

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2013 5574

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of:	Robert John Bennett
Delivered On:	4 March 2016
Delivered At:	Coroners Court of Victoria 65 Kavanagh Street, Southbank, Victoria, 3006
Hearing Date:	4 March 2016
Findings of:	Coroner Caitlin English
Police Coronial Support Unit:	Leading Senior Constable Stuart Hastings, assisting the Coroner

I, Caitlin English, Coroner having investigated the death of Robert John Bennett

And having held an inquest in relation to this death on 4 March 2016
at Melbourne

find that the identity of the deceased was Robert John Bennett
born on 15 April 1946
and the death occurred sometime after April 1970
at an unknown location

from:

1 (a) UNKNOWN CAUSES

in the following circumstances:

Introduction

1. Robert John Bennett was aged 23 years old and believed to be living in Sydney when his family last had contact with him around early April 1970.
2. He has never been heard from since by either family or friends.
3. He was reported missing by his mother in the early 1990's.
4. Despite extensive searches by police, his fate remains a mystery. All efforts to locate him have been unsuccessful and there have been no 'proof of life' indicators since his disappearance.

Jurisdiction

5. The suspected death of Mr Bennett was reported to the Coroners Court of Victoria in 2013 by Detective Senior Constable Lee Cervai. Detective Senior Constable Cervai had been tasked to investigate the historic missing person report of Mr Bennett, who was listed as missing on both Victoria Police LEAP¹ and Interpose² systems.

¹ On 1 March, 1993, Victoria Police implemented the Law Enforcement Assistance Program (LEAP) state-wide. The LEAP database stores particulars of all crimes brought to the notice of police as well as family incidents and missing persons. It also includes details on locations, vehicles and persons involved. The database is online and updated constantly, 24 hours a day.

² Interpose is a state-wide investigation case management and intelligence management system. It was initially developed by Victoria Police for use during the 2006 Commonwealth Games and to assist with the delivery of the Major Crime Management Model.

6. As his body has never been found, Mr Bennett's death is a suspected death. The definition of death in the *Coroners Act 2008 (Vic)* includes a 'suspected death' and provides the jurisdiction for an investigation.
7. Further, the death is 'reportable' within the definition of section 4 of the *Coroners Act 2008 (Vic)* as Mr Bennett ordinarily resided in Victoria at the time of his death, save for the fact he was on a working holiday around Australia at the time of his disappearance. Mr Bennett was in regular contact with his family in Melbourne prior to his disappearance. He departed from the family home in Melbourne with his cousin and presumably would have returned there following his trip. He was registered to vote in Victoria and whilst on his trip he renewed his licence with his Victorian address.
8. After the report of Mr Bennett's death by Detective Senior Constable Cervai, a coronial investigation was conducted into the circumstances surrounding Mr Bennett's suspected death.
9. A brief prepared by Victoria Police for the coroner includes statements obtained from Mr Bennett's sister, Teresa Bennett, his cousin, Gordon Moss and investigating police officers. It also details earlier investigations subsequent to Mr Bennett having been reported missing in the early 1990's. I have drawn upon this material in relation to my findings.

Background

10. Robert Bennett was born in Melbourne, Victoria to William and Dorothy Bennett. He was the eldest of 12 children and his early childhood was spent in Albert Park. In the early 1950's his parents bought a block of land in Kent Road Pascoe Vale and built a home. Mr Bennett attended primary school at Blessed Oliver Plunkett's in Landell's Road, Pascoe Vale. His sister Teresa, who made a statement which is part of the coronial brief, was unsure if he attended high school but recalled he worked with his father as a builder's labourer.
11. Teresa Bennett recalled her eldest brother with fondness: he used to play tricks on his siblings, was very generous and gave away lots of lollies.³

³ Coronial brief, p. 12.

