



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

58/19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Edward John GIBBARD** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 14 and 28 October 2019, 27 November 2019 and 13 May 2020** find the death of **Edward John GIBBARD** has been established beyond all reasonable doubt, and the identity of the deceased person was **Edward John GIBBARD** and that death occurred **on or following the 23 December 1976**, in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On the 23 December 1976 Edward John Gibbard (Mr Gibbard) left the Lake Argyle Inn following farewell drinks with a group of friends and associates. His stated intention was to drive to Kununurra where he was due to stay overnight at the Hotel Kununurra before boarding a flight to Perth on the morning of 24 December 1976.

On the morning of 24 December 1976 Mr Gibbard's vehicle was located on the road between Kununurra and Lake Argyle Village, abandoned. While there were alleged sightings of Mr Gibbard over the following two months his family and friends never heard from him again.

The inquest into Mr Gibbard's disappearance was held in Perth as initially the only available witnesses were in the Perth area. The documentary evidence on 14 October 2019 comprised the brief of evidence, Exhibit 1, attachments 1-23.¹ On that date it was realised there had been a failure in the public notification of the inquest and it was set down for mention on 28 October 2019 to ensure notification was properly completed. That Public Notice of Inquest dated 17 October 2019 became Exhibit 2 on 28 October 2019.

In addition, oral evidence from the report writer from the Missing Person Unit (MPU) Sergeant Steven John Perejimbida and Malcolm Tweedie (Mr Tweedie) on 14 October 2019 raised further issues for investigation; memorandum of Snr Const Robertson dated 18 October 2019, which became Exhibit 3.²

On 28 October 2019 the matter was further adjourned to 27 November 2019 for the hearing of additional oral evidence from Mr Tweedie, and Damien Brigid O'Doherty (Ms O'Doherty); and 17 March 2020 in Kununurra for any additional information which may be forthcoming. Due to the Covid-19 pandemic emergency the Kununurra hearings did not take place in Kununurra and additional evidence was heard from Charles Thomas Sharpe (Mr Sharpe) by telephone from Kununurra on 13 May 2020. It had been anticipated evidence would also be forthcoming from

¹ Transcript 27.11.2019 pages 2-4

² Transcript 28.10.2019 pages 3-7; Transcript 27.11.2019 pages 4-9

Allan Jones (Mr Jones) better known in 1976 as Allan Huntington. Unfortunately on 13 May 2020 Mr Jones advised Snr Constable Robertson he felt unable to provide the court with any assistance by way of oral evidence.

Long Term Missing Persons Project (LTMP)

In 2017 it was established there were a number of files relating to the long term disappearance of people who had been in Western Australia at the time of their reported disappearance. Some of the disappearances occurred at a time when there was limited or no jurisdiction for a coroner to examine the circumstances of a suspected death.

Section 23(1) of the *Coroners Act 1996* WA (the Act) allows the State Coroner to direct an investigation into a suspected death in certain circumstances without a body, for the purposes of allowing a coroner, under section 23(2), to establish beyond all reasonable doubt that death has occurred. The investigation must be done by way of inquest and will attempt to clarify how death occurred and the cause of the death. This effectively brings the suspected death into the ambit of s 25 of the Act and allows registration of the death under the *Births, Deaths and Marriages Registration Act 1998*.

The reported number of LTMP made it unrealistic for the Office of the State Coroner (OSC) to absorb those matters into the already long outstanding inquest list in a timely manner. A plan was proposed for a project to clear the backlog of LTMP files once it had been determined the matters fitted the circumstances set out in s 23(1) of the Act. That is, the State Coroner or delegate had reasonable cause to suspect the person had died and the death was a reportable death (s3 of the Act).

In 2018 funds were approved for a coroner to work exclusively on the LTMP cases, on a part-time basis for twelve months, as a separate listing from the OSC general inquest list. This followed a pilot project of four inquests conducted in 2018.

In 2019 a coroner was appointed for that project with the support of an in-house Coronial Investigation Squad (CIS) police officer as Counsel Assisting (CA).

Work on the files indicated a number of disappearances related to specific areas of Western Australia such as the Kimberley around Kununurra or Broome and Albany. For these matters it was decided that, while there is a preference for inquests to be held in the communities to which they relate, especially for indigenous communities where there is emphasis on oral history, resources would not be effectively utilised for all matters to be heard in the place of disappearance. Instead matters related to outside the Perth metropolitan area were considered from the perspective of the best availability for relevant witnesses. Where there were no witnesses available in the relevant area of disappearance the matter would be heard in Perth.

