

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2011 2078

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: JOHN McPHERSON

Delivered On:

Delivered At:

Coroners Court of Victoria

Level 11, 222 Exhibition Street, Melbourne 3000

Hearing Dates:

14 November 2012

Findings of:

HEATHER SPOONER, CORONER

Police Coronial Support Unit

Sergeant D. Dimsey

I, HEATHER SPOONER, Coroner having investigated the death of JOHN McPHERSON

AND having held an inquest in relation to this death on 14 November 2012

at MELBOURNE

find that the identity of the deceased was JOHN WILLIAM McPHERSON

born on 21 August 1908

and the suspected death occurred on an unknown date

at a place unknown

from:

1 (a) UNASCERTAINED CAUSES

in the following circumstances:

1. Mr McPherson was aged 52 when he disappeared in 1960. He was married with four children. Mr McPherson worked as a general hand. He had a medical history that included head injury in a fall from a ladder which was believed to have caused some neurological deficit and also precipitated some mental health issues.
2. A police investigation was conducted at the time of the disappearance in 1960. Subsequently, in June 2011 the suspected death of Mr McPherson was reported to the coroner and a further extensive investigation was conducted by Detective Leading Senior Constable Peter Johnston.
3. An inquest was convened and several witnesses were called to give evidence. Mr Johnston prepared a very helpful and detailed statement that set out the background and circumstances surrounding the suspected demise of Mr McPherson and the family specifically wished to have their appreciation of his efforts noted in this finding.¹ That statement was read to the inquest and is set out in part as follows:

“Mr McPherson was reported as missing to the police at Moe on the evening of Monday the 14th of November, 1960. The reporting person was his wife, Eleanor May McPherson. Mr McPherson had come home from work at the local butter factory and decided to dispose of some rubbish at the local tip, which at that time was on the Moe-Walhalla Road, reportedly approximately 3 miles (4.8 kilometres) north-west of Moe.

¹ Transcript p.41

Mr McPherson had left home at approximately 7.00 p.m. driving his Holden motor vehicle, registration GFS 481. At this time, the trailer was connected and loaded with rubbish. Mr McPherson was expected to be away for only thirty minutes. After he failed to return, Mrs McPherson contacted police.

The following day, the 15th of November, 1960, police attended at the local tip and ascertained that Mr McPherson had in fact attended and dumped his rubbish. Sometime later, his car was discovered on a dirt track, reportedly 2 miles (3.2 kilometres) from the tip, back towards Moe. The track ran off Moe-Walhalla Road in a north-easterly direction.

A short distance away from where the vehicle was located was the Latrobe River, which at this time, was in flood. Concerns were held for Mr McPherson that he might have wandered off from his vehicle and become disorientated and ended up in the river.

Background: *John William McPherson was born on August 21, 1908, at Clifton Hill, Victoria, to parents, Mabel Matiha McPherson (nee Owen) and Alfred William Glenelg McPherson.*

On the 19th of September, 1938, John William McPherson married Eleanor May McPherson (nee Fairbank) at Dandenong. They moved to the rural town of Trafalgar, where they had four children together, Helen May McPherson, born 2nd of March, 1940; Robert John McPherson, born 12th of January, 1942; Elaine Margaret McPherson, born 15th of July, 1943 and Owen Russell McPherson, born on 16th of February, 1945.

Statements have been obtained from Robert McPherson, Elaine Giliberto nee McPherson and Margaret McPherson.

Mr McPherson was heavily involved in the local community and gave much of his spare time to local events, schools and the Trafalgar Football Club. He had coached the thirds to two (2) premierships. In August, 1942, Mr McPherson and another, had attempted to rescue a seven year old child from a well. The water was twelve feet deep, dark and cold. Mr McPherson continued to dive for an hour until ordered by police to desist. Despite their efforts, they were unable to locate the child. Both men were subsequently awarded a Certificate of Merit by the Royal Human Society.

In 1949, the family moved to a dairy farm in Daveys Road, Willow Grove, Victoria, which was owned by the Davey brothers. The daily routine on the dairy farm included Mr McPherson getting up and leaving the house at 5.30 a.m. to secure the cows in the yard for milking. Robert would leave the house approximately thirty minutes later and meet his father at the milking shed, which was about half a kilometre from the house, where they would milk the cows.