Events Proximate to Disappearance

12. Teresa Bennett described Mr Bennett coming home in 1964 (somewhat unexpectedly) with a both a pale blue/grey FJ Holden sedan and his driver's licence. Mr Bennett would have been aged about 18 years old.
13. Mr Bennett also enjoyed a good relationship with his cousin Gordon Moss, particularly in their teenage years.
14. At some point in 1966, Mr Bennett moved briefly to Sydney where he lived in a rooming house in Potts Point and worked nearby at a defence services warehouse. Prior to this, he and Mr Moss had discussed seeing Australia and travelling together. Mr Moss reported '*It seemed like an exciting thing to do at the time.*'⁴
15. In February 1967, Mr Bennett returned to Melbourne to collect Mr Moss after they agreed to commence a working holiday together around Australia.
16. Teresa Bennett recalled that on 14 February 1967 they set off on their trip around Australia together, with Mr Bennett driving his FJ Holden sedan, a 1955 model.
17. They travelled to Sydney where they lived in rooming houses, initially in Potts Point, then Bondi. In the middle of 1967 they travelled to Brisbane. They resided in various boarding houses in Brisbane, in Bowen Terrace and Newfarm.
18. Mr Moss stated it took him a long time to find work in Brisbane and Mr Bennett found work in a cardboard box factory.
19. October 1967, at a boarding house in Newfarm, was the last time Mr Moss saw Mr Bennett alive. Mr Moss wanted to travel inland but Mr Bennett wanted to remain in Brisbane. On that basis they parted ways.
20. Mr Moss found work at Yuleba forestry camp, near Roma. He gained the impression Mr Bennett preferred the big cities, whereas he was interested in the bush and to see different parts of Australia.
21. Mr Moss stated he received a couple of letters from Mr Bennett after they separated and believed Mr Bennett was still in Brisbane when he wrote those letters. Mr Moss recalls the last letter he received was in early 1968.

⁴ Coronial brief, p 18.

22. Mr Moss spent time working inland and eventually returned to Glenroy, Victoria in February 1969.

Mr Bennett's correspondence with his family

23. From his departure in 1967 until 1970, Mr Bennett was a regular correspondent and wrote many letters to his parents and siblings regarding his whereabouts and activities. The hand written letters were often addressed to '*Dear Dad, Mum and children*'.⁵
24. His letter writing style was conversational and chatty⁶, detailing personal events and asking questions about family life back home. He spoke of not remaining in the same place for long, stating '*I think it would be a good idea to change houses about every week,*'⁷ and '*I think it would be good to have a bit of a change, perhaps somewhere else in Sydney.*'⁸ By July 1967 he was living in Brisbane. He was sending money home, and, in turn, receiving cards and money from his family. His letters indicate he moved frequently in search of different work.
25. On 13 December 1967, Mr Bennett wrote from Clifton, Queensland, that he would be leaving Clifton soon and that he had been in contact with Mr Moss. He enclosed a \$3.00 postal order for '*mum's birthday and Christmas present for the family.*'⁹ He took careful measures to arrange his car registration in Victoria and expressed concerns as to how he would vote (having just turned 21) when he was registered to vote in Victoria. On 25 December 1967, Mr Bennett wrote from Brisbane, Queensland, that he would be posting a money order (\$53.07) for his vehicle registration payment.
26. On 6 January 1968, Mr Bennett wrote from Stanthorpe, Queensland, informing his family he was working on a farm at Stanthorpe and would be looking for work '*in the building game.*'¹⁰ He also asked whether his car had been registered, as per his previous letter.¹¹ On 15 January 1968, Mr Bennett wrote that he would not be returning to attend the ceremony, presumably for his sister Dorothy's wedding.

⁵ Coronial brief, p 37.

⁶ Coronial brief, p 16.

⁷ Coronial brief, p 40.

⁸ Coronial brief, p 41.

⁹ Coronial brief, p 48.

¹⁰ Coronial brief, p 51.

¹¹ Coronial brief, p 50.