In the case of Mr Gibbard there were initially no available witnesses in the place of disappearance at the time of the proposed inquest, and unfortunately those from his family about whom we had knowledge were deceased or untraceable. The only available witness appeared to be in the Perth metropolitan area. However, it became apparent that with a little investigation it may be possible to obtain further information and additional court dates were obtained. The matter was also added to the Kununurra listings for advertising prior to hearings in that area. Unfortunately that did not occur due to the Covid19 pandemic and evidence was heard by way of telephone link in Perth.

The anticipated outcome of the LTMP project was that by June 2020 the majority of reported LTMP matters would be resolved and that future missing person files would be dealt with in the normal course of OSC business.

THE DECEASED

Mr Gibbard was born on 23 April 1925 in Devon, United Kingdom. He retained a strong Devonshire accent throughout his life. He was 52 years of age at the time of his disappearance and would have been 94 years of age in 2019.

The recorded dates of birth for Mr Gibbard vary by three years. According to his parents this was because he lied about his age when he was 15 to enable him to enlist and fight in the Second World War. However, his medal listing as a Merchant

Seaman recorded his date of birth as 23 April 1928, which would seem to make him younger, not older.³

There is no marriage recorded for Mr Gibbard and very little is known about his early life other than it appears he had at least one sibling, a sister, resident in Hong Kong at the time of his disappearance.⁴

The various notes in the Missing Person file (MP file) record the possibility of a son, also a Merchant Seaman, although this is not supported anywhere else and there are comments that Mr Gibbard generally avoided women. Certainly his parents did not make reference to a grandchild of any description.

There are also confused notations about how long Mr Gibbard had been in Australia, however, I am satisfied that at the time of his disappearance he had been in Australia for approximately 3 years and this is consistent with the letter from his parents to police shortly after his disappearance which recorded their move to Australia from the UK to be with their son, as having occurred 2 1/2 years earlier. There is no indication of any animosity by Mr Gibbard towards his family in the file, other than a reported comment which his mother disputed, that he did not get along with his parents. This is in direct contradiction to Mr Tweedie's evidence, Mr Gibbard was intending to visit his parents in Perth for Christmas 1976 and was looking forward to the event.⁵

Mr Tweedie was at Lake Argyle in 1976 because he was managing Fish Farms International on the lake. He was from South Australia and stated the people working on the lake at that time all knew each other and often socialised together.⁶

In mid 1976 Francesco Camer-Pesci (Mr Camer-Pesci) hired Mr Gibbard to captain his tourist boat (Bower Bird) on Lake Argyle. Mr Camer-Pesci was the owner of the Hotel Kununurra which also operated the Lake Argyle Inn at the Lake Argyle Village off the main Ord River Dam, 45 miles from Kununurra. Mr Gibbard lived at the Inn. On occasions when employees attended Kununurra from Lake Argyle they

³ Exhibit 1 tab 21

⁴ Exhibit 1 tab 16

⁵ Transcript. 14.10.2019 page 13

⁶ Transcript. 14.10.2019, pages 5 and 17

would be accommodated at the Hotel Kununurra or other provided accommodation.⁷ Mr Gibbard was often referred to as Ted, or Captain Ted by the local Argyle community.⁸

Almost the whole file with respect to a description and background for the deceased is confused. The Missing Person Report⁹ (MPR) described Mr Gibbard at the time of his disappearance as being born in London, 51 years of age, a height of approximately 5 foot 6 inches and grey shoulder length hair.¹⁰ Mr Tweedie confirmed he recalled Mr Gibbard as having long shoulder length hair.¹¹ However, the photograph attached to the Missing Person file and used for the media releases at the time represented Mr Gibbard with a short back and sides, neatly parted, and this was confirmed by his parents who disputed the description given to them by MPU.¹²

