



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref 10/20

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Wombat NGURRAKATA (also known as Wombat WILLIAMS)** with an inquest held at the **Coroner's Court, Court 2, Broome Court House, Hamersley Street, Broome**, on **29 January 2020**, find the death of **Wombat NGURRAKATA (also known as Wombat WILLIAMS)** has been established beyond all reasonable doubt, and the identity of the deceased person was **Wombat NGURRAKATA (also known as Wombat WILLIAMS)** and that death occurred on **or about 17 January 1988**, in the vicinity of **Manari, North of Broome**, in the following circumstances:*

**Counsel Appearing:**

Senior Constable Craig Robertson assisting the Coroner.

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## INTRODUCTION

On the 17 January 1988 Wombat NGURRAKATA (also known as Wombat WILLIAMS) (family preference Mr Wombat)<sup>1</sup> was camping in bushland in Manari when he left the camp to hunt. He was never seen again, nor were any remains ever located.

The inquest into the disappearance of Mr Wombat was held in Broome and the documentary evidence comprised the brief of evidence Exhibit 1, attachments 1 to 32, and the Public Notice of Inquest dated 30 December 2019 as Exhibit 2. Oral evidence was heard from Sergeant Kevin Hall, who as a First Class Constable in November 1995, was asked to conduct some further inquiries into the disappearance of Mr Wombat; and the unexpected, but welcome, evidence of Ronnie Jimbidie (Mr Jimbidie) Mr Wombat's stepson who attended at Broome Court House having heard an inquest into Mr Wombat's suspected death was being conducted. Attempts to contact family members prior to the inquest had not produced any response.

### **Long Term Missing Persons Project (LTMP)**

In 2017 it was confirmed there were a considerable number of files relating to the long term disappearance of people who had been in Western Australia at the time of their reported disappearances. 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 the death occurred and the cause of the death. This effectively brings the

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<sup>1</sup> Transcript 29.1.2020 page 2

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 (section 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.

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 the 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 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 for the purpose of hearing any relevant evidence.

In the case of Mr Wombat, inquiries leading up to the inquest disclosed that Sergeant Hall was located in Broome at the time of the proposed inquest and had knowledge of the circumstances due to his inquiries in 1995

In 1994 and 1995 Sgt Hall was stationed in Fitzroy Crossing where Mr Ivan Turner and Mr Wombat's step children were resident at that time. This enabled him to answer some queries asked of him by the Missing Person Bureau (MPB) in 1995.<sup>2</sup>

In addition, although the family had not responded to letters about the inquest, it had been established there was family in Fitzroy Crossing. On the day before the proposed inquest for Mr Wombat Mr Jimbidie, his sister Irene Jimbidie (Ms Jimbidie) and Mr Jimbidie's son approached counsel assisting with questions about the inquest. They attended court on 29 January 2020 and provided additional background to the police inquiries, along with their concerns as to the ability for non-cultural searchers to be in a position to understand the disappearance of indigenous elders. Had the inquest not been held in Broome this would not have been possible.

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

## **THE DECEASED**

There was very little information provided about Mr Wombat's life prior to his disappearance, although additional information became available as the result of the attendance of Mr Wombat's step children.

Mr Wombat was recorded by police as being born in 1936.<sup>3</sup> However, in the Missing Person Report (MPR) information provided by Ivan Turner (Mr Turner)

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<sup>2</sup> Transcript 29,1,20 page 4

<sup>3</sup> Exhibit 1 Tab 7, 12, 16 and 20, Transcript 29.1.2020 page 5

at the time Mr Wombat went missing gave his date of birth as 1932 which would make him 56.<sup>4</sup> The reports written at the time of Mr Wombat's disappearance all give his age as 58, whereas later reports, using the 1936 date, all give his age as 52 at the time of his disappearance.