27. In early 1968, he was back in Sydney and wrote a letter dated 28 January 1968, that he was working as a labourer in Sydney but did not have a postal address as of yet. In February 1968, he wrote he was living and working as a labourer in Bankstown. His car was still *'going strong, although it broke down twice on the way down from Queensland.'*¹² He wrote that, as far as he knew, his cousin Gordon was still working for the Department of Forestry. On 2 September 1968 he wrote from an address in Bankstown NSW thanking his parents for the letter and for sending his driver's licence, which he noted he had left his Victorian address on. In response to news from home, he asked specifically about *'the twins,'*¹³ asking *'which was the best fighter?'*¹⁴
28. In October 1968, he noted in a letter he still did not have a permanent address and was working in a steel factory. He had moved back to Brisbane and was contemplating *'giving fruit'*¹⁵ picking a go. On 20 December 1968, another letter from Stones Corner indicated he was south of Stanthorpe near Ballandean. On 30 October 1969, Mr Bennett wrote from Sydney providing a post office address and advising he would not be there for long.
29. On 31 December 1969, Mr Bennett wrote from Sydney providing an address of Sydney Post Office thanking his family for their Christmas card and enclosing \$20.00 *'with which I wish the best, and the same to all.'*¹⁶ In her statement, Teresa Bennett stated an Easter card was received from Mr Bennett in early April 1970, however this has not been located.
30. No further correspondence was received from Mr Bennett after this time.

¹² Coronial brief, p 54.

¹³ His mother, Dorothy, gave birth to twins, Paul and John on 13 July 1966.

¹⁴ Coronial brief, p 58.

¹⁵ Coronial brief, p 59.

¹⁶ Coronial brief, p 63.

Police investigation

31. Mr Bennett was not reported missing as his father believed he would eventually return home on his own accord. Teresa Bennett stated:

*'The matter wasn't reported to police because Dad didn't want him to be listed as missing or Robert to be looked for because it was Robert's business as to where he was. Every year dad said, 'He'll be home for Christmas.'*¹⁷

32. Mr Bennett's father died in 1987. In approximately 1991, Mrs Bennett made contact with Queensland and Victoria Police to report Mr Bennett missing.

33. Teresa Bennett stated:

*'Mum kept some notes about Robert. From looking at the notes it appears that in 1991 she contacted some police members Julie Laird, Rod Jones and Douglas Tanner. Mum made a note that Julie said, 'They've done all they could.'*¹⁸

34. On 27 March 1992, Victoria Police wrote to Mrs Bennett advising that Mr Bennett was recorded as missing on the New South Wales Police 'Eagle' system and that all of their avenues of enquiry had been exhausted. The letter indicated that *'his situation is outside guidelines set for the recording of missing persons in this state.'*¹⁹

35. In 1992, Mrs Bennett contacted the Salvation Army Missing Persons Unit, as well as the Births, Deaths and Marriages Registries in New South Wales, Northern Territory, Queensland and Victoria for records of Mr Bennett's death. There was no record of Mr Bennett's death.

36. Mr Bennett was listed as a missing person in Victoria in 2003 when reports were submitted by the then Missing Person Bureau. Leading Senior Constable Helen Nugent included Mr Bennett in a missing persons poster, and did a Birth, Deaths and Marriages check in Victoria and a Centrelink check. She also checked Victorian and New South Wales registrations and licences. She also made an inquiry with the Immigration Department. No record of Mr Bennett was found.

37. In 2007 Belier Task Force was established by Victoria Police to investigate all non-current missing persons and unidentified human remains.

¹⁷ Coronial brief, p 15.

¹⁸ Coronial brief, p 15.

¹⁹ Coronial brief, p 82.

38. Sergeant Anthony Combridge, was attached to Belier Task Force. He states that Mr Bennett's family reported him missing in the early 1970's but that '*this record appears to have not been maintained.*'²⁰ The evidence on the Coronial brief suggests this date is incorrect and that the first report Mr Bennett was missing was made in the 1991.

DNA Investigation

39. As indicated, the Belier Task Force was established by Victoria Police to identify unidentified human remains by comparing them to missing person reports.
40. DNA was obtained from Mr Bennett's mother in 2007 before her passing in 2011. This sample was placed on the Victorian Institute of Forensic Medicine (VIFM) database for comparison against all unsolved human remains (UHR) samples held at VIFM. The database matches profiles held within the database both directly and familiarly once uploaded. To date there have been no matches to any of the DNA profiles held for UHR's in the database in relation to Mr Bennett.
41. There is currently no facility to match profiles for missing persons and UHR files nationally save and except for direct comparison of profiles on request. To date, inspection of available records in Queensland, New South Wales, Northern Territory, South Australia and Western Australia have failed to identify any remains that met with the biometric and circumstantial data held for Mr Bennett. As such no direct comparison has been made.

