

FORM 44

Rule 65(2)

ORDER BY CORONER TO RE-OPEN INVESTIGATION

Section 77(2) and 77(3) of the Coroners Act 2008

In the Coroners Court of Victoria at Melbourne,

I Kim M. W. Parkinson, Coroner having received an application to re-open the investigation into:

Details of deceased:

Charles William Dobbyn

Remains located on 15 June 1982 at Gum Flats Road,
Anglesea, Victoria 3230

make the following order(s):

the findings be set aside in part as I am satisfied that there are new facts and circumstances and it is appropriate to re-open the investigation pursuant to section 77(2) of the Coroners Act 2008

for the following reasons:

1. This matter was listed for hearing this day. I am treating the application as an application pursuant to s77 of the Act for re-opening of an inquiry and I waive all formal requirements. This matter was the subject of investigation by the Belier Task Force a specialist group of the Victoria Police established to investigate outstanding missing persons and to attempt to reconcile with coronial cases and in particular unknown remains.
2. I am satisfied that the remains which are subject of this application have been the subject of coronial inquiry and a finding in case number 1944 of 1982, relating to unknown remains located in bushland near Anglesea on 15 June 1982. The matter proceeded to inquest on 20 February 1984 before Coroner Burke at Geelong and whilst a finding was issued, no finding as to identity was able to be made.

3. In 1987 the national automated fingerprints database was able to identify and match fingerprints obtained from the remains. They were identified as belonging to Mr Charles William Dobbyn, date of birth 2 September 1949. Whilst registration authorities were notified of this identification, the original inquest finding was not amended or re-opened. Belier investigators have made application for re-opening of the case for the purpose of correction of the record.
4. I am satisfied having regard to the information now before me that it is appropriate to set aside that part of the finding in 1944 of 1982 relating to identification and to substitute with a finding that the remains are those of Mr Charles William Dobbyn, whose date of birth was 2 September 1949.
5. In view of my decision in relation to the finding in 1944 of 1982, I direct that a copy of this decision be placed upon file 1859 of 2010 relating to Mr Charles William Dobbyn and that file be closed.

Signature:



Kim M. W. Parkinson

Coroner

Date: 30 March, 2011



NOTE: An appeal can be made to the Supreme Court of Victoria within 3 months after the day on which this determination has been made