It was in about 1958, that whilst carrying out some work on the property, Mr McPherson fell about 15 feet (4.5 m) from an extension ladder. The incident was witnessed by his son, Robert who was about 16 years old at the time. The force of the fall caused a severe brain haemorrhage, which resulted in Mr McPherson being rendered unconscious. An ambulance attended and he was taken to the Yallourn Hospital, where he remained in a coma for approximately a week, before being

transferred to the Royal Melbourne Hospital, where he remained for a further two or three weeks.

After Mr McPherson was discharged, he returned home to the farm. Following Mr McPherson's accident, the family became increasingly aware of changes in his behaviour. Such changes included an 'obsession with numbers and money', a sense of paranoia, and a man who had always been regarded as logical was now quite illogical and often irrational. Robert and Elaine have both reported occasions where Mr McPherson would run around removing the teat cups from the cows before the milking was completed. Robert had also noted that his motor skills had deteriorated with regard to his ability to operate the farm machinery with the skill he would usually exhibit.

The continuing strange behaviours resulted in Mr McPherson being admitted to the Royal Park Mental Hospital, where Mr McPherson was subjected to Electroconvulsive therapy (ECT) as part of his treatment. Surviving family members believed he had several admissions and he would protest about having to go there as he was 'scared' of the shock treatment. After each admission and subsequent treatment, he would return home. Robert recalls that he was able to function with regard to the duties required on the farm.

In the statement of Robert McPherson, he recalled an occasion, whilst still on the farm, whereby Mr McPherson had left the house at 5.30 a.m. as per normal. Robert left the house about thirty minutes later and went to the milking shed. Upon his arrival he noted his father was not there. The cows had assembled in the yard but the gate was not secure. Robert commenced to milk the cows and a short time later, just prior to dawn, he observed his father walking across the paddock, coming from the direction of the river. He observed that his father's clothing was wet. He asked his father as to what he had been doing as the circumstances seemed strange.

Mr McPherson told him that he had been down to check the pump on the river. Robert thought this strange and could see no valid reason for being down there in the dark to check the pump. He allegedly reported this to his mother and thought at that time that his father was "trying to commit suicide".

Elaine McPherson (Giliberto) corroborates the above incident and recalls that around the time he had been receiving treatment at the mental hospital, her father had come back to the house and his clothing was all wet. She recalls her mother asking what had happened and he replied that he had fallen into the river.

It was apparent to the McPherson family that he was no longer suited to working on the farm and the family moved away from the farm to 13 Austin Avenue, Moe. Robert had secured work at the local butter factory which was situated on Savage's Road and George Street, Moe. Through his contact, Mr McPherson was also employed there. Mr McPherson performed duties that involved him stacking the milk cans after they had been emptied and cleaned. The butter factory received the milk from the various dairies in 10 gallon cans (40lt). In 1960, the carriage of milk was changing from cans to bulk tankers and this cause quite a degree of agitation for Mr McPherson as he felt he would lose his job. Despite assurances from management, Mr McPherson could not be convinced.

On the Saturday morning of the 12th of November, 1960, Mrs McPherson caught the train to Melbourne and met up with her daughters, Helen and Elaine to purchase fabric for a wedding dress as Helen was engaged to be married and Mrs McPherson was considered a talented dressmaker. Elaine had stated that her mother remarked that Mr McPherson seemed well on Friday, otherwise she would not have come.

On Saturday, the 12th of November, 1960, the Latrobe Valley was subjected to heavy rain, a reported 2 ¾ inches (70 mm), causing the Latrobe River to rise 8.2 feet (2.5 metres) which caused a new dam under construction at Yallourn to burst it's wall. The details of the flooding were reported by the local newspaper, The Advertiser, which was a bi-weekly publication, published on Monday and Thursday.

On Sunday, the 13th of November, 1960, Mrs McPherson arrived home from Melbourne.

