



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 68/19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Jackie PALMER (also known as Farmer, Butler)** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 18 November 2019** find the death of **Jackie PALMER (also known as Farmer, Butler)** has been established beyond all reasonable doubt, and the identity of the deceased person was **Jackie PALMER (also known as Farmer, Butler)** and that death occurred on or about **4 January 1995** in the **vicinity of bush around Capricorn Roadhouse, Great Northern Highway, Newman**, in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On 31 December 1994 Jackie Palmer (Mr Palmer), who was also known as Jackie Farmer and Jackie Butler, was at the bush camp opposite the Capricorn Roadhouse out of Newman during the afternoon. By the time others from the camp returned at 11.00 pm Mr Palmer was no longer present. Despite an extensive search in the area by the authorities he was never seen again.

The inquest into the disappearance of Mr Palmer was held in Perth. The documentary evidence comprised the brief of evidence, Exhibit 1, tabs 1-17, and the Public Notice of Inquest dated 11 October 2019 as Exhibit 2. The inquest heard oral testimony from retired police officer, Christine Carter, (Ms Carter) previously Meltham, who was involved in the original search for Mr Palmer and produced the Missing Person Report (MPR). Detective First Class Constable Kiryn Waldeck prepared a report on behalf of the Missing Person Unit (MPU) while at the Homicide Squad, and had made further enquiries relating to Mr Palmer's disappearance on the morning of 18 November 2019 without success.

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 disappearance. Some of the disappearances occurred at a time where 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 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 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 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 purposes of hearing the relevant evidence and then finalised once any additional investigations deemed appropriate had occurred.

Some matters were also referred to the Unidentified Skeletal Remains Database in an attempt to clarify the potential for identification of a missing person from as yet unidentified remains.

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

THE DECEASED

Mr Palmer was recorded as being born on 1 January 1925 in the Western Desert, Western Australia, on the police data base. His home address was recorded as Pumajina Aboriginal Community out of Newman, although he was relatively transient and had been known to be part of the Jigalong, Cotton Creek and Meekatharra communities in the past.

Mr Palmer's alias of Jackie Farmer had recorded dates of birth for both 1 July 1945 and 1925, but he was known as Jackie Palmer by Wiluna Community Health, ANZ Bank, Newman, and Social Security,¹ with a recorded date of birth of 1 January 1925 which I have accepted as his recorded details.

Mr Palmer is not recorded as having any children, however, he was known to have a defacto wife, Noelene Campbell (Ms Campbell), who was reported to be in hospital at the time of Mr Palmer's disappearance. Very little is recorded with respect to Mr Palmer other than the fact he had relatively frequent contact with police and there has been no such contact since January 1995,² when he turned 70 years of age.

Evidence given by Ms Carter stated that some of the older members of Pumajina Community had left the main community and travelled to a bush camp opposite Capricorn Roadhouse for a quieter life style. Mr Palmer was one of that group.³

There is no record of why Ms Campbell was a patient at the Newman District Hospital in December 1994 or January 1995, however, it was known Mr Palmer was concerned for Ms Campbell's health and the communities at the Pumajina Community and Capricorn Roadhouse Camp did not believe he would leave the Newman area while she was still in hospital without telling somebody where he was. He had been resident at either of those camps for approximately five years and had always returned.⁴

¹ Exhibit 1, tab 3

² Exhibit 1, tab 2

³ t. 18.11.19, p.9

⁴ t. 18.11.19, p.10

Mr Palmer was reported to be approximately 170cm tall with grey hair and a full beard. He was noted to have had a fracture to his right fibula and tibia, with a ganglion on his right wrist.⁵ Other medical or identifying information does not appear to be available which has made comparison with the unidentified skeletal remains data base problematic. While there is an unidentified skeleton which could potentially be that of Mr Palmer, it exhibits old skeletal injuries in addition to those recorded for Mr Palmer which cannot be confirmed.⁶

DISAPPEARANCE

On 31 December 1994 Mr Palmer was reported to be camped at the Capricorn Roadhouse with approximately 15 other elderly people. The majority left the camp area to travel to the Fortescue River bed near Round Hill and left Mr Palmer behind at the camp with a blind lady.

A group of people from Cotton Creek Community passed through Capricorn Roadhouse and saw Mr Palmer at about 4.00 pm at the camp.

When the rest of Mr Palmer's camp returned from Round Hill at about 11.00 pm Mr Palmer and his dog were missing. There was no further information available about his whereabouts. He was initially reported to police as missing on Sunday 1 January 1995 and a search implemented.

Investigation

Police concentrated on the known camps and campsites around Newman including Pumajina Camp, Jigalong and Cotton Creek. Several vehicles were known to have travelled from Newman through Capricorn to Jigalong and Cotton Creek on 31 December 1995 for law business. Enquiries were made as to whether any of those vehicles had picked Mr Palmer up to travel with them. Those enquiries proved to be negative and the Cotton Creek Community noted he had been at the Capricorn bush camp at 4.00 pm on 31 December 1994. Further enquiries with

⁵ Exhibit 1, tab 14

⁶ Personal communication Dr Alana Buck from PathWest Medical Laboratory with myself on 19 November 2019

Looma and Meekatharra communities all confirmed he was not in any of those areas.⁷

Aboriginal trackers involved in the search for Mr Palmer were staying at the Capricorn Roadhouse bush camp on 3 to 4 January 1995, without success in locating Mr Palmer, when his dog returned to the campsite. This led the trackers to believe he must be in the area of the bush camp. The ground and aerial search concentrated on the area between Capricorn Roadhouse north to the Fortescue River beds, using a single engine aircraft with two police aerial observers, one SES vehicle and two police 4WDs.

