



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 78/19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Sylvina TARI** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 3 December 2019**, find the death of **Sylvina TARI** has been established beyond all reasonable doubt, and the identity of the deceased person was **Sylvina TARI** and that death occurred sometime in late 1981 to early 1982 at **Kalumburu**, in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On the morning of 13 August 1977 Sylvina Tari (Ms Tari) remained at the old camp on the opposite bank of the King Edward River from the main Kalumburu Mission Settlement. It was usual for the old people from the camp to go over to the mission, only leaving those behind who wished to remain or were incapacitated in some way. When the others returned to the camp from the mission Ms Tari was no longer at the camp. She was reported to have walked away with some dogs and despite searches of the area in the following days she was not located.

The inquest into the disappearance of Ms Tari was heard in Perth. The documentary evidence comprised the brief of evidence, Exhibit 1; tabs 1-26, and the Public Notice of Inquest dated 8 November 2019 as Exhibit 2. Oral evidence was heard from retired police officer, Donald William Letts (Mr Letts) who was involved in the taking of statements and the initial Missing Person Report (MPR) in 1977.

Additional information came to light sometime after the inquest which indicated Ms Tari had returned to Kalumburu Mission by late 1981, but had died by early 1982. There is no registration of her death and no indication the police were ever informed of her return or her death. I have dealt with this later in the finding.

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 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 this matter there was no indication as to death and whether it was reportable was unknowable.

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 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.

In the case of Ms Tari, as in the case of a number of other matters originating from Kalumburu Mission, there were no witnesses available to give evidence in Kununurra or Broome during the term of the LTMP project. The matter was therefore heard in Perth, but carried over for the later matters in Kununurra in

March 2020 in case relevant witnesses became available who wished to be heard. By March 2020 Western Australia was in a state of emergency due to the COVID-19 pandemic and the Kununurra hearings could not be heard in Kununurra. However Ms Tari's case had been mentioned at the Broome hearings in January 2020. There was no additional information with respect to Ms Tari in the Broome hearings, although evidence was received with respect to the history of Kalumburu Mission.

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

Ms Tari was described by Father Sanz, Superintendent of the Kalamburu Catholic Mission as *"an elderly Aboriginal woman of 72 years of age, she was very silly, by that I mean silly and senile. She often went for walks, but never strayed away overnight.*¹ Other than that description very little is known about Ms Tari. She was described in the police report as being a full blood Aboriginal female, approximately 4 foot 10 inches to 5 foot tall, of thin build, with grey hair and brown eyes and Aboriginal tribal scars on her breast. There was no indication of any injuries which may have assisted with the identification of skeletal remains.²

Ms Tari was given a nominal date of birth as 1 January 1905 and recorded as having been born in Wyndham. Her parents are recorded as Tari, her father, and Cherbachevala, her mother. She was said to have lived on Kalamburu Mission all her life and all her relatives and friends were on the mission. At the time of her disappearance she was described as a pensioner, and there is a record of her baptism dated 24 December 1934, which gives her residence as Pago.³

Ms Tari was not described as ever having had a partner or children recorded, however, the Kalamburu Committee Chairman, Laurie Waina (Mr Waina) at the

¹ Exhibit 1, tab 7

² Exhibit 1, tab 2

³ Exhibit 1, tab 22

time of Ms Tari's residence in 1977 stated he believed she had a grand daughter. However, there was no other record of relatives for Ms Tari. She was consistently described as "*silly in the head*", but also that she fitted in well with the others on the mission and was "*disliked by nobody*".⁴

At the time of her disappearance in 1977 Ms Tari lived with the other elderly people, in a relatively traditional environment in a camp (Walmbie) on the opposite side of the King Edward River from the mission.

Kalumburu Mission⁵

Kalumburu Mission was originally founded by the Benedictine monks in 1908 as the Drysdale River Mission at the coastal location of Pago due to the good supply of fresh water. By 1936 the water supply was depleted and they moved the location ten miles inland over a period of years to Kalumburu on the banks of the King Edward River.

