



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 33/19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Whisky BIBROU (aka Bibel)** with an inquest held at the **Coroner's Court, Court 33 Central Law Courts, 501 Hay Street, Perth, on 5 August 2019**, find the death of **Whisky BIBROU (aka Bibel)** has been established beyond all reasonable doubt, and the identity of the deceased person was **Whisky BIBROU (aka Bibel)** and that death occurred on or about **21 October 1976** at **the vicinity of Streeter Creek, Broome**, in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

In October 1976 Whisky Bibrou (aka Bibel) (Mr Bibrou) was reported as a missing person when he failed to reappear during a walk from Streeter Creek into Broome townsite.

The inquest into the disappearance of Whisky Bibrou was held in Perth, but not finalised until the conclusion of the Kimberley (Broome) Long Term Missing Persons (LTMP) matters had been heard. The documentary evidence comprised the brief of evidence, exhibit 1, tabs 1-17 as presented by Detective Senior Constable Lawler, and the Public Notice of inquest (Wednesday 17 July 2019) exhibit 2.

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 limited or no jurisdiction for a coroner to examine the circumstances of the 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 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 (s 3 of the Act).

In 2018 a coroner was approved 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 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 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.

In the case of Mr Bibrou the court was unable to locate any witnesses who were prepared to give evidence in Broome so the matter was held in Perth, but not finalised until the conclusion of the Broome hearings in January 2020. The matter of Mr Bibrou was mentioned in Broome on 28 January 2020 and due to no response at the conclusion of the hearings, on the afternoon of 30 January 2020, formally closed.

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 Bibrou was recorded on the WAPF database as having been born on 1 January 1912 at La Grange Mission, Bidyadanga, approximately 150 kilometres south of Broome. It is likely the given date of birth is an approximation for a birth not officially recorded, but by which he identified himself.

He was associated with One Mile Reserve and at the time of his disappearance was recorded as a resident at Streeter Avenue, Broome¹. There is virtually no other information available with respect to the life of Mr Bibrou, other than he was frequently reported to be intoxicated, which resulted in numerous convictions for minor offending. He was recorded at Broome District Hospital (as it was in 1976) as having no dental records, but suffering a fractured right ulna in 1964 and likely fractured left upper ribs in 1969.²

DISAPPEARANCE

On 1 October 1976 Mr Bibrou and four others went to the Fisherman's Bend, Old Camp, Broome, and consumed a carton of beer and a flagon of wine purchased by Jack Digbar (believed to be Jack Wellesbury)³. Statements from Mr Digbar,⁴ Albert Kennedy,⁵ and Charlie Shovellar⁶ all confirm the group drank the alcohol with Mr Bibrou and Tommy Paiyali, and that following that Mr Bibrou informed the group he was going to look for crabs. They remained at the camp while Mr Bibrou went crabbing. When he returned he was carrying a number of crabs he intended to take to town to sell.

Mr Digbar stated Mr Bibrou asked Mr Digbar to go with him which he did, and the two of them were seen to set off across the mudflats towards Streeter Creek on the way in to town. Mr Digbar walked ahead of Mr Bibrou and stated the creek was waist high where they crossed. He looked behind him to confirm Mr Bibrou crossing the creek, twice, and then he kept walking across the creek without

¹ Exhibit 1, tab 1

² Exhibit 1, tabs 1 and 14

³ Exhibit 1, tab 2

⁴ Exhibit 1, tab 7

⁵ Exhibit 1, tab 8

⁶ Exhibit 1, tab 9

looking back. Once at Streeter Jetty Mr Digbar could no longer see Mr Bibrou, so he waited for him at the service station. When Mr Bibrou still did not appear Mr Digbar continued to the Roebuck Hotel to wait. Mr Digbar never saw Mr Bibrou again and neither did any of the others who had been at the Old Camp when they left with the crabs.

