
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : MICHAEL ANDREW GLIDDON JENKIN, CORONER
HEARD : 6 DECEMBER 2022, 1 - 3 AUGUST 2023
DELIVERED : 18 AUGUST 2023
FILE NO/S : CORC 829 of 2019
DECEASED : MILGIN, RICHARD

Catchwords:

Nil

Legislation:

Coroner's Act 1996 (WA)

Cases:

Briginshaw v Briginshaw (1938) 60 CLR 336

Counsel Appearing:

Mr W. Stops appeared to assist the coroner.

Ms F. Fox (of counsel) instructed by Mr S. Naylor (Aboriginal Legal Service) appeared for Mr John Watson.

Ms A. Dixon (of counsel) instructed by Mr S. Naylor (Aboriginal Legal Service) appeared for Mr Anthony Watson.

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Michael Andrew Gliddon Jenkin, Coroner, having investigated the suspected death of **Richard MILGIN** with an inquest held at Perth Coroner’s Court in Court 51 and Court 85, CLC Building, 501 Hay Street, Perth, on 6 December 2022, and 1 - 3 August 2023, find that the death of **Richard MILGIN** has been established beyond all reasonable doubt, and the identity of the deceased person was **Richard MILGIN** and that death occurred on a date unknown in early 1994, at an unknown location, in the following circumstances:*

Table of Contents

INTRODUCTION	3
<i>Application to set aside summonses</i>	5
MR MILGIN	8
<i>Background</i>	8
<i>Mr Milgin’s relationship with Ms Buck</i>	8
<i>Last sightings of Mr Milgin and Ms Buck</i>	10
<i>Ms Buck’s remains are located</i>	13
POLICE INVESTIGATIONS	14
<i>Reported sightings of Mr Milgin</i>	14
<i>Missing person investigation</i>	15
<i>Cold case homicide squad investigation</i>	16
<i>Mr William Henry’s allegations</i>	16
<i>Mr John Watson’s response to Mr Henry’s allegations</i>	19
<i>Mr Anthony Watson’s response to Mr Henry’s allegations</i>	20
<i>Mr Harry Watson</i>	21
<i>Comments on Mr Henry’s allegations</i>	21
<i>Discovery of bones at Camballin airstrip</i>	23
<i>Discovery of bones at Honeymoon Springs</i>	24
<i>Discovery of human femur</i>	24
<i>Toyota troop carrier</i>	26
HAS DEATH BEEN ESTABLISHED?	29
CAUSE AND MANNER OF DEATH	30
CONCLUSION	31

INTRODUCTION

1. Mr Richard Milgin (Mr Milgin)¹ was born on 4 March 1969 at the Derby Hospital, and was 24-years of age when he was last seen. In late December 1993 or early January 1994, Mr Milgin left the Old Looma Aboriginal Community (Looma), located about 114 km south-east of Derby in the Kimberley region of Western Australia.^{2,3} He has not been seen or heard from since.
2. When he was last seen, Mr Milgin was in the company of Ms Julie Buck (Ms Buck), with whom he was in a relationship. In accordance with the traditional Lore and the cultural practices that were followed in the area at the time, this relationship was forbidden.
3. On 8 December 1994, Ms Buck's skeletal remains were discovered about two km north-west of Looma. Following an investigation, a coroner was unable to determine the cause of Ms Buck's death, and made an open finding as to the manner of her death.^{4,5}
4. Mr Milgin's mother (Ms Milgin) reported her son as missing to police in February 1995, but a police investigation was unable to determine Mr Milgin's whereabouts. In 2016, Detective Senior Constable Jamie Hughes (Officer Hughes) from the Cold Case Homicide Squad began an investigation into Mr Milgin's disappearance and suspected death and interviewed numerous witnesses.⁶
5. The Cold Case Homicide Squad's investigation concluded in 2018 and on 10 June 2019, Officer Hughes' report was forwarded to the State Coroner.⁷ In a letter dated 24 June 2019, the Acting State Coroner advised the Commissioner of Police that on the basis of Officer Hughes' report, he had reasonable cause to suspect that Mr Milgin had died, and that Mr Milgin's death was a "*reportable death*".^{8,9,10}

¹ The family asked that the deceased be referred to as "Mr Milgin" at the inquest and in this finding.

² Exhibit 1, Vol. 1, Tab 2, Birth certificate - Mr R Milgin

³ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp3-4

⁴ Finding on Inquiry - Coroner CD Roberts re Ms Julie Buck

⁵ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p4

⁶ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19) and ts 01.08.23 (Hughes, J), pp12-68

⁷ Letter - Det. Supt. R Wilde to State Coroner (10.06.19)

⁸ Letter - Acting State Coroner to Commissioner of Police (24.06.19)

⁹ Sections 3 & 23(1), *Coroners Act 1996* (WA)

¹⁰ See also: Letter - Insp. P Newman (04.07.19)

6. The Acting State Coroner directed that the suspected death of Mr Milgin be investigated. In accordance with that direction, I held an inquest into the circumstances of Mr Milgin's disappearance and suspected death in Perth on 6 December 2022, and 1 - 3 August 2023.^{11,12}
7. If, after investigating the circumstances of a suspected death, a coroner finds that the death of the person is established beyond all reasonable doubt, the coroner is required to investigate how the death occurred and the cause of the death.¹³
8. The documentary material tendered at the inquest consisted of one volume, and the inquest examined the circumstances of Mr Milgin's disappearance, and the question of whether he was deceased. The following witnesses gave evidence at the inquest:
 - a. Det. Sen. Const. Jamie Hughes (Investigating officer);
 - b. Ms Annie Milgin (Mr Milgin's mother);
 - c. Ms Rosita Shaw (Mr Milgin's aunt);
 - d. Ms Lisa Skinner (Ms Julie Buck's friend);
 - e. Mr Wayne Watson (Mr Milgin's friend);
 - f. Mr Harry Watson (Mr John Watson's brother);
 - g. Mr John Watson (Mr Milgin's stepfather); and
 - h. Mr Anthony Watson (Mr John Watson's son).
9. A proper examination of the circumstances surrounding Mr Milgin's disappearance necessarily involved hearing evidence about traditional Lore, and the cultural practices that existed in the Kimberley region of Western Australia at the relevant time.
10. To the extent that it has been necessary to refer to this evidence, I have done so briefly and in broad terms so as to avoid causing distress or offence.

¹¹ Letter - Acting State Coroner to Commissioner of Police (24.06.19)

¹² Section 23(2), *Coroners Act 1996* (WA)

¹³ Section 23(2), *Coroners Act 1996* (WA)

*Application to set aside summonses*¹⁴

11. During the afternoon on 31 July 2023, the Court received a 39-page joint submission and voluminous authorities (the Submission) from counsel for Mr John Watson (Ms Felicity Fox) and Mr Anthony Watson (Ms Anna Dixon). The Submission was in support of respective applications that the witness summonses issued to Mr John Watson and Mr Anthony Watson to appear at the inquest and give evidence, be set aside (the Applications).¹⁵
12. The Submission asserted there was a proper basis to submit that both Mr John Watson and Mr Anthony Watson may tend to criminate themselves if they were required to answer questions at the inquest, and that it was not expedient for the ends of justice for either of them to be compelled to do so.
13. The Submission also stated that Mr John Watson and Mr Anthony Watson each denied “*any knowledge about or involvement in the disappearance of Mr Milgin*”, and neither had any knowledge about Mr Milgin’s suspected death.¹⁶ On 1 August 2023, Ms Fox also made oral submissions in support of the Applications.¹⁷
14. When considering the Applications, I accept there is a need to carefully balance any potential prejudice to Mr John Watson and Mr Anthony Watson in relation to any evidence they may be compelled to give over objection, and the strong public interest in investigating a long-term missing person case, such as Mr Milgin’s.
15. As I will outline in more detail later in this finding, the evidence before me included allegations made by Mr William Henry (now deceased) that Mr John Watson and Mr Anthony Watson were involved in Mr Milgin’s alleged unlawful killing. I will have more to say about Mr Henry’s allegations later in this finding.

