
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : SARAH HELEN LINTON, ACTING STATE CORONER
HEARD : 8 MAY 2025
DELIVERED : 28 MAY 2025
FILE NO/S : CORC 3315 of 2024
DECEASED : TOLLI, IAN STEVEN

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Senior Constable C Robertson assisted the Coroner.

Case(s) referred to in decision(s):

Nil

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Sarah Helen Linton, Acting State Coroner, having investigated the disappearance of **Ian Steven TOLLI** with an inquest held at **Perth Coroners Court, Court 85, CLC Building, 501 Hay Street, PERTH**, on 8 May 2025, find that the death of **Ian Steven TOLLI** has been established beyond all reasonable doubt and that the identity of the deceased person was **Ian Steven TOLLI** and that death occurred on **15 December 2020** at **waters of the Indian Ocean off the coast near Point Peron**, from an unknown cause in the following circumstances:*

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INTRODUCTION

1. Ian Steven Tolli (Mr Tolli) was last confirmed to be alive on the afternoon of Tuesday, 15 December 2020, when he left his home in Medina to drive to Point Peron to go kayaking. He parked his car in the carpark at Point Peron and went out onto the water in his kayak. Witnesses saw him struggling to manage his kayak in the choppy, windy conditions. The witnesses observed he seemed to be intoxicated. It appears Mr Tolli fell out of his kayak soon after, somewhere off the coast of Point Peron. His kayak and oar were located by two members of the public in the ocean that afternoon and early the next morning respectively, but there was no sign of Mr Tolli.
2. Mr Tolli was reported missing to police late that evening by a housemate who became worried when he did not return home and he located Mr Tolli's car in the Point Peron carpark, with no sign of his kayak. A search coordinated by Water Police began just after midnight on 16 December 2020 and continued until darkness fell that evening, but Mr Tolli was not located. The police investigation found no evidence to suggest Mr Tolli ever returned to shore. His family and friends have told police they believe he is deceased.
3. A report in relation to Mr Tolli's disappearance was later referred to the State Coroner. On the basis of the information provided by the WA Police in relation to Mr Tolli's disappearance, I determined that pursuant to s 23 of the *Coroners Act 1996* (WA), there was reasonable cause to suspect that Mr Tolli had died and his death was a reportable death. I therefore made a direction that a coroner hold an inquest into the circumstances of the suspected death.¹
4. I held an inquest at the Perth Coroner's Court on 8 May 2025. The inquest consisted of the tendering of documentary evidence compiled during the police investigation conducted into Mr Tolli's disappearance, as well as hearing evidence from Detective Senior Constable Ellie Wold (Detective Senior Constable Wold) from the WA Police Missing Person Unit, Homicide Squad. Detective Senior Constable Wold did not prepare the report to the State Coroner, but was able to speak to the report and clarify some matters at the hearing.²
5. At the conclusion of the inquest, I indicated that I was satisfied beyond reasonable doubt that Mr Tolli was deceased and that he died sometime around 2.00 pm on 15 December 2020 in the waters off Point Peron. I set out below what evidence is available about the circumstances of his death to assist me in reaching any conclusions possible as to the cause and manner of his death.

BACKGROUND

6. Mr Tolli was born on 16 February 1966 in England and grew up with his parents and two sisters. Mr Tolli moved to Australia at a young age, where he lived for the rest of his life. He never married and had no children. After leaving school Mr Tolli did a

¹ Section 23 *Coroners Act* Direction of A/State Coroner Linton.

² T 6.

carpentry apprenticeship and he also developed mechanical skills fixing motorcycles, which he enjoyed riding. He loved the ocean and had spent time surfing as a young man. It appears he turned to kayaking as he got older.