A witness located by Senior Constable Robertson via Mr Tweedie, Ms O'Doherty, recalled Mr Gibbard as quiet and kind and not much of a drinker.¹³ She recalled Mr Gibbard's hair as represented in the photograph.¹⁴ However she thought his hair may have been a little longer and more dishevelled. The rest of the MPU file indicated a strong likelihood the local community were confused between the characteristics of Mr Gibbard and a friend at the time, Allan Huntington (Mr Huntington), who by December 1996 was working for Fish Farms International. The age difference between Mr Gibbard and Mr Huntington was significant, one in his early 50s and the other in his late 20s respectively, but the character description given by peripheral associates seems to match Mr Huntington, more than it does Mr Gibbard, both of whom were known to Mr Tweedie and Ms O'Doherty.¹⁵

One of the group characteristics attributed to Mr Gibbard as being involved in unsuitable relationships was directly contradicted by those in the Fish Farms

⁷ Exhibit 1 Tab 12 Transcript 27.11.2019 page 4

⁸ Transcript 13.5.2020 page 6

⁹ Exhibit 1 Tab 3 and 4

¹⁰ Exhibit 1 Tabs 3 and 4

¹¹ Exhibit 3 Transcript 27.11.2019 page 5

¹² Exhibit 1 Tab 16 and 17

¹³ Transcript 27.11.2019 page 28

¹⁴ Exhibit 3

¹⁵ Transcript 27.11.2019 pages 9-11

International group as being a more correct description for others, actually in their house. They considered Mr Gibbard to be uninterested in “argy bargy” whereas others were known to have had questionable liaisons.¹⁶

One description of Mr Gibbard as diving over the side of the tourist boat and swimming to an island, later declaring he wished to live like an Aboriginal on fruit and nuts, seems to closely correspond with the circumstances in which Mr Huntington was first located on an island living on fruit and nuts and quite wary of being removed into a more conformist community.¹⁷ They do not correspond to a continued employment as Captain of a tourist boat. These discrepancies were another reason why it was decided to hold the inquest as an investigation in parts to try and obtain additional information about the two personalities of Mr Gibbard and Mr Huntington. Certainly Mr Gibbard’s parents, although superficially appearing confused, disputed those character traits which are attributed to Mr Huntington.¹⁸

Unfortunately Mr Gibbard’s mother died in 1986 and his father in 1998. The Court has been unable to trace his alleged sister in Hong Kong.

The one piece of information about Mr Gibbard’s past which seems indisputable was his long time serving in the British Navy as a Merchant Seaman. He was reported as very confident of his ability to navigate over sea and land, and always carried a compass.¹⁹

Mr Gibbard was due to go on leave in December 1976 and Mr Tweedie advised the court December was the “wet season” on Lake Argyle and tourism dwindled dramatically.²⁰ In the letter from Mr Gibbard’s mother to the police in 1977 she stated she last heard from her son on 21 December 1976, confirming he intended to come home for Christmas and to expect him on the 24 December 1976.²¹ Mr Gibbard had made arrangements to put that in place by obtaining his holiday pay from his employer and asking for a night’s accommodation at the Hotel

¹⁶ Transcript 27.11.2019 pages 7, 9, 23; Transcript 13.5.2020 page 6

¹⁷ Exhibit 3 Transcript 27.11.2019 pages 22-23

¹⁸ Exhibit 1 Tab 16

¹⁹ Exhibit 1 Tab 2

²⁰ Transcript. 14.10.2019 page 14

²¹ Exhibit 1 Tab 16

Kununurra to allow him easier access to the flight for Perth in the morning of the 24 December 1976.

The manageress of the Lake Argyle Inn (Patricia Sharpe) where Mr Gibbard normally stayed whilst working on Lake Argyle, stated he went on leave on 16 December 1976 and, although he did not usually drink, once he started his holidays he started to consume alcohol. She advised he cancelled his departure for Perth on two occasions saying he was going to camp on an island in Lake Argyle.²² This was not verified by Mr Tweedie²³. He recalled Mr Gibbard as very rarely drinking at any stage and he could not recall Mr Gibbard drinking with them once he went on leave, other than a drink or two. He did not recall Mr Gibbard ever being intoxicated.²⁴ This is in contradistinction to Ms Sharpe who claimed *“When he (Mr Gibbard) eventually left the inn it was about 10.20pm on 23 December 1976 and he had been drinking all day and his driving was very erratic.”*²⁵

Enquiries by police at the time of his disappearance indicated he had recently been paid his holiday leave in a bank cheque by Mr Camer-Pesci which had not been cashed by January 1977. Mr Gibbard’s parents were expecting him to resume work in January 1977, whereas his employer expected him back in February 1977.²⁶

DISAPPEARANCE

Mr Tweedie confirmed that on the evening of the 23 December 1976 he and Mr Huntington had drinks with Mr Gibbard at a farewell get together. He advised that on most nights he, Mr Huntington and their group would go into the hotel and order *“this appalling jug of white spirits.”*²⁷ The group would drink that, but Mr Gibbard (Ted) never joined with them because he was driving the tourist boat. As far as Mr Tweedie was concerned Mr Gibbard was never part of their drinking group, but he agreed they had a drink with him on the night of 23 December 1976 to say goodbye.

