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**JURISDICTION** : CORONER'S COURT OF WESTERN AUSTRALIA  
**ACT** : CORONERS ACT 1996  
**CORONER** : SARAH HELEN LINTON, DEPUTY STATE CORONER  
**HEARD** : 24 FEBRUARY 2022  
**DELIVERED** : 25 FEBRUARY 2022  
**FILE NO/S** : CORC 1232 of 2020  
**DECEASED** : MITCHELL, CRISPIN

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*Catchwords:*

Nil

*Legislation:*

Nil

**Counsel Appearing:**

Senior Constable C Robertson assisted the Coroner.

**Case(s) referred to in decision(s):**

Nil

Coroners Act 1996  
(Section 26(1))

## RECORD OF INVESTIGATION INTO DEATH

*I, Sarah Helen Linton, Deputy State Coroner, having investigated the disappearance of **Crispin MITCHELL** with an inquest held at the **Perth Coroner's Court, Court 85, CLC Building, 501 Hay Street, Perth** on 24 February 2022, find that the death of **Crispin MITCHELL** has been established beyond all reasonable doubt and that the identity of the deceased person was **Crispin MITCHELL** and that death occurred on or about **20 February 1987** in the waters of the Cambridge Gulf in the vicinity of the **Ord River mouth** as a result of an unknown cause in the following circumstances:*

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## INTRODUCTION

1. At the time he went missing, Crispin Mitchell was 54 years old. He lived in the Oombulgurri Community, which was located about 50 kilometres north of the town of Wyndham. He was last seen at about 1.30 pm on 20 February 1987. At that time, Mr Mitchell was in a small aluminium dinghy with two brothers, Mervyn and Edward Gerrard, heading into the Cambridge Gulf towards Oombulgurri. All three men appeared to be intoxicated and they were noted to be heading into a severe rain squall.
2. At 12.40 pm on 21 February 1987, approximately 24 hours after he was last seen, police were notified that Mr Mitchell and the Gerrard brothers had not arrived in Oombulgurri as planned. An immediate search was commenced for the missing men in the Cambridge Gulf area; however, due to poor visibility, the search had to be abandoned soon after.
3. Further search efforts were commenced at first light on 22 February 1987, including an aerial search and a water search using local Marine and Harbours vessels and private vessels. A police officer on one of the Marine and Harbours vessels found Mr Edward Gerrard's body at about 1.30 pm that day.
4. The following day, being 23 February 1987, the search for the other two men continued. The search was again hampered by poor weather conditions and had to be abandoned.
5. On 24 February 1987, the search continued and on this day searchers on a private vessel owned by the Oombulgurri Community vessel also located the body of Mervyn Gerrard.
6. The search for Mr Mitchell continued until 28 February 1987, but no sign of Mr Mitchell was ever found. The search was eventually suspended, pending any new information. The dinghy that the three men had been travelling in was also never found. It was believed that the vessel had capsized or sunk, leaving the three men onboard susceptible to drowning or attack by the sharks and crocodiles known to inhabit the waters of the Cambridge Gulf. Although Mr Mitchell's body was not found, he was believed by police to have died around the same time as the other two men, either from drowning or marine predation.
7. On the basis of the information provided by the WA Police in relation to Mr Mitchell's disappearance, I determined that pursuant to s 23 of the *Coroners Act 1996* (WA), there was reasonable cause to suspect that Mr Mitchell had died and his death was a reportable death. I therefore made a direction that a coroner hold an inquest into the circumstances of the suspected death.<sup>1</sup>
8. I held an inquest at the Perth Coroner's Court on 24 February 2022, almost 45 years to the day when Mr Mitchell went missing. The inquest consisted of the tendering of documentary evidence compiled during the police investigation conducted into Mr

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<sup>1</sup> Section 23 *Coroners Act* Direction of Deputy State Coroner dated 16 November 2021.

Mitchell's disappearance, as well as hearing evidence from Detective Sergeant Judith Seivwright from the WA Police Missing Persons Team.