The MPR also indicated Mr Wombat was married and lived in Fitzroy Crossing as his permanent address at the time he disappeared.<sup>5</sup> The central police information base used in an attempt to locate Mr Wombat's family in 2018 had him resident at Kurnangki Village, Fitzroy Crossing at the time of his disappearance.<sup>6</sup> Mr Jimbidie during his evidence stated that Mr Wombat was a senior law man in their community (presumably Fitzroy Crossing) and their mother was Mr Turner's wife's cousin,<sup>7</sup> and that the family in Fitzroy Crossing had relatives in Broome, Mr Turner, and Mr Wombat had been concerned about some of the children in the extended family in Broome.<sup>8</sup>

In 1995 Mr Jimbidie and his sister Irene lived in the Junjuwa Community in Fitzroy Crossing and it would appear that was where the family lived when Mr Wombat was alive.<sup>9</sup> Mr Wombat was their step father and he had been their main father figure. Part of their concern was they considered themselves to be Mr Wombat's family and they had not been informed of his disappearance, or the family in Broome searching for him, until two days after he disappeared.<sup>10</sup>

It was apparent from the papers and Mr Jimbidie that Mr Wombat was well travelled through the Kimberley. Ms Jimbidie pointed out he had family in Broome and had attended there frequently enough to know the area around

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<sup>4</sup> Exhibit 1 Tab 3

<sup>5</sup> Exhibit 1 Tab 3

<sup>6</sup> Exhibit 1 Tab 16

<sup>7</sup> Transcript 29.1.20 page 11, 24

<sup>8</sup> Transcript 29.1.20 page 12

<sup>9</sup> Exhibit 1 Tab 7

<sup>10</sup> Transcript 29.1.2020 page 11

Broome, and be able to find his way back to his community in Fitzroy Crossing. Mr Jimbidie said his father in earlier times had worked at many of the stations across the Kimberley and certainly knew his way around.<sup>11</sup> Mr Wombat was unlikely to have wandered into the bush and become lost. These concerns and lack of involvement in the Broome search caused them to believe something untoward involving cultural disputes had been involved in Mr Wombat's death.<sup>12</sup>

The little medical evidence available suggested Mr Wombat was asthmatic and Ms Jimbidie was concerned he usually carried Ventolin, although they disputed he had epilepsy as reported. Mr Jimbidie stated Mr Wombat had been shaking when he last saw him before Christmas 1987, but his side of the family did not believe it was due to epilepsy.<sup>13</sup>

There was no medical information which would assist the identification of skeletal remains<sup>14</sup> but Ms Jimbidie asked that DNA be obtained from biological descendants of Mr Wombat in case it could assist. She also believed that if Mr Wombat had died of natural causes, such as an asthma attack, the searchers would have found his body. It was the fact of no remains which had the Fitzroy Crossing part of the family suspicious of the events which resulted in Mr Wombat's disappearance/death.<sup>15</sup>

## **DISAPPEARANCE**

The evidence that Mr Wombat went to Broome for Christmas 1987 to spend time with that part of the family appears to be undisputed. The MPR taken from Ivan Turner, listed as his brother-in-law, stated:

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<sup>11</sup> Transcript 29.1.20 page 10

<sup>12</sup> Transcript 29.1.20 page 27

<sup>13</sup> Transcript 29.1.20 page 11-14

<sup>14</sup> Exhibit 1 Tab 7

<sup>15</sup> Transcript 29.1.2020 pages 13, 25 and 29-30

*“Missing Person Williams went to Manari, 70 kms north of Broome for a fishing and camping holiday. He was last seen at about 1100hrs Sunday 17/01/1988 to walk into bush area wearing dark coloured shorts, a pair of thongs and carrying a small axe. He was hunting for a goanna. At about 1400hrs he was noticed missing and a group of friends and relatives searched for him in the bush. No trace was found. Search continued 18.1.88. Ivan Turner reported Mr Williams missing to police at Broome. Missing Person has been in the area where he went missing. He has gone goanna hunting but returned to the main group on previous times. Missing Person is an asthmatic and was not carrying Ventolin at the time he went missing. The area where missing person was last seen was infested with snakes and temperatures have been in the 40°C. Grave fears for the health and safety of the missing person. Missing person is from Fitzroy Crossing (an inland area) as opposed to the area where he went missing (coastal area).”<sup>16</sup>*

Ms Jimbidie stated in evidence that Mr Wombat would not have been looking for goanna in the mangrove coastal area because that was not where they were found and he certainly knew enough about what he was hunting for that not to be a concern.<sup>17</sup>

On 20 January 1988 Broome Regional Office advised the Chief Superintendent of Country duty officer of Mr Wombat’s disappearance in the following terms.