¹⁴ ss47(1) - 47(3), *Coroners Act 1996* (WA)

¹⁵ Joint submission signed by Ms F Fox and Ms A Dixon (31.07.23)

¹⁶ Joint submission signed by Ms F Fox and Ms A Dixon (31.07.23), paras 43, 61, 86 & 102

¹⁷ ts 01.08.23 (Fox), pp108-130

16. Mr John Watson was arrested by police twice on suspicion of Mr Milgin's murder. During his first interview, Mr John Watson denied having any knowledge about Mr Milgin's disappearance. In his second interview, as is his right, he declined to answer questions put to him by police. Following both interviews, Mr John Watson was released without charge.
17. Mr Anthony Watson was also arrested on suspicion of Mr Milgin's murder, and as is his right, he declined to answer questions put to him by police. At the conclusion of his interview Mr Anthony Watson was released without charge.
18. It is important to remember that when a suspect chooses not to answer police questions, no adverse inference is to be inferred. Further, in circumstances where a matter proceeds to a criminal trial, the jury will be given a direction by the presiding judge that the accused has exercised their right to silence and this may not be used as evidence of guilt.
19. After carefully considering the issues canvassed in the Submission, I concluded it was expedient for the ends of justice for both Mr John Watson and Mr Anthony Watson to answer questions about what knowledge, if any, they had about Mr Milgin's disappearance. I further concluded that there were matters which both Mr John Watson and Mr Anthony Watson had mentioned to police that had the potential to assist me in making determinations under section 25(1) of the *Coroners Act 1996* (WA) (the Act). Having arrived at these conclusions, I refused the Applications.¹⁸
20. At an inquest, a witness may decline to answer any question put to them on the ground that their answer will criminate or tend to criminate them. Where a coroner considers it is expedient for the ends of justice for the witness to be compelled to answer the question, the coroner may tell the witness that if they answer the question (and other questions that may be put to them), the coroner will grant the witness a certificate (Certificate) pursuant to section 47 of the Act.

¹⁸ ts 01.08.22 (Fox), p129

21. A witness to whom a Certificate is granted is no longer entitled to refuse to answer questions on the ground that their answer will criminate or tend to criminate them, and if the witness gives evidence “*to the satisfaction of the coroner*” the coroner must give the witness a Certificate. The effect of the Certificate is to render the answers of the relevant witness inadmissible in evidence in criminal proceedings against the witness, other than on a prosecution for perjury committed in the proceedings.¹⁹
22. At the inquest, following their respective objections to answering questions on the ground that their answers may tend to criminate them, I decided that it was expedient for the ends of justice for me to grant Certificates to both Mr John Watson and Mr Anthony Watson, and I therefore did so.^{20,21}
23. Both Mr John Watson and Mr Anthony Watson gave evidence at the inquest. Both denied any involvement in Mr Milgin’s disappearance, and both said they had no knowledge of what had happened to Mr Milgin after he left Looma.²²
24. As I will explain more fully later in this finding, I have concluded that on the basis of the currently available evidence, there are no grounds for an assertion that either Mr John Watson or Mr Anthony Watson were involved in Mr Milgin’s disappearance or alleged unlawful killing.

¹⁹ s47(3), *Coroners Act 1996* (WA)

²⁰ ts 03.08.23 (Watson, J), pp181-182 and ts 03.08.23 (Watson, A), p198

²¹ s47 Certificate - Mr John Watson and s47 Certificate - Mr Anthony Watson

²² ts 03.08.23 (Watson, J), pp190-191 and ts 03.08.23 (Watson, A), p201

MR MILGIN

Background^{23,24,25,26}

25. Mr Milgin was born at Derby Hospital on 4 March 1969. He had one child from a previous relationship and in the period prior to his disappearance, he was living at Looma.

Mr Milgin's relationship with Ms Buck^{27,28,29,30,31,32,33,34,35}

26. Ms Buck was born in Noonkanbah, and had one child from a previous relationship. In 1992, she was about 23-years of age and in accordance with the traditional Lore and cultural practices in the area at the time, she was “promised” to Mr Jimmy Nerrimah, who was then about 70-years of age. Mr Nerrimah was a renowned artist and Looma Elder, and was regarded as the “cultural brother” of Mr John Watson (who became Mr Milgin’s stepfather in 1990).³⁶

27. Notwithstanding Ms Buck’s relationship with Mr Nerrimah, it appears that she and Mr Milgin embarked on a clandestine relationship in late 1993 or early 1994.

28. In a statement to police, Ms Milgin (Mr Milgin’s mother) said:

(Ms Buck) was with (Mr Nerrimah) for one year maybe 1992 to 1993. They were living together. In early 1994, (Ms Buck) started seeing (Mr Milgin) and they were sneaking seeing each other on the side. (Ms Buck) was still living with (Mr Nerrimah). (Ms Buck) and (Mr Milgin) were together for a few months.³⁷

²³ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp3-4

²⁴ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (undated)

²⁵ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (21.08.18), para 5

²⁶ ts 01.08.23 (Milgin, A), pp83-84; ts 03.08.23 (Watson, J), pp180-181; and ts 03.08.23 (Watson, A), p197

²⁷ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp3-4 & 6-7

²⁸ ts 01.08.23 (Hughes, J), pp13-14 & 19-20 and ts 02.08.23 (Watson, W), pp157-161

²⁹ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (21.08.18), paras 6-13 and ts 01.08.23 (Milgin, A), pp73-77

³⁰ Exhibit 1, Vol. 1, Tab 26, Statement - Ms L Juboy (07.09.16), paras 6-11 & 29-30

³¹ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 23-25 & 32

³² Exhibit 1, Vol. 1, Tab 20, Statement - Mr J Killer (08.09.16) and Typed Statement - Mr J Killer (undated), paras 2-6

³³ Exhibit 1, Vol. 1, Tab 22, Statement - Mr W Milgin (06.09.16), paras 3-6 & 31-32

³⁴ Exhibit 1, Vol. 1, Tab 33, Statement - Insp. G Lewis (27.09.16), paras 33-37 & 45-50

³⁵ ts 01.08.23 (Milgin, A), pp73-78; ts 03.08.23 (Watson, J), pp182-186; and ts 03.08.23 (Watson, A), pp198-199

³⁶ ts 03.08.23 (Watson, J), p183

³⁷ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (21.08.18), paras 10-13

29. The traditional Lore and cultural practices that existed at Looma included rules about who was permitted to enter into an intimate relationship with whom. It appears to have been widely accepted, at least by senior male members of the Looma Community, that the relationship between Ms Buck and Mr Milgin was prohibited because it was contrary to traditional Lore and those cultural practices.
30. In a statement to police, Ms Lisa Skinner (who regarded Ms Buck as a sister) said that although Ms Buck was not happy being “*promised*” to Mr Nerrimah “*she did not say much about it*”. Ms Skinner said that Mr Nerrimah (who died in 2013) was not violent towards Ms Buck, and made sure she was home at night and fed her daughter, Zaria.³⁸
31. In her statement, Ms Skinner said that in June 1992 Mr Nerrimah and Mr John Watson came to her home in Looma looking for Ms Buck. They told her Ms Buck was promised to Mr Nerrimah and that she “*had to go back to him*”.³⁹
32. At the inquest Ms Skinner said she thought the visit by Mr Nerrimah and Mr John Watson may have occurred shortly before she left Looma in June 1993. At the inquest, Ms Skinner also said that she had been unaware that Ms Buck was in a relationship with Mr Milgin, and as I have noted, other evidence suggests that their relationship did not begin until late 1993 or early 1994.^{40,41}
33. In any case, in her statement, Ms Skinner says that she told Mr John Watson and Mr Nerrimah that Ms Buck was not at the house. In fact Ms Buck and her daughter Zaria were hiding under a bed in one of the bedrooms. Ms Skinner had told the men that the bedroom door was secured with a padlock and that the person with the padlock key was away. At the inquest, Mr John Watson denied Ms Skinner’s evidence that he and Mr Nerrimah had gone to her house in 1992 armed with sticks and looking for Ms Buck.^{42,43}

³⁸ Exhibit 1, Vol. 1, Tab 30, Statement - Ms L Skinner (23.03.17), paras 24 & 28-29 and ts 02.08.23 (Skinner, L), pp133-134

³⁹ Exhibit 1, Vol. 1, Tab 30, Statement - Ms L Skinner (23.03.17), paras 8-22 and ts 02.08.23 (Skinner, L), pp135-141

