



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 2/20

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Charles O'NEILL** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 7 January 2020** find the death of **Charles O'NEILL** has not been established beyond all reasonable doubt in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On 8 April 1969, Doug Matthews (Mr Matthews), Town Supervisor for Hammersley Iron Ore, Dampier, (HIO-Dampier) reported Charles O'Neill (Mr O'Neill) as a missing person to the Dampier Police. Later investigations indicated Mr O'Neill had not been seen in Dampier since Thursday 3 April 1969. The last positive sighting confirmed to be of Mr O'Neill was on Thursday 10 April 1969 at Midland Junction. Since that time there has been no trace of Mr O'Neill in Western Australia, other than an unconfirmed telephone call from him allegedly from Melbourne on 9 October 1969. There is no record of the death of Mr O'Neill in Western Australia or other states and territories nor is there any record of him leaving Australia.

The inquest into the disappearance of Mr O'Neill was held in Perth. The documentary evidence comprised of the brief of evidence, Exhibit 1, attachments 1-19, and the Public Notice of Inquest dated 13 December 2019 as Exhibit 2. The inquest heard oral testimony from retired police officer, Allan Jeffery Bishop (Mr Bishop), then Constable Bishop who was involved in the investigation originating in Dampier. Detective Senior Constable Didieri Mayo also provided evidence of the investigations more recently with respect to the disappearance of Mr O'Neill.

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 inquest 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 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.

In the case of Mr O'Neill, OCS and CA were unable to obtain any further conclusive evidence with respect to the location of Mr O'Neill other than the proposition he was left at Midland Junction on 10 April 1969. At that time Midland Junction would have been a logical destination from which persons intending to travel to the east would have left. It has not been possible to investigate this matter further.

THE DECEASED

Almost all that is known about Mr O'Neill comes from HIO-Dampier communications from Mr Copeman and Mr Warrener, both employed by HIO-Dampier. That information indicated Mr O'Neill's full name was Charles O'Neill, and had a birth date of 30 June 1930 in Brisbane, Queensland. Prior to working for HIO-Dampier he had been employed by Coventry Motors in Perth, and had been a resident at the Royal Standard Hotel, Perth, where he had a friend, Tom McCrea (Mr McCrea), whom he nominated as his next of kin. There is no evidence with respect to Mr McCrea on file and OSC has been unable to trace him.

Mr O'Neill apparently commenced employment with HIO-Dampier on 29 August 1966,¹ and was employed as a technical clerk.

It is also apparent that while employed by HIO-Dampier Mr O'Neill was resident in the blocks comprising the single men's quarters in Dampier.²

Mr O'Neill was well thought of as an employee and at the time of his disappearance was considered to be a stable employee without significant issues.³

After his disappearance Police enquiries appeared to indicate he may not have been as straight forward as initially believed and that he had travelled to Western Australia to avoid contacts in the eastern states. He was reputed to have amassed debts while in Dampier, although this was unsubstantiated as far as his bank records indicated.⁴ He was also reported to have made comments that he was "sick of living in Port Hedland", somewhat ambiguous when he was living in Dampier.⁵

Mr O'Neill was also reported to have an on/off relationship with Gloria Knight (Ms Knight)⁶ and that, other than his friend Mr McCrea in Perth, he also visited a lady who was a paraplegic by the name of Corrie whenever he was able.⁷ No further information was forthcoming as to either Corrie or Mr McCrea.

¹ Exhibit 1, tab 2, 3, 7 and 8

² t. 7.1.20, p.12

³ Exhibit 1, tab 2

⁴ t. 7.1.20, pps. 15, 23

⁵ t. 7.1.20, p.10

⁶ Exhibit 1, tab 8

⁷ Exhibit 1, tab 6

DISAPPEARANCE

Details of Mr O'Neill's disappearance from Dampier were relayed to police by HIO-Dampier on 8 April 1969. The specifics of his disappearance were not able to be investigated in person by the police due to a perceived reluctance by HIO-Dampier to allow police direct access to employees of HIO-Dampier and the town of Dampier was a Hammersley town. Mr Bishop indicated that in 1969 the presence of police in Dampier was merely "tolerated" by HIO-Dampier management. He indicated that HIO-Dampier wanted control, but due to the presence of public facilities the government insisted there be a police presence.⁸

The concern local police had with their relationship with HIO-Dampier was that they were only provided with information, which was not able to be confirmed with the relevant employees. The relationship between HIO-Dampier and local police made it difficult for police to investigate the precise movements of Mr O'Neill prior to the report to them on 8 April 1969.

