

CITATION: *Inquest into the deaths of Raymond John Curtain, Terrence Carew Westwood, Gerald Frederick Thompson, Gregory John Westerman, Graham William Dearden & Ruth Nazmeena Adrione Vincent*
[2005] NTMC 016

TITLE OF COURT: Coroner's Court

JURISDICTION: Darwin

FILE NO(s): D0034/2004
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DELIVERED ON: 17 March 2005

DELIVERED AT: Darwin

HEARING DATE(s): 17 March 2005

FINDING OF: Mr Greg Cavanagh

CATCHWORDS:
Missing person during Cyclone Tracy

REPRESENTATION:

Counsel:

Assisting: Ms Helen Roberts

Judgment category classification: B
Judgement ID number: [2005] NTMC 016
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IN THE CORONERS COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. D0034/2004

In the matter of an Inquest into the death of

**RAYMOND JOHN CURTAIN,
TERRENCE CAREW WESTWOOD,
GERALD FREDERICK THOMPSON,
GREGORY JOHN WESTERMAN,
GRAHAM WILLIAM DEARDEN,
RUTH NAZMEENA ADRIANE VINCENT
ON 24 DECEMBER 1974
IN DARWIN HARBOUR DURING
CYCLONE TRACY**

FINDINGS

(Delivered 17 March 2005)

Mr G CAVANAGH:

1. Section 12(1) of the *Coroners Act* (“the Act”) defines a “reportable death” as a death that:

“appears to have been unexpected, unnatural or violent, or to have resulted directly or indirectly from an accident or injury”.

For reasons that appear in the body of these findings, the deaths fell within the ambit of the definition and the Inquest is held as a matter of discretion pursuant to section 15(2) of the Act.

2. Section 34 of the Act details the matters that a Coroner is required to find during the course of an Inquest into a death. That section provides:

“(1) A coroner investigating –

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*;
- (v) any relevant circumstances concerning the death.

b)

- (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.
- (3) A coroner shall not, in an investigation, include in a finding or comment a statement that a person is or may be guilty of an offence.
- (4) A coroner shall ensure that the particulars referred to in subsection (1)(a)(iv) are provided to the Registrar, within the meaning of the *Births, Deaths and Marriages Registration Act*.

- 3. The Public Inquest in this matter was held at Darwin Magistrates Court on 17 March 2005. Counsel assisting me was the Deputy Coroner, Ms Helen Roberts.
- 4. Three witnesses were called to give evidence during the Inquest. In addition to the evidence of these witnesses, several statements from other witnesses were admitted into evidence together with associated documentary exhibits.
- 5. Each of the missing persons were last seen or heard of on the evening of 24 December 1974, the night that Cyclone Tracy devastated Darwin. Raymond Curtain was on board the vessel Darwin Princess. The evidence establishes to my satisfaction that Terrence Westwood, the skipper, with his crew, Gerald Thompson, Gregory Westerman and Graham Dearden, and a guest, Ruth Vincent, were on board the vessel Booya.

6. The Booya put to sea in an effort to “ride out” the storm. Peter March, who has worked on tugs in Darwin Harbour for over 30 years, was on the wharf at about 8:30pm that evening. His evidence, which I accept, is that boat skippers and others that night discussed their plans and decided to go out to sea to avoid the storm. As is well known, cyclone Tracy changed its expected course dramatically during the night.
7. The Darwin Princess, a smaller vessel, would have been attempting to find a safer shelter. It is possible that the reason it went down near the Booya was because Raymond Curtain was responding to a distress call from that vessel.
8. The wrecks of the vessels were found in 2003 and 2004 in Darwin Harbour. At the direction of the Coroner, and on behalf of the Coroner, Police Commander George Owen together with Sergeant Glenn McPhee of the Territory Response Group coordinated dive operations to attempt to locate human remains and personal effects which might assist in identifying persons who were on board. A sustained and concerted search was made, over several months involving much expertise, many police resources and substantial expense. I commend the efforts of the Northern Territory Police force in this regard.
9. Despite a thorough search of the Booya, no human remains were found; however some personal effects, able to be identified by relatives of the deceased persons were retrieved.
10. On the evidence before me I am able to conclude that each of the six missing persons is in fact deceased, and died between 24-25 December 1974.
11. I find that Raymond John Curtain was on board the vessel Darwin Princess in Darwin Harbour at the time or immediately before his death; that the vessel sank due to dangerous winds and high seas created by Cyclone Tracy and that Raymond John Curtain perished at sea on 25 December 1974.

12. I find that Terrence Carew Westwood, Gerald Frederick Thompson, Gregory John Westerman, Graham William Dearden & Ruth Nazmeena Adrione Vincent were on board the vessel the Booya at the time or immediately before their deaths; that the vessel sank due to dangerous winds and high seas created by cyclone Tracy and that those persons perished at sea late on 24 or early on 25 December 1974.
13. My formal findings required to register the deaths of each of these persons appear below.

