



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 Matthias Alexander Lehmann

Find, pursuant to section 28 (1) of the *Coroners Act 1995*, that

- a) The identity of the deceased is Matthias Alexander Lehmann;
- b) Mr Lehmann died in the circumstances set out below;
- c) I am unable to determine the cause of Mr Lehmann's death; and
- d) Mr Lehmann died during the night of 15/16 August 2012 in either Bass Strait or Port Phillip Bay, somewhere between the ports of Devonport and Melbourne.

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 whilst a person was travelling from or to 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 Mr Lehmann.

Background

Matthias Alexander Lehmann was born in Canberra, ACT on 25 January 1974. He was the youngest of four children of Ute and Wolfgang Lehmann. His parents and siblings are all still alive.

Mr Lehmann appears to have had no long term relationship during the course of his life. At the time of his disappearance and presumed death he was in receipt of a disability pension having never held full time employment due to his significant mental health issues.

His mother describes him as living a “transient lifestyle”. It is apparent he lived in a number of locations in New South Wales, Victoria, South Australia and Tasmania. He was in regular contact with his family despite his peripatetic life.

Mr Lehmann had a lengthy history of mental health difficulties. The investigation into his disappearance included an examination of his medical history. He was hospitalised on a number of occasions as a result of suicide attempts by drug overdose between 1996 and 2012.

Circumstances Surrounding Disappearance

In August 2012 Mr Lehmann was living in Devonport, Tasmania. The pastor of the Devonport Community Church, Mr Neville Overton, says in an affidavit made under the *Coroners Act* 1995 that he met Mr Lehmann in July 2012 and that he stayed at the church for about five or six weeks sleeping on the floor in the rectory in front of the fire. During the time Mr Lehmann stayed at the church Mr Overton spoke to him regularly. He described him as a pleasant man with a gentle demeanour.

Mr Overton said that Mr Lehmann left the church a few days before 15 August 2012 telling him that he was returning to the mainland and intended to travel on the Spirit of Tasmania (the ferry between Devonport and Melbourne).

The evidence obtained as part of the investigation into Mr Lehmann’s death satisfies me that on 14 August 2012 he purchased a ticket to travel on the Spirit of Tasmania service departing the next day. He also paid for accommodation at Mersey Bank Apartments for the night 14/15 August 2012.

I am satisfied on the balance of probabilities that Mr Lehmann spent the night at the Mersey Bank Apartments and then the following day presented his ticket, collected his boarding pass and boarded the Spirit of Tasmania. I note that Mr Lehmann withdrew \$400 from his Commonwealth Bank Savings account on the same day, and that whoever presented his ticket used \$160 cash to upgrade from an ‘Ocean Recliner Seat’ to a cabin.

Although there is no direct evidence in the form of eyewitnesses or CCTV (the CCTV on the ferry is kept for one month only and Mr Lehmann was not reported missing for approximately two months), I am satisfied that Mr Lehmann did get on the vessel. I have reached this view because of the fact that a ticket was purchased in his name, it was presented, cash used to upgrade the ticket, a boarding pass issued and, most importantly, Mr Lehmann's pensioner concession card was found on the ferry. All this satisfies me that he was on the ferry on the night of 15/16 August 2012.

What happened after Mr Lehmann boarded the Spirit of Tasmania can only be the subject of speculation. His body was not located and there is no persuasive evidence that he was ever seen alive again.

The evidence satisfies me to the requisite legal standard that Mr Lehmann did not get off the Spirit of Tasmania. In addition, I am satisfied that he is dead because, despite extensive enquiries, there has been absolutely no trace of him since 15 August 2012. Specifically, his bank account has never been accessed, he has made no contact with any family or friends and his mobile phone has not been used since his disappearance.

I am satisfied that the most probable explanation for Mr Lehmann's disappearance and death is that he jumped or fell from the ferry into either Bass Strait or Port Phillip Bay during the journey. I cannot determine on the evidence whether his death was accidental or deliberate, or whether he acted alone or another person was involved. I cannot determine whether his death, assuming he entered the water (and I am satisfied that he did) was due to drowning, hypothermia or some other cause. Nor can I rule out the possibility that he was dead when he entered the water.

Comments and Recommendations

The circumstances of Mr Matthias Lehmann's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act* 1995.

I convey my sincere condolences to the family and loved ones of Mr Lehmann.

Dated 11 December 2017 at Hobart in Tasmania.

Simon Cooper
Coroner