⁴⁰ ts 02.08.23 (Skinner, L), pp135-141 & 150-153

⁴¹ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (21.08.18), paras 10-13

⁴² Exhibit 1, Vol. 1, Tab 30, Statement - Ms L Skinner (23.03.17), paras 13-23 and ts 02.08.23 (Skinner, L), pp139-141

⁴³ ts 03.08.23 (Watson, J), p190

34. In her statement, Ms Skinner says that on another occasion, Mr Nerrimah came to her house alone. He was looking for Ms Buck and was angry because she had left him alone with her daughter, Zaria. Ms Skinner says that Ms Buck was at her (Ms Skinner's) home, and Mr Nerrimah allegedly hit Ms Buck with a stick across the back of her legs. Ms Skinner says this was the only time she had seen Mr Nerrimah behave violently towards Ms Buck.⁴⁴
35. In her statement, Ms Skinner also says on 9 June 1993 she saw “*a big mob of people running through the community up towards the hill*”. When she asked someone what was going on, she was told that the mob were chasing Ms Buck and Mr Milgin. Ms Skinner did not know who the people in the mob were, or what had happened to Ms Buck or Mr Milgin. Ms Skinner also says she left Looma and flew to Perth on 10 June 1993, but at some point before this, she had given Ms Buck items of clothing that were labelled with her (Ms Skinner's) name.⁴⁵

Last sightings of Mr Milgin and Ms Buck^{46,47,48,49,50}

36. There is confusion about when Mr Milgin left Looma, and nobody is able to identify a particular date. However, the available evidence appears to establish Mr Milgin and Ms Buck left Looma together in late 1993, or early 1994. This was during the height of the “wet season” when the Kimberly region experiences unpredictable weather events including tropical cyclones, and is subject to periodic flooding events.
37. Ms Lynley Juboy (a friend of Ms Buck) told police that before her departure, Ms Buck had told Ms Juboy's mother that she (Ms Buck) was “*running away*” with Mr Milgin. Ms Juboy's mother had warned Ms Buck that her relationship with Mr Milgin was contrary to traditional Lore and told her: “*Be careful they'll hit you*”. Ms Buck reportedly said: “*Nawh, we'll be right, they'll let us live*” before walking off in the direction of the Looma store.⁵¹

⁴⁴ Exhibit 1, Vol. 1, Tab 30, Statement - Ms L Skinner (23.03.17), paras 26-29 and ts 02.08.23 (Skinner, L), p142-143

⁴⁵ Exhibit 1, Vol. 1, Tab 30, Statement - Ms L Skinner (23.03.17), paras 31-40 & 52 and ts 02.08.23 (Skinner, L), p141-144

⁴⁶ Exhibit 1, Vol. 1, Tab 23, Statements - Ms A Milgin (undated) and Ms A Milgin (21.08.18), paras 14-20

⁴⁷ ts 01.08.23 (Milgin, A), pp69-71 and 90-92; and ts 01.08.23 (Shaw, R), pp102-103

⁴⁸ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 26-33

⁴⁹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp10-11 and ts 01.08.23 (Hughes, J), pp13 & 27-32

⁵⁰ Exhibit 1, Vol. 1, Tab 22, Statement - Mr W Milgin (06.09.16), paras 7-16

⁵¹ Exhibit 1, Vol. 1, Tab 26, Statement - Ms L Juboy (07.09.16), paras 6-11

38. Ms Zaria Buck (Ms Buck's daughter) was interviewed by police on 9 September 2016. In her statement, she claimed that when she was seven years old a "small blue hatchback" like "a lady bug car" came to her house. The occupants of the car were Mr Nerrimah, Mr William Henry (Mr Milgin's brother) and five others. The men allegedly told Ms Buck they would take her to get a drink, but instead, Ms Buck was dragged into the car, whilst Mr Milgin was bundled into a "Toyota like a Landcruiser" that was a "white cream colour".^{52,53}
39. During a second interview with police, Ms Zaria Buck was shown a photograph of her mother standing at the rear of a blue station wagon, and she identified this vehicle as the one her mother had been taken in. Police established that the vehicle in the photograph was a 1981 Holden Commodore station wagon (the Commodore), which had been acquired by Ms Philomena Finger on 16 April 1993 and delicensed in Derby on 13 February 1994. There were no other records of Ms Finger in the police computer systems, and she has never been located.^{54,55,56}
40. At the inquest, Officer Hughes said that further police enquiries had established that the Commodore had also been owned by Mr Harry Watson's now deceased daughter.⁵⁷ However, I note that there is no evidence before me that this fact has any significance in relation to the disappearance of Ms Buck or Mr Milgin.⁵⁸
41. On 13 March 2023, Mr Will Stops spoke by phone with Ms Hilda Gray (who is Ms Milgin's sister). Ms Gray told Mr Stops that several years earlier she and other family members had found the burnt out remains of the vehicle she believed Ms Buck had been photographed standing next to (i.e.: the Commodore). Ms Gray said the Commodore was 10 - 15 kms from Looma, about 500 m from a dirt road.⁵⁹

⁵² Exhibit 1, Vol. 1, Tab 27, Statement - Ms Z Buck (09.09.16)

⁵³ Exhibit 1, Vol. 1, Tab 27, Typed Statement - Ms Z Buck (09.09.16), paras 4-25

⁵⁴ Exhibit 1, Vol. 1, Tab 29, Photograph of Ms Julie Buck standing at the rear of a blue Holden Commodore station wagon

⁵⁵ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p18 and ts 01.08.23 (Hughes), pp28-29

⁵⁶ Exhibit 1, Vol. 1, Tabs 36 & 47, Vehicle details printout (22.09.16)

⁵⁷ Mr Harry Watson is the brother of Mr John Watson

⁵⁸ ts 01.08.23 (Hughes), pp29-31 & 64-67

⁵⁹ Exhibit 1, Vol. 1, Tab 56, Email - Mr W Stops to Det. Sen. Const. J Hughes (07.03.23)

42. On 21 June 2023, Looma police visited the area where the Commodore was apparently located with Ms Gray and Mr Wayne Milgin (Ms Gray's son). Ms Gray was unable to locate the car, but as Brevet Senior Sergeant Neil Gordon observed: "*The area is obviously a large bush area and after the heavy rains this year, the bush is quite thick at the moment*".⁶⁰
43. As noted, Ms Zaria Buck was interviewed twice by police and in those interviews, she gave inconsistent accounts of injuries she said she had sustained when the car allegedly taking her mother had sped off. Further, Ms Zaria Buck said that a Looma resident (Mr Robert Barli) could corroborate her version of events. However, when interviewed, Mr Barli told police he knew nothing about the disappearance of Ms Buck or Mr Milgin, and that in 1994 he had only recently arrived in Looma and did not know many people in the community.^{61,62}
44. Although a witness summons was issued for Ms Zaria Buck to attend at the inquest, it was never served because she could not be located. As to what weight can be given to Ms Zaria Buck's evidence, I agree with the following observation Officer Hughes made in her report:
- (Ms Zaria Buck) was a young child at the time of the incident, and the events would have been traumatic. Considering 22 years have passed, (Ms Zaria Buck's) recollection and/or perception could have been altered due to these factors and suggestions by others within the community. Prior to this interview (Ms Zaria Buck) was never interviewed by police.⁶³
45. Given Ms Buck's age at the time of the alleged events she recounted, her medical issues, and the fact that Mr Barli said he was unable to corroborate her account, I have concluded that I cannot place any weight on Ms Zaria Buck's evidence in relation to the alleged abduction of either Ms Buck or Mr Milgin.