There was an Aboriginal reserve alongside the mission land and the mission was assigned to "take care of" the community which were in those days under the care of the native protector. Due to trade along the coastal areas with other cultures there was a tendency for some exotic diseases to spread rapidly in the exposed Aboriginal community and the provision of medical care to affected groups was one of the purposes of the protection as was the prevention of the slave trade. The mission in its early days attracted communities from all over the Kimberley area and there are a number of people there from different tribal and language groups.

The Mission developed large gardening and farming industries and became largely self-sufficient under the monks. Employment of the people revolved around maintaining the community through education and training aimed at local survival. Bishop Saunders described those as looking after stock, building fences, running boats and luggers, growing food and building. There was a bakery, food

⁴ Exhibit 1, tab 8

⁵ This summary is taken from the evidence of Bishop Saunders during the Jackamora Inquest in Broome. Transcript 29.1.2020 pp16-35

store, medical clinic and schooling. The Aboriginal community was alcohol free, although the monastery itself was not.

Up until the early 1980s while the Mission was still under the control of the Benedictine monks money for the welfare of the Aboriginal community was paid to the Mission who used it to provide for the community. This included providing provisions where necessary to the older elements of the community who chose to live out of the Mission on the other side of the King Edward River - (Walmbie Camp). Those people lived a more traditional cultural lifestyle and were not expected to live by the rules and regulations of the Mission, were not required to work, and lived largely by hunting and gathering where possible. If necessary they were provided food from the Mission, which they could collect, or it was taken to them by other members of the community. They were also provided medical care as they requested or as necessary. Some of the older members of the Mission would live on both sides of the river, but no children were generally raised in the “old camp”.

Bishop Saunders described the monks as keeping very meticulous records of the events in the Mission but that practice did not continue when administration of the Mission devolved from the Benedictines to the Catholic Church in conjunction with the Kalumburu Aboriginal Corporation in 1982. Bishop Saunders, Bishop of the Diocese of Broome in 2019, was the first representative of the Catholic Church at Kalumburu Mission following the handover from the Benedictines in early 1982. He remained there for 6½ years as “parish priest and the administrator of the Mission, and we still had much to do with regard to the administration of the Aboriginal community in those days”.

Bishop Saunders commented that unfortunately his early diaries of events on the Mission were destroyed in later floods. Following 1980 the Church did not receive funds for the individuals in the community from government. Rather cheques were issued to individuals which Bishop Saunders recalled caused many difficulties and issues over the ability to provide cash for use in the local store.

The Aboriginal population in 1982 was in the region of 300, with only 3-4 huts/camps on Walmbie campsite on the other side of the river. It was not uncommon for the people from Walmbie camp to go walkabout and visit family all over their traditional lands, which extended a long way beyond the Kalumburu Mission.

Bishop Saunders could recall no information with respect to Ms Tari. He did not believe she had been part of the mission during his time in Kalumburu.

DISAPPEARANCE

On 13 August 1977 Ms Tari did not travel with the other elders over to the Mission to collect her supplies. The only people remaining on the old camp side of the King Edward River was an old lady named Momanda and Ms Tari.⁶

Mary Pandilo (Ms Pandilo)⁷ stated Ms Tari usually travelled with them, but on that day she remained at camp when they went to the Mission in the morning. Ms Pandilo stated that most of the older people returned to the camp on the other side of King Edward River at about 5.30 pm and when Ms Pandilo arrived Momanda told her Ms Tari had left the camp. She described her as taking her walking stick and just *“walked off with three dogs”*. Momanda told Ms Pandilo she had asked Ms Tari to come back, but she just continued to walk. Ms Pandilo believed Ms Tari *“went out to the bush to die”*.⁸ There is no evidence Ms Tari was particularly unwell at the time other than the description of her being either senile or silly in the head, or possibly both, and Father Sanz described her as fragile.⁹