On Monday, the 14th of November, 1960, Mr McPherson and Robert both went to work at the butter factory. Robert worked different hours to his father, so would be there for some time after his father had finished. As previously stated, Mr McPherson left home on Monday evening to attend the local tip. Mrs McPherson contacted Moe Police and Constable Wallace Smith took the details.

Mr McPherson was reported as being 52 years old, grey hair (balding), hazel eyes and tanned complexion. He was approximately 5' 7" tall and of a thin build. He was reported as wearing dark brown trousers, a navy blue jumper, a blue checked work shirt and black leather work boots. Additional information recorded indicated that he had false teeth and a broken nose. Further information recorded that Mr McPherson may be suffering from amnesia.

On Tuesday, the 15th of November, 1960, police attended at the tip and were able to ascertain that Mr McPherson had attended the previous evening, although how this was established is not available to this investigator from the available material. At 1215 hours, a request was made via telex to Inspector McCulloch for the attendance of a 'black tracker', dog squad and search and rescue. At 1230 hours, a request was made to Constable Mummery (Dog Master) who replied he would attend. Services of two members from Search & Rescue and a Black Tracker were also confirmed, requiring transport. At 1300 hours, Police issued a 'General Broadcast' to all police stations (Statewide) regarding the missing person.

On Wednesday the 16th of November, 1960, the search was led by the members from Search & Rescue with the assistance of the Dog Squad and the Black Tracker. Approximately 30 locals assisted police with the search of the area.

At 1700 hours, a telex was sent with the following text, "From 316 have returned to base with black tracker. It is now thought that McPherson is in river which is flowing very fast and in flood. Dogs and Tracker are no further use, a large party of local people are carrying on the search. No result as yet. "

In the statement of Elaine Giliberto nee McPherson, she recalls a local church minister attending at their house and speaking with her mother in which he disclosed that he had seen Mr McPherson, at a bus stop in Newborough in an apparent confused state. The details as to the identity of the minister, when the alleged sighting occurred

and whether or not this was followed up, are not available.

On Wednesday evening, police at Moe received information from a Mrs Duck of Rosedale that she had seen Mr McPherson at 10.30 am that day, walking along the Princes Highway at Traralgon, towards Rosedale, at which time he was carrying a suitcase. This information is contained in a telex message.

In the statement of Elaine Giliberto, she recalled information regarding an alleged sighting of her father walking along the highway towards Rosedale with a suitcase in his hand. Her recollection is that this report was made by a woman called 'Doris', who knew her father through the Trafalgar Football Club. Elaine recalls her mother advising police that there were no suitcases missing from the house which prompted the notion that he may have picked one up at the tip, if it were in fact him on the highway.

In the statement of Elaine Giliberto, she further recalled that a neighbour, named Gordon Martin, had turned up to the house after Mr McPherson went missing and stated that he had seen the car with the head lights of but didn't realise the car was Mr McPherson's and expressed his regret at not checking the car. LEAP has been checked and there is only one Gordon Martin listed in VicRoads database having an address of River Connection Road, Willow Grove. This man is listed as deceased.

On Thursday the 17th of November, 1960, a telex message reports that the search is being abandoned and the Search & Rescue and Constable Mummery are returning to Melbourne.

On Monday the 21st of November, 1960, The Advertiser reported, "Despite a week long search, John William McPherson is still missing from his Moe home. Searchers yesterday concentrated in the Latrobe River area without success."

From the police telex message, it appears that the official search for Mr McPherson was abandoned on the evening of 17/11/1960.

A wages envelope for Mr McPherson remained at the Butter Factory for several weeks after his disappearance, later collected by the family. The joint bank account of Mr McPherson and his wife was never accessed by Mr McPherson. Mr McPherson also had some form of life insurance, however, following his disappearance, Mrs McPherson refused to collect on the policy as Elaine stated, "she believed that he was still alive".

Eleanor McPherson died in 1972, aged 65 years.

This incident has occurred in November 1960. At this time, Australia observed 'Standard Time'. It was not until 1968 that 'Daylight Savings' was first trialled in Tasmania. Victoria later adopted the practice in 1971.

