



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 Ernest Henry Woodward

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

- a) The identity of the deceased is Ernest Henry Woodward;
 - b) Whilst I am satisfied that Mr Woodward is dead I am unable to make any further finding as to the particular circumstances of his death;
 - c) I am unable to determine the cause of Mr Woodward's death; and
 - d) Mr Woodward died on or after 15 February 1969 at or near Sanderson Falls, West Ridgely, Tasmania.
1. In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Woodward's death. The evidence includes a Tasmania Police Report of Death for the Coroner; Tasmania Police Missing Person Report dated 22 February 1969; affidavits of Ms Peta Raison, Ms Gai Rouse and Mr Andre Woodward - Mr Woodward's three surviving children; and police information system records.

Why Mr Woodward's disappearance is being investigated

2. The *Coroners Act 1995* (the Act) governs the investigation of deaths in Tasmania. Section 21(1) of the Act provides that "[a] coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death."
3. 'Death' is defined in section 3 of the Act as including a 'suspected death'.
4. 'Reportable death' is defined in the same section as including a death which occurred in Tasmania and was unexpected or the cause of which is unknown.
5. 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 the power to investigate that person's disappearance.

6. For reasons which will become apparent in this finding I am satisfied that it is appropriate to investigate the disappearance of Earnest Henry Woodward because I am satisfied, on reasonable grounds, that he is dead and the cause of his death is unknown.
7. The fact that Mr Woodward's disappearance and suspected death is being considered by a coroner 50 years after he was last seen alive needs to be explained. His disappearance was reported to police in 1969, but not reported to the coroner until this year. Even then, Mr Woodward's case was only reported because Mr Woodward's daughter contacted the Coroner's Office to enquire about erecting a plaque to commemorate her father's life (and death) but had been apparently advised that she required a death certificate. The coroner does not issue a death certificate as such (that is the responsibility of the Registrar of Births, Deaths and Marriages) but a coroner can make findings, which will enable the registrar to issue a certificate. It is important to note that under the previous Tasmanian Coroners Act, no power existed to investigate suspected deaths.¹ This changed with the advent of the current Act in 1997.
8. Until a death (including suspected death) is reported a coroner cannot of course investigate it.

Mr Woodward's Background

9. The evidence is that Mr Woodward was born on 21 August 1916 on King Island.
10. Mr Woodward married Elvie and fathered four children – Stephen, Andre, Gai and Peta. Apart from Stephen, the other three children are alive and living in Tasmania. Mr Woodward was separated from Elvie at the time of his disappearance.
11. Mr Woodward worked as a lathe operator at a wood mill. He was living at 22 Nelson Street, Burnie in February 1969 with Gai, Peta and Stephen.

Circumstances of his disappearance

12. The evidence suggests that on the day of his disappearance Mr Woodward went fishing for fresh water crayfish (lobster) with his brother Robert and Robert's father-in-law, a Mr Deverell. Both men are now deceased and therefore unable to cast any light on Mr Woodward's disappearance. Historical Tasmania Police information (which is sparse)

¹ See *Coroners Act 1957* section 7 which required an actual body to be located before a coroner could investigate.

suggests that Mr Woodward appears to have gone missing sometime after 10.00am that day.

13. A Missing Person Report dated 22 February 1969 confirms search parties had failed to locate him and that the fact of his disappearance had been published in 20 February 1969 editions of the Advocate and Examiner newspapers. A Police subject report dated 22 February 1969 suggest skin divers were involved in the search.
14. Both Peta and Gai were able to provide additional information about aspects of the search for their father. Lobster traps were apparently found in the general area where Mr Woodward was thought to have been fishing. A sock belonging to Mr Woodward and his lunchbox were also found in the general vicinity. Apparently, Mr Woodward's lunchbox had his wallet inside it. The fact that his wallet was recovered tends to suggest that he was unlikely to have been the victim of foul play. Because his body was never found it is impossible to make a finding as to the cause of his death or to identify a more particular location where it occurred.
15. Mr Woodward was formally listed as a missing person. However, apart from a copy of the original missing person report and covering subject report, all documentary material relating to Mr Woodward's disappearance and presumed death have been lost by Tasmania Police. As such, it is impossible to make an assessment of what occurred in terms of searching for Mr Woodward since 1969. Nonetheless, it is apparent that no trace of Mr Woodward has been found since the search for him in the immediate aftermath of his disappearance.

Why I am satisfied Mr Woodward is dead

16. Although Mr Woodward's body was never found, there is ample evidence to conclude he is dead. First is the fact that, after his disappearance, Mr Woodward was never seen or heard of again.
17. In March 2019 Tasmania Police conducted enquiries with:
 - the Tasmania Prison Service;
 - the Tasmanian Electoral Commission;
 - the Department of Health and Human Services (both housing and mental health);
 - Aurora;

- the Registrar of Births, Deaths and Marriages;
- a number of national and state financial institutions;
- all state and territory police jurisdiction information holdings;
- Centrelink; and
- Medicare.

No trace of Mr Woodward being alive was found as a consequence of those enquiries.

18. Finally, I note that were he still alive, Mr Woodward would be 103 years of age. I think it reasonable to conclude that it is unlikely he has survived to that age at all, let alone without coming to the attention of any authorities in the 50 years since he was last seen. For all these reasons, I am satisfied to the requisite legal standard that Mr Woodward is dead.

Comments and Recommendations

19. The circumstances of Mr Woodward's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.
20. I convey my sincere condolences to the family and loved ones of Mr Woodward.

Dated 13 December 2019 at Hobart in the State of Tasmania.

Simon Cooper
Coroner