



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref 81/19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Gloria Anne McCARTHY** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 9 December 2019**, find the death of **Gloria Anne McCARTHY** has been established beyond all reasonable doubt, and the identity of the deceased child was **Gloria Anne McCARTHY** and that death occurred on **17 November 1972 at Cygnet Bay, One Arm Point, Dampier Peninsula**, in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On 17 November 1972 Gloria Anne McCarthy (Gloria) and her two older brothers went to swim on the beach at One Arm Point. A short while later their mother walked down to the beach to make sure the children were playing, but she could not see Gloria. Ms McCarthy ran to the caravan of Kwong Wing (Mr Wing) to ask for his help in searching for her daughter. Mr Wing organised a full scale search of the area, but Gloria could not be located. Gloria was never seen again or any trace of her located.

The inquest into the disappearance of Gloria was held in Perth where the evidence comprised of the documentary papers in the brief of evidence, Exhibit 1 tabs 1-13, and the Public Notice of inquest dated 5 November 2019 as Exhibit 2. Oral evidence was heard from then Constable Mervyn Cox (Mr Cox) of Broome Police Station who attended at One Arm Point to help the search for Gloria, and Senior Constable Peter Smith who compiled a report from the papers comprising the Missing Persons Unit (MPU) file.

Long Term Missing Persons Project (LTMP)

In 2017 it was confirmed 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 no or limited 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 the 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 approval was given 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 area of Western Australia, such as the Kimberley around Kununurra or Broome, and Albany. For these matters it was decided that, while there is always a preference for inquests to be held in the communities to which they relate, especially for Indigenous communities where there is an emphasis on oral history, resources would not be effectively utilised for all matters to be heard in the place of disappearance. Instead matters where the disappearance occurred in places other than the Perth metropolitan area were considered from the perspective of the best availability for relevant witnesses.

In the case of Gloria, while there were relevant witnesses still at One Arm Point, namely her father, there were none who wished to participate in the inquest process, although they were supportive of the fact of the inquest. Gloria's two brothers were far too young at the time of Gloria's disappearance to offer any reliable evidence and Mr Wing is now deceased. In addition Gloria's mother died in 2017.

As a result the matter was heard in Perth, but not finalised until after the court had visited Broome in January 2020 in case Gloria's family decided they wished to be heard on the matter. The inquest was formally closed at the conclusion of those hearings on the afternoon of 30 January 2020.

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

THE DECEASED

Gloria was born on 15 December 1970 which made her just short of 23 months of age at the time of her disappearance. She was born at Beagle Bay on Dampier Peninsula to her mother Bertha Bibido¹ Ah Choo² (Ms McCarthy) of the Bardi Tribe and her father Mervyn McCarthy (Mr McCarthy). They lived at house 98, One Arm Point Community on the Dampier Peninsula. Gloria had two older brothers, Alec aged 4 and Phillip aged 3.³



Map depicting location of One Arm Point⁴

¹ Exhibit 1 Tab 1

² Exhibit 1 Tab 7

³ Exhibit 1 Tab 5

⁴ Exhibit 1 Tab 9

The community is relatively isolated and about a three hour drive from Broome. Messages were often relayed by radio and/or the Royal Flying Doctor Service (RFDS) and police would generally be unable to attend on the day of an incident in 1972.⁵

At the time of Gloria's disappearance her father was working at a distance from the One Arm Point Community at Cygnet Bay. ⁶ Gloria's two siblings were too young to provide any more information to the investigation than they had on the day of her disappearance. Evidence heard at the inquest indicated children from a very young age were adept at swimming in the One Arm Point Community and the children would play on the beach when the tide was out in pools left amongst the boulders.⁷

There was no medical information provided with respect to Gloria which would assist with any future identification of skeletal remains. The only female unidentified skeletal remains related to the One Arm Point area were located in January 1997. They clearly belong to a young woman under 20 years of age, rather than a toddler such as Gloria.⁸

DISAPPEARANCE

On 18 November 1972 Gloria's mother told the Police she had been working in her residence at One Arm Point on the 17 November 1972 when the three children came and asked her if they could go and swim in the beach about 100 yards from their home at One Arm Point.⁹

Ms McCarthy agreed the children could go and swim in the beach, however asked the oldest boy to make sure they kept an eye on Gloria because she was so young. A short while later Ms McCarthy walked down to the beach, she estimated approximately 20-30 minutes after she had been asked, to see how the children were and when she reached the beach she could only see the two boys playing near a tree next to the beach. When Ms McCarthy realised Gloria was not with them,

⁵ Transcript 9 December 2019 pages 5, 9, 12

⁶ Exhibit 1 Tab 7

⁷ Transcript 9 December 2019 page 16

⁸ Exhibit 1 Tab 12

⁹ Exhibit 1 Tab 6

she looked around the beach to see if she could see her and then immediately ran to Mr Wing's caravan which was parked about a 100 yards further up the beach and told him what had happened.

Mr Wing, who was residing at One Arm Point with the intention of starting a fishing export venture with the Bardi people, acted as a defacto Elder in the community.

