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011

TITLE OF COURT: Coroner's Court

JURISDICTION: Galiwinku

FILE NO(s): D0130/2003

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FINDING OF: Mr Greg Cavanagh S.M.

**CATCHWORDS:**

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remote area, police search

**REPRESENTATION:**

*Counsel:*

Assisting: Ms Elizabeth Morris

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IN THE CORONERS COURT  
AT GALIWINKU IN THE NORTHERN  
TERRITORY OF AUSTRALIA

No. D0130/2003

In the matter of an Inquest into the death of

**GEORGE BUKULATPJI**  
**LAST SEEN ON 9 DECEMBER 2002**  
**AT GALIWINKU**

**FINDINGS**

(Delivered 3<sup>rd</sup> March,2005)

Mr GREG CAVANAGH:

**The nature and scope of the inquest**

1. On Wednesday the 11<sup>th</sup> of December 2002 George Barripang Wulanybuma Bukulatjpi ("the deceased") was reported to police as being missing. The report was made to Aboriginal Community Police Officer ("ACPO") Daisy Gumbula, who is stationed at Galiwinku Community on Elcho Island. Despite extensive searches by family, community members and police, the deceased has not been seen since. Given the length of time he has been missing, his age, and the area in which he was last seen, there is reasonable basis for thinking that he is deceased. This gives me jurisdiction to investigate the death of the deceased pursuant to sec3 of the *Coroners Act* ("the Act"). The disappearance and suspected death was unexpected and, as such, is a "reportable death" within the meaning of s12(1) of the *Coroners Act* ("the Act"). Pursuant to my discretion under s15(2) of the *Act*, I held an Inquest into the suspected death of the deceased.

2. Section 34(1) of the *Act* details the matters that an investigating coroner is required to find during the course of an inquest into a death. The section provides:

"(1) A coroner investigating –

- (a) a death shall, if possible, find –
  - (i) the identity of the deceased person;
  - (ii) the time and place of death;
  - (iii) the cause of death;
  - (iv) the particulars needed to register the death under the *Births, Deaths and Marriages Registration Act*; and
  - (v) any relevant circumstances concerning the death;
- ...

3. Section 34(2) of the *Act* operates to extend my function as follows:

"(2) A coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated."

4. The duties and discretions set out in subsections 34(1) and (2) are enlarged by s35 of the *Act*, which provides as follows:

"(1) A coroner may report to the Attorney-General on a death or disaster investigated by the coroner.

"(2) A coroner may make recommendations to the Attorney-General on a matter, including public health or safety or the administration of justice connected with a death or disaster investigated by the coroner."

5. The public Inquest in this matter was heard at the ALPA Training Centre at Galiwinku on 16 and 17 August 2004. Counsel assisting me was Deputy Coroner, Ms Elizabeth Morris. The deceased's family and community members were in attendance throughout the proceedings. I thank them for showing respect for the coronial process by such attendance.
6. Evidence was called from Senior Sergeant Wayne Jenkinson, Senior Constable Phil Duffield, Jeffrey Garrawarru, Sarah Golmirrpiwi, Sally

Bukulatjpi, Manuel Dhurrkay, Ralp Garrawurra. Exhibits tendered included the investigation brief and the deceased's birth certificate.

### **Formal findings**

7. The mandatory findings pursuant to s34(1) of the *Act* are as follow.
  - (1) The identity of the deceased was George Barripang Wulanybuma Bukulatjpi.
  - (2) The time and place of death was at some time after Monday the 9<sup>th</sup> of December 2002 on Elcho Island, in the Northern Territory of Australia.
  - (3) The cause of the death was undetermined.
  - (4) The particulars required to register the death are:
    - (i) the deceased was male;
    - (ii) the deceased was an Australian Aboriginal;
    - (iii) the death was reported to the Coroner;
    - (iv) the cause of death was not confirmed by post-mortem examination;
    - (v) the cause of the death is as described in paragraph (3) above;
    - (vi) no pathologist viewed the body after death;
    - (vii) The father of the deceased was Biduduwang and the mother was Ngabandala;
    - (ix) the usual address of the deceased was Galiwinku Community, Elcho Island in the Northern Territory of Australia; and
    - (x) the deceased was retired.
8. The deceased was born on Elcho Island sometime in 1929. He was a traditional "elder" of the thirteen clans of the Island. He had extensive family with numerous blood and traditional relatives living on Elcho Island. He had three wives and ten children, ranging in age from 1 to 51 years of age at the time of his disappearance. Despite his age, he was regarded as a

strong man, and used to walk extensively around the community. He would swim or bathe most days in water holes on exposed rocks during low tides or outgoing tides at the front of the island below the art centre. He had no significant medical problems recorded on the medical files held by the Clinic.

