



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref 6/20

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Paddy NANCE** with an inquest held at the **Coroner's Court, Court 2, Broome Court House, Hamersley Street, Broome, on 28 January 2020, find the death of **Paddy NANCE** has been established beyond all reasonable doubt, and the identity of the deceased person was **Paddy NANCE** and that death occurred on **or about 30 September 1999 in the vicinity of the Mindi Rardi Community, Fitzroy Crossing, in the following circumstances:*****

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

Paddy Nance (Mr Nance) was last positively seen at the home of Charlie Nungan (Mr Nungan) in the Mindi Rardi Community via Fitzroy Crossing. Following leaving Mr Nungan's home after breakfast on 30 September 1999 there is no clear record of his movements and despite various alleged sightings he was never positively seen again.

The inquest into Mr Nance's disappearance was held in Broome. The documentary evidence comprised the brief of evidence, Exhibit 1, Tabs 1-24 which do not support the police report at Tab 2, apparently compiled from the Missing Persons Unit (MPU) file, and the Public Notice of Inquest dated 30 December 2019 as Exhibit 2.

Oral evidence was heard from First Class Constable Sandra Allen (Ms Allen) via video link from Perth, who was unable to clarify the discrepancies between her report and the papers. In addition, now retired Aboriginal Police Liaison Officer (APLO) Peter Murray (Mr Murray) gave evidence by way of telephone link from Fitzroy Crossing and was involved in the original search for Mr Nance. Unfortunately no other person came forward with additional information for the court, although some of the witnesses involved in other matters during the Broome hearings were aware of Mr Nance and rumours surrounding his disappearance.

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 these had occurred at a time when there was no or limited 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 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 outside the Perth metropolitan area were considered from the perspective of the best availability for relevant witnesses.

In the case of Mr Nance CA was able to locate Mr Murray, who was prepared to give evidence by way of telephone, and the matter was conducted in Broome following public advertisement of the inquest, in the hope additional information may be forthcoming. Unfortunately there was little additional information and aside from Mr Murray's important contribution, I have had to rely on the papers in the missing person files, more in keeping with the recollections of Mr Murray, which disclose a somewhat different history from that outlined by First Class Constable Allen apparently on the same information.

By the conclusion of the Broome hearings there was no additional information forthcoming which could be considered as evidence.

The anticipated outcome of the LTMP project was that by June 2020 the majority of reported LCMP 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

Mr Nance is recorded on the police data base as being born on 1 January 1933. However, the WA Country Health Service (WACHS) in the form of Fitzroy Valley Health Services records Mr Nance's date of birth as being 1 January 1931.¹ This made him somewhere between 66 and 68 years old at the time of his reported disappearance. His reputed place of birth was Cherrabun, Fitzroy Crossing, Western Australia.² His address is given as the Mindi Rardi Community Fitzroy Crossing, and Mr Murray referred to Mr Nance as living in Guwardi Ngadu Frail Aged Hostel in the community, for old persons, some of whom were physically fit and others which were both physically unwell and in cognitive decline.

¹ Exhibit 1 Tab 2, Exhibit 1 Tab 11

² Exhibit 1 Tab 3 Transcript 28.1.2020 page 11.

Mr Nance was physically fit and would often walk six kilometres from the hostel to the post office for his pension, but suffered from age-related forgetfulness.³

Mr Murray also described Mr Nance as a Walmajarri spoken person and traditional owner of those lands to whom Mr Murray was distantly related by connection with the area.

There is almost no other information provided in the papers or submitted to the coroner about Mr Nance prior to his disappearance.

Medical records for Mr Nance indicated he suffered a number of illnesses which would not be useful in the identification of unidentified skeletal remains, other than an undated Missing Persons Bureau form with a fax date of 21 October 1999 which indicated Mr Nance had arthritis in both of his hands.⁴ The same report stated there were no dental records known for Mr Nance at Fitzroy Crossing, Halls Creek or Derby. His medical information does, however, disclose he suffered a number of medical conditions which could affect his welfare if he became dehydrated or lost.⁵

The papers disclose a number of persons said to be related to Mr Nance, however, it is not clear as to the actual relationship. A granddaughter, Margaret Shaw, is mentioned, however Mr Murray was also described in the papers as a grandson which in evidence he clarified as not being completely accurate. Rather Mr Nance was an Elder in his community and given the title of grandfather by the community.⁶ Mr Murray did not consider himself as particularly close to Mr Nance.