⁶⁰ Exhibit 1, Vol. 1, Tab 56, Email - Brevet Sen. Sgt. N Gordon to Det. Sen. Const. J Hughes (21.06.23)

⁶¹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp11-13

⁶² ts 01.08.23 (Hughes, J), pp67-68

⁶³ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp12-13

Ms Buck's remains are located^{64,65,66,67,68,69,70,71,72,73}

46. On 8 December 1994, Ms Buck's partially clothed skeletal remains were located in bush about two km north-west of Looma by some children. Despite a police search, there was no sign of Mr Milgin. Ms Buck's remains were lying on the ground in a depression described as "*a kangaroo hollow*", into which she appeared to have either crawled or been placed.
47. Towards the end of 1994, Ms Skinner (who was living in Perth) received a phone call saying that a body had been found wearing her clothes. Ms Skinner subsequently told police she had given Ms Buck her clothes and Ms Buck was identified.⁷⁴
48. A coroner conducted an investigation into Ms Buck's death and noted: "*No trauma was found on the skeletal remains nor is there any obvious evidence of struggle or foul play*". The coroner found Ms Buck had died sometime between December 1993 and March 1994 at Looma, after apparently leaving Looma with Mr Milgin "*around Dec 93 or Jan/Feb 94*". On the basis of the available evidence, the coroner was unable to ascertain the cause of Ms Buck's death and made an open finding as to the manner of her death.^{75,76} The coroner also noted:

There has been speculation at the community that both (Ms Buck and Mr Milgin) ran off together to get away from (Ms Buck's) husband. Further that both may have been subject to foul play as a result of running away together. Despite extensive police enquiries it cannot be ascertained if either (Ms Buck) or (Mr Milgin) have been the subject of foul play or tribal punishment. The circumstances surrounding their disappearance must remain a mystery.⁷⁷

⁶⁴ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp3-4

⁶⁵ ts 01.08.23 (Hughes), pp14-15, 39-40 & 56-59

⁶⁶ Exhibit 1, Vol. 1, Tab 19, Statement - Mr G Wright (05.09.16)

⁶⁷ Exhibit 1, Vol. 1, Tab 19, Typed Statement - Mr G Wright (05.09.16), paras 7-15

⁶⁸ Exhibit 1, Vol. 1, Tab 20, Statement - Mr J Killer (08.09.16)

⁶⁹ Exhibit 1, Vol. 1, Tab 20, Typed Statement - Mr J Killer (undated), paras 4-5

⁷⁰ Exhibit 1, Vol. 1, Tab 22, Statement - Mr W Milgin (06.09.16), paras 17-26

⁷¹ Exhibit 1, Vol. 1, Tab 33, Statement - Insp. G Lewis (27.09.16), paras 4-28 & 38

⁷² Exhibit 1, Vol. 1, Tab 33, Photographs depicting Ms Buck's remains and surrounding area

⁷³ Exhibit 1, Vol. 1, Tab 42, Statement - Mr J Nerrimah (10.12.94)

⁷⁴ Exhibit 1, Vol. 1, Tab 30, Statement - Ms L Skinner (23.03.17), paras 41-52 and ts 02.08.23 (Skinner, L), p146

⁷⁵ Exhibit 1, Vol. 1, Tab 3, Finding on Inquiry - Coroner CD Roberts re Ms Julie Buck

⁷⁶ Exhibit 1, Vol. 1, Tab 4, Maps showing location of Ms Buck's remains

⁷⁷ Exhibit 1, Vol. 1, Tab 3, Finding on Inquiry - Coroner CD Roberts re Ms Julie Buck

49. In my view, the coroner's determination that Ms Buck's skeletal remains showed no obvious signs of trauma, and the absence of "*any obvious evidence of struggle or foul play*" is significant. Whilst the coroner's finding does not exclude the possibility that Ms Buck sustained soft tissue injuries that led to her death the possibility that she died from exposure to the elements, in the harsh and unforgiving environment where she was located, clearly remains open.

POLICE INVESTIGATIONS

Reported sightings of Mr Milgin^{78,79,80,81,82,83,84,85,86,87,88,89}

50. After Ms Buck's remains were located, police conducted an investigation into Mr Milgin's disappearance. Although police questioned community members, Mr Milgin's location "*was unable to be established*".⁹⁰
51. However, police did receive a number of reports of apparent sightings of Mr Milgin including:
- a. 5 December 1994: Mr Milgin was allegedly seen "*from the back*" on an oval in Kununurra;
 - b. March 1995: Mr Milgin was allegedly seen in Tennant Creek;
 - c. September 1995: Mr Milgin was allegedly seen in Derby; and
 - d. November 1995 - November 1996: Mr Milgin was allegedly seen at the Lockridge Camp.

⁷⁸ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p6 and ts 01.08.23 (Hughes, J), pp15-16

⁷⁹ ts 01.08.23 (Milgin, A), p85

⁸⁰ Exhibit 1, Vol. 1, Tab 8, Synopsis of witness accounts re: sightings of (Mr Milgin)

⁸¹ Exhibit 1, Vol. 1, Tab 9, Statement - Mr P Francis (15.12.94)

⁸² Exhibit 1, Vol. 1, Tab 10, Further inquiries re missing person (Mr Milgin)

⁸³ Exhibit 1, Vol. 1, Tab 11, Statement - Mr W Holmes (14.07.16)

⁸⁴ Exhibit 1, Vol. 1, Tab 12, Statement - Mr O Skinner (23.04.96)

⁸⁵ Exhibit 1, Vol. 1, Tab 13, Statement - Ms M Jackman (23.04.96)

⁸⁶ Exhibit 1, Vol. 1, Tab 14, Memo - Sen. Const. Waddell (29.06.96)

⁸⁷ Exhibit 1, Vol. 1, Tab 15, Statement - Mr J Ferrandiz (14.07.16)

⁸⁸ Exhibit 1, Vol. 1, Tabs 16 & 18, Police memo (23.12.95)

⁸⁹ Exhibit 1, Vol. 1, Tab 17, Additional witness accounts

⁹⁰ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p5

52. Police followed up each of these reported sightings, but in each case the witness (or witnesses) had either only seen the person they thought was Mr Milgin from the back, did not actually know Mr Milgin, or had been mistaken about the identity of the person they saw.
53. For those reasons, none of the sightings reported to police could therefore be substantiated. Further, none of the witnesses provided any information which enabled police to establish Mr Milgin's movements after he left Looma, or his current whereabouts.

*Missing person investigation*⁹¹

54. On 22 February 1995, Ms Milgin reported her son as missing at Derby Police Station.⁹² A police missing person investigation was commenced and a missing person poster dated 29 August 1995, stated:

(Mr Milgin) has been missing since December, 1993. At that time he resided at Looma Aboriginal Community (near Derby). He was not reported missing until 22 February 1995. Despite extensive enquiries by police and family there has been no information regarding his whereabouts. Concerns are held for his welfare.⁹³

55. Police conducted various "proof of life" checks but no relevant information was obtained. Centrelink confirmed that Mr Milgin's last recorded contact occurred in 1992, and that he had not accessed any welfare benefits since early 1994. Further, since his disappearance, Mr Milgin has not accessed a bank account, travelled overseas, changed his name, married or been registered as deceased.^{94,95,96,97,98,99,100}

⁹¹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp5-6 and ts 01.08.23 (Hughes, J), pp16-17

⁹² Exhibit 1, Vol. 1, Tab 6, Missing Person Report - Derby Police Station (22.02.95)

⁹³ Exhibit 1, Vol. 1, Tab 7, Missing Person Poster (29.08.95)

⁹⁴ Exhibit 1, Vol. 1, Tab 5, Centrelink - Release of protected information report (23.06.99)

⁹⁵ Exhibit 1, Vol. 1, Tab 44, Centrelink - Certificate authoring release of protected information report (14.09.18)

⁹⁶ Exhibit 1, Vol. 1, Tab 50, Centrelink - Certificate authoring release of protected information report (09.12.22)

⁹⁷ Exhibit 1, Vol. 1, Tab 48, Letter - Registrar of Births, Deaths and Marriages(05.12.22)

⁹⁸ Exhibit 1, Vol. 1, Tab 49, Email - Det. Sen. Const. J Hughes to various banks and their responses (02-07.12.22)

⁹⁹ Exhibit 1, Vol. 1, Tab 53A, Department of Home Affairs Movement Records & Passenger Cards Request Form (02.12.22)

¹⁰⁰ Exhibit 1, Vol. 1, Tab 53B, Email - Australian Border Force to WA Police (29.12.22)

Cold case homicide squad investigation^{101,102,103}

56. The evidence relating to what may have happened to Mr Milgin after he left Looma in late December 1993 or early 1994 is speculative and vague. However, his disappearance was comprehensively reviewed by detectives from the Cold Case Homicide Squad who went to Looma on a number of occasions between 5 September 2016 and 13 December 2018.
57. During these visits, detectives interviewed some 50 witnesses, and they encountered persistent rumours that Mr Milgin had been the subject of traditional punishment. Although police made enquiries with community members in Looma, including Elders, nobody was willing (or able) to substantiate the assertion that Mr Milgin had been the subject of traditional punishment, apparently on cultural grounds and/or because of “*fear of retribution*”.^{104,105}
58. During the cold case review, detectives spoke with Mr William Henry (Mr Milgin’s brother) on three occasions. During his third police interview, Mr Henry alleged he had been present when Mr Milgin was allegedly unlawfully killed. As I will outline, Mr Henry’s account is replete with inconsistencies, and was not sufficiently cogent to enable police to lay criminal charges against any person.