9. After the deceased was reported as missing on the 11<sup>th</sup> of December 2002 an investigation and search into his disappearance was launched. This investigation resulted in the brief of evidence that was exhibited in this inquest.
10. As a result of this evidence, and that which was called before me in this Inquest I make the following findings regarding the circumstances surrounding the deceased's death:
11. The deceased was seen moving about the community of Sunday the 8<sup>th</sup> of December 2002. He was given a lift to his home by ACPO Daisy Gumbula. She recalls in her statement that at around 08:30- 08:45hrs she picked up the deceased, who told her he was heading home after getting some food from the take-away shop. He also said to her:

“I have got a lots of worries, and I'm very old,...you kids my grandchildren should be told this”.

Ms Gumbula reassured him, and apart from that statement, his behaviour appeared normal.

12. Sarah Gilmirrpiwi also spoke to the deceased on that afternoon. She saw him at around 3:00pm sitting on her uncle's verandah. Her uncle is David Bulkulatjpi. She sat with him whilst he had tea and cigarettes. He appeared happy and made no mention of anything that was worrying him. At around 5.00pm when she walked past the same house, the deceased was no longer sitting on the verandah.

13. At around this time Mr John Charles Quill was the store manager at the ALPA store in Galiwinku. He saw the deceased on this Monday at around 2.30pm, sitting outside his shed playing patience. He then saw him at 5.00pm walking past the back of the store in the direction of his home. The deceased did not have a shirt on and was wearing a pair of blue stubbie shorts.
14. On Wednesday the 11<sup>th</sup> of December 2002 ACPO Gumbula was informed by James Daymangu that the deceased had “run away”. She was also informed that the entire family had been searching for him the previous day, Tuesday the 10<sup>th</sup> of December, without success. ACPO Gumbula then visited other members of the deceased’s family, who also informed her that they had searched for the old man all Tuesday without success. In the company of the deceased’s son, David Djerrpan 2, ACPO Gumbula checked the deceased’s residence, which appeared in order. Other family members also confirmed that they had not been able to find the deceased.
15. ACPO Gumbula contacted the Northern Territory Police in Nhulunbuy, speaking with Senior Constable Owen Blackwell. She issued a community announcement calling for volunteers to meet at the police station. It was decided to divide the volunteers and search in four areas, being Tembe-Dhudupu Outstation, Chinamans Landing, Dhambala Outstation, and the back of the local garden-farm.
16. At 2:45pm that day, police officers, including Senior Constable Blackwell, arrived by plane from Nhulunbuy. After discussion it decided to seek assistance from the Tactical Response Group. A request was put through the Nhulunbuy station. At this time, the search had already commenced around the previously listed four areas.
17. The next day, Thursday the 12<sup>th</sup> of December 2002, 30 volunteers attended at the police station to recommence the search for the missing man. The volunteers were broken into three groups, all under the leadership of a clan

elder. Senior Constable Blackwell divided the western end of the island into nine search areas. By the end of the day all nine areas were searched without success. A helicopter was also used for one hour, searching the coastline from the northern end of the main airstrip around the western end of the island, up the Cadell Strait to an area known as the “The Narrows”, and then back along the coastline.

18. At 2:35hrs Senior Constable Phil Duffield was appointed a “Search and Rescue Management Coordinator” (“SARMAC”). He, along with Task Force members Schipp, Perry, Terawski and Hedley made arrangements to fly to the community and take over responsibility for coordination of the search. They arrived at 5.30pm that afternoon.
19. It was Senior Constable Phil Duffield’s job to coordinate the search. He has specialised training in this area, including.
20. Upon arrival on Elcho Island, he commenced planning for the next day’s search. In his calculations the possible search area, given the deceased’s age and walking speed, was a radius of 42km. This of course encompasses the whole island. Even with a search that was limited to within 5km of the township, 78.5sqkm needed to be searched.
21. Duffield also divided the western part of the island into nine search areas. Weather and other information was sought, including advice from the Forensic Pathologist, that three days without water was a measure of how long someone could survive in the bush. The average daily temperature in the area at the time was 35 degrees. There had been some rainfall.
22. On the 13<sup>th</sup> of December the coordinated search continued. During the day the following activities were undertaken:
  1. A boat skippered by Warren Pickering and three observers searched the northern coastline. The boat was launched from the barge landing and went to the western end of the island before searching all beaches and creeks as far as Rodgers Creek.