³ Exhibit 2 Transcript 28.1.20 page 11.

⁴ Exhibit 1 Tab 4

⁵ Exhibit 1 Tab 11

⁶ Transcript 28.1.2020 page 11

Mr Murray explained the hostel where Mr Nance usually resided was flexible with respect to its members who were physically fit, and permitted to walk from the hostel into town to do shopping or to collect their pensions.⁷ There is no indication anyone at the hostel had reported him absent.

DISAPPEARANCE.

The details relating to Mr Nance's actual disappearance are vague and difficult to clarify.

The Fitzroy Crossing Police Station running sheet entitled "Missing Person Report"⁸ (MPR) indicated that on the 5 October at approximately 10:00 am Mr Murray received information from Francis Rangie which stated he had last seen Mr Nance at the Mindi Rardi Community about 7:30 that morning. Mr Nance was going to the post office to collect his pension money.

The Kimberley District Fitzroy Crossing Sub-District Major Incident Briefing Note⁹ indicated:

"At 1000 hrs on Tuesday October 05, 1999, whilst conducting a patrol of the town 1/c APLO MURRAY was stopped by Francis Rangie (female) from Mindi Rardi Community, a local community within the town of Fitzroy Crossing, and advised that her grandfather Paddy NANCE (dob 01/01/33) had not been seen since 0800 hrs 30/9/99 after having breakfast at Charlie NUNGAN's residence."

The incident report compiled in 2009 when the incident reports were consolidated¹⁰ indicated:

"Nance was reported missing on 5/10/99 by his granddaughter SHAW. It was ascertained that he had breakfast at a relatives' (Charlie NUNGAN) house in the community. He was in good spirits when he left."

⁷ Transcript 28.1.2020 page 12

⁸ Exhibit 1 Tab 5

⁹ Exhibit 1 Tab 9

¹⁰ Exhibit 1 Tab 4

“Was reported missing to police on 05.10.1999.

Initial inquiries revealed that

#He had not picked up his social security cheque,

#He was forgetful

#He had previously ‘gone walkabout’ without telling anyone of his intentions.”

The Fitzroy Crossing Police Station running sheet¹¹ goes on to say that Mr Murray spoke to Madeline at the Post Office and she informed Mr Murray that Mr Nance had not yet collected his pension cheque since Thursday 30 September 1999. This somehow later translated in the police report to he had collected his pension on the 30 September 1999, however, I can find no verification of that in the papers from the Missing Person file provided to this court.

Mr Murray is then recorded as attending at Mr Nungan’s residence at Mindi Rardi where Mr Nungan stated it was possible Mr Nance had gone to Koongie Park via Halls Creek or maybe another community. Mr Murray made later enquiries and discovered Mr Nance had indeed been at one of the communities prior to his going missing on 30th, but had returned from that community on Sunday 26 September 1999.

As a result of those enquiries the Major Incident Briefing Report was faxed to the District Office outlining that Mr Nance had been missing since the 30 September 1999 and that the enquiries conducted by Mr Murray indicated Mr Nance had breakfasted with Mr Nungan on 30 September 1999 and

“left a short time later without indicating what he intended to do. Nance was in good spirits when he left this location. Further enquiries with relatives and locals have failed to indicate where Nance has gone however it is known that he has gone ‘walkabout’ once before without telling anybody his intentions. Enquiries at the local Post Office revealed that Nance has not picked up his social security cheque.”

¹¹ Exhibit 1 Tab 5

Enquiries at the local Post Office revealed that Nance has not picked up his social security cheque.”

...

“Mr Murray will continue to make enquiries.”¹²

The Fitzroy Crossing police running sheet continued and on 7 October 1999 Mr Rangie (obviously male) informed Mr Murray that Sandra George said she had seen Mr Nance around midday on 30 September 1999. He was apparently also seen by two others and had with him a black pointy-eared female dog.¹³

A statement taken from Sandra George on 8 October 1999 stated she lived at the Junjuwa Community Forrest Road, Fitzroy Crossing, and was employed with the Mindi Rardi Community, Fitzroy Crossing. She informed the statement taker that on Thursday 30 September 1999, Peter Ross (Mr Ross) had picked her up from her community to go to work at Mindi Rardi. She believed The Big Breakfast was on TV on GWN and therefore it was approximately 7:30 to 8:00 am.