### **LAST CONFIRMED SIGHTING**

9. At about 1.00 pm on Friday, 20 February 1987, Mr Mitchell went to the home of Donald Birch in Wyndham. He was with Edward and Mervyn Gerrard at the time. The three men asked Mr Birch if he would take them to the Oombulgurri Aboriginal Community. They told Mr Birch they had the Mulliarka dinghy tied up to the jetty and that they had a brand new 15 horsepower Yamaha outboard motor with it.<sup>2</sup>
10. Mr Birch said he told the men, "no way,"<sup>3</sup> as he could see a big storm coming over the Bastion hills and the dinghy was only 3.5 metres long. Mr Birch told police that Mervyn Gerrard "got nasty"<sup>4</sup> when Mr Birch declined to take them, and said that Edward would take them if Mr Birch didn't. Mr Birch could see that Mervyn and Mr Mitchell were both pretty drunk, but he didn't think Edward was as intoxicated as them. Mr Birch told the men he would fix the motor up for them, but would not go across to the community because of the weather. It seems they agreed to this proposal.<sup>5</sup>
11. Mr Birch followed the three men down to the Wyndham jetty and helped them to fix the new motor to the dinghy. He then roped it down for them. Mr Birch started the motor up and took the dinghy for a short run. When he returned to the jetty, he left the motor idling. He noted they had sufficient fuel to get to Oombulgurri, with about 10 litres extra.<sup>6</sup>
12. Mr Birch spoke to Edward Gerrard and suggested that he should go straight across to the West bank, as it was calmer over there. He could then take the dinghy up the Cambridge Gulf on the calm side, and if the storm hit they could just beach the dinghy. Mr Mitchell and Edward and Mervyn Gerrard all got into the dinghy and Edward took control of the motor. Mr Birch watched them as they headed off, and noted that Edward had not taken his advice. Instead of heading to the West bank, as suggested, he directed the boat straight up the centre of the gulf. Mr Birch watched them go out of sight, and noted that they appeared to be heading straight for the centre of the approaching storm. That was the last time Mr Birch, or anyone else, saw Mr Mitchell or the other two men alive.<sup>7</sup>

### **THE SEARCH**

13. At 12.40 pm the next day, being 21 February 1987, the Wyndham Police Station received a telephone call from John Meehan at the Oombulgurri Community reporting that the three men had not arrived in Oombulgurri as expected. Mr Meehan

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<sup>2</sup> Exhibit 1, Tab 6.

<sup>3</sup> Exhibit 1, Tab 6.

<sup>4</sup> Exhibit 1, Tab 6.

<sup>5</sup> Exhibit 1, Tab 6.

<sup>6</sup> Exhibit 1, Tab 6.

<sup>7</sup> Exhibit 1, Tab 6.

asked the police to make some inquiries as they feared for the welfare of the missing men. Police made enquiries and confirmed that the men had left Wyndham the day before in the dinghy. They had one and a half tanks of fuel and a carton of beer on board, but no safety gear.<sup>8</sup>

14. Sergeant Knapton and Senior Constable Berry immediately began a search of the Cambridge Gulf that day on the Marine and Harbours vessel, the “Ord.” Unfortunately, due to poor visibility, the search had to be abandoned.<sup>9</sup>
15. At first light on 22 February 1987, the search recommenced. Senior Constable Berry acted as an observer in a chartered aircraft that conducted an aerial search of Forrest River, the Cambridge Gulf region and the Ord River. Meanwhile, Sergeant Knapton had returned to search the water of the Cambridge Gulf, the Forrest River and Parry’ Creek onboard the “Ord” Another police officer, Senior Police Aide Carter, searched the Northern area of the Cambridge Gulf and the mouth of the Ord River onboard another Marine and Harbours vessel, the “Cambridge.” The police were assisted by a private vessel owned by the Oombulgurri Community, which searched the Forrest River area.
16. Evidence from the coronial file related to Mr Edward Gerrard indicates that his body was found by Sergeant Knapton floating in the Cambridge Gulf, approximately 14 kilometres north of Wyndham, at about 1.30 pm on 22 February 1987. A post mortem examination noted his body was in an advanced state of putrefaction consistent with 24 to 48 hours in tropical waters and the lungs were ‘dry’, supporting a diagnosis of salt water drowning. It was determined his cause of death was drowning.<sup>10</sup> It was noted that a sample of bile taken from Edward Gerrard’s body revealed an alcohol content of 0.386%.<sup>11</sup>
17. The search for Mr Mitchell and Mervyn Gerrard continued on 23 February 1987. The aerial search component had to be abandoned due to inclement weather but the search on the water continued. Nothing of interest appears to have been found that day.<sup>12</sup>
18. On 24 February 1987, the search continued with the use of the “Cambridge” and the private vessel from the Oombulgurri Community. Mervyn Gerrard’s body was located at 1.05 pm that day lying face down in the mud in mangroves on the west side of the Cambridge Gulf, approximately 13 kilometres north of Wyndham, so about a kilometre from where Edward Gerrard’s body had been found.<sup>13</sup> It was in an advanced state of putrefaction. It was noted that part of Mervyn Gerard’s right foot was missing, which was believed to be the result of a shark attack post mortem.<sup>14</sup> A post mortem examination was unable to determine a cause of death, but in the context of the known circumstances surrounding the death and the lack of findings to

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<sup>8</sup> Exhibit 1, Tab 5.

