



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 56 /19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Gordon James** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 15 October 2019**, find the death of **Gordon James** has been established beyond all reasonable doubt, and the identity of the deceased person was **Gordon James** and that death occurred on or about **27 July 1987, at sea in the vicinity of Green Island off Rottnest Island, Indian Ocean**, in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On the 27 July 1987 Gordon James (Mr James) posted letters from Rottnest Island informing his family members it was his intention to disappear and end his life. Sometime between 3 and 6 pm on the same date a dinghy was removed from its mooring at Green Island which was then located adrift in Salmon Bay, Rottnest Island. Items were located in the dinghy which did not belong to the owner and included a piece of plywood, presumably used as an oar/paddle which contained the inscription “G James”. Aside from letters which arrived in the post to Mr James’ family and loved ones in the following days, there has been no sign or trace of Mr James since that time.

The inquest into this matter was held in Perth and the documentary evidence comprised of the brief of evidence, Exhibit 1 Tabs 1-31, the Public Notice of inquest dated 20 September 2019, Exhibit 2, and oral evidence heard from the owner of the dingy, Mr Derek Hudson (Mr Hudson), and a police officer, Sergeant Mick Bilbrough, who attended at Mr Jones’ home in Spearwood following a call from Mr James’ son, Steven James (Steven).

Sgt Bilbrough completed the original Missing Person’s report (MPR) in 1987.¹

Long Term Missing Person’s Project (LTMP)

In 2017 it was established 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.

¹ Exhibit 1, Tabs 3 and 5

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 funds were approved 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).

The anticipated outcome of the project 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 OSC business.

THE DECEASED

Mr James was born on 17 September 1933 in Nottingham UK. He had arrived in Australia in the mid 1970s with his wife and two sons.

He was a retired carpenter and had worked at Sunset Hospital between 1976 and December 1985.² Since that time it appeared he had been unemployed. By July 1987 Mr James and his wife, the mother of his sons, were divorced and Mr James lived in rental accommodation in Spearwood. He appeared to retain an amicable relationship with his ex-wife, although it would appear they had drifted apart following their separation. Mr James' son, Steven, lived in Medina with his wife Margareta.

It is clear from the papers Mr James was a meticulous person and planned his life very carefully. He appears to have thought about euthanasia, as he termed it, for a long time in anticipation that at some point the quality of his life would deteriorate.

In early July 1987 Mr James was interviewed by Fremantle detectives and a number of charges laid related to inappropriate conduct of a sexual nature. Mr James did not tell his immediate family of those charges, but the effect appears to have been to make him consider the quality of his life would begin to deteriorate. He was released on bail following being charged and appears to have spent the intervening time considering the best way to disappear and end his life, in a manner which caused the least likelihood of interference, but also protected his loved ones to some extent from exposure to his death.

Mr James had given his son Steven various instructions with respect to some of his property in earlier times which included a request Steven dispose of a red toolbox without examining the contents. Photographs taken at the time of Mr James being charged indicate the red tool box was present in his rental accommodation.

² Exhibit 1 Tab 22

On the 24 July 1987 Mr James finalised the packing and storage of his furniture from his rental accommodation by arranging for its storage for two months from 22 August 1987 to 18 September 1987. He also paid for removal of the property from his premises to storage with four weeks storage on the 24 July 1987.³ At the same time Mr James compiled an itinerary of all the items he had stored which he later sent to Steven.

Over the weekend of Saturday 25 and Sunday 26 July 1987 Mr James stayed with Steven and his family at Medina. As he said goodbye Steven believed Mr James made comments which he interpreted to mean his father was contemplating ending his life. Mr James left their home in Medina at approximately 6.30 pm and because of the conversation Steven became concerned and drove to his father's home in Spearwood at approximately 7.00 pm and waited for his father to return home. That did not happen and Steven returned to his home in Medina. He then rang his father at about 8.00 pm and had a talk with his father which allayed his fears about his father's intentions.

Steven was satisfied his father was at his home and appeared to be in a good frame of mind at about 8.00 pm on Sunday 26 July 1987.

