



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 circumstances surrounding unidentified human remains located at the Shank, on the West Coast of Tasmania make the following finding.

Introduction

1. In April 2016 some remains, namely a left and right femur and a right radius bone, were located by a fisherman at a location known as the Shank, approximately 6.5 nautical miles north of Low Rocky Point on the West Coast of Tasmania.
2. The fisherman noticed the bones protruding from a sand bank approximately 10 metres from the water. Thinking, correctly as it turned out, the bones were human, he removed them and took them to Kettering, where he handed them to police.
3. The fact of the discovery of the remains was reported in accordance with the *Coroners Act 1995* ("the Act").

Investigation

4. I commenced an investigation under the Act. I directed that they be examined by the state forensic pathologist, who confirmed that they were human. I asked an experienced forensic anthropologist, Dr Anne-Marie Williams to examine the remains. Dr Williams provided a report. In that report she said:

"The conditions of the remains suggests that this person died at least 20 years ago and possibly up to 100+ years ago.

The remains of that of an adult, the epiphyses are fused and a lack of degenerative changes suggestive this person was a younger to middle-aged adult. Measurement of the bones are inconclusive indicating that the remains are within the range of an aboriginal male, a Caucasian male or a Caucasian female."

5. At that stage further identification was impossible as was the determination of the cause of death.

6. The Act provides, relevantly, that the definition of the term “aboriginal remains” means the remains of an aboriginal person buried in accordance with aboriginal custom.¹ Further, the Act provides that if a coroner suspects that any human relating to a reported death may be aboriginal remains the coroner must refer the matter to an aboriginal organisation approved by the Attorney General.
7. Given the advice I had received that the remains may have been those of an Aboriginal male, a Caucasian male or a Caucasian female and noting the advice as to the likely age of those remains I did not form the necessary suspicion that they were aboriginal remains in terms of the Act. To have reached that view, on all of the available evidence at that time would have been absurd.
8. The remains were safely stored until developments in the National DNA Program for Unidentified and Missing Persons enabled further forensic biological investigations to be carried out.
9. In September 2022 the remains were sent to the National laboratory for further DNA testing.
10. Late last year I received a report which indicated that further mitochondrial DNA testing had obtained a profile which suggested the presence of an S haplogroup found in Aboriginal Australians.
11. Furthermore, radiocarbon dating of the remains indicated that they were much older than previously thought, dating from between 772 and 890 A.D. and were therefore pre-European.

Conclusion

12. Having formed the view (that is to say reasonably suspecting having regard to the new evidence) that the remains are aboriginal, I refer the matter to the Tasmanian Aboriginal Centre the relevant aboriginal organisation approved by the Attorney General.

Dated: 24 April 2024 at Hobart in the State of Tasmania.

Simon Cooper

Coroner

¹ Section 3 of the Coroners Act 1995.