*“On Sunday 17 January 1988 a group of local people left Broome to go fishing at Manari about 60 kilometres north of Broome arriving at 1100hrs. A 58 year old Fitzroy Crossing male left the group to go goanna hunting east of the fishing party and had not returned at 1430hrs. The members of the fishing party returned to Broome to replenish supplies of water and food and returned to the location at 915hrs. A second search was carried out at first light without success and Broome police advise search would continue throughout the day by members of the fishing party. On 19 January two police officers and members of the fishing party attended at Manari and conducted a day long search without success. Arrangements were made for the 20 January for a light aircraft with a police and coast watch observer to commence an aerial search of the area. A police ground party with volunteers from the Federal Police, SES and the Beagle Bay Community also commenced a ground search at first light”.*<sup>18</sup>

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<sup>16</sup> Exhibit 1 Tab 12

<sup>17</sup> Transcript 29.1.2020 page 25

<sup>18</sup> Exhibit 1 Tab 30

In his April 1988 report of the incident Constable Munnee<sup>19</sup> outlined that Mr Turner had first attended at Broome Police Station to report Mr Wombat missing on 17 January 1988 and advised the police he, his family and friends intended to return to Manari on 18 January 1988 to look for Mr Wombat. At that point Mr Turner was not concerned and was just advising police of the situation.

Mr Turner returned to the Broome Police Station on the evening of 18 January 1988 and asked the police for help. They had not located Mr Wombat and were now concerned for his welfare. One of their concerns was they did not think he had his Ventolin with him.

## **INVESTIGATION**

The police arranged for a search of the Manari area with SES volunteers, local aboriginal lawmen and trackers and police on Tuesday 19 January 1988 but were unsuccessful in locating Mr Wombat. Mr Jimbidie stated in evidence that the area in which Mr Wombat disappeared was important culturally and he was sceptical the searchers would have been competently assisted in the search. However, Sgt Hall was confident the use of local elders and trackers would have maximised the ability to search the relevant area appropriately. No tracks or evidence of Mr Wombat were located.<sup>20</sup>

On Wednesday 20 January 1988 a Cesna 206 single engine high wing aircraft was hired from Broome Aviation to assist in the search for Mr Wombat. It spent over four hours in the air with four coastal watch volunteers onboard as spotters while police continued their search on ground with SES and other local aboriginal volunteers. Despite a total of six square kilometres having been covered by foot, and 24 square kilometres covered by vehicle and 170 sq kilometres covered by air, search teams were unsuccessful and no tracks were located. Grave fears were held for the safety of Mr Wombat who had been missing since the 17 January 1988. Concern was also expressed

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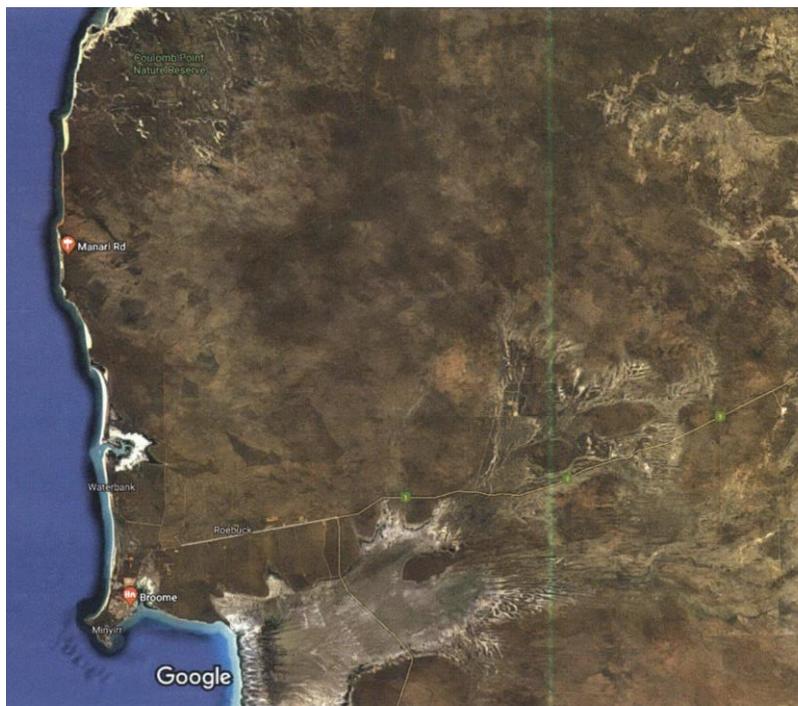
<sup>19</sup> Exhibit 1 Tab 5