DISAPPEARANCE

At some time overnight 26 July 1987 to Monday 27 July 1987 Mr James drove his motor vehicle to the carpark of the Kwinana Hotel. Steven and his wife Margareta worked as cleaners at the Kwinana Hotel and on the morning of that Monday arrived at the hotel to discover Mr James' motor vehicle in the carpark. The front seat of the vehicle contained an envelope with keys to the vehicle and instructions for Steven, from his father, to follow.⁴ As a result of his concerns the previous evening Steven immediately rang for an ambulance to his father's address while he and his wife made their way to Spearwood.

³ Exhibit 1 Tab 15

⁴ Exhibit 1, Tab 6

It appears the Saint John Ambulance call centre rang the police and at 10.44 am police communications rang Cockburn Police to attend at Mr James' address. Constable Bilbrough (now Sergeant Bilbrough) and Constable Taylor arrived at the Spearwood address at the same time as the ambulance and Constable Hemelaar from the Police Forensic Unit. The police knocked on the door, received no response so entered through a rear window. On searching the premises they could not find Mr James and it was apparent the unit had been emptied of all furniture. Constable Hemelaar had been involved with the Fremantle detectives approximately two weeks earlier and had taken photographs of the house and could confirm that at that time the home had been fully furnished.

Steven and his wife Margareta arrived at the unit a short while later and Steven advised the police he believed his father had taken his life. It appeared to Steven his father had meticulously tidied up all his personal affairs and, from the items left in the car, believed his father had arranged things so there would be no problems for the family. Steven and his wife were advised there were outstanding matters with the police at that time.⁵

The red tool box Mr James had referred to his son for disposal was no longer in the unit.

At approximately 1 pm on that Monday Mr James appears to have arrived on Rottnest Island and visited the Rottnest Lodge Resort. The manageress of the Lodge, Pauline Tew (Ms Tew) later recalled that on Monday 27 July she had been serving drinks to customers in the Lodge bar and recalled serving one or two drinks to a male person who fitted the identity in a photograph she was later shown by Fremantle Detectives. Ms Tew advised the detectives that she was also from England and as a result of Mr James' accent chatted to him for a while about England. It was her recollection he had stayed at the Lodge bar for approximately half an hour and then left. She recalled no other

⁵ Exhibit 1 Tab 5

information with respect to Mr James' stated intentions for his stay on the island.⁶

There is no other recorded information of Mr James having been seen alive following the 27 July 1987 on Rottnest Island. Some time during that day Mr James posted letters to his son and daughter in law, ex-wife, solicitor, and real estate agent, all indicating an intention to end his life. The letters were all dated Monday 27 July by Mr James and the post stamps on the envelopes indicated they were posted on Rottnest Island on the 27 July 1987.⁷

In one of the letters Mr James advised Steven he had left duplicates of his letters and the storage itinerary of his property in the bedroom he used over the weekend at their home, to ensure they received copies.⁸

Another of the letters advised Steven he should disregard his father's previous instructions concerning his death and that he had "*taken care of everything and there's no red box etc.*"⁹

This would suggest Mr James had either already disposed of the red tool box by the 27 July or disposed of it somehow on that date.

At about 3 pm on Monday 27 July 1987, Derrick Hudson, a bus driver employed by the Rottnest Island Board (Mr Hudson), was showing a group of tourists points of interest as he drove around the island on a bus trip. He stopped the bus at Green Island to point out various things to the tourists and could see his 12 foot aluminium dinghy on the beach.¹⁰ Mr Hudson advised the inquest he had left his dinghy in the same position since February 1987 without problems, although he did secure it to the beach by use of a long star picket and cables. He used the dinghy to go fishing in and around

⁶ Exhibit 1 Tab 7

⁷ Exhibit 1 Tabs 11, 12, 13, 14

⁸ Exhibit 1 Tab 11

⁹ Exhibit 1 Tab 12

¹⁰ Exhibit 1 Tab 8

Green Island often with friends. Mr Hudson did not notice anyone else in the vicinity of his dinghy at that time.¹¹

