



MAGISTRATES COURT of TASMANIA  
CORONIAL DIVISION



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## Record of Investigation into Death (Without Inquest)

*Coroners Act 1995*  
*Coroners Rules 2006*  
*Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Eamon Britton

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

- a) The identity of the deceased is Eamon Britton;
- b) I am unable to determine the circumstances in which Mr Britton died;
- c) I am unable to determine the cause of Mr Britton's death; and
- d) Mr Britton died between 2 June 1983 and 12 April 1984 in the greater Launceston area in Tasmania.

### **Jurisdiction**

1. The investigation of deaths in Tasmania is governed by the *Coroners Act 1995*. 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." The term "death" is defined in section 3 of the *Act* as including a suspected death. "Reportable death" is defined in the same section as meaning, *inter alia*, a death which occurred in Tasmania and was unexpected or the cause of which is unknown.
2. 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 jurisdiction to investigate. For reasons which will become apparent in this finding I am satisfied that jurisdiction exists to investigate the disappearance and suspected death of Mr Eamon Britton.

## Background

3. Eamon Britton, born 7 May 1947 in Cork, Republic of Ireland went missing from the Crestview Motel, York Street, Launceston on about 2 June 1983. He was reported missing to Tasmania Police on 8 June 1983. No trace of him has been seen or heard since his disappearance.
4. The TASPOL missing person report from 1983 describes him as a loner who frequented the Duck Reach and Basin areas near Launceston to meditate. It records that he was around 168 cm tall and had a size 8 foot.
5. On 12 April 1984 a human left leg with a red sock and a brown boot on it was located in the Tamar River near Launceston. On 18 March 1985 an inquest was held concerning the leg. The coroner found that the injury to the leg was such that no person could have survived it. The evidence at that inquest was that the leg belonged to an adult male who would have been in the order of 165 cm in height and who died between June 1983 and April 1984. The size of the boot is consistent with that reported to be worn by Mr Britton. It was unable to be determined on the evidence whether the injury which caused the leg to separate from its body was *ante* or *post mortem*.
6. The evidence is that the only missing male from the relevant time in the relevant area was Mr Britton. At the risk of repetition I note that Mr Britton's height and shoe size were both generally consistent with the leg. However, in the absence of any more evidence it proved impossible to connect the leg with Mr Britton and *vice versa*.
7. No finding has ever been made under the current or former *Coroners Act* in relation to Eamon Britton.
8. The coronial file relating to the leg records that it was buried at the Kingston Beach Lawn Cemetery in May 1985, Section D, Road A, Grave number 1. That the details of the burial were so precisely recorded at the time by Senior Sergeant Parr proved crucial in identifying them.
9. The coronial investigation in relation to Mr Britton's disappearance and presumed death remained dormant (but open and subject to review as part of the Division's

Long Term Missing Persons project) until 2017 when advice was received from Forensic Science Service Tasmania (FSST) that such were advances in relation to DNA technology the possibility now existed for DNA profiling to assist in possibly resolving Mr Britton's disappearance and suspected death. A decision was made to seek to exhume the leg from where it was buried. Contemporaneously a DNA sample was taken from Mr Eamon Britton's full brother, Michael Britton, by the New South Wales police on our behalf and delivered to FSST.

### **Exhumation and New Investigation**

10. An order was duly made for the exhumation of the leg. On 8 September 2017 the male human left leg bones were exhumed from Kingston Beach Lawn Cemetery Section D, Row A, Grave 1. Coroner's Associate Constable Anderson and I were present when the bones were uncovered and also when Charles Connor, forensic scientist with FSST took possession of them.
11. The bones were subsequently examined and the subject of DNA profiling at FSST by Forensic Scientist, Rita Westbury. After that testing was complete, Ms Westbury expressed the opinion in a comprehensive report that the "DNA profile from the [leg bones] is 140 times more likely to be obtained if the DNA originated from a male relative of Michael Britton than from any other randomly chosen male from the Tasmanian population". I accept her opinion.

### **Conclusion**

12. I am satisfied, on the balance of probabilities, because of the forensic scientific evidence with respect to DNA comparison, the historic evidence with respect to the location of the leg in the Tamar River (not far from an area known to be frequented by Mr Britton), and the evidence as to the gender, height and shoe size of the bones that they are the remains of Eamon Britton. It follows that I am satisfied that Mr Britton is dead. The evidence does not allow me to make any finding as to the cause, circumstances or place and time of his death, other than that already set out in this finding.

**Comments and Recommendations**

13. That this matter was able to be satisfactorily concluded is due to the outstanding work of a number of people. In particular, Senior Sergeant Chris Parr, formerly of the Launceston Coroner's Office and now Officer-In-Charge, Tasmania Police, Whitemark, Flinders Island, and Ms Rita Westbury of FSST are worthy of special recognition. Their contributions were critical in solving this long outstanding case.
14. The circumstances of Mr Eamon Britton's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act* 1995.
15. I convey my sincere condolences to Mr Michael Britton and other members of Mr Eamon Britton's family and hope that this finding brings some small measure of closure to them.

**Dated** 28 March 2018 at Hobart in Tasmania.

**Simon Cooper**  
**Coroner**