7. Both of Mr Tolli's parents were deceased at the time of his disappearance. He had received approximately \$100,000 from his parents' estate, which he put towards a house he purchased in Medina. The division of the estate had been contested by one of his sisters, Kathryn, which had led to his estrangement from that sister. However, he remained close to his other sister, Ann. Mr Tolli didn't own a phone or a computer, so he kept in contact with Ann by mail and Mr Tolli also made the occasional phone call to Ann from a public phone.³
8. Mr Tolli had stopped working as a carpenter about eight years prior to his death after he was diagnosed with thyroid cancer in 2013. His cancer, and its treatment, had left him with ongoing oral issues that affected his speech.⁴ The cancer had taken its toll on Mr Tolli and he had written to his sister about his ongoing pain and difficulties eating, including loss of the sense of taste, which resulted in him losing weight and falling into drug use. He had been assaulted by a person associated with a housemate a few months before he disappeared and suffered a broken jaw, which also made speech difficult. Mr Tolli also had ongoing hip issues and required a hip replacement.⁵
9. At the time of his disappearance, Mr Tolli was living in a shed at his property in Medina. A number of associates lived in the house and also in a caravan at the property. Mr Tolli's family believed that others took advantage of his kind nature and there was a criminal element associated with some of the housemates that caused some concern. Mr Tolli's sister Ann had encouraged him to evict the various housemates and take back control of his house and his life again. He hadn't managed to do so prior to his disappearance, but it appears he was planning to attempt it the following year, which would then enable him to sell his house and move down south.⁶
10. Ann told police that her brother had never mentioned any thoughts of suicide to her, but she would not have been surprised to receive a call one day informing her he had taken his own life, due to his ongoing pain and the difficult state of his life.⁷
11. Mr Tolli rang Ann for the last time from a public phone box on Monday, 14 December 2020, which was the two year anniversary of their mother's death. She told police that the call was "strange"⁸ and she recalled he sounded "very down"⁹ so she tried to cheer him up. The conversation was difficult due to his speech issues, but she understood he said something about sending her his superannuation papers. Mr Tolli had told Ann she was his power of attorney and she had been nominated as

³ Exhibit 1, Tab 17.

⁴ Exhibit 1, Tab 25.

⁵ Exhibit 1, Tab 17 and Tab 28.

⁶ Exhibit 1, Tab 17 and Tab 28.

⁷ Exhibit 1, Tab 17.

⁸ Exhibit 1, Tab 17, p. 8.

⁹ Exhibit 1, Tab 17, p. 5.

executor of his will, but she didn't have the paperwork and she thought he might be referring to sending these documents, or possibly some new paperwork. That was the last time she had contact with her brother.¹⁰ While the discussion about the paperwork could, in hindsight, have suggested Mr Tolli was having suicidal thoughts, it may also have related to his known significant health issues and general decline in health at that time.¹¹

12. Mr Tolli had one close friend, Michael Jones (Mr Jones), who he had known for many years. They usually saw each other once or twice a week as they lived around the corner from each other. Mr Jones had supported Mr Tolli during his throat cancer treatment, taking him to medical appointments and also being his phone contact to manage appointments since Mr Tolli didn't have a phone. He also supported Mr Tolli following the death of Mr Tolli's mother and the issues with her estate.¹²
13. Mr Jones told police that other than when he was undergoing his cancer treatment and related surgeries, Mr Tolli generally kept fit and would regularly ride his bike around his local area and as far as Fremantle and Rockingham. He was no longer working, due to his health issues, and received a pension, which he supplemented by taking odd jobs and reselling items he collected from bulk rubbish collections. Mr Jones believed this was how Mr Tolli came to be in possession of the orange kayak. He had given the kayak to Mr Jones as repayment for a debt he owed. It was in reasonable condition for its age, without any major cracks or dents, and Mr Jones had been intending to clean it up and take it out on the water. However, before he got started, Mr Tolli borrowed it back off him. This occurred between two and four weeks before Mr Tolli's disappearance. Mr Jones recalled that Mr Tolli asked if he could borrow the kayak and take it out for a paddle. Mr Jones was happy to lend it, as he still hadn't used it. He also lent Mr Tolli a self-inflating life jacket. Mr Tolli said he had his own paddle.¹³
14. Mr Jones described his friend as "a bit of a risk taker,"¹⁴ citing injuries Mr Tolli had sustained riding motorcycles and incidents when he had got lost while riding. Therefore, before Mr Tolli took the kayak out for the first time, Mr Jones gave him some advice not to take it out past the north cardinal marker of Garden Island. If he went any further than that, he would need to have all the safety gear with him, such as a radio, life jacket and an EPIRB, due to marine safety requirement for unprotected waters. Mr Tolli responded, "Yeah, she'll be right."¹⁵
15. Mr Jones was aware Mr Tolli took the kayak out soon after borrowing it. He told Mr Jones while he was out some guys in a boat had offered to give him a lift, which suggested he may have been struggling a little in the water, but otherwise Mr Tolli said he had enjoyed himself. Mr Jones wasn't sure whether Mr Tolli took the kayak

¹⁰ Exhibit 1, Tab 17.