I have provided two tables, located on a website called "timeanddate.com." The tables reflect sunrise and sunset for the Traralgon area in 2011 and 1991, which is as far back as they go. Both these tables reflect daylight savings time and indicate that on the 14th of November for each year, sunset is recorded as occurring at 8.03 p.m. In 1960, this would have been 7.03 p.m.

In March 1993, Victoria Police implemented a new database known as L.E.A.P. (Law Enforcement Assistance Program) to replace the Patrol system. In the process of transferring files over, the case file of Mr McPherson was recorded with a Incident number of 774503186 and the status was mistakenly recorded as 'Located'.

In January 2007, Victoria Police formed the Belier Task Force to investigate all long term missing persons and unidentified remains found between 1960 and 2005.

In 2009, Belier identified the case of John William McPherson as still missing. Investigators had requested a search, Australia wide, for any death certificates issued re Mr McPherson. Results were returned from Victoria, Tasmania, ACT, New South Wales, Queensland, and South Australia. Each State issued with a request, had replied that no records were held. In 2011, the Belier Task Force ceased operation and the McPherson investigation was forwarded to Latrobe CIU for further investigation.

An application was made to Births, Deaths & Marriages with regard to John William McPherson for a birth certificate, a marriage certificate, and birth certificates of any children. On Friday 27 May, 2011, I made contact was made with Robert John McPherson who resided at 5 Vincent Boulevard, Trafalgar. He supplied information regarding his recollection of the event. He also disclosed that his wife, Maggie McPherson was a registered nurse, who had previously worked at the Yallourn Hospital. Robert McPherson stated that his wife, then fiancée, had spoke with a patient at the hospital and during this conversation, the patient had disclosed that she knew Mr McPherson and had seen him in Rosedale some years after he had disappeared. Margaret Patricia McPherson has made a statement, in which she recalls the incident at the hospital and conversation she had with the unknown female patient. She is able to pinpoint this to a specific period, being June 1965. The conversation she had with the woman, appears to indicate that the woman was certain the person she saw was in fact Mr McPherson. Margaret stated that the woman was from Trafalgar and had allegedly seen Mr McPherson walking along the highway at Rosedale approximately one week after the disappearance. This woman was apparently heading back from Merrimbula, NSW, at the time.

Enquires were made with Belier Task Force regarding the collection of AnteMortem samples for comparison with unidentified remains currently on the CODIS 6 database. The CODIS 6 Database is capable of performing kinship matching, i.e. comparing mother/father/siblings/children of a missing person.

Nuclear DNA (nDNA) is the most common form of DNA, used in Forensic examinations. Mitochondrial DNA (mtDNA) is solely inherited from the mother and in this case is regarded as the most accurate. As a result of this, on 06/06/2011, I enquired with Robert McPherson is there were any living siblings of McPherson. He advised that there was one - Glen McPherson.

On June 8, 2011, I contacted Glen McPherson on phone number 08 8295 7465. He confirmed he was the brother of John William McPherson. His current age was eighty six (86) years old. He resided at 6c Merriton Street, East Glenelg, South Australia. I discussed the investigation with him and he agreed to provide a DNA sample to assist with the investigation and such sample has been obtained.

On October 12, 2011, the DNA samples were forwarded to the Victorian Institute of

Forensic Medicine (VIFM) for analysis and addition to the CODIS 6 database.

In July, 2011, I was in discussions with Detective Sergeant Bob Heaney of Hobsons Bay CIU, who was also investigating an unidentified remains case pertaining to remains found in Spotswood in 1963. The body had been located in swampland under where the Westgate Bridge is now located. Belair Task Force centred their investigation around the disappearance of a local person, George Herbert Hardy. It appears that dental records later excluded HARDY. Detective Sergeant Heaney advised that the pathology report stated that this body was partially mummified, approximately 65 – 70 years old and estimated to have been deceased for at least 16 months. Det Sgt Heaney was of the opinion that the description of Mr Hardy was similar to Mr McPherson, however, only in general terms. He had enquired as to whether Mr McPherson had dentures. I followed up with Robert and Elaine, who confirmed that he had a top set of dentures, but were unable to say whether he also had a lower set. Elaine was able to recall that the family dentist of the time was Ray SPECK, who had his practice on Princes Highway, Trafalgar. Mr SPECK had died some years ago and no records are available regarding Mr McPherson. I have noted that the estimated age of the 'unidentified remains' and Mr McPherson differ by 13 - 18 years, there is a height difference of two inches and the clothing is also different. Whilst I don't believe that these remains are that of Mr McPherson, eventual DNA comparison will determine this.

