



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 77/19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Yilmbut UMBUL** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth** on **2 December 2019** find the death of **Yilmbut UMBUL** has been established beyond all reasonable doubt, and the identity of the deceased person was **Yilmbut UMBUL** and that death occurred between **early March and the end of April 1982** in the vicinity of **Kalumburu Mission via Wyndham** in the following circumstances:*

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

Yilmbut Umbul (Ms Umbul) was a long term resident of Kalumburu Mission. She was last seen by other residents on the Mission on 1 March 1982. She was not seen again and on 3 March 1982 the Superintendent of Kalumburu Mission, Father Basil Nosedo, reported her missing to the police. Police attended at the Mission in March, May and August 1982 to make enquiries, but were unable to establish any further contact with Ms Umbul.

The inquest into the disappearance of Ms Umbul was held in Perth, but not finalised pending hearings in Broome and Kununurra. Unfortunately the Kununurra mentions did not proceed in Kununurra due to the Coronavirus 19 pandemic. The documentary evidence comprised of the brief of evidence, Exhibit 1, Tabs 1-29 as covered in the oral evidence of Senior Constable John Turner, and the Public Notice of Inquest dated 8 November 2019 as Exhibit 2.

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

Inquest into the suspected death of Yilmbut UMBUL (838/2018)

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 adjourned pending the hearing of any matters with relevant witnesses in the place of disappearance. In that way it was hoped local persons, with relevant information, would attend Court and provide information to the Court at the time of those other hearings. All matters for that area would be finalised if further information became available, or closed.

In the case of Ms Umbul no relevant witnesses could be located in the area of disappearance around Kalumburu Mission and the matter was heard in Perth, to be mentioned in Kununurra in March 2020. Unfortunately the Kununurra hearings were cancelled due to the advent of the COVID-19 State of Emergency. It was mentioned in the Broome hearings in January 2020 due to Bishop Christopher Saunders, Administrator for the Mission in 1983, being called to give evidence in the case of Fred Jackamora, who also disappeared from the Mission in November

1983. Bishop Saunders could not provide any additional information with respect to Ms Umbul, other than to confirm the older, more traditional members of the community lived on their own on the other side of King Edward River. They lived independently, but their welfare was overseen by the Mission. The way the Mission was administered changed significantly between 1981 and 1983.¹

Bishop Saunders had arrived at the Mission shortly after Ms Umbul went missing and had worked with Father Nosedo who had reported her missing.²

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's usual business.

THE DECEASED

There is very little information about Ms Umbul's early life. She is recorded as being born on 1 July 1908, although not where, but is believed to have lived around Kalumburu Mission for all of her life. Her father is recorded in the Public Health Client Record at the Kimberley Health Service as Umbul and her mother as Chowoorgan.³ Ms Umbul was known on the Mission as Scholastica. She had a brother, Laurie Yutamurra⁴, who died in 1996, but no other recorded siblings.

Ms Umbul had lived alone at the Walmbie Camp, over the river from Kalumburu Mission, since the death of her husband, Paul Muran. The couple were reported to be competent bush people and had survived together for long periods in the bush prior to his death⁵. There is no record of any children. At the time of Ms Umbul's disappearance she had an old black, hairy dog and the two were always together⁶.

¹ Transcript Jackamora Broome 28.1.2020 p 28-29

² Transcript Jackamora Broome 28.1.2020 p32

³ Exhibit 1, tab 18

⁴ Exhibit 1, tab 11

⁵ Exhibit 1, tabs 7 and 8

⁶ Exhibit 1, tab 9

Ms Umbul had an extensive medical history at the Mission from August 1974 and was described as “a happy female, smiles a lot. Lives now alone since husband died and works for herself”.⁷

She was recorded in September 1976 as having a leprosy susceptibility and by the time of her disappearance she suffered hypertension and required daily medication for angina.⁸ Ms Umbul was noted to have, “marked signs of senility”⁹ and was described as frail. Dr Lynette Anderson, Kimberley Health Services, who had last seen Ms Umbul in October 1981, doubted Ms Umbul would survive for very long in the bush without medical intervention. She had last been seen for medical input at the Mission on 26 February 1982.¹⁰ Her medical scars were recorded as one under the chin and one on her abdomen.¹¹ There is nothing other than her age and gender which would assist with unidentified skeletal remains