¹¹ T 11.

¹² Exhibit 1, Tab 15.

¹³ Exhibit 1, Tab 15.

¹⁴ Exhibit 1, Tab 15 [52].

¹⁵ Exhibit 1, Tab 15 [51].

out again before 15 December 2020, although another friend later suggested he might have taken it out about five times in total.¹⁶

16. Mr Jones saw Mr Tolli a couple of times in the week before he disappeared. On one occasion, Mr Tolli rode over to Mr Jones' house and they had a beer together. Mr Tolli was complaining about his housemates not paying their bills, which was a regular complaint. Mr Jones got the impression that his friend liked to come over to get away from the difficult environment at his own house due to the number of boarders there. Other than the usual complaints about his boarders, Mr Tolli seemed to be in good spirits and did not appear depressed. He had never mentioned to Mr Jones having any thoughts of suicide or self-harm, even when going through cancer treatment or after his mother died.¹⁷
17. Mr Jones told police that Mr Tolli was a regular drinker of alcohol, but he only ever drank a few beers at one time and he never appeared drunk.¹⁸

SIGHTING OF MR TOLLI LAUNCHING HIS KAYAK

18. Three female friends went to Point Peron between 12.30 pm and 1.00 pm on 15 December 2020 with a plan to go for a swim. When they arrived at the carpark, they noticed a male trying to get his red/orange kayak off his light-coloured vehicle, which was parked in the first bay, closest to the beach. One of the women recalled he had a black oar and couldn't remember seeing a lifejacket. Another woman recalled the oar was white, but she also did not see a lifejacket. They described the male as around 50 years old, short in height, skinny and with tanned skin and brown-coloured hair (a description which generally matched Mr Tolli). He was wearing shorts and a singlet/tank top. The witness recalled he seemed to be in a happy mood and appeared to be intoxicated, based on the manner of his speech, his erratic actions and the fact he was drinking a beer when they observed him. However, it may be that his speech issues could have been misinterpreted.¹⁹
19. The three women offered to give Mr Tolli a hand getting the kayak off the roof of the car as he seemed to be struggling.. He responded, "Nah I'll be alright, I do it all the time."²⁰ One of the women queried whether it was safe for him to go out and he replied that he "was going to try and make it around Garden Island."²¹ She told him that she had seen a weather report that the winds were going to get worse and he might not make it back. The women then left him still in the carpark and went for a swim.²²
20. While swimming in the water, the women saw Mr Tolli paddle past them on his kayak. He was holding a beer up as he went past. The woman who had cautioned him about the winds made a comment to her friends, "Oh there he goes, he's not

¹⁶ Exhibit 1, Tab 15 and Tab 16.

¹⁷ Exhibit 1, Tab 15.

¹⁸ Exhibit 1, Tab 15.

¹⁹ Exhibit 1, Tab 9 and Tab 10.

²⁰ Exhibit 1, Tab 9, [20].

²¹ Exhibit 1, Tab 10 [22].

²² Exhibit 1, Tab 9 and Tab 10.

coming back in those winds.”²³ She later told police she thought, when making the comment, that the kayaker would get stuck on Garden Island. They last saw him paddling away in a northerly direction. One of the women took some pictures of him as he left, which she provided to police. She later saw a photo of Mr Tolli and identified him as the person she had seen that day. When the women left Point Peron at around 3.00 pm, they noticed the kayaker’s car was still in the carpark.²⁴