I attended at the Morwell Library and sourced old newspapers on microfiche film. The paper of the day was The Advertiser. The paper covered the flooding of the river in the edition of 14/11/60 and the case of Mr McPherson had been reported on, in the edition of 17/11/60, and again on 21/11/60. In the edition of 24/11/60, an article appeared, "Floods Wash Up Body". The article referred to a person believed to be Eric John Dore who had disappeared in July 1960. The article said that 'provisional identification had been established' but awaiting medical confirmation. Given that the body had washed up some four months after disappearing,

I was concerned about how identification was established as I would have assumed that the body would have been in an advanced state of decomposition after such a period of time in water, subjected to the river's eel and carp population. I then made application to access coronial! documents regarding Eric John Dore.

On September 22, 2011, I received a copy of this case and reviewed same. In summary, the Coroner had concluded that Mr Dore was positively identified by a top denture plate which was particular in design as Mr Dore had a cleft palate. In addition to this, police depositions and also one from the farmer that located the body described the body as being in advanced stages of decomposition. The post mortem described the body of that of a male of European race.

The Latrobe River commences at the southern slopes of the Great Dividing Range and flows south into the Latrobe Valley and then east into Lake Wellington (Gippsland Lakes). In 1960, construction was well underway building the S.E.C (State Electricity Commission) Latrobe River Dam at Yallourn. This dam was built to supply cooling water to the nearby coal fired power stations. This dam was later renamed to its' current name of Lake Narracan.

It is apparent from statements obtained from Robert McPherson & Elaine Giliberto

that their father had changed dramatically after his accident and he apparently suffered mental illness. Robert is of the opinion that his father's mental state and the stress he felt, probably drove him to commit suicide by 'walking into the river' which is a belief that he and his brother, Owen held. Robert believed that the earlier incident where McPherson claimed to have fallen in the river did not ring true and was probably his first attempt.

The two sisters Helen and Elaine do not hold this view, as they believe their father was a good swimmer, as demonstrated by his efforts seventeen years earlier with the boy in the well.

Keeping in mind that Mr McPherson was 52 years old, at the time of his disappearance; if he had in fact gone into the river at this time when it was in flood and flowing very fast, a person would probably tire quite quickly in those conditions.

It is reported that Mr McPherson went to the tip after work and dumped rubbish. Upon leaving, he has apparently driven back towards Moe and then turned off the main road onto a dirt track that led to the river and parked the car.

It is probable that at 7.03 p.m., based on the 'sunset table', sunset would have occurred. I estimate that it would not have been completely dark for the next 15 - 20 minutes after this time. A neighbour, Gordon Martin has driven past the area and apparently seen the car's headlights on. The car was located the following day with the trailer attached - there is no mention as to the state of the vehicle, whether lights had been on or unlocked etc. The location of the car was apparently within 200 metres of the Latrobe River.

A large search failed to find any clue as to his location and the popular belief held was that he had drowned in the river. It was also noted that as a result of the flooding, the area was inundated with snakes.

Later sightings of Mr McPherson include:

- *by a minister (unknown) walking in circles at the bus stop in Newborough;*
- *by Mrs DUCK, walking along the Princes Hwy at Traralgon;*
- *by a patient (unknown) seen at Rosedale and reported five years later*

None of the sightings were ever confirmed and there is no evidence of police ever speaking to these people. No statements were obtained.

Mr McPherson had not taken any additional clothing or personal effects when he left for tip on the evening of 14/11/1960. Mrs McPherson told police that there was no suitcase missing.

Mr McPherson did not collect his pay and had not accessed his bank account following his disappearance.