<sup>9</sup> Exhibit 1, Tab 5.

<sup>10</sup> COR 6005/87.

<sup>11</sup> COR 6007/87.

<sup>12</sup> Exhibit 1, Tab 5.

<sup>13</sup> Exhibit 1, Tab 5.

<sup>14</sup> COR 6007/87.

the contrary, death by drowning was determined to be “the most probable cause of death.”<sup>15</sup>

19. The search for Mr Mitchell continued on 25 February 1987 through to 28 February 1987, and included aerial searches of the coastline and foot searches of the mangrove area around where Mervyn Gerrard was found. Despite extensive searches conducted by police and private individuals, the body of Mr Mitchell was not found. The search formally concluded on 28 February 1987. It was noted by First Class Constable Beveridge who prepared a report, dated 20 May 1987, in relation to Mr Mitchell’s disappearance, that it was well known that crocodiles and sharks frequented the Cambridge Gulf region and the local police considered there was little prospect that Mr Mitchell’s remains would be found.<sup>16</sup>
20. A formal inquest was not held in relation to the deaths of either Edward Gerard or Mervyn Gerrard. Coroner McCann determined that Edward Gerrard died between 1.30 pm on 20 February 1987 and 1.30 pm on 22 February 1987 in the Cambridge Gulf as a result of drowning, and Mervyn Gerrard died between 1.30 pm on 20 February 1987 and 1.05 pm on 24 February 1987 in the Cambridge Gulf, with drowning as the most probable cause of death.<sup>17</sup>
21. Mr Mitchell’s disappearance has remained a long-term missing person matter for the WA Police since 1987, with no new information arising since that time.

### **RECENT POLICE REVIEW**

22. Police from the Missing Persons Unit made inquiries with Centrelink in August 1999 and confirmed that the agency had no records in relation to Mr Mitchell. Further enquiries with Centrelink and Medicare in April 2019 confirmed that Mr Mitchell had not made any contact with either agency since his disappearance.<sup>18</sup>
23. Medical records had been obtained from Wyndham District Hospital at the time of Mr Mitchell’s disappearance, which might have assisted in identifying any remains. There are no unidentified human remains which are able to be linked to Mr Mitchell by that means.<sup>19</sup>
24. On 23 April 2019, police made contact with Mr Mitchell’s daughter, Geraldine Mitchell, who indicated that she was well aware of the circumstances of her father’s disappearance and understood the matter was being referred to the coroner. She confirmed there has been no contact made by Mr Mitchell with any family member, which was out of character for him and supports the conclusion he is deceased.<sup>20</sup> Ms Mitchell attended the inquest hearing by telephone link and she did not raise any new

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<sup>15</sup> COR 6007/87.

<sup>16</sup> Exhibit 1, Tab 5.

<sup>17</sup> COR 6005/87 and 6007/87.

<sup>18</sup> Exhibit 1, Tab 2.

<sup>19</sup> Exhibit 1, Tab 2.

<sup>20</sup> Exhibit 1, Tab 2.

information to suggest that she, or any family member, believes her father is still alive.

25. A review of the case by Detective Sergeant Seivwright in June 2020 found no additional information that would cast doubt on the original police investigator's conclusion that Mr Mitchell perished, along with Edward and Mervyn Gerrard, on or about 20 February 1987 after the dinghy capsized in the Cambridge Gulf. Detective Sergeant Seivwright confirmed at the inquest that she believes, based upon her review of the available material, that Mr Mitchell is deceased and that he died in similar circumstances to Edward Gerrard and Mervyn Gerrard, although the exact mechanism of his death is unknown.

### **CONCLUSION**

26. I am satisfied beyond reasonable doubt that Mr Mitchell died on or about 20 February 1987 in the waters of the Cambridge Gulf. Given both of his companions were found to have drowned, Mr Mitchell's death was also likely to have been as a result of drowning. However, there is insufficient evidence for me to be able to be satisfied that was his cause of death, as there are also other possible alternatives given he might have sustained an injury in the storm or capsizing of the boat, or been a victim of predation after going into the water.
27. Given the known circumstances of his death, even without a definitive cause of death, I am satisfied Mr Mitchell died by accident.

S H Linton  
Deputy State Coroner  
25 February 2022