21. Another woman went to the Point Peron carpark that afternoon as she had read a report of a large shark in the area and wanted to see it. She went to the beach and saw a dorsal fin about 100 metres from shore, which appeared to be consistent with the report of a 2.5 metre shark sighted in the area. She could see the shark clearly as the water was calm at that time and very clear. After the shark headed further out, the woman returned to the carpark and saw a man with an orange kayak next to a small silver car. The car was parked in the bay closest to the beach. The man’s description matches that of Mr Tolli. The woman warned him there was a shark in the water but he did not respond. The woman left the area and did not see the man again. However, the next day she saw a post about a missing kayaker at Point Peron, so she returned to the carpark and saw that the kayaker’s silver Mitsubishi Lancer was still parked in the same car bay. She then made a report to the police and provided the registration number of the vehicle. The woman also later saw a photograph of Mr Tolli and identified him as the same person she spoke to in the carpark that day.²⁵

SIGHTINGS OF MR TOLLI IN THE WATER

22. An Australian Defence Force (ADF) worker was riding his motorcycle at around 2.30 pm on 15 December 2020, heading home after working at Garden Island. He was on the high level bridge travelling from Garden Island to the mainland when he noticed a person in an orange kayak on the seaward side of the bridge. The person, whom he assumed was male, was wearing a white or light-colour t-shirt and had a white paddle. The ADF worker did not observe a lifejacket on the male person. The ADF worker estimated the kayaker was in a position about 300 metres seaward, on the western side of the sea wall near the bridge. He told police he took notice of the kayaker as he didn’t often see kayakers out that far, particularly when it was windy, as it was that day. The ADF worker noticed the kayaker appeared to be struggling with paddling in the wind, paddling only on his left side as if he was attempting to turn right/south. The ocean was pretty choppy and there were white caps on the waves. No other boats or watercraft were present near the kayak.²⁶
23. The kayaker appeared to the ADF worker to be moving forward, but it looked like it was taking a lot of effort for the kayaker to maintain his course, which seemed to be towards the boat ramp where the Navy Association and Sea Rescue are based at the mainland end of the causeway. The worker continued riding, and when he reached the end of the bridge he could no longer observe the kayaker as he was behind him and the sea wall blocked any view of his location. He did not raise the alarm at that

²³ Exhibit 1, Tab 9 [29].

²⁴ Exhibit 1, Tab 9, Tab 10 and Tab 22.

²⁵ Exhibit 1, Tab 11.

²⁶ Exhibit 1, Tab 5.

time, as although the kayaker had appeared to have been struggling a little, he was still making progress towards the boat ramp and it had appeared he was fine. However, the next morning, the worker heard on the radio that a kayaker had gone missing the day before. He was heading to Garden Island to go to work but diverted his course to go to the Marine Rescue base and reported to them his sighting of a person kayaking in the water the day before, then relayed the same information to a member of the Water Police.²⁷

24. Another member of the armed services was also driving on the bridge around 2.30 pm and saw a kayaker in an orange kayak in the water on the eastern side of the bridge, nearest to the mainland. The kayak was heading back towards the shore alongside the bridge. The witness noted the weather was really windy and he thought the waves were a bit choppy for a kayaker to be on the water. However, despite the conditions, the kayaker did not appear to be struggling in any way. The witness was staying in Point Peron that night and overheard a low flying helicopter performing the search for Mr Tolli the next morning. He thought they might be searching for someone and found out in the morning that the helicopter had been searching for a missing kayaker, so he reported to police what he had seen to assist with the search.²⁸
25. Similarly, a tradesman working at Garden Island that day saw a kayaker at about 2.40 pm while on the bridge. The tradesman noticed there was a big swell and strong winds from the southwest. The kayak was being blown about and hit by the waves from behind and to the side and it was heading in a south easterly direction towards the bridge. He observed the person paddling the kayak appeared to be a male with no shirt on, but wearing a wide brimmed hat. The tradesman had some experience kayaking on a similar watercraft and knew how hard it would be to paddle in those conditions, so he was not surprised to see the kayaker appeared to be struggling. The tradesman continued driving and lost sight of the kayaker as he passed over the bridge.²⁹
26. Another witness working at Garden Island that day provided a similar account to police when they heard about the search for a missing kayaker. They appeared to think the kayaker was struggling in the difficult environmental conditions but was making his way back to shore, so did not feel any need to raise the alarm.³⁰

DISCOVERY OF THE KAYAK AND PADDLE

27. A tug boat captain was driving his vessel at around 3.45 pm on 15 December 2020. He was making his way to a bulk cargo jetty in Kwinana and was due north of the BP refinery in Kwinana when he spotted a kayak in the water, approximately 300 metres offshore. The kayak was orange and in fairly good condition. There was no paddle/oar attached. The captain pulled the kayak aboard and noticed a lifejacket stowed in the compartment towards the back of the kayak. There were also two bottles of water in the kayak. Given the paddle was missing, the tug boat captain

²⁷ Exhibit 1, Tab 5.

