



# MAGISTRATES COURT of TASMANIA

## CORONIAL DIVISION

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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Reginald Ainsley

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

- a) The identity of the deceased is Reginald Ainsley;
- b) While satisfied that Mr Ainsley is dead, I am unable to determine the circumstances of his death;
- c) I am unable to determine the cause of Mr Ainsley's death, although drowning seems probable; and
- d) Mr Ainsley died on or about 21 March 1969 at or near Boat Harbour, Tasmania.

#### **Why Mr Ainsley's disappearance is being investigated**

1. The *Coroners Act 1995* 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." 'Death' is defined in Section 3 of the Act as including a 'suspected death'.
2. '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.
3. 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.
4. For reasons which will become apparent in this finding I am satisfied that it is appropriate to investigate the disappearance of Reginald Ainsley because I am satisfied, on reasonable grounds, that he is dead and that the cause of his death is unknown.
5. The fact that Mr Ainsley's disappearance and suspected death is being considered by a coroner over 50 years since 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. I note that under the previous Tasmanian Coroners Act, no power existed to investigate suspected deaths.<sup>1</sup> This changed with the advent of the current Act in 1997. Perhaps obviously, until a death (including suspected death) is reported a coroner cannot investigate it. I do not consider that the investigation into Mr Ainsley's disappearance would have been any more fruitful if it had been reported when the *Coroners Act 1995* made the death "reportable".

### **Mr Ainsley's background**

6. The evidence is that Mr Ainsley was born in the Whitehaven, Cumbria, England, in the United Kingdom on 2 August 1923. He entered Australia on 5 November 1965, but returned to United Kingdom. He came back to Australia again, arriving in Brisbane on 25 November 1968. In both incoming passenger cards Mr Ainsley describes himself as an unmarried farm worker.
7. By about early 1969 he was in Tasmania working for Mr Alan Dickens at the Elliott Research Farm on Tasmania's North West Coast. Mr Dickens, spoken to as part of this Coronial investigation, described Mr Ainsley as "an extremely capable stock hand... [who]... it was apparent had had a lot of experience with working with cattle".

### **Circumstances of his disappearance**

8. On 21 March 1969 Mr Ainsley was at work at the Elliott Research Farm. The evidence is he worked a 'split shift', that is, he started early in the morning (his job involved, amongst other things, milking cows), had a few hours in the middle of the day before returning to work in the afternoon.
9. It seems likely that Mr Ainsley drove to the beach at Boat Harbour after completing his morning shift on 21 March 1969. The drive takes roughly 30 minutes.
10. What happened to Mr Ainsley after he arrived at Boat Harbour is unclear. He was reported missing by Mr Dickens the following day.
11. Contemporary records indicate that his Hillman sedan was found at Boat Harbour and that there was a "thorough search by the local Police, Civil Defence and Water Police" but the search failed to locate any trace of Mr Ainsley. Clothing was found on the rocks at the beach, although it is unclear to me whether it was actually established

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<sup>1</sup> See *Coroners Act 1957*, Section 7 which required an actual body to be located before a coroner could investigate.

that the clothing belonged to Mr Ainsley. The formal Police Missing Person Report, dated 25 March 1969, indicates that it was the belief of the investigating officer that there was “little doubt” that Mr Ainsley had drowned.

12. Thereafter Mr Ainsley was listed as a missing person and, in real terms, there the matter rested.

### **Why I am satisfied Mr Ainsley is dead**

13. Although Mr Ainsley’s body was never found there is ample evidence to conclude he is dead. First is the fact that, after his disappearance, Mr Ainsley was never seen or heard of again – in Australia, the United Kingdom or anywhere else.
14. Tasmania Police conducted enquiries in 2020 with:
  - Australian Border Force;
  - National Crime Agency, United Kingdom, Missing Persons Team;
  - Department of Foreign Affairs and Trade;
  - Tasmanian Electoral Commission;
  - Department of Health and Human Services (both housing and mental health);
  - Aurora;
  - Registrar of Births, Deaths and Marriages;
  - Corrective services;
  - All state and territory police jurisdiction information holdings;
  - Centrelink; and
  - Medicare.
15. No trace of Mr Ainsley being alive was found as a result of those enquiries. No member of Mr Ainsley’s family, or anyone else, has seen or heard of him since March 1969. In February 1972, probate of his estate was granted to his uncle Mr William Edwin Todd and his cousin Mrs Ethel Mary Pollard both of Stockton-on-Tees, England, United Kingdom by the High Court of Justice. Clearly the High Court of Justice was satisfied that Mr Ainsley was dead.

### **Conclusion**

16. In all the circumstances, I am satisfied to the requisite legal standard that Mr Ainsley is dead and has been seen since on or about 21 March 1969. It seems logical to conclude that he died at or near Boat Harbour, Tasmania.

17. Although satisfied that Mr Ainsley is dead I am unable to make any further findings. In particular, I am unable to reach a concluded view as to the cause or more specific circumstances of his death, although like the investigating officer in 1969, I consider drowning in the waters of Bass Strait seems most likely.
18. The circumstances of Mr Ainsley's death are not such as to require me to make any recommendations pursuant to Section 28 of the *Coroners Act 1995*.
19. I convey my sincere condolences to the family and loved ones of Reginald Ainsley.

**Dated:** 28 July 2023 at Hobart in the State of Tasmania.

**Simon Cooper**

**Coroner**