



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 45/19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **James CLARKE** with an inquest held at the **Coroner's Court, Court 83 Central Law Courts, 501 Hay Street, Perth, on 12 August 2019** find the death of **James CLARKE** has been established beyond all reasonable doubt, and that the identity of the deceased person was **James CLARKE** and that death occurred on or about **18 May 1966** at **the vicinity of Whitby Falls Hospital** in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On 18 May 1966 Whitby Falls Hospital staff reported James Clarke (Mr Clarke) as a missing person when he did not attend for his breakfast as a resident of the Whitby Falls Hospital. Hospital staff searched and failed to locate Mr Clarke on the grounds, outbuildings, waterways, bushland and open fields.

The inquest into the disappearance of Mr Clarke was held in Perth. The documentary evidence comprised the brief of evidence, exhibit 1, tabs 1-13 as presented by Detective First Class Constable Greene, and the Public Notice of Inquest on Wednesday 17 July 2019, exhibit 2.

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 no jurisdiction for a coroner to investigate 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 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).

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

THE DECEASED

Mr Clarke was recorded on the WAPF database as having been born in 1905 in Scotland. Health Department records indicated Mr Clarke was listed as 40 years of age in 1939 which placed his birth year as 1899 or 1900. Those records stated Mr Clarke could not tell his age, but said he was born in 1904.¹ His year of birth cannot be confirmed.

Mr Clarke was described in the missing person report (MPR) at the time of his disappearance as being 61 years of age, of Scottish nationality, pale complexion, about 5 foot 5 inches tall, medium weight with grey hair and grey eyes.²

Mr Clarke had been admitted to Heathcote Hospital for mental health reasons on 1 January 1936 and on 13 January 1936 was committed under the Lunacy Act 1903 before being transferred to Claremont Hospital on 16 June 1939. While at Claremont Hospital Mr Clarke was certified as being of “unsound of mind” and on 27 July 1939 was transferred to permanent accommodation at Whitby Falls Hospital, Mundijong.³

Health Department records indicate Mr Clarke was transferred back to Claremont Hospital on 12 December 1957 and back to Whitby Falls on 31 March 1958. X-rays, test results and dental records from that time are no longer available and there is no relevant medical information which would now allow for identification of any remains.⁴

While at Whitby Falls Hospital Mr Clarke was described as being a model patient and a “harmless type” of mental patient. He conversed by whispering and was said to “walk at a steady pace, looking neither to left or right”.⁵

During the time Mr Clarke was resident at Whitby Falls Hospital it operated as a farm, with those patients who could working on the farm as a form of occupational therapy. This gave them access to the grounds and farm area.⁶

DISAPPEANCE

On the morning of 18 May 1966 Mr Clarke was seen in the hospital dormitory while getting dressed from his pyjamas to day clothes. He was wearing long khaki trousers, blue work shirt, black boots, khaki socks and wearing an ex-Australian Army (slouch) hat.⁷

Mr Clarke did not attend his breakfast that morning which was considered out of the ordinary by staff. Mr Clarke’s absence prompted hospital staff to conduct a search of the immediate area with no sightings.⁸

¹ Exhibit 1, tab 6

² Exhibit 1, tab 3

³ Exhibit 1, tab 6

⁴ Exhibit 1, tab 6

⁵ Exhibit 1, tab 3

⁶ Exhibit 1, tab 4

⁷ Exhibit 1, tab 3

⁸ Exhibit 1, tab 2

INVESTIGATION

At approximately 9.15am on 18 May 1966 Whitby Falls Hospital staff members reported Mr Clarke missing at the Mundijong Police Station. A report was compiled and a police investigation commenced.⁹

An extensive land search of surrounding areas including grounds, outbuildings, waterways and bushland was conducted by a police dog, two mounted police officers and foot patrols. Mr Clarke could not be located.¹⁰

A state-wide broadcast was announced via police radio message and details of Mr Clarke were entered into Police Gazette 40 of 1966. This document was sent to all police stations state-wide.¹¹

A short memorandum in 1975 by Senior Constable O'Sullivan of Missing Persons' Bureau (MPB) to Superintendent Purkiss of Perth District Police Office summarised inquiries undertaken and stated that Mr Clarke had likely wandered into the bush and died.¹²

In 1993 Sergeant Johnson of MPB reviewed the disappearance of Mr Clarke, conducted additional administrative inquiries and started a running sheet. All enquiries with the Health Department, the then Pensions Department, Social Services and Commonwealth Employment (Centrelink) and searches of police data revealed no proper information was held with respect to Mr Clarke.¹³

Repeated enquiries with the Health Department have been unable to provide any avenue for additional information about Mr Clarke. Administrative documents which may have provided names for staff at Whitby Falls Hospital in 1966 are not available and there is no record of patient information other than the medical notes mentioned above.¹⁴

This case is distressing in its lack of information about Mr Clarke as a living person, and the apparent circumstances surrounding his death compound the isolation of his existence. There is no indication of family, next of kin or even friendships during his life, although it is clear he was well thought of as a patient during his long stay at Whitby Falls Hospital.

HAS DEATH BEEN ESTABLISHED?

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

All the available evidence indicated Mr Clarke was highly institutionalised by the time of his disappearance and it is unlikely he would have survived for long outside a protected environment without attracting attention.

⁹ Exhibit 1, tab 3

¹⁰ Exhibit 1, tab 12

¹¹ Exhibit 1, tab 5

¹² Exhibit 1, tab 2 & 5

¹³ Exhibit 1, tab 12

¹⁴ t 22.08.19, p6

I note Mr Clarke's age at the time he disappeared was between 61-66 years of age and that he had been a patient at one institution or another for approximately 30 years by that time. He would be roughly 115 years of age in 2019.

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

MANNER AND CAUSE

I am unable to determine either the manner or cause of Mr Clarke's death on the available evidence. Without some indication as to the basis for Mr Clarke's mental health issues it is difficult to formulate any reason for his disappearance and the following failure to locate any remains. I am unable to determine the extent to which he may have been able to wander, his general physical state of health or the way in which he died.

CONCLUSION

I am satisfied Mr Clarke died on or about and, most probably on, 18 May 1966, in the vicinity of Whitby Falls Hospital, Mundijong. Had that not been the case I am sure those searching for him in the area would have located his remains or some evidence that he had moved out of the area. His recorded demeanour is likely to have attracted attention had he come into contact with other people. There is absolutely no suggestion in the papers available there was any reason for Mr Clarke to go missing intentionally, or that he would have been able to arrange such a disappearance.

I am satisfied beyond a reasonable doubt that Mr Clarke died on or about 18 May 1966 in the vicinity of Whitby Falls Hospital and its surrounds.

I make an Open Finding into the manner of death for Mr Clarke.

E F Vicker
Coroner
5 September 2019