Mr Hudson finished his work at approximately 4.30 pm and, with a friend with whom he intended to go fishing, drove to Green Island where they arrived at about 6 pm. Between their homes and reaching Green Island they drove along Salmon Bay and could see a small dinghy out to sea off Green Island, which is only about 50 metres off the beach. When they arrived at Green Island in the location where Mr Hudson secured his dinghy he found that it was missing. The chain that had secured the dinghy to the star picket was lying on the ground and had been broken in two places. Mr Hudson then realised that the dinghy he had seen off Green Island must be his, and it was by then about 500 metres from shore, with no-one visible in the dinghy.

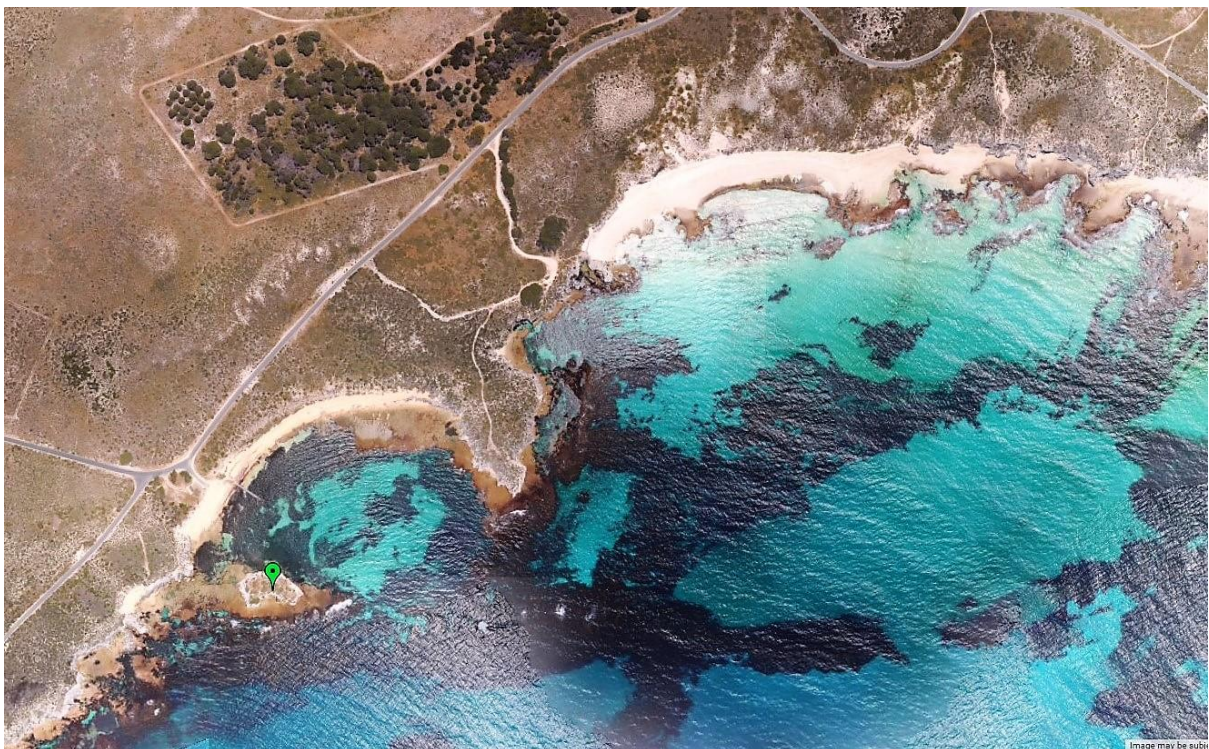


Photo depicts an aerial view of part of Green Island

¹¹ t. 15.10.19, p.7-8



Mr Hudson's friend went to find the island ranger, Alan Kirk (Mr Kirk) to help retrieve the dinghy and all three men arrived back at Green Island in the ranger's boat at approximately 7.15 pm. It was dark and they couldn't see the dinghy so had to search for it, and located it floating in Salmon Bay about 1000 metres offshore. The bungs were missing because that is how Mr Hudson left it to discourage theft,¹² and it had partly filled with water, up to the seats. The dinghy had to be bailed before they could tow it to shore.¹³

Mr Kirk towed the dinghy to Thompsons Bay where Mr Hudson lifted it out of the water and took it to his house on a truck.

