



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 suspected death of Kimberley Dale Smith

Find That:

- (a) The identity of the deceased is Kimberly Dale Smith;
- (b) Mr Smith died in the circumstances set out in this finding;
- (c) The most likely cause of Mr Smith's death was drowning;
- (d) Mr Smith died on 15 July 2012 near Heybridge in Tasmania; and
- (e) Mr Smith was born in Western Australia on 26 June 1975 and was aged 37 years; and was a single man whose occupation at the date of death was an unemployed marine biologist.

Background:

Kimberley Dale Smith was born in Western Australia on 26 June 1975 and was 37 years of age at the time of his death. He was by profession a marine biologist having graduated with honours in that discipline from the University of Western Australia aged about 23 and subsequently completing a Ph.D.

Mr Smith studied at the University of Tasmania in 2011 undertaking a graduate certificate of business.

He worked at the Tahune Airwalk in Southern Tasmania for a short period, but reportedly resigned due to a disagreement with other employees over his management approach. He also travelled to, and worked in, Mexico.

Mr Smith's father describes him as having grown up "around boats including powerboats, sailing boats and dinghies". Mr Smith senior said his son learnt to swim at a young age and was a strong swimmer with a lot of experience of boats and no fear of the water.

Mr Smith first came to Tasmania in about 2002. He owned a property at George Street, Chasm Creek in Tasmania and a second property a short distance away at Heybridge on the

Blythe River. His mother says that between 2002 and 2012 Mr Smith lived in both houses and often rented out each.

At the time of his death he was living at the Chasm Creek property.

Medical records obtained as part of the police investigation in relation to Mr Smith's disappearance indicate he was prescribed medication for depression between July 2010 and July 2012. During the same period he also attended consultations with a psychiatrist and for a psychological assessment. Two witnesses spoken to as part of the investigation told police that Mr Smith had spoken of suicide on more than one occasion. The same witnesses described Mr Smith smoking cannabis and consuming significant amounts of alcohol regularly.

Mr Smith had a good relationship with his parents but seems to have lived a somewhat reclusive life. He does not appear to have been in a relationship at the time of his disappearance.

Circumstances Surrounding the Death:

Not far from his home at Chasm Creek a dilapidated dinghy washed ashore on a rocky outcrop. Mr Smith indicated to several acquaintances, all of whom subsequently made statements to police investigators, that he wished to attempt to retrieve the dinghy, apparently with a view to restoring it. Mr Smith's mother, in her affidavit to investigators, described an incident when she was visiting Mr Smith and they both went on a walk. During that walk Mr Smith showed his mother the dinghy washed up on a rocky beach on the shore. Mr Smith took two large floats and some ropes and tried to lash the floats to the dinghy and drag it to the waterline. The attempt was unsuccessful and Mr Smith's mother reports the dinghy sank in the shallows. She expressed the view that it seemed to be Mr Smith's intention to float it and drag it through the shallow water back to Blythe Heads near his home. It was apparently also Mr Smith's ultimate intention to put the dinghy in his garden as a feature with plants in it. Mr Smith's mother said that he seemed very determined to get the dinghy.

At 1.45pm on 15 July 2012 Tasmania Police were contacted by Ms Jennifer Boatwright, an acquaintance and neighbour of Mr Smith's, with concerns about his welfare. Ms Boatwright told police that Mr Smith had last been seen in his dinghy around midnight the night before (that is to say, 14 July 2012) on the Blythe River. Another witness spoken to by police, Reinhard Heidenreich, also an acquaintance and neighbour of Mr Smith, confirmed that he had seen and spoken to Mr Smith in his dinghy on the river around midnight the night before.

Uniform police immediately conducted searches of the immediate river area at Blythe Heads and its shoreline. Foot searches were conducted at the Heybridge boat ramp and shore area. Searchers located a vehicle and boat trailer belonging to Mr Smith at 40 Crown Circuit Road, near the boat ramp on that property's front lawn.

Various enquiries were continued in the area to try and locate Mr Smith. When these enquiries proved fruitless marine police were notified and tasked to assist in relation to the search.

Mr Smith's residence at Chasm Creek was entered by police. It was noted to be externally secure. A small quantity of cannabis was located on the kitchen bench and a large candle was located on the hearth of the lounge room wood heater. The candle was extinguished by police. Nothing causing any suspicion was identified and nothing located which suggests any intention on the part of Mr Smith not to return.