²⁰ Coronial brief, p 25.

Proof of Life Checks²¹

42. Extensive proof of life checks have failed to provide evidence that Mr Bennett was alive after April 1970.
43. Checks on both the Victorian LEAP and Victoria Police's intelligence and investigation system, Interpose, revealed no record for Robert Bennett. A check of the national police reference system also yielded no additional results.
44. Checks with the West Australian, Northern Territory, New South Wales, Queensland and Victorian Registry of Births, Deaths and Marriages yielded no results.
45. Vic Roads records show that Mr Bennett's drivers licence was cancelled on 8 March 1971 due to non-renewal. Checks were undertaken with NSW authorities and no records of licence were located in Mr Bennett's name.
46. Immigration records show no movements for Mr Bennett as of 1 January 1973. Approximate dates are required for any period earlier.
47. Centrelink and Medicare hold no record of Mr Bennett and checks with the Titles Office of Victoria yielded no results.
48. Detective Senior Sergeant David Butler conducted banking inquiries with approximately 25 banks and financial institutions. None of these inquiries indicated Mr Bennett was alive.

Finding

49. I find that based upon all of the available evidence, on the balance of probabilities, Robert Bennett is deceased. No body has ever been located. I am unable to determine the cause of his death, the date of his death or the location of his death. I am unable to comment on the circumstances of his death or whether his death was by foul play or misadventure. There has been no evidence which supports 'proof of life' of Mr Bennett since his disappearance.
50. I find on the evidence before me and on the balance of probabilities that Robert John Bennett died from unknown causes at an unknown location sometime after the last contact with his family in early April 1970.

²¹ "Proof of life" refers to examples of personal information that it likely to be reasonably necessary to make contact with, or to offer proof of life, of a person reported as missing, depending on the circumstances.' Office of the Australian Information Commissioner, Guide to the Privacy (Persons Reported as Missing) Rule, March 2014.

51. There are gaps in the history of the police investigation after Mr Bennett was reported missing by his mother in 1991. The policy at the time of the Victoria Police Missing Person Unit indicated his situation was outside 'guidelines' and he was not recorded in Victoria but instead in New South Wales. I am of the view the gaps in the investigation were a result of policing standards at the time, attitudes to missing persons and available technology.
52. I note the current Victoria Police Manual Procedures and Guidelines on Reporting Missing Persons state the Missing Persons Report and Risk Assessment Form is to be completed for all missing persons reported to Victoria Police regardless of a person's country or state of origin. There are also provisions regarding persons believed missing while interstate reported to Victoria Police. The current Procedures and Guidelines appear comprehensive and include: reporting criteria, responsibilities of investigating members and steps for conducting an investigation. This was last up-dated 30 July 2010 and aligns the policy with the Australian New Zealand Policing Advisory Agency (ANZPAA) recommendations on missing persons.
53. I note that there is provision under the *Coroners Act 2008* (Vic) for the investigation to be reopened in the event that any new facts and circumstances become available.
54. Robert John Bennett was a loving son and brother and I express my sincere condolences to Mr Bennett's family for his tragic disappearance and death.

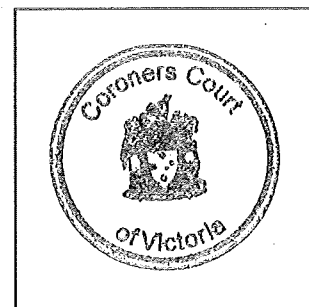
I direct that a copy of this finding be provided to:

Ms Teresa Bennett, Senior Next of Kin
Chief Commissioner of Victoria Police, Graham Ashton
Coroner's Investigator
Interested Parties

Signature:



CAITLIN ENGLISH
CORONER



Date: 4 March 2016