Mr William Henry’s allegations^{106,107,108,109,110}

59. When Mr William Henry was first interviewed on 7 September 2016, he told police he was aware that Mr Milgin and Ms Buck had left Looma. He told police Mr John Watson and Mr Harry Watson “*knew something about the disappearance*”, and also confirmed that Mr Milgin’s relationship with Ms Buck was not permitted under traditional Lore.¹¹¹

¹⁰¹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp5-25 and ts 01.08.23 (Hughes, J), pp17-27

¹⁰² Exhibit 1, Vol. 1, Tab 43, WAPOL Missing person poster depicting Richard and Ms Buck

¹⁰³ Exhibit 1, Vol. 1, Tab 45, WAPOL Incident Report and Running Sheet 220906 0830 8975 (28.09.16)

¹⁰⁴ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p4 and ts 01.08.23 (Hughes, J), pp18-19

¹⁰⁵ Exhibit 1, Vol. 1, Tab 17, Additional witness accounts

¹⁰⁶ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp7-10

¹⁰⁷ ts 01.08.23 (Hughes, J), pp20-27

¹⁰⁸ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 30-111

¹⁰⁹ Exhibit 1, Vol. 1, Tab 55A, Transcript of record of interview - Mr W Henry (26.06.18)

¹¹⁰ Exhibit 1, Vol. 1, Tab 55B, Transcript of record of interview - Mr W Henry (22.08.18)

¹¹¹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p7

60. Mr Henry told police that in 1994, there was “*tribal punishment*” and that a person could be bashed with a stick or speared in the leg, but “*they would not be killed*”. He said he thought Mr Milgin and Ms Buck might be “*hiding*”, and also told police he did not know who had killed Ms Buck or Mr Milgin, but that he “*thought*” Ms Buck “*was killed on purpose and that it wasn’t tribal*”.^{112,113}
61. Following Ms Zaria Buck’s claim that Mr Henry had been present when Mr Milgin and Ms Buck were abducted, police arrested Mr Henry on suspicion of murder on 26 June 2018. An interpreter could not be found and Mr Henry was released, but he was re-arrested on 22 August 2018, and during his police interview Mr Henry claimed:

He (Mr Henry) had gone to a house in Derby where he saw a blue Toyota “*troopy*” out the front that had a large quantity of blood “*pooling down the side of the car onto the street*”. Mr Henry heard the homeowner yelling at him to leave, and he (Mr Henry) “*believed*” Mr Milgin had been killed in the house “*at this time*”; and

During the next few days, Mr Henry said he went to Camballin (about 50 km from Looma) to do some fishing. While there, Mr Henry claimed he saw a blue Toyota troop carrier and a group of people near the Camballin airstrip and “*believed*” that Mr Milgin was being buried by these people at that location.^{114,115}

62. During this interview, Mr Henry also told police that at no time had he seen Mr Milgin or Ms Buck being assaulted or killed, and that he (Mr Henry) had not been involved in the transport or disposal of the remains of either Mr Milgin or Ms Buck. He also said that the information he had provided “*is what he believed happened only*”. After the interview concluded, Mr Henry was released without charge.¹¹⁶

¹¹² Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p7

¹¹³ ts 02.08.23 (Watson, W), p161; but see also: ts 03.08.23 (Watson, J), pp186-188

¹¹⁴ Exhibit 1, Vol. 1, Tab 55B, Transcript of record of interview - Mr W Henry (22.08.18)

¹¹⁵ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p8

¹¹⁶ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p7

63. On 2 November 2018, Mr Henry was interviewed by police as a witness. In the statement he provided police, Mr Henry said that after Mr Milgin and Ms Buck had left Looma, he went to Derby and had been drinking “*a lot of gurry*” (i.e.: alcohol) at a reserve. Mr Henry said that one day around mid-morning a “*brown*” Toyota troop carrier driven by Mr John Watson had come to the reserve. Mr Henry said Mr Anthony Watson (Mr John Watson’s son) and Mr Peter Dann were also in the vehicle, and that Mr Dann had told Mr Henry to get in and help find Mr Milgin, which he did.¹¹⁷
64. Mr Henry says the group drove around the reserve looking for Mr Milgin, before Mr Henry directed them to a house in Derby where Mr Milgin was sitting on the front verandah. Mr Henry says he got out of the vehicle and said to Mr Milgin “*Come on bro, let’s go back home*” and that Mr Milgin got into the vehicle. Mr Henry says the group then drove to another house in Derby, which police later established was in Heytesbury Street.¹¹⁸
65. Mr Henry claims that when the group went inside this house, Mr Milgin sat on a chair and he (Mr Henry) was grabbed from behind and held by Mr Dann. Mr Henry alleges that Mr Anthony Watson then took hold of Mr Milgin and that Mr John Watson punched Mr Milgin once to the face causing him (Mr Milgin) to fall to the ground. Mr Henry alleges that Mr John Watson then said to Mr Milgin: “*You did the wrong thing*” before stabbing him three times “*on his side*” and cutting his throat.¹¹⁹
66. Mr Henry claims that after Mr John Watson had unlawfully killed Mr Milgin he said the word “*Gokwalleh*” to Mr Henry. This word reportedly means “*do not say a word, do not speak about what you have seen or heard*”. Mr Henry says he ran out of the house and went back to the reserve, but that after sunset Mr John Watson drove back to the reserve alone. Mr Henry says Mr John Watson put his finger to his mouth and repeated the word “*Gokwalleh*” before driving off.¹²⁰

¹¹⁷ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 45-57

¹¹⁸ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 58-73

¹¹⁹ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 74-95

¹²⁰ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 96-111

67. Mr Henry told police he did not know what had happened to Mr Milgin's body, but that he had once seen Mr John Watson's Toyota Troop Carrier (which had been resprayed blue sometime after Mr Milgin and Ms Buck had left Looma) in an area "*out near Camballin*" (about 50 km east of Looma). Mr Henry said he saw "*people up on the hill*" and told police he "*thought they might have put (Mr Milgin's) bones up there*".¹²¹

Mr John Watson's response to Mr Henry's allegations^{122,123}

68. On 9 September 2016, police interviewed Mr John Watson, who at that time, was still in a defacto relationship with Ms Milgin. He confirmed that in accordance with traditional Lore the relationship between Ms Buck and Mr Milgin was not permitted. Mr John Watson also told police Ms Buck and Mr Milgin "*took off through a gap in the hill*", but he did not know where Mr Milgin had ended up. Mr John Watson also said he had looked for Mr Milgin in Wyndham, Fitzroy Crossing and Kununurra and he had heard people say Mr Milgin had gone to Alice Springs.¹²⁴

69. Mr John Watson also told police he thought Mr Milgin may have changed his name, and that although he (Mr John Watson): "*knew nothing about what happened*", Mr Nerrimah "*would have been angry (Mr Milgin) took his woman*".¹²⁵

70. On 25 June 2018 at Jarlmadangah, police arrested Mr John Watson on suspicion of Mr Milgin's murder on the basis of "*witness accounts and hearsay information*". Mr John Watson said he had no involvement in the disappearance and/or deaths of either Ms Buck or Mr Milgin. He also told police he was unable to answer some of their questions for cultural reasons and, as is his right, he responded to other questions by saying "*no comment*". At the end of the interview, Mr John Watson was released by police without charge.¹²⁶

¹²¹ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 116-117

¹²² Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp21-22

¹²³ ts 01.08.23 (Hughes, J), pp33-36

¹²⁴ ts 03.08.23 (Watson, J), pp190-192

¹²⁵ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p21

¹²⁶ Exhibit 1, Vol. 1, Tab 55C, Transcript of Record of Interview - Mr J Watson (25.06.18)

71. After Mr Henry had provided his statement to police, Mr John Watson was arrested again and interviewed as a suspect on 5 November 2018. On this occasion, as is his right, he declined to answer many of the questions put to him by police,¹²⁷ he said he knew nothing about the deaths of Ms Buck or Mr Milgin. He also told police Mr Henry's allegations were untrue, and that "*everyone who provided information was lying*".¹²⁸

72. At the inquest, Mr John Watson said he had not been involved in Mr Milgin's disappearance from Looma, and he also denied any involvement in Mr Milgin's alleged unlawful killing.¹²⁹

Mr Anthony Watson's response to Mr Henry's allegations¹³⁰

73. On 9 September 2016, police spoke with Mr Anthony Watson at the offices of the Kimberley Land Council in Broome. He told police that when he heard Mr Milgin and Ms Buck had left Looma, he was living at Jarlmadangah. Mr Anthony Watson confirmed that under traditional Lore, the relationship between Ms Buck and Mr Milgin was prohibited.