Over the following days Mr Shovellar, Mr Kennedy and Tommy Edgar looked for Mr Bibrou along the creek and in the mangroves but were unable to find him or any trace.⁷ If the stated date of birth of Mr Bibrou is correct, he was about 64 years of age at the time he disappeared.⁸

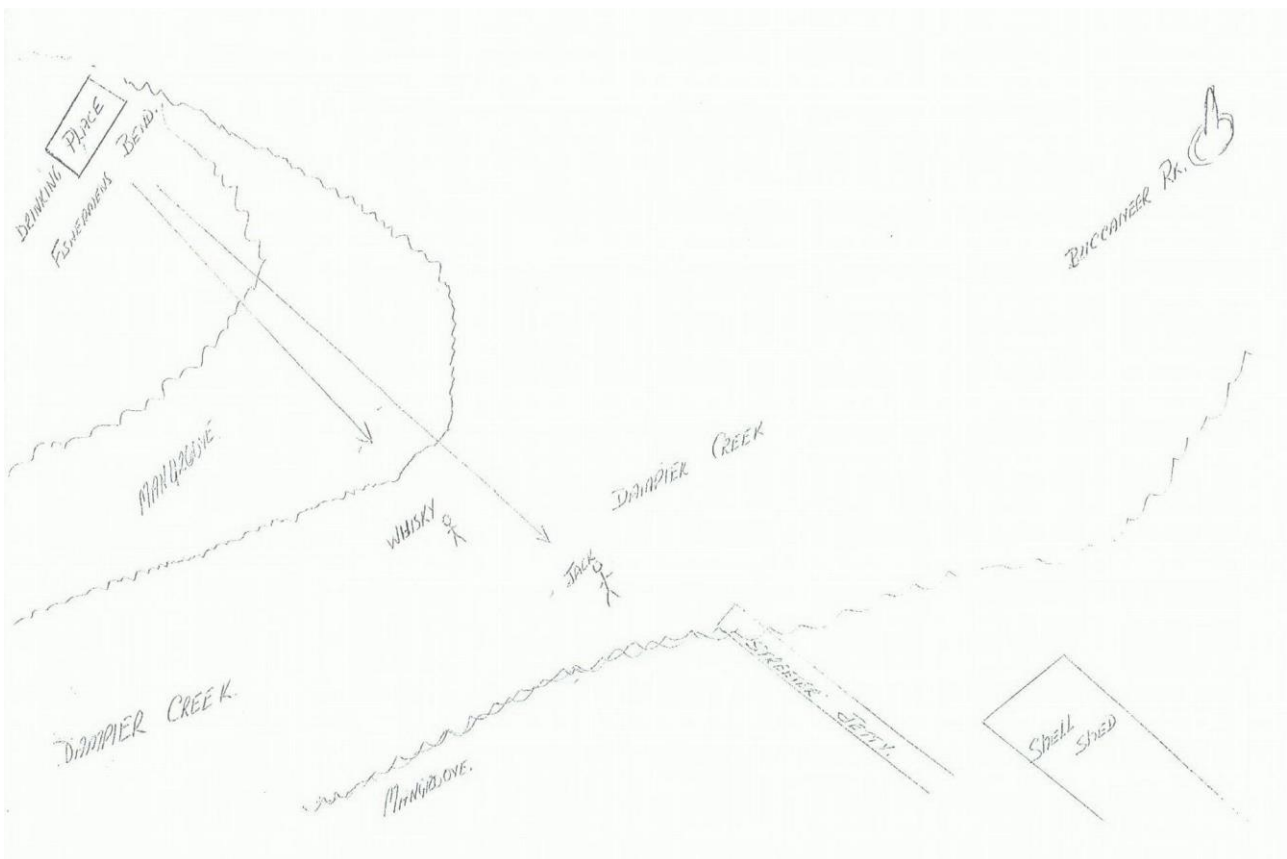


Exhibit 1, tab 16 an unsigned and undated diagram of Mr Bibrou's last sighting

⁷ Exhibit 1, tab 9

⁸ This would make him 107 in 2019

INVESTIGATION

On the afternoon of the 22 October 1976 Mr Edgar, identified as Thomas Edgar (date of birth 26 May 1915),⁹ reported Mr Bibrou missing at Broome Police Station. Mr Edgar is described at the time as Mr Bibrou's friend, but there is no other information as to his relationship to Mr Bibrou available.

Police, including Water Police, commenced a search for Mr Bibrou, but there was no trace of him found.¹⁰

He was searched for by both friends and others in the Aboriginal community in conjunction with the police search, but nothing was found to indicate he was still alive.¹¹

Reports of later sightings of Mr Bibrou in both Broome and the Northern Territory in 1977 could not be substantiated and police enquiries to Northern Territory received confirmation that Mr Bibrou was not known to the people who were nominated to have seen him.

Inquiries by WAPF in 1999 and 2015 with Centrelink revealed there were no records held with Centrelink, at all, for Mr Bibrou. This is despite the fact he is recorded as a pensioner. There are no recorded police contacts listed for Mr Bibrou since October 1976, nor medical records in Broome since 1969,¹² or other State or Territory Commonwealth Services.