Everyone returned to the camp that evening where again they stayed overnight. In the morning it was noted that Mr Palmer's dog, who had returned the previous day, appeared to have left the camp overnight, but then returned from the south suggesting Mr Palmer maybe further south. The search then moved south of the camp with the trackers camping at the bush camp overnight to follow the dog if it left the campsite again.

Unfortunately, the dog did not leave the campsite suggesting the dog had found Mr Palmer deceased the previous night. The search on 5 January 1995 comprised the same search components as before with the addition of three more aboriginal trackers. A thorough and extensive search was conducted, but did not locate any trace of Mr Palmer.

Police continued enquiries through Laverton Police with the Warakurna Community, the Tjukala Community and the Warburton Ranges Community, but were unsuccessful in locating Mr Palmer. Following those enquiries the search was scaled down and it was left to local police to conduct patrols of the bush and tracks whenever they were in the Capricorn area and maintain enquiry with the local communities as to any sign of Mr Palmer.

The concern with Mr Palmer's disappearance remained for approximately a month with many versions of where he had gone circulating. Due to the fact it was not

⁷ Exhibit 1, tab 3

believed he would leave the area because of the illness of his defacto wife there was a belief he would not simply disappear voluntarily. All the rumours heard by police were investigated, but did not locate Mr Palmer. All remote aboriginal communities denied any knowledge of his presence.

Checks with Social Security with respect to Palmer/Farmer indicated his last payment had been sent to Newman post office on 25 January 1995, however, had not been collected.

HAS DEATH BEEN ESTABLISHED?

Had Mr Palmer been alive in 2019 he would have been 94 years of age taking 1 January 1925 date as his most reliable date of birth. He was 70 years of age at the time of his disappearance and quite frail although reportedly healthy for his age.

The fact none of his Social Security cheques were collected following his disappearance, the fact his defacto wife was in hospital and those who knew Mr Palmer did not believe he would leave the area voluntarily without her, satisfy me the lack of any sighting or contact with Mr Palmer confirm that he is deceased.

I am satisfied the movements of locals in the area were checked by police due to the known movement of vehicles surrounding law business. All communities reported they had not seen or heard from Mr Palmer. The fact his dog returned to the bush camp twice would seem to confirm he was lost somewhere in the bush around the roadhouse, but unable to return.

I note the custom reported for elderly aborigines was to leave a campsite if they felt they were dying for cultural reasons. This would seem to be the most reasonable explanation for Mr Palmer's departure from the campsite following 4.00 pm on 31 December 1994. It is likely Mr Palmer's dog remained with him until he died, which would indicate that was probably sometime on 4 January 1995. The dog left camp overnight, but returned on 5 January 1995 and did not leave camp again.

This would support the fact Mr Palmer had walked into the bush to die and that his dog had located him deceased and did not return to him again.⁸

I am quite satisfied that if Mr Palmer had remained alive he would have eventually had contact with either the communities, the police or other government agencies. I am satisfied beyond all reasonable doubt that Mr Palmer died sometime between 31 December 1994 and 5 January 1995 in the bush in the vicinity of the Capricorn Roadhouse Camp.

MANNER AND CAUSE

I am unable to determine how Mr Palmer died or even why he died. The most likely explanation in view of the fact he apparently voluntarily left the bush camp late in the day on 31 December 1994 with his dog, when he knew his wife was in hospital and he was concerned about her, would be that he felt he was dying and for cultural reasons did not wish to remain at the bush camp. At the time he went there was no-one there for him to explain why he was going away, and it is entirely possible he did not wish to distress the elderly blind lady that he left behind alone at the campsite. The fact his dog stayed away for some while would indicate he had wandered into the bush, become dehydrated and disorientated and collapsed or may just have collapsed as a result of natural causes.

While I am satisfied, due to the return of his dog and no later sightings, Mr Palmer died, I am unable to provide any explanation.

I make an Open Finding as to the manner and cause of Mr Palmer's death.

Unidentified Remains ebase

Dr Buck advised me there were unidentified remains consistent with Mr Palmer on the data base. However, those remains had healed skeletal injuries additional to those recorded for Mr Palmer. In the absence of earlier medical information to confirm or discount those remains as belonging to Mr Palmer, I am unable to take this possibility further.

⁸ t. 18.11.19, p.15

CONCLUSION

It is evident the people passing through Capricorn bush camp on the evening of 31 December 1994 knew Mr Palmer. I am satisfied he was present at the camp at that time and left before the others returned at 11.00 pm. Further, I am satisfied that had Mr Palmer remained alive after 5 January 1995 someone from the local communities would have known about it and he would have been located. There was no evident reason as to why he would wish to disappear, and the concern he had for Ms Campbell emphasised why he would wish to remain in contact if at all possible.

The fact the local communities believed he went into the bush and died persuade me those who knew Mr Palmer were best placed to consider he was deceased by the time his dog returned to camp for the final time on 5 January 1995. If Mr Palmer had been in a position to visit Ms Campbell he would have done so. He had always taken every opportunity to visit her in the time preceding his disappearance.⁹

E F Vicker
Coroner
4 March 2020

⁹ t. 18.11.19, p.10