²² Exhibit 1 Tab 13

²³ Transcript 27.11.2019 pages 10-11

²⁴ Transcript. 14.10.2019 page. 12 Transcript 27.11.2019 page 23

²⁵ Exhibit 1 Tab 13

²⁶ Exhibit 1 Tabs 7, 8 and 16

²⁷ Transcript. 14.10.19 page 11

Mr Tweedie did not recall Mr Gibbard having drunk to excess, but did recount he was quite a small person and would probably easily become inebriated, however, he could not recall ever having seen Mr Gibbard drunk. Mr Tweedie confirmed both he and Mr Gibbard were sad that evening because the group that had formed some cohesion was splitting, with Mr Gibbard going to Perth and he and Mr Huntington intending to leave the area and travel to Darwin due to the collapse of the fishing business.

Mr Tweedie did not think the group would have allowed Mr Gibbard to leave that evening if he had been visibly drunk as stated by Ms Sharpe, however, he was fairly inebriated himself and could not recall seeing Mr Gibbard leave. Rather he thought Mr Gibbard went to his room to pack and he did not remember him driving off. He also agreed it possible people had remembered a group dynamic,²⁸ rather than the individuals, when talking about Mr Gibbard being a heavy drinker.²⁹ However, in fairness, most people spoke of Mr Gibbard as not generally drinking, however having a drink when he was not working.³⁰

Mr Tweedie described Mr Gibbard as a loner and that as far as he knew Mr Gibbard was looking forward to going home and seeing his parents for Christmas. Mr Gibbard knew he and Mr Huntington were intending to go to Darwin, but made no indication he would follow them to Darwin, although Mr Tweedie believed if Mr Gibbard had gone to Darwin he would definitely have *“looked them up”*,³¹ especially Mr Huntington.

The available evidence certainly indicated Mr Gibbard had a drink with Mr Tweedie, Mr Huntington and other friends on the evening of 23 December 1976, before going to his room and packing his bags for his intended trip home. He also left his personal belongings in his room ready for his return in February 1977. He had secured the door with a chain and padlock which later had to be broken in to by the police.³²

²⁸ Transcript 27.11.2019 page 9

²⁹ Transcript. 14.10.19 page 12

³⁰ Exhibit 1 Tabs 12, 13

³¹ Transcript. 14.10.19 page 15

³² Exhibit 1 Tab 2

Ms Sharpe observed Mr Gibbard drive from the Argyle Inn at approximately 10.20 pm that evening on his way to Kununurra where he was due to stay overnight at the Hotel Kununurra before boarding his flight to Perth in the morning.³³

The passenger list for the flight from Kununurra to Perth on the morning of 24 December 1976 indicated Mr Gibbard did not board the flight, although he was booked a seat.³⁴

On the morning of 24 December 1976 Mr Tweedie stated he and, he believed, Mr Huntington, although there could have been others present, were driving from Lake Argyle to Kununurra when they observed Mr Gibbard's motor vehicle, a maroon Toyota Crown sedan registration UFM 531 (Toyota) on the slip road to Lake Argyle, approximately 10 kilometres from the Inn. The car was locked with no sign of Mr Gibbard. Mr Tweedie said they stopped and looked around the vehicle, but could not see Mr Gibbard and assumed he had been picked up by a passer-by and taken into Kununurra for his flight. They continued their drive into Kununurra where they reported the presence of Mr Gibbard's vehicle on the road near Lake Argyle to his employer, Mr Camer-Pesci.³⁵ Mr Tweedie recalled the car as normally parked beside the road.³⁶

Ms O'Doherty stated another friend of the group, Judith, had been present with Mr Tweedie and Mr Huntington when Mr Gibbard's Toyota was located and Judith recalled Christmas presents on the front seat of the car which they believed were for his parents.³⁷