²⁸ Exhibit 1, Tab 6.

²⁹ Exhibit 1, Tab 7.

³⁰ Exhibit 1, Tab 8.

assumed the kayak had simply blown off the beach or become detached from a boat. He marked the GPS location of where he had collected the kayak from the water and then left the area to complete his work. At the end of the day, he returned to the Jervois Bay Northern Harbour facility, where the boat is kept. He placed the kayak on the jetty and informed the Water Police. They did not appear overly concerned at the time he made his report. Later that evening, the tug boat captain was contacted by Water Police officers and asked for more detailed information, as by that time they were aware Mr Tolli was missing. He answered their questions and sent through some photos he had taken of the kayak. The following day, he directed the police to the kayak, which was then seized by police. The kayak was later identified by Mr Jones as the one he had lent to Mr Tolli.³¹

28. At about 4.30 am on Wednesday, 16 December 2020, a plumber left home to go and pull some cray pots he keeps behind Garden Island. While driving to Woodman Point to launch his boat, the plumber overheard on the radio the news that a kayaker was missing from Point Peron. He launched his boat at Woodman Point Boat Ramp with the help of a friend and the two men headed out into the ocean. On the way, they saw a paddle floating in the water. Given the news of a missing kayaker was fresh in their minds, they stopped and retrieved the paddle from the water. They then marked the location and called police to notify them, in case the paddle belonged to the missing kayaker. After checking his cray pots, the plumber returned to shore and handed the paddle to a volunteer at the Marine Rescue facility near Garden Island at the request of Water Police. He also emailed photographs of the paddle to police.³²
29. Two other men also went out to pull cray pots that morning at about 7.00 am. The pots were located in the Point Peron area. They had parked their boat and pulled some pots when one of them observed something floating in the water. He called out to the other man and they both took a brief look over at it, but they did not try to retrieve it and returned their attention to the work of pulling the pots. After returning home, both men became aware a person had gone missing from a kayak in the relevant area. After speaking to each other, both men agreed the object they had seen floating in the water may have been a human body part (likely part of a leg) and could have been related to the missing kayaker. They had noted it had torn parts at the end and had observed a large number of sharks around the object in the water that morning. They both contacted police to pass on the information. A Polair helicopter was sent to the area but no such item could be located.³³

MISSING PERSON REPORT

30. Richard Clydesdale (Mr Clydesdale) was one of Mr Tolli's housemates at the time of his disappearance. He had been living in the front room of Mr Tolli's house for about two years, but had known Mr Tolli for about 15 years. They would chat most days, although Mr Tolli slept in his shed out the back of the house. Mr Clydesdale was aware Mr Tolli had been diagnosed with cancer of the jaw but he understood that

³¹ Exhibit 1, Tab 12, Tab 15 [41] and Tab 23.

³² Exhibit 1, Tab 13.

³³ Exhibit 1, Tab 3, Tab 14, Tab 19 and Tab 21.

Mr Tolli had been in remission for about two years prior to his disappearance and he thought that Mr Tolli was in generally good health in late 2020.³⁴

