



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 Charles Frederick Price

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

- a) The identity of the deceased is Charles Frederick Price;
- b) Mr Price died in the circumstances set out further in this finding;
- c) I am satisfied that it is probable that the cause of Mr Price's death was likely to have been drowning; and
- d) Mr Price died on or shortly after 23 December 1978 probably in the body of water known as the D'Entrecasteaux Channel, Tasmania.

Introduction

1. Charles Frederick Price was born in Hobart, Tasmania, on 14 February 1938. He was 40 years of age and married with three young children when he disappeared in the area of the D'Entrecasteaux Channel, Tasmania. As at December 1978 he was living in Beach Road, Kingston and was employed as a mechanic.
2. Historical records suggest he was an experienced user of boats, physically fit and a strong swimmer.

The Role of the Coroner

3. A coroner in Tasmania has jurisdiction to investigate any death which appears to have been unexpected, unnatural or the cause of which is unknown. The definition of 'death' in the *Coroners Act 1995* includes 'suspected death'¹. For reasons which will, I hope, become apparent later in this finding, not only do I suspect Mr Price is dead, but I am satisfied to the requisite legal standard that he is. A coroner can only investigate a death that is reported. Mr Price's death was only reported this year. The fact that it was not reported, and therefore investigated, when Mr Price disappeared is probably due to the

¹ See section 3.

fact that under the now repealed *Coroners Act 1957*, a coroner could not investigate a suspected death. That changed when the current Act became law on 31 December 1996.

4. When investigating any death at an inquest, a coroner performs a role very different to other judicial officers. The coroner's role is inquisitorial. She or he is required to thoroughly investigate a death and answer the questions (if possible) that section 28(1) of the Act asks. These questions include who the deceased was; the circumstances in which he or she died; the cause of the person's death; and where and when the person died. This process requires the making of various findings, but without apportioning legal or moral blame for the death. A coroner is required to make findings of fact from which others may draw conclusions. A coroner is also able, if she or he thinks fit, to make comments about the death or, in appropriate circumstances, recommendations to prevent similar deaths in the future.
5. A coroner neither punishes nor awards compensation – that is for other proceedings in other courts, if appropriate. Nor does a coroner charge people with crimes or offences arising out of a death that is the subject of investigation. In fact, a coroner in Tasmania may not even say that he or she thinks someone is guilty of an offence.² I should make it very clear that there is no evidence that anyone committed any crime or offence in relation to Mr Price's death.
6. As was noted above, one matter that the Act requires is finding how the death occurred.³ It is well-settled that this phrase involves the application of the ordinary concepts of legal causation.⁴ Any coronial investigation necessarily involves a consideration of the particular circumstances surrounding the particular death so as to discharge the obligation imposed by section 28(1)(b) upon the coroner.
7. The coronial standard of proof is the civil standard. This means that where findings of fact are made, a coroner needs to be satisfied on the balance of probabilities as to the existence of those facts.

² Section 28(4).

³ See section 28(1)(b).

⁴ See *March v E. & M.H. Stramare Pty. Limited and Another* [1990 – 1991] 171 CLR 506.

Circumstances of Disappearance and Death

8. On 23 December 1978, Mr Price left Oyster Cove, near Kettering in his 20 foot Huon Pine half cabin cruiser. The boat was towing a 12 foot fibre glass dinghy, which he had used to get to it, as the boat was on a mooring. Mr Price had owned the boat for approximately two years. It was fitted with a Yanmar inboard diesel engine. The boat and engine were in good condition and well maintained. It seems Mr Price had adequate supplies of fuel with him, life jackets, as well as fishing equipment (graball nets, cray pots and cray rings), food and one bottle of beer.
9. Mr Price was planning to make his way to Dover, three or so hours south of Oyster Cove, to spend Christmas there with his family at a caravan park. He did not arrive that day as planned. A witness saw what I am satisfied was Mr Price's boat at about 6.30 pm on 23 December 1978, travelling south in the D'Entrecasteaux channel near Middleton. This is the last verifiable sighting of Mr Price's boat before it was found by police.
10. Information from the Bureau of Meteorology indicates that the weather conditions were, relatively speaking, fine on 23 and 24 December 1978 in the general area of the D'Entrecasteaux Channel.
11. The following day, his family began to look for him along the coast between Dover and Oyster Cove and, when their search was unsuccessful, contacted police to report Mr Price missing.
12. A police search commenced on 26 December 1978, and quickly located Mr Price's boat aground in Little Taylor's Bay, South Bruny Island. The dinghy was still attached by its painter to Mr Price's boat. There was no sign of Mr Price. A ground search was commenced and covered a good deal of the coast of South Bruny Island but without finding any trace of Mr Price. Sea searches were conducted at the same time by two police boats, but with similar negative results.
13. The propeller of Mr Price's boat was found with part of a graball net wrapped around it. This may suggest that Mr Price had some difficulty setting (or retrieving) a fishing net and perhaps entered the water as a consequence of the difficulty – it is impossible to say.

14. Nothing was identified on the boat suggest the involvement of any other person in Mr Price's death. Equally, nothing was found to suggest that foul play was involved in Mr Price's death.

Subsequent Investigations

15. Enquiries have established that there is no evidence of Mr Price being alive after 23 December 1978. No member of his family ever saw or heard from him again.⁵ He has not held a bank account, or been registered with Medicare or Centrelink. There is no record of him owning property, a car or holding a driver's license, voting or being issued a passport. There is no record of Mr Price with any birth, death or marriage registries, or any police information holdings anywhere in the country.
16. His biological daughter recently provided a DNA sample for use as a reference in the event that any remains of Mr Price are found at any time in the future. That sample has been forwarded to the National Missing Person DNA database for inclusion.

Conclusion

17. I am in no doubt that Mr Price is dead and that he died on or shortly after 23 December 1978 somewhere. I suspect that the cause of his death was drowning. I think it likely that he entered the water, accidentally, perhaps retrieving a fishing net, and was unable to recover himself.
18. The contemporary material suggests that the search for Mr Price was thorough, well organised and well executed.
19. All reasonable steps have been taken in recent years to attempt to bring Mr Price's disappearance and death to a legal conclusion.

⁵ In saying this, I do not overlook the story told to Mr Price's daughter by an elderly relative in a nursing home in Victoria some years ago that he (the relative) had seen Mr Price after his disappearance. That account was investigated by Victorian police. No evidence to support the veracity of it was identified. I am positively satisfied that it was not true.

Comments and Recommendations

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

Dated: 23 August 2021 at Hobart in the State of Tasmania.

Simon Cooper
Coroner