The men at the old camp who were capable went out looking for Ms Tari, but could not track her any further due to night approaching. They returned to camp and Basil Changara (Mr Changara) yelled out from the old camp side of the river to Mr Waina at the Mission that Ms Tari was missing.¹⁰

⁶ Exhibit 1, tab 6

⁷ Spelling provided by Mr Letts Transcript 3.12.20 page 10 as Pandalong; later corrected by Father Anscar to Pandilo. Personal communication via Archivist, Benedictine Community of New Norcia 6.4.2020

⁸ Exhibit 1, tab 9

⁹ Exhibit 1 Tab 7

¹⁰ Exhibit 1, tab 8

Mr Waina organised four people from the Mission to go out and attempt to track Ms Tari. They left at approximately 7.30 am on 14 August 1977 and searched all day, but lost her tracks in “grass country”. Mr Waina described this as being about 3 miles from Ms Tari’s camp which was in a westerly direction away from the river.

Father Sanz was advised on 14 August 1977 by the elders that Ms Tari had wandered away from the camp and a search had been started without success. Father Sanz then organised men from the Mission to continue searching and both Father Sanz and Mr Waina described the search as continuing for about 10 days.¹¹

Father Sanz stated that the three dogs which had left with Ms Tari on 13 August 1977, returned, however, at different times. One dog returned on 17 August 1977 and the other two dogs returned on 28 August 1977. It was Father Sanz’s view that once all the dogs had returned Ms Tari would no longer be alive. Father Sanz made enquiries through the elders as to whether it was possible there had been foul play, but was provided with no information which would support the suggestion. Father Sanz believed, “she went for a walk and fell in between some rocks and because of her fragility she could not get up”.¹²

Mr Waina described the search as being in a 10 mile radius from the camp which included searching along the river, right down to its mouth. He did not believe Ms Tari could have travelled more than 6 miles due to her age and fragility. He described her as well liked and not having quarrelled with anybody during the time before her disappearance.¹³

Father Sanz advised Wyndham Police on 17 August 1977 that Ms Tari was missing and there was no information as to where she may have gone because all her relatives and friends were at the Mission. The initial MPR stated, “*left the Mission between 2.00 and 3.30 pm on 13 August 1977 with food, tomatoes and onions also with five dogs (this would appear to be an error as all the witnesses from whom statements were taken referred to three dogs) of which two have returned. Has left*

¹¹ Exhibit 1, tabs 7 and 9

¹² Exhibit 1, tab 7

¹³ Exhibit 1, tab 9

the Mission on previous occasions but only for a few hours at a time. The missing person (Ms Tari) has never been out of the Mission boundaries and would not know where to go".¹⁴

Ms Tari's specific description was not completed until December 1977 when Mr Letts attended at the Mission to take statements from any witnesses who could provide information. Mr Letts agreed it was not technically an investigation into her death as by that time Police believed she was deceased, and they were only collecting details for the MPR in case remains were ever found.¹⁵

INVESTIGATION

As stated above there was no official police investigation into Ms Tari's disappearance, only a recording of her as a Missing Person. Mr Letts advised the Court that in 1977 the elders on Kalamburu Mission did not receive pension cheques individually, but money was provided to the Superintendent of the Mission, Father Sanz at the time, who would distribute the funds amongst the elderly people as he saw fit, to provide for their food, medical care, and other necessities.¹⁶ Kalamburu Mission was a dry community and at that time there was no problem with alcohol.

Later enquiries by the Police with organisations such as Centrelink held no records for Ms Tari and due to the lack of skeletal medical information there has been no comparison with any skeletal remains in the skeletal remains data base.¹⁷

Following the inquest in December 2019 an enquiry with the Archivist, Benedictine Community of New Norcia, Peter Hocking,¹⁸ produced a recollection by Father Anscar that he had visited Kalumburu in late 1981 and met Ms Tari. This was after her return to Kalumburu following a period of absence. When Father Anscar returned to the mission in February 1982 he was informed Ms Tari had died. However, there is no official record of her death and in 2019 she was still officially

¹⁴ Exhibit 1, tab 3

¹⁵ Exhibit 1, tab 4; t. 3.12.19, p.2

¹⁶ t. 3.12.19, p13-14

¹⁷ Missing Persons data base- Dr Buck

¹⁸ Personal communication of Mr Hocking with OSC 6.4.2020

recorded as a missing person. Some of the information provided to Father Anscar about Ms Tari supports her disappearance for a period of time, but the detail is ambiguous.