No Death Certificates have been issued by any State or Territory within Australia pertaining to Mr McPherson.

Based on the history supplied by Robert and Elaine regarding their father's mental state and in conjunction with the circumstances as outline, it is likely that Mr McPherson has drowned in the Latrobe River on or about the 14th of November, 1960. His family considered him to be a loving husband and father and he was known to be community oriented. It seems unlikely that he would walk away, completely empty handed and never have any contact with his wife, children or other family members again. In addition, it would be highly unlikely that a person suffering from the apparent mental illness displayed by Mr McPherson would have been able to avoid the attention or intervention from police or medical agencies for an extended period.

There are no records pertaining to the recovery of unidentified remains from the area where Mr McPherson apparently disappeared from or the surrounding local districts. There are approximately 105 cases of 'Unidentified Remains' for Victoria alone, which the sample obtained from Glen McPherson will be cross-referenced with, along with the many more on the national database. At the date of this report, no match had been obtained.

On October 25, 2011, fresh applications were made for each Australian State & Territory regarding possible issue of Death Certificates pertaining to John William McPherson (21/08/1908). Upon receipt, all replies will be forwarded to the Coroner for inclusion in this brief."

Evidence at Inquest

4. A son of the deceased, Mr Robert McPherson gave evidence of his recollection of his father and events surrounding his disappearance. He did not recall any specific conversation with his father the day he disappeared although he was aware of a general improvement in his condition. Previous incidents (including checking the water pump in the river in the dark) had made Mr Robert McPherson wonder if his father had intended taking his own life however he now considered that it may have been more a result of his father's illogical behaviour consequential to his head injury. He also remembered "...mum and I may have even discussed at some point that we should keep an eye on dad because we didn't know what he may do".² He was not aware of any specific medical diagnosis from the injury sustained by his father.
5. Mr Robert McPherson told the inquest that he was aware of alleged sightings of his father after he disappeared but there was no real proof and he stated "...I can't go as far as took his own life, whether he fell in or what but my own view has always been that he died that night..." He wondered why his father would drive down Cotterills Track when the river was in flood "...why go in there unless you're contemplating doing something silly.." He recounted the original detectives who investigated the disappearance telling him "Listen son

² Transcript p.5

we're dealing with a possible suicide here, if your father's attempted it once he probably succeeded.... I can only assume that mum had told them of the incident and of course said that I knew about it.."³. His mother hadn't believed his father was dead although in her old age she was ultimately convinced by her family that an insurance claim should be made on a old policy. Mr Robert McPherson referred to the stigma attached to suicide at the time.

6. A daughter of the deceased Ms Elaine Gilberto told the inquest that she was aware her father's temperament had changed and that at one time he went to what was then referred to as a '*mental institution*' in Sunbury.⁴ Ms Gilberto did not believe that her father would have contemplated taking his own life.
7. Mrs Margaret McPherson who was Mr Robert McPherson's wife explained to the inquest that whilst she recalled a conversation that occurred when she was busy working on a ward 9 years after Mr McPherson disappeared "*...I just never even said, you know, who was your friend or anything like that there, because as far as I knew the incident was you know, years old. I didn't know the family whenever it had taken place so didn't pursue it any further and by the time I got back to work was then on a couple of days off, the lady was discharged so...*"⁵
8. At the conclusion of the inquest, I requested Detective L/S Constable Johnston make a further investigation regarding the Missing Persons DNA testing which required clarification and I was subsequently informed that a sample from Mr Glen McPherson was cross referenced but there was no match.

Finding

I find that whilst Mr McPherson may have struggled with mental health issues arising from his head injury prior to his disappearance, I could not conclude that he intended taking his own life when he disappeared and given all the evidence I am unable to determine the exact circumstances that lead to his ultimate unfortunate and likely demise from unascertainable causes.

³ Transcript p.9 and 10

⁴ Transcript p.15

⁵ Transcript p.23

I direct that a copy of this finding be provided to the following:

Mr Robert McPherson, next of kin

Detective Senior Constable Peter Johnston, Latrobe Crime Investigation Unit

Signature:



HEATHER SPOONER

CORONER

Date: 29/6/13