<sup>20</sup> Transcript 29.1.2020 pages 22-23, 25

with respect to the temperatures being in the vicinity of 40°C during the search time.<sup>21</sup>

Searchers continued looking for Mr Wombat until police suspended the search on Sunday 24 January 1988.<sup>22</sup> The search on the final day consisted of 50 volunteers from Broome and Derby who saturated the most likely area where they believed Mr Wombat had last been seen.<sup>23</sup>

Later enquiries by Sergeant Hall on behalf of the MPB in 1995 were unable to add anything further to the search record as the Broome SES records only dated back to 1990 and Mr Turner, who had a good recall of events, could not add anything further to their information from the family perspective in Fitzroy Crossing.<sup>24</sup> Mr Turner was resident in Fitzroy Crossing by 1995 where Sgt Hall was then located.



Map depicting search area<sup>25</sup>

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<sup>21</sup> Exhibit 1 Tab 6

<sup>22</sup> Exhibit 1 Tab 5

<sup>23</sup> Exhibit 1 Tab 11

<sup>24</sup> Exhibit 1 Tab 7

<sup>25</sup> Exhibit 1 Tab 10 – map 2

All later checks of government, welfare, hospital and banking records did not provide any indication Mr Wombat was still alive past January 1988.<sup>26</sup> Certainly neither the Fitzroy Crossing, Looma or Broome sides of the families record any contact with Mr Wombat again.

### **HAS DEATH BEEN ESTABLISHED?**

Mr Wombat was somewhere between 52 and 56 years of age when he disappeared. Had he still be alive in 2020 he would be in his 80s. He was asthmatic and whilst he usually had his Ventolin with him the group he was with on the 17 January 1988, when he disappeared, did not believe it was with him at the time he went to hunt. The temperatures were extreme. He was missing for about 3 hours before they became concerned and looked for him without finding him. He did not have anything with him by way of provisions.

At that point Mr Turner was not overly concerned. As Mr and Ms Jimbidie stated Mr Wombat was very competent in the bush and would not have wandered to a more coastal mangrove area as he was hunting goanna.<sup>27</sup> Mr Wombat had also been known to disappear before. Mr Turner reported the matter to the police in Broome that evening but stated he would continue to look for Mr Wombat the next day, and if he could not be located he would return for help from the police, which is what happened.

I appreciate Mr and Ms Jimbidie are satisfied that if Mr Wombat had died of natural causes he would have been located, deceased. The fact that no trace of him was found makes them certain something untoward happened to Mr Wombat and his body was concealed. Certainly local cultural histories speak of disputes between lawmen with apparent disappearances. In

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<sup>26</sup> Exhibit 1 Tab 2

<sup>27</sup> Transcript 29.1.2020 page 19

addition, the search for him commenced within enough time for scavenger birds and other predators to be apparent around unconcealed remains.

While I accept without a body, and with knowledge of Mr Wombat's experience in the bush, I am unable to determine what happened to Mr Wombat, I am still satisfied beyond all reasonable doubt that Mr Wombat is deceased, and died at the time he disappeared. Otherwise I am certain he would have returned to, or been in contact with, the Fitzroy Crossing part of his extended family with whom he was living at that time.

The very fact that Mr and Ms Jimbidie and their mother never heard from him since that time satisfies me beyond all reasonable doubt Mr Wombat died at that time while in Manari.