HAS DEATH BEEN ESTABLISHED?

WAPF records, which also list Mr Bibrou as Whisky Bibel, with the same date of birth, indicate Mr Bibrou was well known to WAPF in the Broome area. These contacts usually resulted from the fact Mr Bibrou was intoxicated.

While the date of birth recorded for Mr Bibrou appears to be an approximation, it does place him in his mid sixties. In 2019 he would, therefore, be well over

⁹ Exhibit 1, tab 21

¹⁰ Exhibit 1, tab 2

¹¹ t. 5.8.2019, p

¹² Exhibit 1, tab 2

100 (107) years old. Age alone, in conjunction with his life style, would support the fact he is certainly no longer alive.

The evidence we have indicated Mr Bibrou was intoxicated on the date upon which he disappeared, while traversing to Broome townsite via Streeter Creek. WAPF has no record of any contact with Mr Bibrou since that date. In my view it is extremely unlikely Mr Bibrou disappeared and changed his behaviour to the extent of going from frequently intoxicated to never intoxicated and so coming to the attention of the police.

In addition, the people with whom he had been on 21 October 1976 were all friends and companions who apparently socialised quite frequently together, albeit around alcohol and recreational pursuits. None of those people recorded ever seeing Mr Bibrou again, and they assisted in searches for him once they were aware he had disappeared.

The person reporting him missing, Mr Edgar, although we do not know who he is in relation to Mr Bibrou, was concerned enough about Mr Bibrou to report him as missing to the police the next day.

The Aboriginal community is such that had Mr Bibrou surfaced at one of the other Kimberley communities in the timeframe after he disappeared, I have no doubt the fact he was no longer missing would have become known. I understand he has no known relatives, nevertheless, it would appear he was well enough known in and around Broome for there to be some notice taken in the event he reappeared. The fact reports of him being missing were received in Northern Territory and commented upon would indicate his disappearance was well known. The fact those alleged sightings proved to be negative also indicate that had he been found someone would have understood that to be the case.

I have been unable to determine whether Mr Bibrou was in receipt of any form of welfare benefit prior to his disappearance, but inquiries with all Commonwealth agencies involved with welfare such as Centrelink and Medicare have no record of Mr Bibrou on enquiries made in 1977 and 2009.

In addition, the circumstances surrounding Mr Bibrou at the time of his disappearance, that is intoxicated and crossing a creek waist high with water while carrying a bag full of crabs which he intended to sell on reaching Broome townsite, would indicate he was susceptible to an accidental, or medical event causing his death. While not a young man at the time, nor with a long medical history, his habit of frequent intoxication would suggest he could be vulnerable to a medical event. In addition, the fact he was last seen actually in water would indicate that a medical event, while not fatal in itself, may have rendered him unable to protect himself from the effects of drowning, or an accidental event while intoxicated may well have seen him unable to protect himself from immersion and consequent drowning.

In view of the lack of sighting or contact with Mr Bibrou, the circumstances in which he disappeared, and the fact there would appear to be no motive for him to disappear all satisfy me Mr Bibrou is deceased.

In all the circumstances I am satisfied beyond all reasonable doubt that Mr Bibrou is no longer alive.

MANNER AND CAUSE

I am unable to determine either the manner or cause of Mr Bibrou's death on the available evidence. While it is extremely likely he died as a result of drowning, it is also possible he may have had a fatal medical event from which he died regardless of the fact he was in water at the time of the event. So while it is highly likely Mr Bibrou died as a result of drowning, I am unable to determine that conclusively. Similarly it is impossible to determine whether Mr Bibrou died of natural causes, that is a fatal, naturally occurring, event, or died accidentally as a result of becoming unconscious while in water and then drowning, or simply that he accidentally slipped and fell and, due to his level of intoxication, thereafter drowned. It is also possible Mr Bibrou lost his footing and thereafter became subject to predation. The fact no remains were found 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 Bibrou.

CONCLUSION

I am satisfied Mr Bibrou died on or about and, most probably on, 21 October 1976 in the vicinity of Streeter Creek, Broome. Had that not been the case I am sure those searching for him in the area would have located some evidence that he had moved out of the area. There is absolutely no suggestion in the papers available there was any reason for Mr Bibrou to go missing intentionally.

E F Vicker
Coroner
4 March 2020