Mr Bishop knew of Mr O'Neill as he also lived in the single men's quarter along with Senior Constable Smith (Mr Smith), however, denied a close relationship with Mr O'Neill as later alleged, not to his knowledge, by HIO-Dampier.⁹ Mr Bishop was a very junior police officer at that time and under the direction of Mr Smith.¹⁰

Mr Bishop had prepared a report outlining his knowledge of the situation with Mr O'Neill, which was then commented upon by Mr Smith who disputed some of the allegations made by HIO-Dampier as to the investigation.¹¹ Mr Smith indicated Mr O'Neill was known to the police officers, as was Mrs Knight, but disputed Mr O'Neill had a considerable sum of money on his person at the time of his alleged disappearance. Mr Smith, now deceased, indicated Mr O'Neill owed a considerable amount of money to firms in Perth which had been ascertained from his personal papers by the police, however, Mr Bishop had no memory of these aspects other than the fact he had found HIO-Dampier to be extremely unco-operative. Mr Bishop had not been aware of any specific difficulties between Dampier Police

⁸ t. 7.1.20, p.11

⁹ t. 7.1.20, p. 13

¹⁰ t. 7.1.20, p.20

¹¹ Exhibit 1, tab 11

and HIO-Dampier management at the time of the investigation other than they had been unco-operative.

The communications from HIO-Dampier on 8 April 1969 stated that Mr O'Neill had been due to work on Monday 7 April 1969 (Easter Monday) but did not attend at work which was assumed to be a day off (sickie) and was not of concern to management until Tuesday 8 April 1969 when Mr O'Neill again did not report to work. Management then investigated and found Mr O'Neill was alleged to have borrowed a car from another employee on Thursday 3 April 1969 with the intention of travelling to Port Hedland for the Easter weekend. Further enquiries by management indicated the borrowed vehicle was noted by employees of HIO-Dampier driving south on 7 April 1969 in company with a Valiant with a number of occupants. As a result management became concerned as to the safety of Mr O'Neill and reported the matter to the Dampier Police on Tuesday 8 April 1969. The vehicle had been located near Nanutara Station approximately 180 miles south of Dampier in a damaged condition.¹²

Dampier Police then made enquiries with other police in the area and I have developed a time line of events from 3 April 1969 from documentation contained in exhibit 1.

Thursday 3 April 1969 Mr O'Neill allegedly borrowed a Morris 1100 to go to Port Hedland.¹³

Friday 4 April 1969 (which was Good Friday) Mr O'Neill was picked up at about midnight 3-4 April 1969 by a truck driver, George Taylor (Mr Taylor) who had been flagged down by a man standing beside a car on the highway south of Roebourne. Mr Taylor identified Mr O'Neill from photographs.¹⁴ Mr Taylor gave Mr O'Neill a lift from the highway south of Roebourne to the Milyna Roadhouse.

In 1969 Karratha (established 1968, gazetted August 1969) was not the established town it later became and "highway south of Roebourne" could well have been in

¹² Exhibit 1, tab 2

¹³ Exhibit 1, tab 2

¹⁴ Exhibit 1, tab 5

the vicinity of the Dampier turn-off.¹⁵ There is no information as to whether the car was the Morris 1100, however, Mr O'Neill had three suitcases with him and he advised Mr Taylor he, "had to be best man at a wedding in Mt Lawley at 4.30 pm on Saturday 5 April 1969".¹⁶

Mr O'Neill was then picked up by another truck driver Edward Smith (Mr Smith) from Milyna Roadhouse, 90 miles north of Carnarvon at 9.30 am on 4 April 1969, and transported to Midland Junction where he dropped him off at 1.30 pm on 10 April 1969. Mr Smith confirmed the person he picked up was Mr O'Neill from photographs, he had given his name as Charlie. Charlie gave a history that he had hitch-hiked from Dampier where he was employed by HIO-Dampier Iron as a clerk in charge of the power house. Mr Smith confirmed Mr O'Neill was in possession of three suitcases and dressed in similar clothing to that described by Mr Taylor.

