



Coroner's Court of Western Australia

**RECORD OF INVESTIGATION INTO DEATH**

*Ref No: 24/19*

*I, Barry Paul King, Deputy State Coroner, having investigated the suspected death of **Matthew James Bale** with an inquest held at **Perth Coroner's Court** on **19 June 2019** find that the death has been established beyond all reasonable doubt and that the identity of the deceased person was **Matthew James Bale** and that death occurred **on or about 21 March 2016 in the waters of the Indian Ocean off Rottnest Island from an unascertained cause** in the following circumstances:*

**Counsel Appearing:**

Sergeant Lyle Housiaux assisting the Coroner

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## INTRODUCTION

1. Matthew James Bale (the deceased) disappeared on the evening of 21 March 2016 while holidaying at Rottnest Island with his wife and parents. Searches uncovered no sign of him, and he had no further contact with banks, phone companies or government agencies.
2. On 22 August 2018, Detective Acting Inspector Gorton of the Major Crime Division of the Western Australia Police submitted to the State Coroner a report by Detective Senior Constable Christopher Hitchen pertaining to the deceased's disappearance.
3. On 18 September 2018 Sergeant Housiaux spoke to the deceased's wife, Kate Hulett, by telephone. Ms Hulett informed him that she believed that the deceased was dead, and she requested that an inquest be held into his disappearance.
4. Under section 23 of the *Coroners Act 1996*, where a person is missing and the State Coroner has reasonable cause to suspect that the person has died and that the death was a reportable death, the State Coroner may direct that the suspected death of the person be investigated. Where the State Coroner has given such a direction, a coroner must hold an inquest into the circumstances of the suspected death of the person and, if the coroner finds that the death of the person has been established beyond all reasonable doubt, into how the death occurred and the cause of the death.
5. On 29 October 2018, the State Coroner directed that the circumstances of the suspected death of the deceased be investigated.
6. On 19 June 2019, I held an inquest at the Perth Coroner's Court into the deceased's suspected death. The documentary evidence comprised a brief of evidence, which included the report by Detective Senior Constable Hitchen, together with relevant material.<sup>1</sup> Detective Senior Constable Hitchen also provided oral evidence.<sup>2</sup>

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<sup>1</sup> Exhibit 1

<sup>2</sup> ts 3 – 16 per Hitchen, C G J

7. I have found that the death of the deceased has been established beyond all reasonable doubt, but I have not been able to find how death occurred or the cause of death.

## **THE DECEASED**

8. The deceased was born on 17 September 1977 in Greenwich, a borough of London, England, so he was 38 years old when he disappeared. He grew up with his parents and an older brother, a younger sister and a younger brother. His younger brother died of colon cancer at the age of 27, and his death affected the deceased deeply.<sup>3</sup>
9. From his late teens, the deceased worked in the film and TV industry in London. In 2008 he met Ms Hulett, who was living in the United Kingdom during her 20's and early 30's. They started dating and then began living together in 2009. The deceased managed pubs and bars in between working as an editor on TV shows and movies.<sup>4</sup>
10. The deceased and Ms Hulett started a business making and selling hats, which they did on weekends while keeping their regular jobs. By about 2010, their business was sufficiently successful to enable them to quit their other jobs.<sup>5</sup>
11. In early 2013 the deceased and Ms Hulett moved to Australia, and on New Year's Eve that year they were married. They bought a unit in Fremantle and opened a shop at which they sold their hats and other goods. They also managed a project which organised the activation of vacant building space for temporary businesses. The deceased was particularly involved with that project.<sup>6</sup>

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<sup>3</sup> Exhibit 1, Tab 3

<sup>4</sup> Exhibit 1, Tab 3

<sup>5</sup> Exhibit 1, Tab 3

<sup>6</sup> Exhibit 1, Tab 3

12. The deceased was physically fit. He had run marathons, had competed in triathlons and was determined to swim the Rottnest Channel swim.<sup>7</sup>
13. However, the deceased had psychological problems. Though he had a passionate enthusiasm for life, he had experienced depression for which he had been prescribed citalopram, and he became an alcoholic in his 20's. He made use of rehabilitation providers and psychologists, and for the most part he was able to overcome the alcoholism from 2011 onwards.<sup>8</sup>
14. Towards the end of 2014, the deceased used methylamphetamine, which in 2015 resulted in his admission to a residential drug and alcohol rehabilitation facility in Cullacabardee and follow-up at a mental health/rehabilitation clinic in Nannup.<sup>9</sup>
15. The deceased's experience in rehabilitation left him feeling mentally strong and positive. On 21 March 2016, the day he went missing, he had booked and paid for the Certificate IV Mental Health course with view to working in the mental health area, especially with young men.<sup>10</sup>
16. However, a psychiatrist who saw the deceased five times from 26 June 2015 to 11 March 2016 noted that, on the last time he saw the deceased he was continuing to use methylamphetamine and had developed a drug-induced psychosis for which the psychiatrist prescribed lurasidone. The deceased had insight into the psychosis and was not suicidal.<sup>11</sup>

