



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 Colin Rex Dale

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

- a) The identity of the deceased is Colin Rex Dale;
- b) While satisfied that Mr Dale is dead, I am unable to determine the particular circumstances of his death;
- c) I am unable to determine the cause of Mr Dale's death; and
- d) Mr Dale died on or about 23 September 1976 in the water near Strahan, Tasmania.

Why Mr Dale's Disappearance is Being Investigated

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."

'Death' is defined in section 3 of the Act as including a 'suspected death'.

'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.

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.

For reasons which will become apparent in this finding I am satisfied that it is appropriate to investigate the disappearance of Colin Rex Dale because I am satisfied, on reasonable grounds, that he is dead and the cause of his death is unknown.

The fact that Mr Dale's disappearance and suspected death is being considered by a coroner 44 years after he was last seen alive needs to be explained. His disappearance was reported to police in 1976, but not reported to the coroner until late 2020. I 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. Mr Dale's death was reported as a result of a review of long-term missing person cases conducted by Tasmania Police.

Until a death (including suspected death) is reported, a coroner cannot, of course, investigate it.

Introduction

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Dale's death. The evidence includes:

- The Police Report of Death for the Coroner;
- Affidavit of Mr Dale's son, Mr Clinton Bryant, sworn 29 June 2020;
- Affidavit of Mr Dale's daughter, Ms Jann Seagrove, sworn 26 June 2020;
- Affidavit of Mr David Farrell, former First Class Constable, Tasmania Police (and investigating police officer in 1976), sworn 27 February 2020;
- Affidavit of Senior Constable Natalie McIntee, Tasmania Police, sworn 4 February 2020;
- Affidavit of Senior Constable Fabienne Jamieson, Tasmania Police, sworn 6 July 2020;
- Affidavit of First Class Constable Claire White, Tasmania Police, sworn 11 November 2020;
- Affidavit of Sergeant Genevieve Hickman, Tasmania Police, sworn 27 November 2020; and
- Historical Tasmania Police missing persons file for Mr Dale.

Background

Colin Rex Dale was born in Bellerive, Tasmania on 21 March 1927. If he were still alive, Mr Dale would be 93 years. At the time of his disappearance, he was aged 49 years and was a fisherman by occupation. As at late September 1976, Mr Dale was living on a fishing boat - the 'Huon Hunter'. On the night of 22-23 September 1976, the *Huon Hunter* was tied up at the Fisherman's Wharf at Strahan, Tasmania.

It is evident Mr Dale was a very heavy drinker.

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

Circumstances of Death

On 22 September 1976, Mr Dale spent some time drinking at Hamer's Hotel in Strahan. Later the same day, he went to the Regatta Point Tavern (also in Strahan) and continued drinking.

At about 2.30am on 23 September 1976, Mr Dale left the Regatta Point Tavern in the company of one Charlie Bosworth. Mr Bosworth drove him to Fisherman's Wharf. According to contemporary reports, Mr Dale was heavily intoxicated when Mr Bosworth dropped him off at the wharf.

The wharf was at the time approximately three metres wide and then narrowed to a walkway. A fuel bowser with a hose was at the end of the walkway. The bowser's hose was apparently lying across the walkway. The water around the jetty was approximately three metres deep. The wharf was not lit by any artificial lighting.

Reportedly, Mr Dale was unable to swim.

Later the same morning a Mr Ivan Flack, a friend of Mr Dale's, went to the *Huon Hunter*. Mr Dale was not on board. The wheelhouse of the vessel was secured and Mr Dale's bunk did not appear to have been slept in. Mr Flack went immediately to the local police station and reported Mr Dale missing.

An investigation commenced immediately. Constable D J Farrell carried out that investigation. Mr Farrell served in Tasmania Police from 1962 until February 1988. He provided an affidavit to assist in the current investigation. He said in that affidavit that he still had a 'decent recollection' of the incident. In particular, Mr Farrell said that he noted in the intertidal area of the wharf a pole, which had algae on it. He noted what appeared to be a number of fresh marks on the pole, describing the marks as looking as if someone had grabbed hold of it.

Abalone and police divers carried out a search of the wharf. The search for Mr Dale was comprehensive but no sign of him, or his body, was found.

In fact, there has been no sign of Mr Dale, alive or dead, since Mr Bosworth dropped him at Fisherman's Wharf, Strahan, at about 2.30am on 23 September 1976.

I am satisfied, to the requisite legal standard, that Mr Dale is dead. I think it most likely he died as a result of entering the water, whilst intoxicated, at Fisherman's Wharf, Strahan, at about 2.30am on 23 September 1976. There is nothing to suggest that his death was suspicious.

I cannot determine whether Mr Dale died as a result of drowning or hypothermia or for some other reason.

Comments and Recommendations

As I have said, I am satisfied that Mr Dale died on or about 23 September 1976. I am unable to make any further findings.

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

Dated: 12 March 2021 at Hobart in the State of Tasmania.

Simon Cooper
Coroner