



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 Lawrence John Simmons

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

- a) The identity of the deceased is Lawrence John Simmons;
- b) Mr Simmons died in the circumstances set out below;
- c) I am unable to determine the cause of Mr Simmons' death; and
- d) Mr Simmons died on 1 March 1980 in the Tamar River, near Low Head in Tasmania.

Introduction

1. The investigation of deaths in Tasmania is governed by the *Coroners Act 1995* (the '*Act*'). 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."
2. 'Death' is defined in section 3 of the *Act* as including a suspected death.
3. 'Reportable death' is defined in the same section as meaning, amongst other things, a death which occurred in Tasmania and was unexpected or the cause of which is unknown.
4. Thus if a Coroner suspects (on reasonable grounds) that a person has died, and the death meets the definition of a reportable death, then the Coroner has jurisdiction to investigate.
5. For reasons which will become apparent in this finding I am satisfied that jurisdiction exists to investigate the disappearance of Mr Simmons.

Disappearance and presumed death

6. Mr Simmons, also known as 'Buster', was at the time of his disappearance 24 years old, married and the father of a young daughter. He was unemployed and lived with his wife and daughter at 20 Arnold Street, George Town. His then wife describes him as having a drinking problem which he had sought assistance for prior to his death. He was reportedly a competent swimmer.
7. On 29 February 1980, Mr Simmons attended a family function at his parents' address in Mayfield, a suburb of Launceston. Overnight he consumed a large amount of alcohol and had limited sleep. The following day, 1 March 1980, Mr Simmons along with his father William Simmons (who is also now dead), brother Matthew Simmons, and cousin Peter Mclvor, arranged to go fishing in William's small wooden 15ft 'clinker' boat off Low Head.
8. Mr Simmons drove himself and his wife to George Town, consuming further alcohol as he travelled. His father, brother and cousin followed behind him towing the boat. At around 2.00pm they left Arnold Street for Low Head Pilot Station where they launched the boat from the boat ramp.
9. Due to the passage of time since the incident, there is some variation between the witness accounts of Matthew Simmons and Peter Mclvor. Matthew Simmons was not quite 10 years old at the time of his brother's disappearance and Peter Mclvor was 20 years of age. The differences in the versions of events reported by the two men when re-interviewed by police 33 years after the incident are, in my view, immaterial and due only to the effluxion of time.
10. Matthew Simmons told investigators that he, his father and brother, and Peter Mclvor launched the boat from Low Head around lunchtime and went fishing in the Tamar River off Hebe Reef. He said it was not until they were returning to the boat ramp at Low Head that a strong current pushed the boat on to the rocks of a small offshore island. As a result of hitting the rocks Matthew Simmons said that the pin holding the propeller on the outboard engine sheared off, leaving the boat without any power. He and Lawrence jumped out of the boat onto the rocky island. The boat began to drift away, with their father William in it. Mr William Simmons was apparently being assisted by a passing yacht but Lawrence said he was going to help his father and jumped into the water and began swimming

towards the boat, which was about 30 metres away. Matthew said his brother who was not wearing a life jacket disappeared. He described his brother as only having had a minimal amount of alcohol to drink and described the day as a 'nice' one with 'minimum wind'.

11. Peter Mclvor's recollection differs in that he told investigators that Lawrence Simmons was significantly affected by alcohol and that he did not enter the boat at all but remained on the rocks when the boat was launched (late morning). He also said an additional adult male was present in the boat, but was unable to recall who that person was. Peter Mclvor described being in the boat as William Simmons pushed it away from the rocks using the oar so he could then start the motor. He said that William Simmons managed to manoeuvre the boat away from the rocks and start the motor before a wave pushed the boat onto rocks which in turn damaged the propeller. Peter Mclvor described the boat drifting away after the propeller was damaged. He said he heard Lawrence Simmons yell out 'I'll come and get yous [sic]' and then saw him dive into the water from the rocks. He said he knew Lawrence Simmons was far too intoxicated to be swimming at all, 'let alone in rough water'. Peter Mclvor also said Lawrence Simmons was not wearing a life jacket.
12. Peter Mclvor described watching Lawrence Simmons swim towards the drifting boat, go under the water twice, surface, vomit water and then go under again. He did not see him again.
13. As noted already there are differences in the two eye witness accounts. However, nothing material turns on those differences. Both witnesses recall that the impact of the boat being pushed onto rocks caused the propeller to hit rocks and shear off the propeller pin. This in turn caused the motor to lose all propulsion and start to drift. Both Peter Mclvor and Matthew Simmons saw Lawrence Simmons dive into the water and start swimming out towards the boat to provide assistance. Both say he was not wearing a life jacket. And both say he disappeared under the water and did not surface.
14. Peter Mclvor's account of the amount of alcohol Lawrence Simmons had consumed before he entered the water is supported by a statement made by

Lawrence Simmons' widow. I am satisfied that Lawrence Simmons had consumed a considerable amount of alcohol in the lead up to his disappearance.

14. Contemporary information in the form of the Tasmania Police Missing Person Report completed later the same day suggests that when he entered the water Lawrence Simmons was wearing denim jeans and shin high brown leather riding boots.
15. Lawrence Simmons' disappearance was reported to the George Town Police Station later the same day. Now retired, First Class Constable Kenneth Fry, was involved in the search for Lawrence Simmons. He said the search involved the foreshore and water and extended over several days, but Mr Lawrence Simmons' body was never found.

More Recent Enquiries

16. In February 2013, Tasmania Police re-opened the investigation into Lawrence Simmons' death under the provisions of the *Coroners Act 1995*. As well as interviewing the eye witnesses to his disappearance, his widow Denise Simmons and former Constable Fry, and a number of other enquiries were carried out. Specifically, checks were conducted in this state with Tasmanian Prisons, the Electoral Commission, Department of Health and Human Services - Housing and Mental Health, the Lands and Titles Office, Aurora, and the Registrar of Births, Deaths and Marriages. Enquiries were conducted nationally with the 10 most commonly used financial institutions, all state and territory police jurisdictions, information holdings, all state transport systems, Centrelink and Medicare. No record of Lawrence Simmons was found since 1980.

Conclusion

17. All of the evidence satisfies me to the requisite legal standard that Lawrence John Simmons, known as Buster, died in the circumstances outlined in this finding, in the Tamar River, Near Low Head on 1 March 1980. It is apparent that the absence of a life jacket and the consumption of a considerable amount of alcohol contributed to his death.

18. Although it is probable that he drowned, in the absence of a body and thus any forensic pathology evidence I cannot be certain about this.

Comments and Recommendations

18. I extend my appreciation to investigating officer, Senior Constable Ashlee Goss, for her investigation and report.
19. The circumstances of Mr Lawrence Simmons' 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 Simmons.

Dated: 29 May 2018 at Hobart in the State of Tasmania.

Simon Cooper
Coroner