### **EVENTS LEADING UP TO THE DECEASED'S DISAPPEARANCE**

17. On 17 March 2016 the deceased's parents, Alan and Brenda Bale, came to Perth to visit the deceased and Ms Hulett. On 21 March 2016, the four of them took the ferry to Rottnest Island to stay for three nights at a unit

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<sup>7</sup> Exhibit 1, Tab 3

<sup>8</sup> Exhibit 1, Tab 3

<sup>9</sup> Exhibit 1, Tab 3

<sup>10</sup> Exhibit 1, Tab 3

<sup>11</sup> Exhibit 1, Tab 10

on the beach in Geordie Bay.<sup>12</sup> One reason for the holiday at Rottnest Island was that the deceased was finding sobriety difficult.<sup>13</sup>

18. They arrived on Rottnest Island around lunchtime, so they went to the pub for a meal. The deceased had only water to drink.<sup>14</sup> After lunch, they went to the shops and Ms Hulett went to the Rottnest Island Authority office to pick up the keys for their unit. The deceased left his parents at a shop after telling them that he wanted to look at magazines in the general store. He asked Ms Hulett for some money for a magazine, but she refused to give him any.
19. At about 1.45 pm the four of them met at a bus stop and boarded a bus that took them to their unit. They unpacked their bags and went for a swim at the beach at the front of the unit. At about 3.00 pm, they went back to the unit, had showers and drank cups of tea on the front balcony of the unit.<sup>15</sup>
20. At about 3.30, the deceased and Ms Hulett went to the Geordie Bay shop to get some things for dinner. While they were back in the unit, she smelled alcohol on his breath and confronted him about it. In his bag she found a one litre bottle of vodka that was two thirds empty. She poured the remaining vodka down the sink drain and he became upset and agitated. He stormed off through the back door that led to the roadway.
21. Ms Hulett went to the balcony and told the deceased's parents about what had happened. The deceased returned to the unit after about 15 minutes. He was obviously heavily affected by alcohol. He went onto the balcony in an upset state, crying and angry. He said things apparently calculated to isolate himself. He told Ms Hulett that she should leave him because he was screwed up. He also said things like 'I can't do this anymore' and 'You're not my friends; alcohol is my friend.'

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<sup>12</sup> Exhibit 1, Tab 3

<sup>13</sup> Exhibit 1, Tab 21

<sup>14</sup> Exhibit 1, Tab 4

<sup>15</sup> Exhibit 1, Tab 4

<sup>16</sup> Exhibit 1, Tabs 3, 4 and 5

22. The deceased asked Ms Hulett for his telephone, his ferry ticket and some money. She gave him the ferry ticket since the ferries had stopped running for the day, but she did not give him his phone or any money.<sup>17</sup> He left through the back door after punching the screen door.<sup>18</sup>
23. The deceased then went to the Geordie Bay shop where he bought a cask of wine. As he was walking out of the store, he met two women who were on their way to watch the sunset. The women were working as housekeepers on Rottnest Island. He asked if he could join them for a walk on the beach and to drink some wine together. They agreed, so the three of them walked to a small bay nearby, possibly Fays Bay, where they sat down.
24. The deceased told the two women that he was on a holiday with his wife and parents but that he had left them and gone to the liquor store after an argument. He said that he had used heroin for 20 years and that his life was a big mess and that he had troubles he could not fix any more. They tried to encourage him to get his life together, to stop using drugs, to think about his wife and family and to take care of them and himself.<sup>19</sup>
25. The deceased showed the women the ferry ticket and said that he wanted to go back to Perth that night by himself. When they explained that no other ferries were leaving that day, he said that he would then swim back to Perth. They thought he was kidding.<sup>20</sup>
26. At about 4.30 pm, the deceased's father went out to look for the deceased. By chance he saw the deceased talking with the two women at what he understood to be Fays Bay. He kept a distance and then went back to the unit to pick up his phone and to tell Ms Hulett that he knew where the deceased was.<sup>21</sup>
27. The deceased's father then returned to a spot on high ground behind the beach at Fays Bay where he could see the deceased and the two women. The deceased went for