Foot searches were also continued on the shoreline of Chasm Creek. The area where the dilapidated dinghy was believed to have been located (and later confirmed to be the site) was identified because drag marks were evident through pebbles on the beach and paint marks were located on rocks. However the dinghy itself was not there. An officer from Forensics Services attended that area and photographed the scene at about 10.00pm. SES members joined the foot search at about this time.

The next morning, 16 July 2012, searching recommenced. The search involved uniform police, SES volunteers, as well as the Tamar sea rescue helicopter crew and boat crews. Extensive land and sea searches were then conducted throughout the rest of the day with numerous SES police and civilian vessels conducting the searches. The sea search was extended to the waters of Bass Strait. Helicopters and fixed wing aircraft were also involved. At around 11.00am on 16 July the police rescue helicopter located what was thought to be an orange lifejacket floating in the water. At 12.15pm a police vessel was deployed to the area where the orange lifejacket had been seen. Although unable to locate the orange lifejacket crew members located and retrieved a black lifejacket with the name "Lori" painted on the back of it. The significance of this is that during a trip to Mexico in 2009 Mr Smith had apparently attempted to start a boat charter business. The business was unsuccessful and Mr Smith brought various items back to Tasmania from that unsuccessful venture. Those items included lifejackets which bore the name "Lori". An oar was located floating in the water near the lifejacket.

Around this time the water temperature in the general search area was measured as being 13.3 degrees Celsius. In such conditions a person immersed had little or no hope of survival for more than a few hours.

Searching continued on 17 July 2012. During 17 July an orange lifejacket, possibly the same one that had been seen from the police rescue helicopter the previous day, was located on the shore at the eastern end of Bakers Beach, over 50km away.

During the same day Mr Smith's parents arrived. They stayed at Mr Smith's residence at Chasm Creek. A number of items belonging to him were found by them including his wallet and passport – items which again support the conclusion that he had no intention to stay away from his property.

Searching continued until a decision was made on 20 July 2012 to suspend it. The searching involved members of the police dive squad searching the areas of Blythe River, the Blythe River mouth, and the beach off the mouth of the river.

The decision to suspend the search on 20 July 2012 was influenced in part by worsening weather conditions. It was also by then certain that if Mr Smith had entered the water there

was no hope that he could by then possibly be alive. The decision to suspend the search was in my view entirely appropriate. It did not mean the end of all search efforts - further aerial searching was conducted after weather conditions improved and parts of islands in the Furneaux Group were searched by local SES members.

Sadly no trace of Mr Smith was ever found.

Subsequent investigation carried out into Mr Smith's disappearance showed neither his mobile telephone nor his Commonwealth Bank account were used after he was last seen alive.

Checks were made with airlines and the TT line. No record of any booking on airlines or the TT line after Mr Smith's disappearance was found. Immigration checks indicate that there is no evidence that Mr Smith has left the country (it is also noted that his passport was located at his home).

No member of Mr Smith's family has heard from him since his disappearance.

At my request, enquiries were made by police investigators with Centrelink, Medicare, all State and Territory police information bureaus, interstate and local correctional facilities, and hospitals. No trace of Mr Smith has been able to be found as a result of those enquiries.

In all of the circumstances I am satisfied that Kimberley Dale Smith is dead. I am satisfied that he likely died shortly after midnight on 15 July 2012 in the waters at or near Blythe River on the North West Coast of Tasmania. I cannot say whether his death was due to drowning or hypothermia or some other cause. I cannot say, although I consider it highly unlikely, that any other person contributed to the cause of Mr Smith's death. Although there is a medical history of treatment for depression there is no evidence that would allow me to be satisfied that Mr Smith's disappearance and death was a deliberate act on his part to end his own life. It seems to me that it is most likely he met his death by accident when attempting to retrieve the dilapidated dinghy he had pointed out to acquaintances and his mother in the period leading up to his death.

Comments and Recommendations:

Because I cannot reach an affirmative view as to the cause of Mr Kimberley Dale Smith's death I am not in a position to make any recommendations or comments pursuant to section 28 of the *Coroners Act* 1995.

In conclusion I wish to convey my sincere condolences to the family of Mr Smith.

Dated: 1 July 2015 at Hobart in the state of Tasmania

Simon Cooper
Coroner