Mr Camer-Pesci went to Mr Gibbard's room to check whether he was there and realised the room had not been slept in. Mr Camer-Pesci advised the police that Mr Gibbard was missing, he thought, at approximately 9.30 am.³⁸

³³ Exhibit 1 Tab 13

³⁴ Exhibit 1 Tab 18

³⁵ Transcript. 14.10.19, p.16-17

³⁶ Transcript 27.11.2019 page 13

³⁷ Exhibit 3 Transcript 27.11.2019 page 25

³⁸ Exhibit 1 Tab 12

INVESTIGATION

Police records indicate the Kununurra Police received a telephone message from Mr Camer-Pesci at approximately 9.10 am on Friday 24 December 1976. The police put together a Missing Person Report (MPR) to assist with enquiries.³⁹

Upon receiving the information about Mr Gibbard's vehicle Sergeant Clive Smith of Kununurra Police Station travelled out on the Lake Argyle Road with Constable Sharper and an Aboriginal tracker, Albert Windeooja. He reported locating the Toyota approximately 7 metres off the southern side of the road on the Kununurra/Lake Argyle Road approximately 9 kilometres west of the Argyle Inn. The vehicle was facing in a northerly direction and at right angles to the road edge. Mr Windeooja studied the ground all around the vehicle, extending his search into the bush on each side, but was unable to locate any evidence Mr Gibbard had ventured from the bitumen.

It was ascertained from the marks on the road surface the Toyota had been travelling in a westerly direction when the right hand side wheels left the bitumen on the south (incorrect) side of the road and the vehicle travelled in that position for approximately 50 metres. The driver had corrected back onto the bitumen and the car had slid sideways in the shape of an "S" to the location in which it was located by police. Careful analysis of the surrounding area indicated the rear wheels of the Toyota had passed over a mound of earth left by a grader upon which the vehicle had become stuck.

"A prolonged attempt was made to free the car and this resulted in the tail shaft being worn completely through about 30 centimetres from the differential universal joint. When the shaft parted the flaying end of the metal penetrated through the floor beneath the rear seat."⁴⁰

The police recorded a suitcase containing personal effects, a camera and a cassette tape recorder in the front seat of the vehicle and noted that a rumped blanket on the rear seat may indicate whoever was the driver had slept in the vehicle for a time. There was no evidence the driver of the vehicle had been injured and there

³⁹ Exhibit 1 Tabs 3 and 4

⁴⁰ Exhibit 1 Tab 7

was a suggestion the position of the suitcase implied the driver had been the only occupant.

The MPR then goes on to recount the facts of the disappearance and implied there was no indication of financial difficulty and that the cheque paid to Mr Gibbard by his employer had not been cashed. It is not clear whether the comments about “reverting to nature” by living as “primitive Aboriginals did” applied to Mr Gibbard or had been suggestions by Mr Huntington. Mr Huntington certainly appears to have been a colourful character with implied motives to avoid contact with police.⁴¹

Following police examination of the Toyota a search was instituted by police with emergency services, other government agencies such as the Public Works Department, Department of Agriculture and a number of vehicles utilised in the search. In addition Mr Camer-Pesci hired an aeroplane on 24 December 1976 to search for Mr Gibbard, and the police also later co-ordinated an aerial search.⁴²

Aboriginal trackers assisted the search, but were unable to locate any trace of Mr Gibbard and it was generally considered he had remained on the bitumen and had disappeared from the bitumen. No motive could be provided for any reason for him to voluntarily disappear and his parents certainly did not support that proposition.⁴³

Despite Mr Tweedie not recalling very much about the search for Mr Gibbard,⁴⁴ I am satisfied from the contemporaneous reports there was quite an intense search for Mr Gibbard during both the 24, 25 and 26 December 1976. The search controller co-ordinated the search areas for the police, and private aircraft were volunteered for the search, as was a launch used to search the spillway between Kununurra and Argyle. The search was discontinued at 2 pm on Sunday 26 December 1976 after it was felt the searchers had covered all possible areas for the location of either Mr Gibbard or recovering a body. Aside from the aerial search over the spillway on the 24 and 27 December, a grid search had also been carried out to an area of approximately a radius of 25 kilometres from the point where the

⁴¹ Transcript. 14.10.19, pages.6-10

⁴² Exhibit 1 Tab 6

⁴³ Transcript. 14.10.2019, page.23 and Exhibit 1 Tab 15

⁴⁴ Transcript. 14.10.2019, page.22

abandoned Toyota was found.⁴⁵ I suspect the search was continuing whilst Mr Tweedie and his friends were at various functions in and around Argyle and Kununurra for Christmas celebrations.