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<sup>17</sup> Exhibit 1, Tab 3

<sup>18</sup> Exhibit 1, Tab 4

<sup>19</sup> Exhibit 1, Tab 6

<sup>20</sup> Exhibit 1, Tab 6

<sup>21</sup> Exhibit 1, Tab 5

a swim and encouraged the women to join him but they declined and walked up the hill from the beach. The deceased started to follow them.<sup>22</sup>

28. The two women went towards Geordie Bay. As the deceased crested the hill, he saw his father and told him, 'Piss off, Dad'. He then headed towards the next bay along towards Thompson Bay, presumably Longreach Bay. The deceased's father did not see him again.<sup>23</sup>
29. The deceased did not return to the unit. Ms Hulett and the deceased parents were worried about him and stayed up late, but they were aware that the deceased had done similar things in the past. He had once gone away to Bali on his own for drugs, though in that case he was in daily contact with Ms Hulett after he got there. He had also been absent for a day or two due to alcohol abuse.<sup>24</sup>
30. When the deceased had not returned to the unit by the next morning, Ms Hulett and the deceased's parents assumed that he had caught the ferry back to Fremantle. They decided to stay on Rottnest Island for the remainder of their booked holiday.<sup>25</sup>
31. When they returned to Fremantle on 24 March 2016, it became apparent that something was wrong. There was no sign of the deceased at home or work, and his bank account had not been used. On 29 March 2016 Ms Hulett and the deceased's mother went to the Fremantle police station to report that he was missing.<sup>26</sup>

## **SEARCH FOR THE DECEASED**

32. CCTV records of the Rottnest ferry did not capture the deceased leaving the island on the ferry.<sup>27</sup> Due to the short duration of the voyage between Rottnest Island and the mainland, no register of passenger names was kept.<sup>28</sup>

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<sup>22</sup> Exhibit 1, Tabs 5 and 6

<sup>23</sup> Exhibit 1, Tab 5

<sup>24</sup> Exhibit 1, Tabs 4, 5 and 21

<sup>25</sup> Exhibit 1, Tabs 4 and 5

<sup>26</sup> Exhibit 1, Tabs 4 and 5

<sup>27</sup> Exhibit 1, Tab 7

<sup>28</sup> Exhibit 1, Tab 11

33. On 7 and 8 April 2016, police and Rottnest rangers conducted a land search on Rottnest Island without finding any sign of the deceased. High probability areas were initially searched, and then searchers concentrated on less accessible and out of view areas with foot and vehicle patrols.
34. A sea search was not conducted since a lack of the last known location, together with wind and tidal movements, would have made the search fruitless. A request was made for volunteers from the Department of Fire and Emergency Services, but the request was denied due to the long passage of time since the disappearance.<sup>29</sup>
35. After the police had conducted the land search, Ms Hulett arranged for her own search from 22 May 2016 to 24 May 2016 with the assistance of 19 volunteers. The searchers found some little-known caves and other rarely-accessed areas, but found no sign of the deceased. Ms Hulett came to believe that if the deceased had died on Rottnest Island, someone would have come across his body.<sup>30</sup>

### **FURTHER INVESTIGATIONS**

36. As part of the investigation into the deceased's disappearance, police investigators conducted proof of life checks which established that, since he disappeared:
  - a. the deceased had made no claims under Medicare or the Pharmaceutical Benefits Scheme;<sup>31</sup>
  - b. the Registry of Births, Deaths and Marriages had received no certificates to show the deceased's death or a change of his name;<sup>32</sup>
  - c. the deceased had not registered any mobile phone numbers;
  - d. the deceased's last contact with Centrelink was on 26 February 2016;<sup>33</sup>

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<sup>29</sup> Exhibit 1, Tab 7

<sup>30</sup> Exhibit 1, Tabs 3 and 19

<sup>31</sup> Exhibit 1, Tab 12

<sup>32</sup> Exhibit 1, Tab 11



- e. the Department of Immigration and Border Protection's records indicated that the deceased had not left Australia;<sup>34</sup>
- f. records of the deceased's bank accounts showed no transactions other than overdraft and interest fees after 11 March 2016;<sup>35</sup>
- g. the Australian Federal Police and missing persons units in all States have had no contact with the deceased;<sup>36</sup>
- h. there were no unidentified bodies or remains at the State Mortuary which could be the deceased;<sup>37</sup> and
- i. the Department of Corrective Services had no records of the deceased being in custody.