The fact Mr O'Neill was with Mr Smith travelling south was confirmed by an independent witness named Forsyth who reported, following seeing photographs of Mr O'Neill, that he had seen him in company with another man at "Tony's Café" in Northampton at 9.00 pm on Good Friday. This supported Mr Smith's evidence that he was at the café with Mr O'Neill at that time. The distance from Northampton to Mt Lawley would have allowed Mr O'Neill to attend a wedding on 5 April 1969.

Whether the suitcases belonged to Mr O'Neill was stated to be a line of enquiry to which there is no answer on the file. The other issue that is unconfirmed is what Mr Smith and Mr O'Neill were doing between 9.00 pm on Good Friday 4 April 1969 and Thursday 10 April 1969 at Midland Junction. Mr Smith's information became available to the police on 12 April 1969,¹⁷ but other than confirmation they were together on 4 April 1969 no checks are recorded, including whether Mr O'Neill was recorded as boarding a train on 10 April 1969.

In view of the fact it was confirmed that Mr O'Neill was seen with Mr Smith on Friday 4 April 1969 at Northampton, and was apparently with Mr Smith until dropped at Midland Junction on 10 April 1969 it would seem that whoever was

¹⁵ t. 7.1.20, pps. 3, 32

¹⁶ Exhibit 1, tab 5

¹⁷ Exhibit 1, tab 5

observed by the employee of HIO-Dampier driving the Morris 1100 south in the company of a Valiant on 7 April 1969, was not Mr O'Neill. It is possible Mr O'Neill had abandoned the Morris 1100 at some point, although not confirmed, and some other person or persons had taken the vehicle and driven it south only to abandoned it near the Nanutara Roadhouse in a damaged state on 7 April 1969, at which stage we assume Mr O'Neill was somewhere with Mr Smith south of Northampton. This was the day upon which Mr O'Neill had not attended for work, but had been assumed by management to be taking a "sickie" due to intoxication over the Easter weekend.

There is a notation that the owner of the Morris 1100 was advised as to its whereabouts on 7 April 1969 and stated he would confirm whether the reported vehicle was his.¹⁸

The next information to appear was on Monday 14 April 1969 when Mr Donald Howell (Mr Howell) notified police at Three Springs Police Station that he had worked with Mr O'Neill at Dampier and had been told by Mr O'Neill that he was friendly with a lady by the name of Corrie, French/Belgium, approximately 40 to 50 years of age and a paraplegic. Mr O'Neill had told Mr Howell he had been previously engaged to this lady and that whenever he was in Perth he visited her. There is no indication the police were able to take this information any further.¹⁹

On 23 April 1969 Onslow Police reported they had examined the abandoned Morris 1100 and while it was damaged, they did not believe there were any signs of foul play, and it was assumed Mr O'Neill had hitch-hiked southward. The difficulty with this assumption was that the Morris 1100 was apparently abandoned near Nanuturra Roadhouse on 7 April 1969 by which time Mr O'Neill was allegedly south of Northampton with Mr Smith.²⁰ There do not appear, from the papers, to be any indication the wedding on 5 April 1969 in Mt Lawley was ever confirmed or the whereabouts of Mr Smith and Mr O'Neill between the 4 and 10 April 1969 was queried.

¹⁸ Exhibit 1, tab 11

¹⁹ Exhibit 1, tab 6

²⁰ Exhibit 1, tab 9

The next piece of relevant information is that on 9 June 1969 a Mr Francis Chu of Caulfield, Victoria, opened a PO Box in Melbourne. Prior to Mr Chu the PO Box was held by a company who had since gone into liquidation.²¹

On 9 October 1969 Mr John Molloy (Mr Molloy) an employee of HIO-Dampier received a telephone call purporting to be from Mr O'Neill, confirming his name was Charles O'Neill and he wished to speak to Ron Blake, another employee of HIO-Dampier. Mr Molloy knew Mr O'Neill and believed he recognised the voice on the telephone to sound like Mr O'Neill although he sounded drunk. Mr O'Neill told Mr Molloy he had a good job in Melbourne for which he needed references from people in Dampier, and that he had sent a letter to Mr Blake asking him to sell his property and forward him the money. When Mr Blake was interviewed he said he had never received a letter from Mr O'Neill, however, it became apparent employees of HIO-Dampier had a forwarding address for Mr O'Neill as GPO Box 2172 Melbourne, Victoria, to which he wished correspondence to be sent. This proved to be the PO box held by Mr Chu since June 1969 who did not know Mr O'Neill. The company using the mail box before that time claimed to have no knowledge of Mr O'Neill.²²

