



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Andrew Jason Tetley

Find that:

- a) The identity of the deceased is Andrew Jason Tetley;
- b) Mr Tetley died in the circumstances set out below;
- c) Mr Tetley's death was caused by drowning;
- d) Mr Tetley died on 24 May 1992 in the waters off Falmouth in Tasmania; and
- e) Mr Tetley was born in New South Wales on 26 June 1956 and was aged 35 years; he was married and a fisherman at the date of his death.

Jurisdiction:

The investigation of deaths in Tasmania is governed by the *Coroners Act 1995*. Section 21(1) of the Act provides:

"A coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death."

'Death' is defined in section 3 of the Act as including a suspected death.

'Reportable death' is defined in the same section as meaning, inter alia, a death which occurred in Tasmania and was unexpected or the cause of which is unknown.

Thus if a Coroner suspects (on reasonable grounds) that a person has died and the death meets the definition of a reportable death, then that Coroner has jurisdiction to investigate.

For reasons which will become apparent in this finding I am satisfied that jurisdiction exists to investigate the disappearance of Andrew Jason Tetley.

Background:

Andrew Jason Tetley was born in New South Wales on 26 June 1956. At the time of his disappearance he was married to Barbara and living with her and their three children at St Helens. Mr Tetley was self-employed as a fisherman. Barbara says he was in good health although he suffered from asthma and used a Ventolin inhaler.

Mr Tetley was a regular surfer and his wife Barbara considered him to be an “above average swimmer”, although his friend Mr Harold Hogarth told investigators that he was not a strong swimmer despite being a good surfer.

Circumstances Surrounding the Death:

On Tuesday 18 May 1992 Mr Tetley left the wharf at St Helens to go fishing. His wife and children were at the wharf to say goodbye to him.

On the evening of Saturday 23 May 1992 Mr Tetley attended a party at a property named 'Mariposa' located at 22352 Tasman Highway, Falmouth, Tasmania.

Mariposa was the home of Mr Tetley's previous employer, Mr Harold Hogarth. Mr Tetley arrived at the party in his fishing boat. He moored the boat off the beach outside the 'Mariposa' house, which was at the northern end of the beach, and rowed a dinghy from his boat to the shore. Mr Tetley arrived at the property for the party at about 5.00pm.

Mr Hogarth described Mr Tetley at the party as appearing to be his normal self. He talked to numerous friends and according to Mr Hogarth seemed to be enjoying himself. Mr Hogarth saw Mr Tetley consuming beer throughout the evening but was unable to say how much he'd had to drink. He described Mr Tetley as not a consistent heavy drinker and said that it was his perception that Mr Tetley was hardly affected by alcohol that night. Between 1.00am and 1.30am on Sunday 24 May 1992 Mr Tetley left the party to return to his boat to sleep. Mr Hogarth drove him down to the beach and used the headlights of his vehicle to illuminate Mr Tetley as he rowed back to his fishing boat. He was not wearing a lifejacket or PFD.

Mr Hogarth lost sight of Mr Tetley when Mr Tetley was a short distance from his boat. Mr Hogarth then drove back to his house and went to bed. This was the last time he, or anyone, saw Mr Tetley.

A few hours later Mr Hogarth awoke and looked out of the window of his bedroom and saw Mr Tetley's boat still anchored off the beach. Mr Hogarth realised immediately that this was odd as Mr Tetley had told him the previous day that it was his intention to get up early and collect some craypots he had set the previous day.

Along with his nephew, Alistair Hogarth, Mr Hogarth took his boat out to Mr Tetley's fishing boat. The boat was an older style wooden boat with high sides about two meters above water level. It had been recently taken out of the water and painted. The hull of the boat was painted white with a red strip along the water line and black paint below the water line.

Mr Hogarth noticed immediately that the dinghy he had seen Mr Tetley row out in the previous night was nowhere to be seen. He got on Mr Tetley's boat and found that he was not there. He did not notice anything out of the ordinary on the boat, but he did see two scrape marks on the side of the boat. Mr Hogarth had not noticed the scrape marks before. The marks were described by Mr Hogarth as starting in the white paint of the hull and then going into the red strip at the waterline, ending in the black paint below that. Mr Hogarth was of the view that the marks were likely to have been caused by Mr Tetley slipping down the side of the boat as he attempted to board it from the dinghy.

Mr Hogarth and his nephew conducted a quick search along the coast in his boat to see if they could locate Mr Tetley's dinghy somewhere on the shore nearby. They were not able to locate the dinghy.

Mr Hogarth returned home and reported to police the fact of Mr Tetley's disappearance. He then organised a search to be commenced by members of the local diving and surfing community. By lunchtime the search was well underway with six boats in the water and two divers in each boat, with approximately 30 people on the shore. An aeroplane was organised to conduct an aerial search as well. The day was a clear winter's day with no wind and good visibility. Despite all the efforts put into the search and the optimum weather conditions no sign was found either of Mr Tetley or his dinghy.

Mr Hogarth decided to use buoys of similar weight to Mr Tetley, one on the surface of the water, one on the bottom of the seafloor, and one just above the sea floor to endeavour to ascertain where Mr Tetley may have drifted with the tide.

The next day at about 8.00am Mr Hogarth went out to see, to where the buoys had moved. The buoy on the bottom of the seafloor had not moved. The buoy that had been located just above the seabed had moved 200m south. The buoy on the surface had moved approximately 1km south. Near the buoy on the surface the upturned dinghy belonging to Mr Tetley was located. Nearby Mr Hogarth also found an oar and one of Mr Tetley's shoes. On the toe of the shoe Mr Hogarth found white and red paint the same as that on the side of Mr Tetley's cray fishing boat.

Mr Tetley has never been heard of or seen after Mr Hogarth saw him rowing back to his fishing boat in the early hours of Sunday 24 May 1992. In March 2014 Tasmania Police conducted extensive checks in relation to Mr Tetley with Tasmanian prisons, the Electoral Commission, various government departments, Births Deaths and Marriages, Centrelink and Medicare, and all other State and Territory police jurisdictions, as well as 10 of the most commonly used financial institutions. No trace of Mr Tetley was found as a consequence of those investigations.

I am satisfied in the circumstances that Mr Tetley died as a result of drowning when he most likely fell from his fishing boat into the water off Falmouth in Tasmania in the early hours of 24 May 1992.

Comments and Recommendations:

In the circumstances there is no need for me to make any further comment or recommendations pursuant to section 28 of the *Coroners Act* 1995.

In concluding, I convey my sincere condolences to the family of Andrew Jason Tetley.

Dated: 24 November 2015 at Hobart Coroners Court in the State of Tasmania.

Simon Cooper
Coroner