INVESTIGATION

Following being advised to attend at Mr James' Spearwood address on the morning of 27 July 1987 due to Steven's concerns as to the welfare of his father, Sergeant Bilbrough completed a missing person report (MPR) at Cockburn Police Station on 27 July 1987 outlining that Mr James' son had

¹² t. 15.10.19, p.6

¹³ Exhibit 1 Tab 9

located his father's car at the Kwinana Motor Inn on the morning of that Monday and that his father was not with the vehicle. The note in the car with instructions as to where to find the keys to his home further convinced Steven and the police Mr James may be suicidal. Sergeant Bilbrough noted *"It is thought that missing person may be suicidal as he is a meticulous person, and he appears to have straightened out his affairs before disappearing."*¹⁴

Constable Hemelaar had noted the red tool box which had been in the unit two weeks earlier was missing along with Mr James' personal furniture. Copies of the MPR were sent to Missing Persons Unit, the Regional Office and one maintained on file at Cockburn Police Station.

On the 28 July 1987 Fremantle Detectives liaised with Cockburn Police over the disappearance of Mr James. Other than the letter Steven had located in his father's car and the one hidden at his home, other letters had been received by Mr James' lawyer and estate agent. It was realised the letters received by those entities on the 28 July had been posted from Rottnest Island on 27 July 1987 and confirmed Mr James to be suicidal and had attempted to sort out his affairs before he disappeared. The content of those letters was confirmed by letters received by Steven, and his mother, Marjorie Smeaton (Ms Smeaton), on 29 July 1987.

Enquiries made on Rottnest Island by the police reflected the interference with Mr Hudson's dinghy on the late afternoon of 27 July 1987 and when Mr Hudson searched the dinghy on the morning of the 28 July 1987 he located various items he had not placed in the dinghy.¹⁵

Among those items was an item which police believed had been used as a paddle and revealed the name G James.¹⁶

¹⁴ Exhibit 1 Tab 5

¹⁵ t. 15.10.19, p.6-7

¹⁶ Exhibit 1 Tab 2

Conditions at Rottnest Island were too rough for Water Police to search the area in which the dinghy had been drifting on 27 July 1987 and this was not completed until the 3 August 1987, but revealed no trace of Mr James or any items other than those located in the drifting dinghy.¹⁷ Mr Hudson advised the court that the water in the vicinity of Salmon Bay was not very deep until further out beyond Green Island.¹⁸ There was no mention of the red tool box being located during that search. From the letter to his son I would suggest Mr James had disposed of the red tool box in some place other than where he disappeared.¹⁹

The Rottnest Island Police confirmed that Mr James had been identified as being present at the Rottnest Lodge sometime around the middle of Monday 27 July 1987 and had been provided with drinks. A check with the ferries and airport did not record any information that suggested Mr James had returned to the mainland.²⁰

Enquiries by police as to doctors and dentists were unable to provide any information with respect to Mr James attendance at those places following his disappearance or any identifying features for a MPR.

Later enquiries in June 1999 indicated the Immigration Department did not record Mr James as having left Australia and Centrelink had no records with respect to Mr James. Mr James' bail conditions with respect to his charges had not been complied with since the 23 July 1987 and checks with banks and other government institutions have not revealed any contact with Mr James since July 1987.²¹ Indeed his letters to his family indicate he effectively depleted any bank accounts at the same time he made arrangements for his property to be kept in storage, and wrote letters to his

¹⁷ Exhibit 1, Tab 27

¹⁸ Exhibit 1, Tab 12

¹⁹ t. 15.10.2019 p.7

²⁰ Exhibit 1 Tab 6

²¹ Exhibit 1, Tabs 23, 24, 25, 26

real estate agent and solicitor thanking them for their efforts on his behalf to date.

