor described in his affidavit breaking into his father’s house, as he was concerned about his whereabouts and seeing in the kitchen a half-eaten meal on the table with a cup and saucer on the opposite side of the table to the half-eaten meal. Mr Derek Proctor thought, and he may well be correct, that this indicated another person had been in the house while his father was eating his dinner.
13. Police appear to have carried out the normal inquiries associated with a missing person in 1971. Media reports were circulated. Information about Mr Procter’s disappearance was promulgated throughout the state. No trace of Mr Procter was found. Indeed, there is no evidence whatsoever that he has been alive at any time since early January 1971.

Discovery of his remains

14. On 22 September 2016, Mr Drew Hudson was preparing a firebreak on his property at Dilston, near the Old East Tamar Highway north of Launceston. The address of the property – “Burnside” is 728 John Lees Road. Mr Hudson works the property with his wife Suzanne. The couple bought the property from Mr Hudson’s mother in 2002.
15. As part of the preparation of the firebreak, Mr Hudson was tidying up an area near the intersection of John Lees Drive and the East Tamar Highway. Specifically, the spot was

² See generally the affidavit of Derek John Proctor sworn 29 August 2017

about 30 m south of the old East Tamar Highway. At about 3.30pm he found some bones. He told investigators that he had previously seen the bones about a week earlier and thought they looked like old animal bones. Having a closer look at the bones on this occasion he realised they were too big to be animal bones. He observed that the bone appeared to be fairly clean and did not appear to have been buried. It had a layer of needles from a wild cherry tree over it.

16. Suspecting, correctly as it turned out, the bones might be human, Mr Hudson telephoned the police. Police duly attended. Due to failing light, only limited enquiries were carried out on 22 September 2016. Those enquiries included seizing several items including a suspected femur, a shoe and two other bone fragments. The area was then marked out for further examination.
17. The following day, Friday 23 September 2016, police received confirmation from the office of the State Forensic Pathologist that the bones were human. Officers from Criminal Investigation Branch, Forensic Services and the Coroner's office all attended the scene and carried out extensive investigations. Forensic examination of the site where the remains had been located was carried out. Careful removal of surface debris revealed further human remains on the surface or slightly underneath the top layer of soil.
18. Bones recovered included vertebrae, leg and ribs. In addition to the bones, tattered clothing, parts of a male shirt, buttons, a watch, a 5 cent coin (circa 1968) and a denture with a gold filling were also recovered. The watch relevantly was inscribed with the words "To Dad love Maureen and Tony 1965" on its rear.
19. The general area was noted to have been impacted by fire at some time in the past. Specialist Forensic Services Officer Senior Constable Donna Stafford was involved in the recovery of Mr Procter's remains. She noted that the majority of his remains were lying on the top of the surface and covered with leaf litter, ferns and some soil. Relevantly, Senior Constable Stafford expressed the opinion, which I accept, that there was no evidence to suggest the body was in a grave or that a grave had been dug.
20. The skeletal remains were seized by attending police and placed in a body bag. The body bag was then transported by mortuary ambulance to the mortuary at the Royal Hobart Hospital.

21. I note that roughly speaking, the remains were located approximately 12 km from Mr Procter's home in Notley Street, Newnham. His son indicated that he was accustomed to walking long distances.

Forensic and biological evidence

22. At the mortuary, the bones were examined by Dr Christopher Hamilton Lawrence, the then State Forensic Pathologist. Dr Lawrence concluded that the bones were apparently those of a small statured middle-aged male. He noted that some of the bones bore signs of having suffered post-mortem trauma, which he thought had probably occurred whilst the body was lying in a supine position. Dr Lawrence opined that a slasher, possibly a bulldozer blade, might have caused that damage. However, given that only small fragments of the skull were recovered it is impossible to exclude perimortem trauma.
23. Meanwhile, police media releases led to Mr Derek Proctor coming forward and indicating that he believed the remains were those of his father. In particular, the inscription on the watch located with the bones suggested that this was so as the evidence was Mr Procter had been given a watch by his daughter Maureen and her husband in about 1965.
24. Subsequently, DNA testing was able to be carried out at the laboratory of Forensic Science Service Tasmania (FSST). The testing involved the extraction of DNA from a femoral bone located at the Dilston site and a comparison of that DNA with a sample taken from Mr Derek Proctor. A report from FSST satisfies me that it is highly likely the DNA from the femoral bone came from a person who was the father of Mr Derek Proctor.³
25. In addition to the biological DNA evidence, there was the evidence of the inscription on the watch. Further, Associate Professor Dr Anne-Marie Williams, a forensic anthropologist, examined the bones whilst they were at the mortuary. She provided a report in which she expressed the opinion, which I accept, that the bones were those of a male who had died somewhere between 10 and 50 years ago.⁴ She expressed the opinion, which I also accept, that the bones were those of a middle to older aged adult. Using the Trotter and Gleser method of calculating height from bones⁵, Dr Williams concluded that the approximate height of the individual in question was 156 – 170

³ See FSST report dated 20 December 2016

⁴ Report Ann-Marie Williams BSc, PhD dated 19 October 2016

⁵ Trotter and Gleser 1952, 1958

centimetres. Other evidence indicated that Mr Procter was 5'2" in height or approximately 158 cm tall.⁶

26. All of the evidence satisfies me to the requisite legal standard that the remains located at the Dilston site were those of Mr Wilfred Pearson Procter.
27. The evidence does not allow of a conclusion in relation to the cause of Mr Procter's death.

Conclusion

28. I am unable to reach any concluded view as to the circumstances surrounding Mr Procter's death. Possibilities include that he was murdered for the large amount of cash that was his practice to carry on his person, or that he committed suicide as a result of depression associated with the end of his marriage or that he simply sat down under a tree to rest and died of natural causes. The evidence does not allow any degree of certainty to favour one hypothesis over another.

Comments and recommendations

29. The circumstances of Mr Procter's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.
30. I convey my sincere condolences to the family and loved ones of Mr Procter.

Dated 3 February 2020 at Hobart in the State of Tasmania.

Simon Cooper
Coroner

⁶ Tasmania Police Missing Person Report 26 January 1971