All enquiries via the Victorian Police with respect to the location of Mr Charles O'Neill were negative as of 18 December 1969.²³ Later enquiries failed to find any trace of Mr O'Neill Australia wide, although there is an indication another person with the name of Charles O'Neill had left, and returned to, Australia a couple of times. There is no known record for the death of Mr O'Neill in either Melbourne, or Queensland his purported state of birth.

There is no record of a Charles O'Neill consistent with the papers known elsewhere from enquiries made by WA Police, but it is not so unusual a name.

HAS DEATH BEEN ESTABLISHED?

In my opinion Mr O'Neill's death in the time frame disclosed around his apparent disappearance from WA in 1969 is not established beyond all reasonable doubt.

²¹ Exhibit 1, tab 13

²² Exhibit 1, tab 12

²³ Exhibit 1, tab 13

He was 38 at the time of his reported disappearance in April 1969 and would be 90 in 2020. It may well be he is now deceased, but there appears to be no record of his death in the name of Charles O'Neill.

I accept his family provided photographs at the time of his disappearance, and had not reported contact from him of which we are aware.²⁴ I believe his mother is now deceased.

The difficulty with this brief is the fact that whilst there are lines of enquiry apparent they cannot now be followed. It may be that where enquiries were conducted with a negative outcome, a notation of that outcome was not always made on the file and it is therefore impossible to determine whether it was followed as a line of enquiry at the time of Mr O'Neill's disappearance. There are no lines of enquiry which can now be completed.

Certainly from the information available there was an assumption the original truck driver, Mr Taylor, had picked Mr O'Neill up from the site of the abandoned Morris 1100 near Nanuturra Roadhouse at midnight 3-4 April 1969. This is clearly erroneous when putting all the diverse pieces of information together with a timeline. There was also an assumption Mr O'Neill was associated with whoever drove the Morris 1100 south on 7 April 1969 when it was found abandoned near Nanuturra Roadhouse in a damaged state. There is no indication this was the case, although the whereabouts of Mr O'Neill and Mr Smith between Good Friday, 4 April at 9.30 pm and 10 April 1969 at 1.30 pm has never been investigated.

There is no evidence as to what Mr O'Neill's stated intentions were once he was dropped at Midland Junction, but in 1969 it was a transit railway junction for the eastern states. No query was raised about whether it could be confirmed Mr O'Neill had travelled onward in view of his three suitcases. Nor was the information about him owing sums of money verified, and it being at odds with HIO-Dampier's perception of him as a reliable employee. In view of the difficulties with the time line and the alleged, although unsubstantiated record of a telephone conversation with Mr O'Neill from Melbourne, I do not believe I am in a position to find beyond a reasonable doubt that Mr O'Neill is deceased.

²⁴ Exhibit 1, tab 14, 15, confirmed by Mr Bishop to be Mr O'Neill transcript 7/1/2020 p 22

I accept that had Mr O'Neill been alive in 2019 he would be 89 years of age if the other details provided with respect to his birth were accurate. However, I am not satisfied he died prior to being apparently dropped at Midland Junction on 10 April 1969 aged 38 years of age. While the gap in time has not been investigated, the evidence before me would indicate Mr O'Neill travelled interstate sometime following 10 April 1969 and thereafter disappeared. The name Charles O'Neill is not unique and it is also possible he changed his name, although the evidence on file is ambiguous as to whether he had a motive to voluntarily disappear, other than the original anecdotal evidence he came west to escape issues in the east.

There is no evidence on file there was continued enquiry with his family in Victoria, or even alleged friends in Western Australia, as to contact with Mr O'Neill despite evidence he had provided an address in Melbourne before his departure.

Overall I am not satisfied beyond a reasonable doubt as to the death of Charles O'Neill, date of birth 30 June 1930, in the time frame surrounding his disappearance in 1969.

E F Vicker
Coroner
4 March 2020