### **MANNER AND CAUSE OF DEATH**

It is possible Mr Wombat died naturally on 17 January 1988 while hunting for goanna. Mr Jimbidie explained he had not been well when last seen by Mr Jimbidie on Christmas Eve and he was known to have suffered from asthma. The conditions were extreme and it would be perfectly possible for Mr Wombat to have suffered heat stroke, become delusional and disorientated and as a consequence died. He may have wandered somewhere untoward which would unwittingly conceal his remains from future location.

Against this Mr and Ms Jimbidie are confident that had Mr Wombat died of natural causes his remains would have been located. They are concerned that because his remains were not located and the area in which he was hunting goanna was culturally significant, something to do with a cultural dispute had resulted in his demise and deliberate concealment of his body from the authorities to hide what had happened.

I am unable to determine on the evidence available as to whether Mr Wombat died either directly or indirectly as a result of natural causes, whether there was some accident which contributed to concealing his remains from location, or that there was an untoward event which then involved the concealment of his body and therefore his discovery by searchers.

I am confident however the police did conduct a significant search of the area with what they believed to be competent assistance from local Aboriginal elders and trackers. Nothing was found of Mr Wombat and the fact his family with whom he was living at Fitzroy Crossing never heard from him again certainly satisfied me beyond all reasonable doubt he is deceased.

The lack of remains, and the lack of medical information which would assist with the identification of skeletal remains make the prospect of identifying Mr Wombat's remains in the future extremely difficult. I appreciate that with the assistance of lineal relatives it may be possible to identify DNA which potentially could be used to identify skeletal remains were the conditions appropriate. Sgt Hall assured the court he would try to facilitate that happening.<sup>28</sup>

Other than being satisfied beyond all reasonable doubt that Mr Wombat is deceased, was deceased on or about 17 January 1988 and somewhere in the Manari area, I am unable to take the circumstances of his death any further.

I make an Open Finding into the death of Mr Wombat.

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<sup>28</sup> Transcript 29.1.2020 page 31

## CONCLUSION

There is no doubt Mr Turner was concerned enough about Mr Wombat's disappearance while hunting for goanna east of the fishing party at Manari to advise police that evening of the fact they had been unable to locate Mr Wombat during the afternoon. The evidence is they returned to Broome; then at daybreak returned to Manari and again searched through the next day. When that was unsuccessful Mr Turner returned to Broome police station and asked for help. It is clear there was a full scale search at that time which lasted until 24 January 1988 and was quite extensive. I appreciate the records may not have been as complete as later investigations which is why Sgt Hall, located at Fitzroy Crossing, made further inquiries. Mr Turner by that stage was in the Fitzroy area as were Mr Wombat's stepchildren and his wife, their mother, and I am satisfied Mr Wombat was well loved by those in his family to whom he was a father figure. There is no evidence, other than Mr Jimbidie's cultural concerns, there was anyone who wished Mr Wombat harm, however, I accept that cultural law disputes were not always evident in the wider community.

The fact Mr Wombat was well loved by the Fitzroy Crossing community is evidenced by Mr and Ms Jimbidie's attendance at the Broome Courthouse in 2020 to discover as much as they could about what had occurred. I suspect they were not informed earlier about his disappearance due to the belief Mr Wombat would be located. It was general knowledge he had disappeared into the bush before and returned perfectly unharmed.

I am certain that if Mr Wombat had survived beyond 18 January 1988 someone in the community to which he belonged would have had knowledge and he would have come to the attention of the authorities. He would be 88 in 2020 and would certainly have come to someone's attention had he survived beyond the search period.

I thank Mr Jimbidie, Ms Jimbidie and Mr Jimbidie's son for attending at the courthouse and assisting us with the evidence with respect to Mr Wombat's disappearance. Had it not been for their evident concern about Mr Wombat it would have been much harder for me to determine he would have returned to family had he been able to. I am satisfied he was comfortable enough with his life and with his family in Fitzroy Crossing that had he been able to return to them he would have done. As a consequence I am satisfied he was deceased in that timeframe in Manari.

E F VICKER  
**CORONER**

2 June 2020