



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 40 /19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Joseph Leon PATTERSON** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 27 August 2019**, find the death of **Joseph Leon PATTERSON** has been established beyond all reasonable doubt, and the identity of the deceased person was **Joseph Leon PATTERSON** and that death occurred on or about **26 July 1974** at **sea off the south coast of Western Australia** in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On 26 July 1974 Joseph Leon Patterson (Mr Patterson) advised a close friend he was depressed over the death of his close friend's mother and that he intended to put "to sea" and "do himself in". Mr Patterson was not seen again after 26 July 1974 and on 27 July 1974 the close friend reported Mr Patterson as a missing person.

The inquest into the disappearance of Mr Patterson was heard in Perth. The only person to have any direct knowledge of Mr Patterson was prepared to provide background information to the Court during its Albany sittings, but was unfortunately unable to attend.

The evidence heard at the inquest comprised the documentary evidence contained in the brief of evidence, Exhibit 1; attachments 1-18, the Public Notice advertising the inquest on the 16 August 2019, Exhibit 2, and the oral evidence of the report writer, Detective Sergeant Roy Begg of the Homicide Squad. Information was also obtained from Mrs Kerry-Anne Gadowski (Ms Gadowski), the half-sister of Mr Patterson's close friend, John Thomas Oreo (Mr Oreo).¹

Long Term Missing Person's 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 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 s 23(2), to establish beyond all reasonable doubt that death has occurred. The investigation must be 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 (s 3 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.

¹ Exhibit 1, tab 16

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 for 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 out of 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 the disappearance the matter would be heard in Perth for the purposes of hearing the relevant evidence and then adjourned, pending the hearing of any matters, where there were available or related witnesses in the place of disappearance, if it appeared likely additional relevant information may be forthcoming.

In the case of Mr Patterson additional information with respect to general background was provided to CA and it was hoped Ms Gadomski would be in a position to provide that information, in person, during the Court's Albany sittings. Unfortunately that was not possible and Ms Gadomski's background information was incorporated into Exhibit 1, tab 16.

The anticipated outcome was that by June 2020 the majority of 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

Mr Patterson is recorded as being born in Mount Barker, Western Australia, on 7 June 1944. Details of his father are unknown, but his mother, Lucy Patterson, of Manjimup had heard nothing from her son by 1984, following his disappearance in 1974. Both Mr Patterson's mother and sister, Lily, are now deceased.

Information which could be relevant to the identification of remains was supplied to police in 1975 by Mr Patterson's sister in Geraldton. This indicated he had fractured his right wrist in 1971, fractured his nose, usually wore a plain gold ring on the little finger of his right hand and had good teeth, no fillings, with one or two missing at the back.² The other identifying information related to scarring which would no longer be relevant. Mr Patterson was also reported to own an old Fairlane sedan at the time he disappeared, registration number A2395, but police were, unable to trace a motor vehicle of that registration in 1989, with motor vehicle registration data only recorded back to 1979.³

Mr Patterson was described as slim, 6 foot tall, with long black hair, brown eyes and a fair complexion. His mother provided police with photographs at the time of his disappearance, but they were later returned to her. He was recorded at two

² Exhibit 1, tab 12 Exhibit 1, tab 14

³ Exhibit 1, tab 13

addresses in Albany, one the address of his friend, Mr Oreo, 52 North Road, and another address in Rowley Road, Albany.⁴

There was almost no information provided about Mr Patterson's life, but he was recorded as a labourer and that he was a close friend of Mr Oreo. Mr Oreo's mother, Enid Oreo, became a mother figure to Mr Patterson, who was very fond of Mrs Oreo and had a yacht he named the "Enid". Mrs Oreo became increasingly unwell, she suffered from polio, and was cared for by her son.

Mr Oreo had a younger half-sister Kerry-Anne and she recalled visiting Mrs Oreo and her half-brother, John, at 52 North Road frequently on her bicycle. She encountered Mr Patterson as his spent a lot of time at that address.⁵ She recalled Mr Patterson and her half-brother drank alot.⁶

DISAPPEANCE

Unfortunately, Mrs Oreo died at the age of 52 on 16 July 1974. Mr Oreo noted Mr Patterson become increasingly distressed over the death of Mrs Oreo and he visited him when Mr Patterson went to stay on the Enid, moored at Emu Point, Albany. No statement was taken from Mr Oreo at the time of Mr Patterson's disappearance, although it was he who reported Mr Patterson as missing.⁷

On 26 July 1974 the Enid was captured in the background of a photograph of Mrs Mavis Lauterback at Middleton Beach sometime during the morning.⁸