Ms Umbul was reported to know Fred Jackamora who later disappeared into the bush in November 1983. Initially it was believed Ms Umbul was in the company of Mr Jackamora at the time she disappeared, but he returned to the Mission apparently without information with respect to her disappearance.¹²

Kalumburu Mission¹³

Kalumburu Mission was originally founded by the Benedictine Monks in 1908 as the Drysdale River Mission at the coastal location of Pago due to the good supply of fresh water. By 1936 the water supply was depleted and they moved the location ten miles inland, over a period of years, to Kalumburu on the banks of the King Edward River.

There was an Aboriginal reserve alongside the Mission land and the Mission was assigned to “take care of” the community which were in those days under the care of the native protector.

⁷ Exhibit 1, tab 18

⁸ Exhibit 1, tab 13

⁹ Exhibit 1, tabs 13 and 16

¹⁰ Exhibit 1 tab 8

¹¹ Exhibit 1, tab 4

¹² Exhibit 1 tab 5

¹³ From the evidence of Bishop Saunders, Jackamora Inquest Broome 29.1.2020

Due to trade along the coastal areas with other cultures there was a tendency for some exotic diseases to spread rapidly in the exposed aboriginal community and the provision of medical care to affected groups was one of the purposes of the protection, as was the prevention of the slave trade.

The Mission in its early days attracted communities from all over the Kimberley area and there are a number of people there from different tribal and language groups.

The Mission developed large gardening and farming industries and became largely self-sufficient under the Benedictine monks. Employment of the people revolved around maintaining the community through education and training aimed at local survival. Bishop Saunders described those as looking after stock, building fences, running boats and luggers, growing food and building. There was a bakery, food store, medical clinic and schooling. The aboriginal community was alcohol free, although the monastery itself was not.

Up until the early 1980s, while the Mission was still under the control of the Benedictine Monks, money for the welfare of the aboriginal community was paid to the Mission who used it to provide for the community. This included providing provisions where necessary to the older elements of the community who chose to live out of the Mission on the other side of the King Edward River - (Walmbie Camp). These people lived a more traditional cultural lifestyle and were not expected to live by the rules and regulations of the Mission, were not required to work, and lived largely by hunting and gathering where possible. If necessary they were provided food from the Mission, which they could collect, or it was taken to them by other members of the community. They were also provided medical care as they requested or as necessary. Some of the older members of the Mission would live on both sides of the river, but no children were generally raised in the "old camp".

Bishop Saunders described the monks as keeping very meticulous records of the events in the Mission, but that practice did not continue when administration of the Mission devolved from the Benedictines to the Catholic Church in conjunction with the Kalumburu Aboriginal Corporation in 1982. Bishop Saunders, Bishop of the Diocese of Broome in 2019, was the first representative of the Catholic Church at Kalumburu Mission following the handover from the Benedictines in early 1982. He remained there for 6 ½ years as “parish priest and the administrator of the Mission, and we still had much to do with regard to the administration of the aboriginal community in those days”.

Bishop Saunders commented that unfortunately his early diaries of events on the Mission were destroyed in later floods. Following 1980 the Church did not receive funds for the individuals in the community from government. Rather cheques were issued to individuals which Bishop Saunders recalled caused many difficulties and issues over the ability to provide cash for use in the local store.

The Aboriginal population at that time was in the region of 300, with only 3-4 huts/camps on Walmbie campsite over the river. It was not uncommon for the people from Walmbie camp to go walkabout and visit family all over their traditional lands, which extended a long way beyond Kalumburu Mission.

Bishop Saunders also had access to a church plane located at the Mission which he could pilot as necessary for the benefit of the Mission or community members. He had in appropriate circumstance used it to help search for missing people.