74. Mr Anthony Watson also told police that he did not know what had happened to Mr Milgin or Ms Buck after they left Looma, but that people said they could be living in Derby or Kununurra. He also told police that "*cultural law probably could have been involved*" and that Mr Henry "*may have information and assist police*".

75. On 5 November 2018, after Mr Henry had given his statement to police, Mr Anthony Watson was arrested in Broome on suspicion of Mr Milgin's murder. Prior to the interview, Mr Anthony Watson had obtained legal advice, and as is his right, he declined to answer any of the questions put to him by police. At the end of the interview, Mr Anthony Watson was released by police without charge¹³¹

76. At the inquest, Mr Anthony Watson denied having any knowledge of what had happened to Mr Milgin after he left Looma.¹³²

¹²⁷ Exhibit 1, Vol. 1, Tab 55D, Transcript of Record of Interview - Mr J Watson (05.11.18)

¹²⁸ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p22

¹²⁹ ts 03.08.23 (Watson, J), pp190-191

¹³⁰ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp22-23 and ts 01.08.23 (Hughes, J), pp37-38

¹³¹ Exhibit 1, Vol. 1, Tab 55F, Transcript of Record of Interview - Mr A Watson (06.11.18)

¹³² ts 03.08.23 (Watson, A), p201

*Mr Harry Watson*¹³³

77. On 25 June 2018, police arrested Mr Harry Watson (who is the brother of Mr John Watson) at Jarlmadangah on suspicion of Mr Milgin's murder. Mr Harry Watson denied any involvement in the disappearance and deaths of either Ms Buck or Mr Milgin, and he was released without charge.¹³⁴
78. At the inquest, Mr Harry Watson gave evidence by video-link from Jarlmadangah. Although he had some difficulty hearing the questions he was asked, he nevertheless confirmed that what he had told police in his interview on 25 June 2018 was true and that he had nothing to add.¹³⁵

*Comments on Mr Henry's allegations*¹³⁶

79. Mr Henry had four interactions with the police and was substantively interviewed three times. In his various accounts, Mr Henry's evidence varied from saying he knew nothing about what had happened to Mr Milgin, to stating he had been present when Mr Milgin was allegedly unlawfully killed.
80. The version of events Mr Henry gave police on 2 November 2018, related to events which he alleged had occurred over two decades earlier. Mr Henry is now deceased, meaning that the inconsistencies in his various accounts to police cannot be further examined.
81. Further, as Officer Hughes noted in her report, the version of events in Mr Henry's statement contradicts his previous statements to police, and:

There have been no other witnesses nominated or identified by (Mr Henry) who can corroborate the information he provided to police in this statement".¹³⁷

¹³³ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p24

¹³⁴ Exhibit 1, Vol. 1, Tab 55E, Transcript of Record of Interview - Mr H Watson (25.06.18)

¹³⁵ ts 02.08.23 (Watson, H), pp172-173 & 175

¹³⁶ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp7-10

¹³⁷ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p9

82. Officer Hughes also confirmed that police had established the house in Heytesbury Street in Derby where Mr Henry claimed Mr Milgin had been allegedly unlawfully killed had been owned by the same family between 1992 to 1998. That family had never had lodgers, meaning that Mr Milgin could not have been killed at these premises.¹³⁸
83. It is significant that the allegations made by Mr Henry in his statement to police have never been corroborated by any other witness, or by any physical evidence. Further, despite Mr Henry's assertions that he "*could remember everything that was happening*" he told police he had been "*drinking lots of gurry*" (i.e.: alcohol) at the reserve and was "*hungover*" prior to the alleged events he recounted.
84. With great respect to Mr Henry, this must add doubt to the veracity of his account, as does the fact that he incorrectly identified the scene of Mr Milgin's alleged unlawful killing.¹³⁹
85. As mentioned, Mr Henry is now deceased and the inconsistencies in his various accounts cannot be further explored. However, I note that in his statement relating to Mr Milgin's alleged unlawful killing, there is no explanation of how he knew where Mr Milgin was staying in Derby, especially given the fact that Mr Milgin had made no contact with his family since leaving Looma, and there had been no other reported sightings of him.
86. It is unclear why (as Mr Henry claimed he did) Mr Milgin would have agreed to get into the Troop carrier in the first place. It is also unclear why, if Mr Milgin thought he was going "*back home*" as Mr Henry had told him, Mr Milgin willingly entered another house in Derby, especially given Mr Henry told police this was a house that he (Mr Henry) knew nothing about. There is also no explanation of how Mr Milgin fell to the floor if, as Mr Henry says, he was seated when he was allegedly struck in the face, or why Mr Milgin did not struggle after allegedly being assaulted.

¹³⁸ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp9-10 and ts 01.08.23 (Hughes, J), p26

¹³⁹ ts 01.08.23 (Hughes, J), pp62-64

87. When making findings, I must be mindful of the standard of proof set out in *Briginshaw v Briginshaw*,¹⁴⁰ which requires a consideration of the nature and gravity of the conduct when deciding whether a finding adverse in nature has been proven on the balance of probabilities (the *Briginshaw* principle).
88. In addition to the issues I have just referred to, I note that Mr Henry's allegations about Mr Milgin's alleged unlawful killing have been consistently denied by both Mr John Watson and Mr Anthony Watson. After careful consideration of Mr Henry's account of Mr Milgin's alleged unlawful killing, and with due regard to the *Briginshaw* principle, I have concluded it would be unsafe for me to place any weight on that evidence.¹⁴¹
89. It follows that on the basis of the currently available evidence, there is no credible basis for asserting that either Mr John Watson, Mr Anthony Watson or Mr Harry Watson were involved in Mr Milgin's disappearance, or his alleged unlawful killing.

Discovery of bones at Camballin airstrip^{142,143,144,145,146}

90. On 25 July 2018, Mr Henry and other family members went to a hill near the Camballin airstrip, where it was thought Mr Milgin's body may have been buried. The group identified a number of bones in a rocky hollow and notified police. Detectives from the Cold Case Homicide Squad photographed and seized the bones on 22 August 2018.
91. A forensic anthropologist and medical scientist (Dr Alanah Buck) examined the bones and confirmed that based on their gross anatomy, "*the bones are consistent with being non-human in origin*".¹⁴⁷ On 31 October 2018, police conducted a further search of the area, but no other bones were found.