Overall, I believe the correct context of Father Anscar's recollection to be that Ms Tari had disappeared from the mission sometime in August 1977. She was roughly 72 years of age and due to concerns for her welfare her disappearance was reported to the police. It was believed she had died. Ms Tari later returned to the old camp, but her return was not reported to police, possibly due to the change in administration of the mission. The individual residents of the old camp were not the sole responsibility of the mission in 1982, but rather the newly formed Kalumburu Aboriginal Corporation.

Ms Tari's death was never officially recorded or registered in early 1982 when she would have been roughly 76 years of age. This finding will now correct that omission.

HAS DEATH BEEN ESTABLISHED?

Ms Tari was estimated to be 72 years of age in 1977. She was a traditional full blood aborigine from the region around Kalumburu and lived a more traditional life style in the old camp across the river from the Mission. As one of the elderly residents of the camp she was provided with food and medical attention when necessary, but otherwise allowed to live her life as she wished. She was described variously as "*silly in the head*" and "*senile*" and it is difficult to determine whether she was mentally frail due to age or was intellectually challenged. She was, however, liked, according to the other old people, and quite capable of looking after herself in the bush by foraging should she so need.

Ms Tari apparently used a walking stick, and walked with a limp although there is no explanation for that¹⁹ and it is said she set off with the walking stick and some dogs on 13 August 1977 despite being told by another elderly person at the camp to stay. She chose a time when there were no other residents in the camps because they were over at the Mission. I speculate she may have felt she would be prevented

¹⁹ Transcript 3.12.19 p.8

from leaving and was determined to go. She apparently survived despite concerns she had died.

There is no record of her return, but Father Anscar is quite certain he met her in late 1981. From that I have to deduce Ms Tari returned at some stage and returned to her life in the old camp. There was no restriction on the movements of the more traditional residents by the community.

By February 1982 Mr Tari had apparently died, but there is no information as to how she died. She would by then have been about 77 years of age. There does not appear to be a Healthcare record for her after 1977, and she remained listed as a missing person. There is simply no indication her death either was, or was not, reportable.

Had Ms Tari been alive today she would have been 114 years of age. That is clearly unrealistic with the lifestyle she led and I am satisfied beyond all reasonable doubt Ms Tari is now deceased.

On the information provided by Father Anscar I am satisfied Ms Tari had returned to the old camp by late 1981, but died by the time he returned to Kalumburu in February 1982, although that was not officially recorded or registered in any way.

Consequently I am satisfied beyond all reasonable doubt Ms Tari died sometime between late 1981 to February 1982 somewhere in the vicinity of Kalumburu.

MANNER AND CAUSE

Obviously on the evidence available I am unable to determine a cause for Ms Tari's death, which could be natural or accidental and therefore I am unable to determine the manner of her death.

I make an Open Finding into the manner of Ms Tari's death.

CONCLUSION

The more elderly, traditional people camping at the old camp opposite the Mission settlement were allowed to live as they desired. There was medical assistance and food should they wish assistance, but they were not forced to live on the Mission with Mission rules.

There is no evidence of a Healthcare card for Ms Tari although I suspect there was one, but no enquiry was made with the Benedictine community before the handover to the Kalumburu Aboriginal Corporation in 1981-1982.

It would appear the reappearance of Ms Tari went unnoticed by any authority as did her death in a similar timeframe. If nothing else there should now be an official record of Ms Tari's death and therefore her life.

E F Vicker
Coroner

26 May 2020