It was suggested by police there were a large number of tourists travelling between Darwin and Kununurra at that time and that Mr Gibbard had obtained a lift. There was a suggestion by police Mr Gibbard had staged a disappearance, but Mr Tweedie could think of no reason as to why Mr Gibbard would wish to disappear. Nor had Mr Tweedie ever heard of Mr Gibbard staging a disappearance.⁴⁶

I also note the position of Mr Gibbard's Toyota on the roadside, when described by Mr Tweedie first thing on the morning of 24 December 1976, was quite different from that described by Sgt Smith when first seen by police,⁴⁷ which Mr Tweedie did not recall.⁴⁸ It would suggest someone may have moved the vehicle between those two sightings. Mr Sharpe confirmed the police description of the vehicle later in the day.⁴⁹

The fact Mr Gibbard had intended to visit his parents and had booked a flight to Perth, which he did not catch, satisfy me something untoward happened to Mr Gibbard between leaving his vehicle, and the time of his flight from Kununurra the following morning. It is perfectly possible someone else had attempted to move the car before the police arrived at the scene.

Following the conclusion of the search and enquiries with Mr Gibbard's family, who confirmed he was expected but had not arrived and they had not heard from him, enquiries were extended to the Northern Territory police on advice from people in Argyle that Mr Tweedie and Mr Huntington had relocated to Darwin. Mr Tweedie and Mr Huntington were located by Northern Territory police, although Mr Tweedie has no recollection of Mr Huntington ever speaking to the police.⁵⁰ Certainly the

⁴⁵ Transcript 14.10.2019 pages 31-35; Exhibit 1 Tab 6

⁴⁶ Transcript 27.11.2019 page 12

⁴⁷ Transcript 27.11.2019 page 13 Exhibit 1 Tab 7

⁴⁸ Transcript. 14.10.2019 page 16

⁴⁹ Transcript 13.5.2020 page 4

⁵⁰ Transcript 14.10.2019 pages 8-9

conversation with Mr Huntington (1 April 1977)⁵¹ is recorded for a different day from that with Mr Tweedie. (24 February 1977).⁵²

Mr Tweedie confirmed he had received a reverse charge phone call on 18 January 1977 from a person using the nickname “Scalini”. Mr Tweedie went to some length in evidence to explain the use of the nicknames between the group. Mr Tweedie confirmed Mr Gibbard and Mr Huntington had been closer friends than he and Mr Gibbard, but did not agree with some of the detail contained in the memorandum from the Northern Territory police. He stated in court the reverse charges phone call in the name of “Scalini” was from Mr Huntington, not Mr Gibbard. Mr Tweedie did not recall the alias of “Sopworth” at all.⁵³

The memorandum from the Northern Territory police with respect to Mr Tweedie is dated 24 February 1977, while that from the Northern Territory police about a conversation with Mr Huntington is dated 1 April 1977. In that memorandum Mr Huntington confirmed with police he did not know anything of Mr Gibbard’s movements after seeing him at Lake Argyle on the evening of 23 December 1976. The rest of the information provided by Mr Huntington with respect to Mr Gibbard is entirely inconsistent with that of Mr Tweedie. Mr Huntington reported on a “best friend” for Mr Gibbard as an “Englishman Rodger Friend” whom the police were unable to trace. He also said that Mr Gibbard had come to Australia approximately 12 years earlier which is entirely inconsistent with the information provided by Mr Gibbard’s parents. Enquiries with the Queensland police could not trace Mr Gibbard’s alleged best friend, and no other person in Kununurra at the time mentions Roger Friend, only Rob Turner.⁵⁴

Mr Tweedie did not believe Mr Huntington would be happy to assist police and was not of the view Mr Huntington was a reliable informant when it came to information about Mr Gibbard.⁵⁵