Although Mr James' son, Steven, is still alive and was interested in the fact of the inquest he declined to attend, finding the whole thing very stressful. Mr James' letters to his family indicated he was concerned at the grief his family would feel as a result of his decision to take his life, which he referred to as euthanasia.

There has been no trace of Mr James since that date and his concern with his family in his letters would indicate that he certainly appreciated the grief he would cause them, but was adamant that it was his right to take his life at his choosing and made many references to a film called "*Whose Life is it Anyway?*"

HAS DEATH BEEN ESTABLISHED?

Mr James would be 86 years of age had he still be alive in 2019. While it is perfectly possible he would still be alive, the circumstances surrounding his disappearance and his meticulous attention to detail in premediating his demise, satisfy me beyond reasonable doubt that Mr James did indeed succeed in taking his life on the late afternoon/evening of 27 July 1987.

His carefully choreographed last few days, his attention to detail, and the evidence as it evolved following the 27 July 1987 all indicate that Mr James chose to take his life by falling or jumping overboard from a dinghy in the waters off Rottneest Island late that Monday afternoon. He was 53 years of age and his correspondence to his family indicated he clearly thought his life would not improve from that point in time.

His decision does seem to relate to the police charges and, in his letter to his solicitor, he refers to the prospect of spending time in custody and his attitude to that situation.

I believe Mr James' death has been established, even though I accept there was a motive for him to voluntarily disappear. There is nothing in the papers which would satisfy me he would be prepared to put his family through the grief he knew they would experience by simply disappearing and not contacting them.

The available evidence as to his movements and the lack of sighting of Mr James on Rottnest Island, a small environment where his movements were relatively easily traced, satisfy me beyond reasonable doubt that Mr James removed Mr Hudson's dinghy from the beach sometime after 3.00 pm on 27 July 1987. He used items which were later located in the dinghy to break the securing chain and the fact the dinghy had no bungs present means he would have known it was likely to eventually sink with any significant weight. It would appear he allowed the dinghy to drift out into the bay where he went overboard with no intention to survive.

MANNER AND CAUSE OF DEATH

I am satisfied beyond reasonable doubt that Mr James intended to take his life in a way he believed would be least stressful for his family. He indicated in his letters to his family he simply wished to disappear and did not wish for a funeral as he was a non-believer.²²

Mr James had recently experienced some adverse consequences to earlier behaviours and he was satisfied he was not prepared to live with the consequences of the situation in which he found himself.

Although there is no evidence of the weather at the time of the taking of the dinghy and immediately after that time, it is clear the weather was not conducive for divers searching the area over the following few days. By the time conditions improved I am quite satisfied that Mr James' remains were no longer in the vicinity of the shallow water, if they ever were.

²² Exhibit 1 Tab 12

I am satisfied beyond all reasonable doubt that Mr James, whether he was injured or sedated is not clear, certainly drowned in circumstances he had arranged to enable that to happen.

I find death occurred by way of suicide.

CONCLUSION

Mr James had a loving family and appears to have had a reasonably happy life, although it is clear his work at Sunset Hospital had convinced him he wished to have control of his death at a time and place of his choosing.

It is quite clear from his letters to his family his only concern was the grief for his loved ones. He seems to have considered his death to be preferable to the life he believed waited for him in his twilight years. His biggest concern was his son, Steven, he believed his other son would cope with his disappearance.²³

There is no indication Mr James was particularly depressed and, in fact, seems to have found the whole process of organising his affairs and taking his life to be an interesting and productive enterprise. In his mind it was an entirely rational decision.

It is a tragedy for Steven who clearly still suffers with his father's actions, however, I hope this finalisation of his father's life brings some satisfaction that his father appears to have both lived and died as was his choice.

Coroner

15 November 2019

²³ Exhibit 1 Tab 13