DISAPPEARANCE

Mary Pandilo (Ms Pandilo) advised police she had taken food to Ms Umbul (old Scholastica) at lunchtime on Monday 1 March 1982. Ms Pandilo had a place at old Walmbie Camp over the river from the Mission which she still visited since moving to the Mission in 1982. Her dogs were at her place which was near “old Scholastica’s place”. Ms Pandilo had given Ms Umbul some meat, soup, rice and

biscuits and a tin of juice which she put into a tin billy before she went back to her place. She seemed, “pretty happy” with the food.¹⁴

Waigan D’Janghara (Mr D’Janghara) and his wife, Ignatia, also lived at the old camp and had noted Ms Umbul appeared very weak and unwell. They had been asked by the Sister to look after her as she was very sick and had had a heart attack.¹⁵ Ignatia went over to Ms Umbul’s camp at approximately dusk that Monday evening to make a fire for Ms Umbul and to give her some biscuits. The couple had then gone to secure their dingy because of the wet and the possibility of floods. When they returned to their place later that evening they expected to see Ms Umbul but did not see her.

The next day Mr D’Janghara went to look for Ms Umbul but could not find her. He found some tracks and followed them to some muddy water where the tracks then stopped. He continued to search for her until his legs were “sore from walking in the mud.” When Mr D’Janghara returned home Ignatia advised him Ms Umbul had taken her swag with her, comprised of a green canvass ground sheet, matches and her billy can.¹⁶ Mr D’Janghara noted he had not seen Freddy Jackamora at the old camp, but rumours that he and Ms Umbal were living together were untrue. They were related and he used to visit her, but they were not living together.¹⁷

Mr D’Janghara sent word to the Mission that Ms Umbul was missing. Ms Pandilo also reported that she was told on the Tuesday morning that old Scholastica had gone from the camp. When she went to her old house that evening she noted that two of her dogs were missing. She was told, but did not see for herself, that Ms Umbul’s old dog was missing as well.¹⁸

Kalumburu Council asked John Karadada (Mr Karadada) who lived at the Mission, to go and look for Ms Umbul. He and other trackers went out on 2 March 1982 to look for her. They located her tracks and those of two dogs which were travelling with her on the Walmbie camp side of the river and followed them for some distance

¹⁴ Exhibit 1, tab 9

¹⁵ Exhibit 1, tab 10

¹⁶ Exhibit 1 Tab 2

¹⁷ Exhibit 1 Tab 10

¹⁸ Exhibit 1, tab 9

before they lost them. They believed that, “she was walking alright and that she had rested from time to time”.¹⁹

Father Basil Noseda at Kalumburu Mission then reported to the police at Wyndham via the Royal Flying Doctor Service (RFDS) that Ms Umbul was missing and an investigation was commenced.²⁰

INVESTIGATION

The Missing Person Report (MPR) compiled by Senior Constable Norrish on 9 March 1982²¹ stated the police had attended at Kalumburu Mission as a result of Father Basil Noseda’s report on 4 March 1982 and commenced inquiries. They spoke with several people on the Mission and extensive foot and aerial searches were conducted until 8 March 1982.²²

The trackers located footprints and believed Ms Umbul was surviving from food obtained from the bush and water from local sources which was plentiful in that season. Her tracks indicated she appeared to be living within a four mile radius of the Walmbie camp and that the dogs were still with her. Aerial helicopter searchers located traces of what they believed to be three fires over a three day period. Senior Constable Norrish indicated that Ms Umbul still had her ground sheet, water can and matches with her and was obtaining food from the bush. The report noted that Ms Umbul appeared to be in a healthy condition before her disappearance, however there was still concern from the Council due to her need for daily medication.²³

Ms Pandilo advised the police that when she went over to the old camp on Tuesday (6th) night to feed the old people one of her dogs was waiting for her at home, but the other had not returned.

¹⁹ Exhibit 1, tab 12

²⁰ Exhibit 1, tab 2

²¹ Exhibit 1, tab 3

²² Exhibit 1 Tab 8

²³ Exhibit 1, tab 14

Ms Umbul's brother, Lorrie Yutamurra (Mr Yutamurra), was in Derby during the wet, but heard his sister had gone missing and went to Kalumburu Mission by plane to help search for her. He reported he went out with the searchers and followed Ms Umbul's tracks from one of the camps noted from the helicopter. While no dog tracks were found around that apparent camp, they did locate further camps with night fires from which they followed tracks they believed were Ms Umbul's and two dogs for a long way. It seemed to Mr Yutamurra that his sister had tracked back towards Kalumburu Mission before they lost her tracks and he believed that by May 1982 following the wet she would have been deceased. He never heard from her again and no one had spoken of seeing her again.²⁴