⁵¹ Exhibit 1 Tab 10

⁵² Exhibit 1 Tab 9 Transcript 14.10.2019 page 9

⁵³ Exhibit 1 Tab 9

⁵⁴ Exhibit 1 Tab 11 Transcript 27.11.2019 pages 18, 28

⁵⁵ Transcript. 14.10.2019, p.21

There were two alleged sightings of Mr Gibbard in 1977. One was from Joan White (Ms White) who reported to police that on the 3 February 1977 she had sighted Mr Gibbard outside the GPO in Darwin. Ms White advised they had exchanged “Hello”, but when she remembered he was the subject of a search in Kununurra and turned around he had disappeared into Woolworths and she did not follow him as she had her children with her. Ms White was positive it was Mr Gibbard because she had many conversations with him when she worked at the Hotel Kununurra. They both came from the same part of England.⁵⁶

Evidence from Mr Sharpe in May 2020 confirmed the general local view Mr Gibbard had relocated to Darwin and the mystery of his disappearance solved. He had been a young child at the Lake Argyle Inn in 1976 when his parents managed the facility, but recalled the Fish Farms International group and the conversation of locals about them for many years after that time. He had been surprised when hearing that Mr Gibbard’s disappearance was not solved by police with a Darwin connection.⁵⁷

In addition, Ms O’Doherty had advised Senior Constable Robertson she believed she had seen Mr Gibbard on Cottesloe Beach in January 1977. She had not spoken to him but believed it was him. In evidence Ms O’Doherty stated she was not sure it was Mr Gibbard as she had mixed people up before. She also believed it could have been in summer 1978 rather than 1977.⁵⁸ Ms O’Doherty also talked about others in the group who knew Mr Gibbard including Trevor, the captain of the Fishing International boat on the lake, and Rob Turner, a good friend.⁵⁹

Overall Ms O’Doherty did not feel she knew Mr Gibbard well, but did not think he was a wild or unpredictable character. He did not share a house with them so she only knew him as an older person on the fringes of their house group. She knew Allan Huntington better and was not comfortable in his company.⁶⁰ She left the shared house in December 1976, before Mr Gibbard disappeared.

⁵⁶ Exhibit 1 Tab 8

⁵⁷ Transcript 13.5.2020 page 5-6

⁵⁸ Transcript 27.11.2019 page 25

⁵⁹ Exhibit 3

⁶⁰ Transcript 27.11.2019 page 24

Enquiries by CA eventually identified Allan Huntington as Allan Geoffrey Leadbitter and in 2020 CA managed to talk to Mr Leadbitter. He is now a reformed alcoholic and embarrassed by some of his earlier behaviour. He had not heard from Mr Gibbard following 23 December 1976 and had no idea as to what may have happened to him despite their appearing to be good friends.⁶¹

Later enquiries by police in an attempt to trace Mr Gibbard were unsuccessful and a search in 2015 failed to record any government agency or facility that had any record of Mr Gibbard.⁶²

HAS DEATH BEEN ESTABLISHED?

Were Mr Gibbard alive today he would be 94 years of age and I am satisfied would have come to the attention of the authorities had he survived to that age using his name “Ted” Gibbard. There appears to be no motive on the file for him to have changed his name or disappeared, despite some vague references to “he had done it before” which are not specified.

Mr Tweedie was quite satisfied Mr Huntington and Mr Gibbard were close enough friends that had Mr Gibbard still been alive and in Darwin he would have contacted Mr Huntington, who had sought out and spoken to Mr Tweedie some 20 years later. Mr Tweedie’s view was that Mr Huntington in 1976 was volatile, unpredictable and calculating and all other references seem to indicate Mr Huntington may have had mental health issues related to alcohol consumption which prompted him to behave apparently erratically in a violent manner.⁶³ Whether this had caused a dispute between Mr Gibbard and Mr Huntington is unknown, but there is no evidence to support that supposition.

While I am unable to determine what happened to Mr Gibbard overnight 23 to 24 December 1976 I am satisfied there was no reason for him to disappear other than something untoward had occurred to prevent him from reaching the Hotel Kununurra and catching his flight. There would appear to be no reason for him

⁶¹ Transcript 27.11.2019 pp 11, 15, 17, 26

⁶² Exhibit 1 Tab 2

⁶³ Transcript 27.11.2019 page 8

not to have attempted to reach Kununurra or contacted his parents in the event he was unable to make the flight voluntarily.