Ms George stated that as they were passing the airport road near the old sewerage ponds, Mr Ross pointed out an old person in the direction of Number One tree off Forrest Road. Ms George identified that person as Mr Nance walking towards the Brooking Channel Creek on the old gravel road along what used be the Old Derby Highway. She stated he was wearing a brown coat and had a blanket over his left shoulder, was wearing long jeans and that it was very cold at the time. That was the last time she had seen Mr Nance and thereafter Mr Ross dropped her off at work.¹⁴

¹² Exhibit 1 Tab 9

¹³ Exhibit 1 Tab 5

¹⁴ Exhibit 1 Tab 12

There is no information from Mr Ross recorded and I have to assume the statement in the police report which says that it was later clarified that Ms George had seen him around midday was erroneous as that appears to be earlier information via another party. From the papers it would appear Mr Rangie told Mr Murray Ms George had seen Mr Nance at midday, but in her later statement Ms George clarified it to around breakfast time.

INVESTIGATION

Although Mr Nance appears to have been missing from the 30 September 1999 it was not reported to police for investigation until the 5 October 1999. The Fitzroy Crossing Police Station running sheet with respect to Mr Nance being a missing person indicated that following the enquiries made by Mr Murray on the 5 October 1999 there were continuing enquiries with various communities which it was believed Mr Nance may have visited, and also enquiries with the post office as to his pension status. Pensions are issued fortnightly and the only information on file is that Mr Nance had not picked up his pension on 30 September 1999 and had not picked it up by the 5 October 1999. The running sheet indicated the police searched the floodways on Russ Road due to a strong odour in case Mr Nance may be dead in that location.¹⁵

None of the enquiries at Mindi Rardi provided any information as to where Mr Nance may be and the discussions with outlying communities were fairly comprehensive, expecting somebody to report if he was present. Nothing was forthcoming, other than a suggestion he may have had two rather than just one dog with him. Enquiries were continued around Halls Creek and the local ABC broadcast the fact he was missing.

¹⁵ Exhibit 1 Tab 5

On the 11 October 1999 the SES conducted various searches around the Fitzroy Crossing area as places of interest were noted, but no further information became available.

Mr Murray stated in evidence he and another police officer had conducted a different search of Russ Road in the opposite direction from that originally searched. They had located a jacket hanging from a tree which Mr Murray believed he had seen Mr Nance wearing previously.¹⁶ The jacket was taken to Ms George and she identified it as belonging to Mr Nance. Mr Murray could give no explanation for the appearance of the jacket which he said was obvious from the road, hanging in a tree approximately ten metres from the road, although it was in an unexpected location on Russ Road. He advised the court that where the jacket was found was not on a route he would have expected Mr Nance to use and east of his normal routes.

Mr Murray also indicated it was quite possible Mr Nance had become lost in that he assumed he was suffering a form of dementia.¹⁷ Mr Murray also advised that following Mr Nance's disappearance there were many rumours as to what may have happened to Mr Nance, but without enough information to verify anything. It was a small town and there was a lot of later speculation.¹⁸ This was confirmed by witnesses in other matters who came from other Fitzroy communities, but no-one was prepared to elaborate from the witness box as to the basis of the rumours.

Certainly there were rumours around Fitzroy Crossing that Mr Nance had met an untimely end due to the involvement of other persons, however, there is no evidence of that in the papers and any suggestions that Mr Nance may

¹⁶ Transcript 28.1.2020 page 13

¹⁷ Transcript 28.1.2020 page 11

¹⁸ Transcript 28.1.2020 page 12

have been drinking with various persons was later negated by police enquiries.

On 14 October 1999 the jacket was positively identified as belonging to Mr Nance by Joe Brown, however, no statement was taken from Mr Brown.¹⁹ Mr Murray stated he had personally checked the jacket for a wallet or clues which may assist with Mr Nance's whereabouts without success.²⁰

By 17 November 1999 all information was provided to the Missing Persons Unit (MPU) and additional medical information was requested. It was clarified there were unlikely to be any skeletal identifiers although "may have digits missing from but unable to confirm",²¹ was a possibility, without clarification of where the digits may have been missing from.