¹⁴⁰ (1938) 60 CLR 336 per Dixon J at 361-362

¹⁴¹ See also: ts 01.08.23 (Hughes, J), pp26-27

¹⁴² Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp18-19 and ts 01.08.23 (Hughes, J), pp24-25

¹⁴³ Exhibit 1, Vol. 1, Tab 32, Statement - Ms R Shaw (21.08.18), paras 74-133 and ts 01.08.23 (Shaw, R), pp101-102

¹⁴⁴ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (21.08.18), paras 46-58

¹⁴⁵ Exhibit 1, Vol. 1, Tab 46, Photograph of non-human bones found at Camballin

¹⁴⁶ Exhibit 1, Vol. 1, Tab 37, Photographs of bones found at Camballin

¹⁴⁷ Exhibit 1, Vol. 1, Tab 38, Email - Dr A Buck (21.08.18)

Discovery of bones at Honeymoon Springs^{148,149}

92. On 14 August 2018, police received information from an anonymous person that in 2014 or 2015, they had located what appeared to them to be bones at Honeymoon Springs, near Jarlmadangah, about 36 km from Looma. The person said they had entered a rock shelter and seen a pair of jeans, and some animal bones.
93. It appears the anonymous informant contacted police after listening to a podcast called “*Wrong Skin*”, which was broadcast in July 2018. “*Wrong Skin*” is the work of Mr Richard Baker, a journalist with *The Age* newspaper. Amongst other issues, “*Wrong Skin*” deals with the circumstances surrounding Mr Milgin’s disappearance from Looma.¹⁵⁰
94. In her report, Officer Hughes noted that Honeymoon Springs is a “*well-known watering hole*” used on a regular basis by tourists and members of the local communities, and there had been no other reports of bones at this location. In light of these factors, Officer Hughes concluded that: “*As the information was referring to 2014 or 2015 no further action has been taken on the information provided by the anonymous caller*”.¹⁵¹

Discovery of human femur^{152,153,154,155,156,157,158}

95. In about 2010, a pilot was flying a helicopter near a hill about 13 km west of Looma. He noticed a white object on a rock and on landing, examined the object and thought it was a human bone. Before flying off, the pilot took photographs of the bone and the surrounding area. Following the broadcast of “*Wrong Skin*” in July 2018, the pilot contacted police and provided them with copies of the photographs he had taken.

¹⁴⁸ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p19

¹⁴⁹ Exhibit 1, Vol. 1, Tab 39, Aerial photographs showing Honeymoon Springs and the Jarlmadangah Burru Community

¹⁵⁰ See: <https://www.theage.com.au/wrong-skin/video-making-wrong-skin-20180712-p4zr2t.html>

¹⁵¹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p19

¹⁵² Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p20

¹⁵³ Exhibit 1, Vol. 1, Tab 40A, Photographs of femur bone and surrounding area

¹⁵⁴ Exhibit 1, Vol. 1, Tab 40B, Email - Dr A Buck to Mr W Stops (14.12.22)

¹⁵⁵ Exhibit 1, Vol. 1, Tab 41A, Photograph of human femur

¹⁵⁶ Exhibit 1, Vol. 1, Tab 41B, Email - Dr A Buck to Det. Sen. Const, J Hughes (03.09.18)

¹⁵⁷ Exhibit 1, Vol. 1, Tab 52, Aerial photograph showing the locations of Ms Buck’s remains, Looma and the right femur

¹⁵⁸ Exhibit 1, Vol. 1, Tab 54, Report - Dr A Buck 28.04.23

96. On 3 September 2018, police forwarded a photograph of the bone to Dr Buck who identified it as an adult right human femur. The quality of the photograph did not enable Dr Buck to determine whether the bone came from a male or female, or to give an estimate of the time since death. However, Dr Buck noted the bone was “*very dry and bleached*” indicating death had not occurred in the recent past (i.e.: “*days or weeks before*”). However, Dr Buck also noted that the harsh conditions in the Kimberley can cause bones to weather and bleach “*fairly quickly*”.
97. On 19 September 2018, detectives from the Cold Case Homicide Squad went to the area where the bone had been found, but could not locate it. Officer Hughes said the area is subject to flooding during the wet season and “[E]ven with today’s technology there are no other options available to explore or advance this discovery”.¹⁵⁹
98. On 12 December 2022, police sent Dr Buck nine photographs of the “*same femur in-situ*” along with images and maps showing the surrounding area. Dr Buck prepared a report in which she stated she found “*no obvious trauma/injury*” to the bone, and she repeated her observations about the sex of the bone and the likely time since death.
99. In her report, Dr Buck also noted that a search of the Department of Planning, Lands and Heritage database had:
- [I]ndicated that historical Aboriginal skeletal remains had been located in the same general area as the right femur had been located.¹⁶⁰
100. In view of Dr Buck’s various assessments, I have been unable to conclude that the adult human right femur has anything to do with Mr Milgin’s disappearance.

¹⁵⁹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p20

¹⁶⁰ Exhibit 1, Vol. 1, Tab 54, Report - Dr A Buck 28.04.23, p1

Toyota troop carrier^{161,162,163}

- 101.** During the review by the Cold Case Homicide Squad, several witnesses claimed that a 1986 Toyota Landcruiser (the Vehicle) was involved in Mr Milgin’s disappearance. Ms Zaria Buck said she saw Mr Milgin being placed into a “*white cream*” coloured “*Toyota like a Landcruiser*” when he was allegedly abducted outside her home,^{164,165} and Mr Henry claimed he had seen blood dripping from the back of the Vehicle after it was painted blue. Mr Henry also said he and Mr Milgin had been driven in the Vehicle (when it was “brown”) to a house in Derby where Mr Milgin was allegedly unlawfully killed.^{166,167}
- 102.** On 8 September 2016, police located the Vehicle at the rear of the Jarlmadangah Burru Community. The Vehicle “*was rusted through with the seats removed*” and its roof had been taken off, meaning that its interior had been exposed to the elements. Police established that the Vehicle had originally been beige, and that it was registered to Mr Anthony Watson, with the registration expiring on 21 March 1999.¹⁶⁸
- 103.** In 2018, Mr Louie Marshall gave a statement to police in which he said that sometime between 1992 and 1995, he was asked by Mr John Watson (who he regarded as a brother) and Mr Anthony Watson to strip the Vehicle and repaint it inside and out in a metallic blue colour.^{169,170}
- 104.** At the inquest, Mr Wayne Watson (Mr John Watson’s son, and friend of Mr Milgin) said that in 1999, he had seen the Vehicle at Mr Marshall’s house while it was being painted blue. However, Ms Milgin, who was in a defacto relationship with Mr John Watson from about 1990 to 2018, said she used the Vehicle daily and that it was repainted “*not long after (Mr Milgin) and (Ms Buck) went missing*”.^{171,172,173,174}

¹⁶¹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp17-18 and 01.08.23 (Hughes, J), pp31-32

¹⁶² Exhibit 1, Vol. 1, Tab 34, Photographs of blue Toyota Landcruiser

¹⁶³ ts 01.08.23 (Milgin, A), pp78-83 and 85-89 and ts 01.08.23 (Shaw, R), pp98-101 & 105-106

¹⁶⁴ Exhibit 1, Vol. 1, Tab 27, Statement - Ms Z Buck (09.09.16)

¹⁶⁵ Exhibit 1, Vol. 1, Tab 27, Typed Statement - Ms Z Buck (09.09.16), paras 4-25

¹⁶⁶ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p8

¹⁶⁷ Exhibit 1, Vol. 1, Tab 24, Statement - Mr W Henry (02.11.18), paras 30-111

¹⁶⁸ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p17

¹⁶⁹ Exhibit 1, Vol. 1, Tab 31, Statement - Mr L Marshall (13.10.18), paras 6, 14-22

¹⁷⁰ See also: Exhibit 1, Vol. 1, Tab 32, Statement - Ms R Shaw (21.08.18), paras 32-45, who says the repaint occurred in 1995

¹⁷¹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p14

¹⁷² Exhibit 1, Vol. 1, Tab 31, Statement - Mr L Marshall (13.10.18), paras 6, 14-22

105. Mr Marshall, who had worked as a vehicle smash repairer, told police he thought it was “*strange*” that the Vehicle was being repainted inside as well as outside “*because that involves a lot of work, and it was an old car*”. Mr Marshall says he asked Mr John Watson and Mr Anthony Watson why they wanted the Vehicle repainted, and that one or other of them had said “*they just wanted a different colour of car*”.¹⁷⁵

106. Mr Marshall said he did not ask further questions because he regarded Mr John Watson as his “*older brother*” and in Aboriginal culture it was disrespectful to question an older brother.¹⁷⁶ In his statement, Mr Marshall also said he still did not know why Mr John Watson or Mr Anthony Watson had wanted the vehicle painted.¹⁷⁷

107. Mr Marshall says he was paid \$1,000 or \$1,500 to repaint the Vehicle and that it was “*very dirty*” when he had stripped it. He noticed “*blood in the back and bits splashed on the sides of the inside back area*”, but did not think this was unusual because Mr John Watson and Mr Anthony Watson hunted for kangaroos and fish “*all the time*”.¹⁷⁸