The fact there is no confirmed record of Mr Gibbard satisfies me he is deceased, certainly by 2019. I note the possible sighting by Ms O'Doherty in Cottesloe in January 1977 or 1978 and Ms White in Darwin in February 1977 and the fact Mr Huntington and Mr Tweedie were present in Darwin at that time. Mr Tweedie and Mr Huntington were staying at the same address, and I am satisfied Mr Gibbard did not contact Mr Tweedie, at least, and that would be an unusual circumstance.

There would be no reason apparent as to why Mr Gibbard would not have contacted his parents had he been in the Perth Metropolitan area in January 1977. He had not contacted them again in their lifetimes.

There was also the issue of Mr Gibbard's personal affects still being located in his locked and secured room at the Argyle Inn in preparation for his return to work in February 1977.

I am satisfied Mr Gibbard is deceased and probably became deceased overnight the 23 to 24 December 1976, but certainly by later in 1976.

I am satisfied beyond all reasonable doubt that Mr Gibbard is deceased and died around the timeframe of his disappearance from the Lake Argyle Road in late December 1976.

MANNER AND CAUSE

I am of the opinion something untoward occurred on the night of the 23-24 December 1976. What that was is unclear. I am unable to determine whether Mr Gibbard was collected from the road alongside his Toyota, which from Mr Tweedie's description appeared to be in a different state from that located by the police some hours later. It is not even clear it was the same spot on the roadside which may explain the lack of evidence immediately around the bogged and damaged car.

While it is possible Mr Gibbard returned to the Lake Argyle Inn there is no evidence that was the case, and would have been unlikely to have occurred without him being noticed, especially in the view of the fact he had secured his room in such an effective manner. The fact he had secured his room so well indicated he certainly intended to return after Christmas in 1977. The fact he did not satisfies me something prevented him from doing so and he was no longer alive.

There is no evidence Mr Gibbard suffered from any medical condition which would unexpectedly cause a medical emergency in which case it would be expected he would have been located in the search conducted following his reputed disappearance.

There is no indication there was an accidental event which resulted in his injury or death, and the complete lack of evidence would indicate an intentional concealment of his remains, or a staged disappearance for which there is absolutely no evidence or motive disclosed. I am unable to determine either a manner or cause of death.

I make an Open Finding as to the manner of death of Mr Gibbard.

CONCLUSION

It is not clear why statements were not obtained from the people drinking with Mr Gibbard on the night of 23 December 1976 or locating his vehicle the next morning. Enquiries later by the Northern Territory police, after he had disappeared, were not in the form of statements outlining what had occurred that evening. Mr Tweedie's memory, while reasonably good, would undoubtedly have been affected by alcohol in view of his description of the group's hardened drinking habits, and he did not recall any enquiries made of himself and Mr Huntington at the time of Mr Gibbard's disappearance. Certainly the police reports do not refer to questioning either Mr Tweedie or Mr Huntington at the time although they later took statements from Ms Sharpe and Mr Camer-Pesci. I would suggest Mr Tweedie and Mr Huntington and others present that evening may have been a useful source of information, and am concerned at the very conflicting evidence surrounding

Mr Gibbard's personality ranging from quiet and kindly and not drinking, to emotional, depressed and erratic.

Later enquiries, once Mr Gibbard's parents were deceased, were unsuccessful due to the elapse of the time and the loss of records pertaining to the settling of their estates.⁶⁴ That may have thrown some light on additional family members and allowed police to make enquiries with Mr Gibbard's sister as to whether she ever heard from her brother again. Certainly it is evident from the file Mr Gibbard's parents never heard from him again and his mother was broken-hearted at the direction the investigation took at the time.⁶⁵

The elapse of time made the efforts of this court to follow leads extremely difficult. I do appreciate some associates of Mr Gibbard in 1976-1977 may not have been enthusiastic about helping the police in looking for Mr Gibbard in case there was an allegation of wrong-doing. They were relatively young and living a very alternative, or 1970s, lifestyle. Those we have been able to trace have certainly been very helpful and forthcoming, unfortunately to no avail, in 2019 and 2020. I thank them for their input and repeated efforts to locate additional information.

E F VICKER

Coroner

27 May 2020

⁶⁴ Information to CA Sen Const Robertson by Lavan Walsh, Solicitors

⁶⁵ Exhibit 1 Tab 16