While the Kalumburu Council indicated they would continue searching for Ms Umbul following the wet, the police seemed fairly sceptical that had occurred.²⁵ The police continued to make inquiries in May, August and October 1982.²⁶

Mr Karadada advised that he and a number of other men from Kalumburu Mission had been cattle mustering in the area where Ms Umbul's tracks had been located. He stated that following the wet he had covered nearly all the area on horse back with the other men in the course of mustering and they had found no further trace of Ms Umbul.²⁷

By April 1983 the regional Superintendent for the Broome area, which included Kalumburu Mission, concluded it was likely Ms Umbul was deceased and that local people believed she had, "*walked off into the bush to die*".²⁸ While it appeared from the searches the tracks belonging to Ms Umbul post dated her disappearance by a few days, it was thought she would have been deceased within a short period of time following her disappearance due to her medical condition.²⁹

Later inquiries with medical services and Centrelink indicate there was no record of Ms Umbul from a medical perspective following February 1982 and Centrelink

²⁴ Exhibit 1, tab 10

²⁵ Exhibit 1, tab 6

²⁶ Exhibit 1 tab 8

²⁷ Exhibit 1, tab 12

²⁸ Exhibit 1, tab 16

²⁹ Exhibit 1, tab 13

denied any record of Ms Umbul at all despite her pension number and Medibank number being known and recorded in her health record.³⁰

Further inquiries by police in 2009 failed to locate any further information with respect to Ms Umbul.

HAS DEATH BEEN ESTABLISHED?

Ms Umbul was 73 years of age at the time of her disappearance and although able to live relatively independently was noted to be frail and requiring daily medication. Ms Umbul would be 111 years of age in 2019 and I am satisfied she is by now deceased.

I am further satisfied, beyond all reasonable doubt, Ms Umbul died sometime following the first week of March 1982. Records indicate it was wet at the time and the tracks located for her appeared to converge on caves where she appeared to have built a fire. One of the camps visited by her brother in his search also located Ms Umbul's billy can. While I accept water would not have been a problem for Ms Umbul at the time of the year, the weather conditions and her physical state of health satisfy me she was deceased probably within March, otherwise I am sure she would have been located. The fact one of Ms Pandilo's dogs returned on approximately 6 March 1982, and the fact her brother noted her tracks to have returned towards Kalumburu Mission would indicate Ms Umbul remained roughly within the vicinity of the Mission during her disappearance following 1 March 1982.

I am satisfied beyond all reasonable doubt Ms Umbul died in the vicinity of the Mission in broad terms, probably before the end of March 1982.

MANNER AND CAUSE

While I am satisfied Ms Umbul is deceased and was probably deceased during March 1982, I am unable to determine whether Ms Umbul naturally succumbed to her medical difficulties or received some sort of injury which in her frail state she did not survive.

³⁰ Exhibit 1 Tab 2m, 22

I am unable to determine the manner and cause of Ms Umbul's death other than she was a frail elderly lady who would have been vulnerable to mishaps in the bush due to her age, regardless of her competence in the bush.

I make an Open finding as to the manner of death for Ms Umbul.

CONCLUSION

I am satisfied Ms Umbul was an elderly aboriginal lady who lived in Walmbie Camp over the King Edward River from Kalumburu Mission. However, she was supported by the Mission, both in the supplying of food on a regular basis and medical attention. Evidence on file indicated she regularly sought medical intervention when she thought it necessary.³¹

She appeared to be relatively happy living in her circumstances and made a decision she was going to travel into the bush with a ground sheet and her dog. It would seem Ms Pandilo's dogs also accompanied her for a time, although one returned. That dog was pregnant and would probably have required more sustenance than Ms Umbul was capable of providing, and it was not providing for itself.

The relative lack of concern from her brother once he had searched for her and satisfied himself she could not be found, along with others from the Mission, would seem to indicate they supported a contention Ms Umbul had made a decision she wished to die in the bush in an environment with which she was familiar and comfortable.

I am satisfied that her wish to die in the bush was fulfilled.

E F Vicker
Coroner
26 May 2020

³¹ Exhibit 1, tab 18 and 29