108. In his statement, Mr Marshall also said:

I know that when they went hunting they would just throw everything killed inside the car anywhere, and that is where I would guess the blood came from.¹⁷⁹

109. Ms Milgin said that neither Mr John Watson nor Mr Anthony Watson had told her the vehicle was to be repainted, and when it was returned after being painted blue, she was in “*shock to see that it had changed colour*”. Ms Milgin also confirmed that Mr John Watson and Mr Anthony Watson used the Vehicle to “*go hunting*” on the weekends, but as to it being repainted she said: “*There was no reason to change the colour of the motor car and there was nothing wrong with it*”.¹⁸⁰

¹⁷³ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (05.11.18), paras 6-18

¹⁷⁴ ts 02.08.23 (Watson, W), pp162-162; ts 03.08.23 (Watson, J), p180; and ts 03.08.23 (Watson, A), p197

¹⁷⁵ Exhibit 1, Vol. 1, Tab 31, Statement - Mr L Marshall (13.10.18), paras 22-24

¹⁷⁶ Exhibit 1, Vol. 1, Tab 31, Statement - Mr L Marshall (13.10.18), paras 25

¹⁷⁷ Exhibit 1, Vol. 1, Tab 31, Statement - Mr L Marshall (13.10.18), para 53

¹⁷⁸ Exhibit 1, Vol. 1, Tab 31, Statement - Mr L Marshall (13.10.18), paras 34-38 & 46

¹⁷⁹ Exhibit 1, Vol. 1, Tab 31, Statement - Mr L Marshall (13.10.18), para 39

¹⁸⁰ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (05.11.18), paras 16 & 21-25

- 110.** Mr Anthony Watson told police that the Vehicle was repainted because he wanted to refurbish it.¹⁸¹ The work was performed by Mr Marshall, who regarded Mr John Watson as his elder brother, and was relatively inexpensive.
- 111.** On 9 November 2018, the Vehicle was seized at the Jarlmadangah Burru Community, and taken to Derby. It was forensically examined on 11 December 2018 and swabs were taken from various areas of the Vehicle and forwarded to PathWest in Perth for analysis. All of the samples tested negative for blood.¹⁸²
- 112.** On the basis of the evidence currently available, the fact that the Vehicle was repainted sometime after Mr Milgin and Ms Buck left Looma does not establish any relevant connection between the Vehicle and Mr Milgin's disappearance.

¹⁸¹ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p23

¹⁸² Exhibit 1, Vol. 1, Tab 35, Email - Sen. Const. S Walker (14.03.19)

HAS DEATH BEEN ESTABLISHED?

113. Having carefully considered the available evidence, I have concluded that it has been established, beyond all reasonable doubt, that Mr Milgin died on a date unknown in early 1994. In reaching that conclusion, I have relied on the following facts:

- i. Although Mr Milgin has a child, his family have had no contact from him since he left Looma in late December 1993 or early January 1994;
- ii. Despite searches for Mr Milgin by members of his family in Derby, Turkey Creek, Halls Creek, Wyndham, Kununurra, Fitzroy Crossing, Camballin, and Jarlmadangah he has never been found;^{183,184,185,186}
- iii. Since January 1994, there have been no transactions on any bank account in Mr Milgin's name, he has had no contact with Centrelink, and he has not left Australia;^{187,188,189,190,191,192,193}
- iv. A detailed review by the Cold Case Homicide Squad has failed to unearth any information about Mr Milgin's movements after he left Looma, and the investigation concluded he had died;¹⁹⁴
- v. Despite a public awareness campaign, and the broadcast of a podcast entitled "*Wrong Skin*", no information which could conclusively establish Mr Milgin's movements after he left Looma has emerged; and
- vi. The terrain around Looma is harsh and challenging so that if Mr Milgin had died in this area, his body would have decomposed rapidly given typical daytime temperatures in January of between 30°C to 39°C.¹⁹⁵

¹⁸³ Exhibit 1, Vol. 1, Tab 22, Statement - Mr W Milgin (06.09.16), paras 7-16

¹⁸⁴ Exhibit 1, Vol. 1, Tab 23, Statement - Ms A Milgin (21.08.18), para 29

¹⁸⁵ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), p21

¹⁸⁶ ts 02.08.23 (Watson, W), p162; ts 03.08.23 (Watson, J), pp191-192; and ts 03.08.23 (Watson, A), p201-202

¹⁸⁷ Exhibit 1, Vol. 1, Tab 5, Centrelink - Release of protected information report (23.06.99)

¹⁸⁸ Exhibit 1, Vol. 1, Tab 44, Centrelink - Release of protected information report (14.09.18)

¹⁸⁹ Exhibit 1, Vol. 1, Tab 50, Centrelink - Release of protected information report (09.12.22)

¹⁹⁰ Exhibit 1, Vol. 1, Tab 48, Letter - Registrar of Births, Deaths and Marriages (05.12.22)

¹⁹¹ Exhibit 1, Vol. 1, Tab 49, Email - Det. Sen. Const. J Hughes to banks and numerous responses (02.12.22)

¹⁹² Exhibit 1, Vol. 1, Tab 53A, Department of Home Affairs Movement Records & Passenger Cards Request Form (02.12.22)

¹⁹³ Exhibit 1, Vol. 1, Tab 53B, Email - Australian Border Force to WA Police (29.12.22)

¹⁹⁴ Exhibit 1, Vol. 1, Tab 1, Report - Det. Sen. Const. J Hughes (01.05.19), pp24-25

¹⁹⁵ See: www.accuweather.com/en/au/looma/16698/january-weather/16698

CAUSE AND MANNER OF DEATH

- 114.** As Mr Milgin's body and/or remains have never been located, I am obliged to find that the cause of his death is unascertained. Further, in the absence of any cogent evidence about Mr Milgin's movements after he left Looma, I make an open finding as to the manner of his death.
- 115.** Given the information vacuum surrounding Mr Milgin's whereabouts after he left Looma, it is quite understandable that numerous theories about what happened to him might be contemplated. This is especially so given that Mr Milgin's disappearance occurred in the context of the cultural prohibition of his relationship with Ms Buck, and the later discovery of Ms Buck's remains.
- 116.** However, a thorough investigation by police has found no compelling evidence of any criminality relating to Mr Milgin's death and no criminal charges have ever been laid against any person. The allegations made by Mr Henry about Mr Milgin's alleged unlawful killing have been consistently denied by the persons said to have been involved, and Mr Henry is now deceased.
- 117.** Despite there being a range of possible explanations for Mr Milgin's disappearance and subsequent death, on the basis of the currently available evidence, I have been unable to make any conclusions, to the relevant standard, as to the cause or circumstances of his death.¹⁹⁶

¹⁹⁶ Exhibit 1, Vol. 1, Tab 17, Additional witness accounts

CONCLUSION

- 118.** Mr Milgin was clearly a much loved family member who was 24-years of age when he was seen leaving Looma with Ms Buck in late December 1993 or early January 1994. He has not been seen or heard from since. Despite investigations by police, including a comprehensive review by the Cold Case Homicide Squad, no information about Mr Milgin's whereabouts has come to light.¹⁹⁷
- 119.** There have been a number of suggestions about what might have happened to Mr Milgin after he left Looma, including the persistent assertion that he may have died after being subjected to traditional punishment. However, on the basis of the currently available evidence, other than finding that Mr Milgin died sometime in early 1994, I have been unable to determine the cause of his death, and I made an open finding as to the manner of his death.
- 120.** In the absence of fresh evidence which may shed light on what happened to Mr Milgin after he left Looma, the circumstances surrounding his disappearance and death appear destined to remain a mystery. This is obviously an unsatisfactory state of affairs, and I cannot begin to imagine the grief and sadness that Mr Milgin's family and loved ones have experienced since his disappearance.
- 121.** If there is anyone who knows anything about what happened to Mr Milgin after he left Looma, then for the sake of his family, I **strongly urge** them to come forward and speak with police. As I did at the inquest, on behalf of the Court, I wish to again extend to Mr Milgin's family and his loved ones my sincere condolences for their terrible loss.

MAG Jenkin
Coroner
18 August 2023

¹⁹⁷ ts 01.08.23 (Hughes), pp61-62