CORONER'S FORMAL FINDINGS – RAYMOND JOHN CURTAIN

- (a) The identity of the deceased is Raymond John Curtain, who was born Queen Victoria Hospital, Melbourne, Victoria on 27 January 1946.
- (b) The date and place of death was on 25 December 1974 in Darwin Harbour in the Northern Territory.
- (c) The cause of death is unknown.
- (d) The particulars required to register the death are:
 1. The deceased was a male.
 2. The deceased was an Australian citizen.
 3. A post mortem examination was not carried out as the body was never discovered.
 4. The father of the deceased is William Maxwell Curtain and the mother is Betty Curtain.
 5. The deceased lived at 4 Playford Street, Fannie Bay at the time of death.
14. On the evidence before me the deceased was on board the vessel Darwin Princess in Darwin Harbour at the time or immediately before his death, and

that the vessel sank due to dangerous winds and high seas created by Cyclone Tracy.

15. I find that Raymond John Curtain perished at sea on 25 December 1974.

CORONER'S FORMAL FINDINGS – TERRANCE CAREW WESTWOOD

- (a) The identity of the deceased is Terrance Carew Westwood, who was born in Toorak, Melbourne, Victoria on 31 January 1911.
- (b) The date and place of death was on 25 December 1974 in Darwin Harbour, in the Northern Territory.
- (c) The cause of death is unknown.
- (d) The particulars required to register the death are:
 - 1. The deceased was a male.
 - 2. The deceased was an Australian citizen.
 - 3. A post mortem examination was not carried out as the body was never discovered.
 - 4. The father of the deceased is Reginal Arthur Foley Westwood and the mother is Gladys Rose Westwood.
 - 5. The deceased lived at 28 Mansfield Street, Cairns, Queensland at the time of death.

CORONER'S FORMAL FINDINGS – GERALD FREDERICK THOMPSON

- (a) The identity of the deceased is Gerald Frederick Thompson, who was born in Mater Hospital, Mackay, Queensland on 3 November 1943.
- (b) The date and place of death was on 25 December 1974 in Darwin Harbour, in the Northern Territory.

- (c) The cause of death is unknown.
- (d) The particulars required to register the death are:
1. The deceased was a male.
 2. The deceased was an Australian citizen.
 3. A post mortem examination was not carried out as the body was never discovered.
 4. The father of the deceased is Frederick John Thompson and the mother is Edith Violet Thompson.
 5. The deceased lived at 1 Corney Street, North Mackay, Queensland at the time of death.

CORONER'S FORMAL FINDINGS – GREGORY JOHN WESTERMAN

- (a) The identity of the deceased is Gregory John Westerman, who was born in Richmond, Victoria on 8 August 1952.
- (b) The date and place of death was on 25 December 1974 in Darwin Harbour, in the Northern Territory.
- (c) The cause of death is unknown.
- (d) The particulars required to register the death are:
 - 1. The deceased was a male.
 - 2. The deceased was an Australian citizen.
 - 3. A post mortem examination was not carried out as the body was never discovered.
 - 4. The father of the deceased is William Ian Westerman and the mother is Dorothy Westerman
 - 5. The deceased lived at 45 Tyrell St Townsville at the time of death.

CORONER'S FORMAL FINDINGS – GRAHAM WILLIAM DEARDEN

- (a) The identity of the deceased is Graham William Dearden, who was born at 16 Cannon Street, South Townsville, Queensland on 20 December 1944.
- (b) The date and place of death was on 25 December 1974 in Darwin Harbour, in the Northern Territory.
- (c) The cause of death is unknown.
- (d) The particulars required to register the death are:

1. The deceased was a male.
2. The deceased was an Australian citizen.
3. A post mortem examination was not carried out as the body was never discovered.
4. The father of the deceased is Victor Edward Dearden and the mother is May Dearden.
5. The deceased lived at FA/1 McIllwrath Street, Townsville South at the time of death.

CORONER'S FORMAL FINDINGS – RUTH NAZMEENA ADRIONE VINCENT

- (a) The identity of the deceased is Ruth Nazmeena Adrione Vincent, who was born at Darwin Hospital, Darwin in the Northern Territory on 23 November 1950.
- (b) The date and place of death was on 25 December 1974 in Darwin Harbour, in the Northern Territory.
- (c) The cause of death is unknown.
- (d) The particulars required to register the death are:
 1. The deceased was a female.
 2. The deceased was an Australian citizen.
 3. A post mortem examination was not carried out as the body was never discovered.
 4. The father of the deceased is Stanley Robert Vincent and the mother is Ruth Williams.

5. The deceased lived at 474 Bouganvillia Street, Nightcliff at the time of death.

16. On the evidence before me I am able to find that that above deceased persons were on board the vessel Booya in Darwin Harbour at the time or immediately before their death, and that the vessel sank due to dangerous winds and high seas created by Cyclone Tracy.

17. I find that Terrence Carew Westwood, Gerald Frederick Thompson, Gregory John Westerman, Graham William Dearden & Ruth Nazmeena Adrione Vincent perished at sea between 24-25 December 1974.

Dated this 17th day of March 2005

GREG CAVANAGH
TERRITORY CORONER