Mr Oreo reported that he spoke to Mr Patterson approximately an hour and half later at the boat pen moorings at Emu Point, where Mr Patterson stated to Mr Oreo that he was very depressed and that his intention was to sail out to sea in the Enid and do himself harm.⁹ There was no record of any other conversation between the two of them, however, when Mr Oreo could not find Mr Patterson on 27 July 1974 he reported him as missing aboard the Enid which was described as a 26 foot yacht.¹⁰

⁴ Exhibit 1, tab 14

⁵ Exhibit 1, tab 16

⁶ t 27.08.19, p10, Exhibit 1, tab 16

⁷ Exhibit 1, tab 3

⁸ Exhibit 1, tab 17

⁹ Exhibit 1, tab 3

¹⁰ Exhibit 1, tab 3



The photograph, provided to police by Mrs Lauterback, was used in the missing person gazetted information as a picture of the boat, the Enid, which was also never sighted again after 26 July 1974.¹¹

INVESTIGATION

At 1.30 pm on 27 July 1974 Mr Oreo reported Mr Patterson as missing since the 26 July 1974 aboard his private yacht, the Enid. Mr Oreo recorded that he was concerned as to Mr Patterson's welfare due to Mr Patterson's depression over the death of Mrs Oreo. As a result of that report a search was instigated looking for the Enid and Mr Patterson in the area.

¹¹ Exhibit 1, tab 17

Water police were notified of the disappearance of Mr Patterson and the Enid but there are no reported sightings of the Enid following her disappearance from Emu Point Moorings. The police felt they had broadcast the particulars of both Mr Patterson and the Enid through all available channels, but nothing was ever heard of either again. Extensive land and sea searches found no trace of Mr Patterson or the Enid.¹²

Neither Mr Patterson's mother nor his sister ever heard from him again, and in 1999 when the missing person file was updated, all checks made with Centrelink or other government agencies indicated no contact with or from Mr Patterson. There is no record of Mr Patterson in any other State or Territory of Australia nor is there any record of his officially exiting the Australian jurisdiction.¹³

HAS DEATH BEEN ESTABLISHED?

Mr Patterson was 30 years old in July 1974 when he went missing and would have been 75 in 2019 had he still been alive. This is not particularly old and it would be perfectly possible for Mr Patterson to be alive at 75, had there been some indication that was his preference.

However, the clear information provided to Mr Oreo was that Mr Patterson was extremely distressed over the death of Mr Oreo's mother, Enid, and that he vocalised his intention to commit suicide by putting out to sea in the Enid and "doing himself in".

The fact he has not been seen or heard of since that time would indicate he put his intention into practice and took the Enid out to sea. The fact the Enid has never been seen again would indicate an incident of some sort which sank the yacht with Mr Patterson on board. The fact no debris was located would tend to imply it was not a catastrophic event, such as a fire or explosion, but rather a gentle sinking beneath the waves without trace.

Mr Patterson's reported state of mind, and the facts surrounding his disappearance, including the fact neither his family nor Ms Gadomski ever heard from or about Mr Patterson again satisfy me that Mr Patterson is no longer alive and that his death occurred in July 1974.

MANNER AND CAUSE

Despite Mr Patterson's allegation he intended to, "put to sea" and "do himself in" I am unable to determine exactly how Mr Patterson died. There are a number of possibilities which could have occurred on board the Enid once she left her mooring at Emu Point.

The fact she was not found drifting despite extensive searches would suggest a traumatic incident to destroy both the Enid and Mr Patterson, however, there is no recording of any debris from the Enid at that time. As a result it is impossible to

¹² Exhibit 1, tab 2

¹³ Exhibit 1, tabs 13, 14 & 15

determine by what means Mr Patterson died, although it is likely to have been suicide.

The fact no remains were ever found of either Mr Patterson or the Enid make it impossible to speculate further about the manner and cause of his death.

Consequently, I make an open finding into the manner of death for Mr Patterson.

CONCLUSION

I am satisfied Mr Patterson died in reasonably close proximity to the 26 July 1974. Had that not been the case I suspect that some of the fishing trawlers or other shipping in the vicinity of Albany would have come across the Enid either drifting with Mr Patterson on board or on her own. The fact that did not happen and the lack of debris make it highly likely he disappeared in close proximity to the time of his reported disappearance and that he contrived some method whereby both he and the Enid met their demise at sea.

I note both Mr Patterson's mother and sister were devastated at his disappearance without contact, and his mother died not knowing what had happened.

I am satisfied beyond a reasonable doubt Mr Patterson died on or about the 26 July 1974 in the seas off the coast of Albany, however, I am unable to speculate as to how death occurred.

E F Vicker
Coroner
16 December 2019