2. Officers Schipp, Perry and Hedley, with community members, conducted line searches on foot in four of the designated nine areas.
  3. Another boat skippered by Peter Datjin Burawanga and three observers searched the southern coastline of the island and adjacent coastline of the mainland, including Burrlariny Outstation.
  4. Volunteers re-searched the town area, old houses and buildings.
  5. The helicopter, with officers Terawski and Wiesenekker searched four areas.
  6. A vehicle driven by Lindsay Williams and two observers checked the central road and adjoining tracks leading to the southern coastline.
  7. Nine groups of community members conducted searches in five of the designated areas.
23. No sign of the missing man was found, nor any evidence of where he might be or what direction he may have gone. Permission was sought and granted to utilise the helicopter to continue the search the next day.
24. On the 14<sup>th</sup> of December the search continued, with the main central tracks leading from the community being searched, along with all tracks leading from community to coast, rocky cliffs, caves and rocks along the coast, a circumnavigation of the island by boat, helicopter search of the east of the island, notification of outstations and search again of town areas and swamp areas near the town. Again the deceased was not located.
25. Footprints were found on the salt pan in area "G". The area was then searched again, without success. The brother of the deceased, George Lewukang was taken to the footprint and stated it did not belong to the old man.
26. Another footprint was found in area "B" on the southern edge of dried swampy ground. This area had been subject to numerous searches. Charlie

Yunupingu was taken to the print, and confirmed it belonged to the deceased, but stated that he thought it to be over one week old.

27. A briefing was held with family members. It was the view of Senior Constable Duffield that the searches completed so far should have found the deceased or some indication of where he had gone. In his opinion all that could have been achieved by the search had been achieved. He reported to his superior, Superintendent Bryson, who subsequently took the recommendation that the search be suspended, to the Assistant Commissioner. A decision was made to suspend the search.
28. A meeting was held again with family members on the 15<sup>th</sup> of December, advising them of the decision. Some family members expressed the belief that the deceased was still alive and was evading searchers. The community was advised at this meeting that if any evidence was found of the deceased, that police would recommence the search.
29. By this stage police had spent some 350.5 man hours, 4.5 fixed wing hours, 17.1 helicopter hours and 26.1 boat hours searching for the deceased. This does not include the many hundreds of hours by community members spent looking for the deceased.
30. In January 2004, after representation, Mr Jeffrey Garrawarru gave a recorded statement to police. He gave police names of people whom he believed should be spoken to in relation to the deceased's disappearance. These people have been spoken to, and their statements are contained in the brief of evidence. None of these people were able to shed any light on the disappearance of the deceased.
31. Mr Garrawarru also gave to police three items which he believed were related to the deceased. The first was a bible, which he found at the deceased's residence on the 12<sup>th</sup> of January, but which he had not seen on the 11<sup>th</sup> of January.

32. The second item is a cap, the type of which the deceased wore, and which is missing. However, the cap is of a type that is common, and was given out by boat yards whenever boats were sold to people from the Island.
33. The third item was a shirt, found at the barge landing by Robert Barrawanga on the 2<sup>nd</sup> of January 2003. However neither the deceased's daughter, Sarah Garrawurra, nor his grandson, Ralph Garrawurra believe that the shirt belonged to the deceased.

### **CONCLUSIONS AND RECOMMENDATIONS**

34. From all the evidence, I am satisfied that the old man is now deceased. Whilst he may be a skilled and experienced bushman, it would not be possible for him, given his age, to have survived without recourse to assistance from community members. He has not been seen nor heard from since his disappearance. Close family members have told me that this is out of character for him. I do not believe that he left the island, which had been his home for his entire life. I find that he died within a short period of his disappearance. Sadly I am unable to answer all of the questions that the old mans disappearance has caused his family and community. Unfortunately the evidence does not lead me to any conclusion as to his actual cause of death. Crocodiles and sharks inhabit the waters of the island, the deceased was an elderly man, he may well have succumbed to accident or injury, or died of natural causes, or any combination of all of the above, leading to the lack of any remains. I am simply unable to say. However that he is deceased I am satisfied beyond doubt.
35. I am also satisfied that the search by the Northern Territory police was thorough and appropriate. They responded quickly to the call for assistance. Given the extensive nature of the search, and the lack of any result, the decision to suspend it cannot be criticised.

Dated this 3<sup>rd</sup> day of March

Greg Cavanagh

Territory Coroner