His recollection was that at about 11.30 am; Gloria's mother put it at about 12.30 pm however I don't believe the precise times are significant; he was working near his residence when the eldest boy came and asked whether Mr Wing had seen Gloria. Mr Wing knew Gloria's father was working away and so organised a search for Gloria once he noted that a number of people had gathered on the beachfront. Mr Wing stated he had seen children swimming earlier, but had not seen Gloria specifically.¹⁰

Mr Wing and his wife then ran down to the beach and it was decided it was likely Gloria had either drowned or been taken by a shark. Mr Wing organised three of the more mature women to search the rocks in the area whilst he went and organised men from the camp to do a thorough search of the whole of One Arm Point. Mr Wing estimated he collected about 10 men and 10 children to search the bush opposite the camp while he and seven other men searched the coastline to the north of the camp.

A thorough search of the coastline and surrounding islands was carried out but Gloria could not be located.

Mr Wing advised the police that the tide had been on its way out when Gloria disappeared and her body would have been swept north of the community if she had drowned. Mr Wing and the men had searched for about three hours before returning to One Arm Point where they were told the others had failed to locate Gloria in the bush. Mr Wing then took his dinghy across the bay to Cygnet Bay where he collected Mr McCarthy from his place of work and informed him of the incident.

¹⁰ Exhibit 1 Tab 7

Whilst the search had been undertaken by the community members Allan Drysdale (Mr Drysdale), also camped on the Point, had sent a wireless message to the RFDS in Derby for the police to be advised and for them to attend at the location to assist the community.¹¹

INVESTIGATION

Derby Police received the message from One Arm Point via RFDS at approximately 3.15 pm on 17 November 1972 and contacted the Broome District Office to advise them of Gloria's disappearance. Senior Constable Wilhelm and Constable Cox of Broome Police left to attend at One Arm Point Community to assist the investigations. They interviewed Ms McCarthy and Mr Wing and ascertained that at some time between approximately 11.30 and 12.30 noon on 17 November 1972 Gloria had disappeared from the beach whilst playing there with her brothers.

Police Officers Wilhelm and Cox then remained at One Arm Point for approximately three days while the area was extensively searched, both by land and sea, to an area of approximately a ten mile radius from the beach outside the community. They were satisfied there was no trace of Gloria and the most likely explanation for her disappearance was that she had either wandered from one of the pools down the beach and into the sea where she had been taken by a shark, or drowned.

It was explained the area in which the children were playing was a regular spot from which the locals cleaned fish they had caught. It was therefore well frequented by sharks looking for scraps. There was some discussion during the evidence with Mr Cox as to the possibility for the waterways from the pools to also lead out to sea and that a body, or a shark may have escaped that way. Mr Cox was adamant the local community at One Arm Point was very familiar with their environment and would have known if there were any crocodiles in the area at the time, or the likelihood of Gloria being taken by a shark as opposed to her body being deposited along the coast further north.¹²

¹¹ Exhibit 1 Tab 7

¹² Exhibit 1 Tab 5 : t.9.12.19, p10-12

Mr Cox was adamant the local Bardi residents at One Arm Point would have known the most likely scenario with Gloria once she disappeared. There was no indication of any foul play and he was of the view that if the locals believed she had been taken by a shark that was the most likely explanation, there would be no indication as to whether she was alive or drowned at the time.¹³

Constable Cox filled out the appropriate paperwork while at One Arm Point with respect to the missing person report (MPR).¹⁴

Later checks with various facilities as to any contact with Gloria in times after the 17 November 1972 obviously proved negative.¹⁵ Her father has certainly not heard of any indication his daughter survived that day.

HAS DEATH BEEN ESTABLISHED?

I am satisfied beyond a reasonable doubt that Gloria died on 17 November 1972 while on the beach and its surrounds some time during the middle of the day. She was a toddler and, although clearly familiar with her environment would not, at that age, have been as aware of the dangers inherent in her environment due to a general lack of life experience. She obviously became distracted by whatever she was doing while her brothers were busy with something else. They too were young and probably did not notice she was no longer with them while they played. It was an environment with which they were all familiar, but too young to properly realise the need for constant vigilance. Similarly, I am sure Ms McCarthy would have believed the children were relatively safe in a group and could deal with the beach conditions.

I am not prepared to speculate whether Gloria somehow became trapped while in a rock pool and drowned before being swept out to sea or made her way to the sea and was then taken by a shark. Events with toddlers happen very quickly and often, where water is involved, very quietly.

¹³ Transcript 9 December 2019 page 8

¹⁴ Ex1 Tab 3

¹⁵ Exhibit 1 Tab 11

At 22 months of age Gloria would not have been in a position to survive for very long without being detected, especially in a community which was looking for her and knew the local conditions. Had she been alive at the time of the search by the local men I am satisfied she would have been located.

MANNER AND CAUSE

While I am unable to determine exactly how death overtook Gloria I am satisfied it was not a natural event. There is no evidence she was anything other than a physically healthy young child.

Whatever happened to her, it happened quickly and quietly. There were people, including her brothers, who would have responded if there had been any unusual commotion surrounding her death. She clearly died following an event which occurred sometime before 2 pm on 17 November 1972 in the vicinity of the beach outside the community.

I find death occurred by Misadventure.

CONCLUSION

This was a tragedy by any measure. That one so young should die while playing in the vicinity of her home where everyone believed she should be safe was a difficult situation for any community. Both her mother and her brothers would have felt distraught. The whole community responded to the call for help and disappointing outcomes affect the whole community in a negative way.

E F Vicker

Coroner

25 February 2020