37. Public awareness strategies were implemented by police by:

- a. disseminating a state-wide broadcast on 2 April 2016,
- b. issuing a media release on 7 April 2016, with the deceased's disappearance featuring on several news and police media outlets;
- c. adding the deceased's image and profile to the National Missing Persons Coordination Centre and Crime Stoppers websites on 10 May 2016; and
- d. disseminating a National Missing Persons poster in October 2016, with the deceased featuring on it.

38. In March 2018 the two women who had spoken to the deceased at Fays Bay saw the National Missing Persons poster and contacted Crime Stoppers. They provided

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<sup>33</sup> Exhibit 1, Tab 13

<sup>34</sup> Exhibit 1, Tab 14

<sup>35</sup> Exhibit 1, Tabs 15 and 16

<sup>36</sup> Exhibit 1, Tab 10

<sup>37</sup> Exhibit 1, Tab 2

evidence to investigators, including a photograph of the deceased taken shortly before he was last seen.<sup>38</sup>

39. Detective Senior Constable Hitchen noted that all possible avenues of investigation had been exhausted. He stated that, if the deceased had attempted to swim to the mainland as he indicated to the two women, predicting his movements and determining how far he would have swum before succumbing to fatigue, hypothermia or his state of mind would be almost impossible.<sup>39</sup>
40. Detective Senior Constable Hitchen concluded that the evidence suggested that it was unlikely that the deceased was still alive.<sup>40</sup>
41. Ms Hulett noted that she has the deceased's phone, laptop, passport, drivers licence and SmartRider in her possession, and his bank account, email, Facebook and other connections with the community have not been accessed since he went missing. She stated that the deceased was married and had a business, a new apartment and exciting plans for the future, so she did not believe that he had walked away from his life and was still alive.<sup>41</sup>

### **CONCLUSION AS TO WHETHER DEATH HAS BEEN ESTABLISHED**

42. I am satisfied that the deceased's death has been established beyond all reasonable doubt, having regard to the following circumstances
  - a. the deceased has made no contact with family or friends;
  - b. searches found no sign of the deceased;
  - c. the deceased had been struggling with drug and alcohol addiction and had developed drug-induced psychosis;

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<sup>38</sup> Exhibit 1, Tabs 2 and 6

<sup>39</sup> Exhibit 1, Tab 2

<sup>40</sup> Exhibit 1, Tab 2

<sup>41</sup> Exhibit 1, Tab 3

- d. the strongest likelihood is that the deceased entered the ocean in darkness, with the inherent dangers; and
- e. the deceased has had no interaction with authorities, financial institutions or phone providers.

### **THE CAUSE OF THE DEATH AND HOW DEATH OCCURRED**

- 43. There were several possible causes of the deceased's death. Ms Hulett hypothesised that he could have been swimming at night and was caught in a current which took him away from the island, he could have been overcome with cold, he may have been taken by sharks or he may have passed out from exhaustion while trying to swim to land. She noted that he may have also slipped and fallen into the ocean, where he drowned.<sup>42</sup> I agree that any of those events was possible.
- 44. I am satisfied that the deceased entered the waters of the Indian Ocean off Rottneest after which he died from an unknown cause.
- 45. There is some evidence which is consistent with the possibility that the deceased may have been considering suicide; for example, his ambiguous statements to the effect that he 'could not do this anymore' and that he 'had problems that he could not fix'.
- 46. But other evidence, notably the psychiatrist's assessment that the deceased was not suicidal when seen earlier in March 2016 and the women's description of his interaction with them, suggests otherwise. The photograph taken by one of the two women shows the deceased embracing the other woman in a friendly gesture that appears inconsistent, in my view, with a person contemplating suicide.
- 47. While it is not possible to determine the deceased's state of mind as time passed after he was last seen,

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<sup>42</sup> Exhibit 1, Tab 3

particularly given his intoxication and possible psychosis, on balance I am satisfied that, when he entered the water, he had not intended to end his life.

48. I find that death occurred by way of misadventure.

### **CONCLUSION**

49. While, on the basis of the limited evidence available to me, I am unable to form any considered view as to the deceased's character, the impression I have is that he was a personable, vibrant man with a passionate approach to aspects of life which interested or challenged him, of which there were many.

50. Unfortunately, the deceased was afflicted with depression and alcohol and drug addiction. Despite the opportunity afforded by extended rehabilitation and the ongoing support of his wife and family, he was unable to beat that addiction entirely and, as a result, made apparently impulsive choices which cost him his life.

B P King  
Deputy State Coroner  
1 August 2019