Enquiries with Centrelink and the post office indicated no pensions had been collected from the post office and the local post office was asked to return all those received, but not collected to Centrelink. The completed file was apparently provided to the MPU on 25 November 1999 with no additional information.

A WA State Emergency Service Incident Report compiled on 11 October 1999 indicated the SES had searched the Number One Tree, around the Post Office Hill, the areas of Russ Road where there had been complaints about a smell and the location of Mr Nance's jacket by Mr Murray. All searches were negative and provided no additional information or trace of Mr Nance. A helicopter was authorised for use in searching for Mr Nance up "Brooking Channel" without result.²²

¹⁹ Exhibit 1 Tab 5

²⁰ Transcript 28.1.20 page 13

²¹ Exhibit 1 Tab 5

²² Exhibit 1 Tabs 7 and 8

Despite extensive enquiries and investigations there has been no further information with respect to Mr Nance and the local Kimberley community are quite certain he is deceased and believe the lack of any remains indicated his death had been concealed in some way.

HAS DEATH BEEN ESTABLISHED?

On the papers provided in the completed MPR I am satisfied beyond all reasonable doubt Mr Nance is deceased and was deceased following 30 September 1999.

Mr Nance would be in his very late 80s in 2020 and there is nothing in the papers which suggests he would be likely to reach that age without coming to the attention of the authorities in the Fitzroy Crossing area.

The fact no-one in his community could recall seeing him following 30 September 1999 despite his being well-known in the area, make it quite clear that whatever happened to him, it is probable that by the time the matter was reported to police on 5 October 1999 Mr Nance was already deceased. Otherwise there would have been some trace of him located during the course of enquiries with the different communities and people travelling between communities in the area.

I note Mr Murray believed Mr Nance was possibly suffering early dementia, and it is clear from the papers Mr Nance did from time to time become confused and disorientated, however he was always located by somebody and returned to Mindi Rardi. The fact that on this occasion he was not located would suggest he was not in a position to be located.

There is also the evidence of his failure to collect his pension which had not occurred before and was the reason given for his trip into town after breakfast on the morning of 30 September 1999.

The fact he had always been found and returned in the past satisfies me that on this occasion something happened to Mr Nance which prevented his return to his community. In all the circumstances I am satisfied he is deceased beyond all reasonable doubt. I am also satisfied that the last sightings of Mr Nance were in the morning of 30 September 1999, around breakfast time after he left Mr Nungan's house, and before he had collected his pension cheque.

MANNER AND CAUSE

I am unable to determine what happened to Mr Nance or even to speculate as to possibilities. The fact no trace of him was located would suggest he had either wandered far away from his normal territory and died, or that his remains have been concealed in some way. There is no mention of whether his dog returned to Mindi Rardi.

It is impossible to now make any further suggestion as to what occurred and the location of his jacket hanging in a tree, on the side of the road in an area travelled by others, days after his apparent disappearance is to say the least confusing.

So while I am satisfied beyond all reasonable doubt as to the death of Mr Nance on about 30 September 1999 somewhere in the area of Fitzroy Crossing I cannot determine either a cause or the manner of Mr Nance's death.

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

CONCLUSION

The lack of any information with respect to what may have occurred to Mr Nance is unusual. His relatives reported him missing following an apparently perfectly normal breakfast with Mr Nungan on the morning of 30 September 1999. He was seen at approximately that time by Ms George on her way to the Mindi Rardi Community, walking towards Brooking Channel Creek along the old Derby Highway.

I am not satisfied Mr Nance collected his pension on Thursday 30 September 1999 and that in itself was unusual. The fact of such extensive enquiries through the community for information is unusual in that normally when he wandered from home he was located and returned.²³

Mr Nance does not appear to have been in good health and suffered renal failure. Mr Murray indicated he may have been suffering cognitive decline due to his placement in a hostel. All of those things said, the fact he managed to disappear so completely without trace, other than the location of his jacket hanging in a tree, apparently in a different direction from that noted by Ms George, would suggest there may be information, or there may have been information which people were reluctant to share with the police.

Alternatively, it may just be that Mr Nance wandered into an area unknown, suffered a medical emergency, or an accident in an area not visited during the search or normally frequented. Certainly the lack of identifying skeletal information has not made it possible to determine whether his remains have been located, but not identified.

E F Vicker
CORONER
13 May 2020

²³ Exhibit 1 Tab 5