31. Mr Clydesdale last saw Mr Tolli on 15 December 2020. He recalled that Mr Tolli came to his room at about 1.00 pm and asked for his help to carry the red kayak from the back garden to his car, which was parked on the front lawn. Mr Tolli was wearing a bright pink and red Hawaiian print short sleeve shirt, boardshorts and a pair of black and white thongs at the time. Mr Clydesdale helped carry the kayak out to Mr Tolli's silver Mitsubishi Lancer and they lifted the kayak up and put it on the roof. After securing the kayak on the roof, Mr Tolli sprayed himself with insect repellent then reversed his car out of the driveway and drove away. Mr Tolli had taken the kayak out about five times by that stage, so Mr Clydesdale was not concerned and expected to see him return at around 4.00 pm that day, as usual.³⁵
32. When Mr Tolli had not returned home by about 10.00 pm, Mr Clydesdale became worried. He checked with the other housemates, but none of them had seen Mr Tolli. Mr Clydesdale then asked a friend to drive him to Point Peron to see if they could find Mr Tolli, as Mr Clydesdale thought that was where he would have gone. When they got to the Point Peron carpark, Mr Clydesdale saw Mr Tolli's car was still parked at the far end of the carpark. There was no sign of the kayak and the car was locked. When he looked inside the car windows with his torch, he observed the straps that had been used to secure the kayak to the roof, along with Mr Tolli's Hawaiian shirt that he had been wearing that day. Mr Clydesdale and his friend went for a short walk around the area to see if Mr Tolli was nearby, then they got back in the car and drove to Rockingham Police Station in order to report Mr Tolli missing. The police report was received at 11.53 pm on 15 December 2020.³⁶
33. Mr Clydesdale knew Mr Tolli was a good swimmer, so he was still hopeful that Mr Tolli would turn up. He told police he returned home and stayed up most of the night waiting for Mr Tolli to return, but he never came home.³⁷

THE SEARCH

34. Water Police were informed of Mr Tolli's disappearance while kayaking at Point Peron. The Water Police Coordination Centre coordinated an emergency response. Sergeant Craig Anderson (Sergeant Anderson) was the on-duty Search and Rescue Mission Coordinator and he was recalled to duty at 12.42 am on 16 December 2020 and instructed to assume the initial coordination of the search for Mr Tolli. Sergeant Anderson was already aware that a tugboat skipper had found an unattended kayak on the afternoon of 15 December 2020, and he immediately assumed that the kayak found was the one used by Mr Tolli, which proved to be correct. Sergeant Anderson calculated that for the kayak to be located where it was

³⁴ Exhibit 1, Tab 16.

³⁵ Exhibit 1, Tab 16 and Tab 18.

³⁶ Exhibit 1, Tab 3, Tab 17, Tab 18 and Tab 21.

³⁷ Exhibit 1, Tab 16.

found, Mr Tolli must have become separated from it towards the causeway opening, which put him in unprotected waters from the outset.³⁸

35. Police were informed Mr Tolli usually took a lifejacket with him, but didn't usually wear it. The tug boat captain advised he had found a lifejacket tied to the kayak, which confirmed the suspicion Mr Tolli was not wearing a personal flotation device.³⁹
36. Based on the known information, it appeared that Mr Tolli had been in the water since approximately 3.00 pm and Sergeant Anderson determined an emergency response was required. The focus of his initial emergency deployment of assets was an intensive air and surface search of the water and coastline west of the Garden Island Causeway. This was based on the hope that Mr Tolli may have swum to the rocky groins of the causeway, or alternatively have made it to land heavily fatigued and unable to seek help.⁴⁰
37. Local police were requested to begin conducting foot patrols of the beach in the Point Peron area and they also confirmed Mr Tolli's car was in the carpark,⁴¹ as reported. Another vehicle was parked in the carpark and the occupant of the vehicle was woken up and questioned. They advised they had not seen or heard anyone in the area for many hours.⁴² Other police were sent to conduct land searches near the southern end of Garden Island.⁴³
38. Enquiries were made with local hospitals, which confirmed Mr Tolli had not been admitted for medical treatment.⁴⁴
39. A WA Police Polair helicopter began an intensive air search of the water area west of the Garden Island Bridge until they exhausted their flight time at 2.15 am. They reported sighting nothing of interest. They were replaced by a Rescue helicopter crew, who took over the search from the air, with guidance from Sergeant Anderson on the most likely areas of detection based on drift modelling.⁴⁵
40. Marine Rescue Rockingham were asked to conduct a surface search of the water in the same area, and they had launched their vessel, Orion, by 1.21 am. They were joined by Water Police officers in a fast response vessel. The conditions on the water were reported to be dangerous, which made searching the western side of the causeway difficult. Two further marine vessels were requested to go out and assist.⁴⁶

³⁸ Exhibit 1, Tab 3.

³⁹ Exhibit 1, Tab 18.

⁴⁰ Exhibit 1, Tab 3.

⁴¹ Exhibit 1, Tab 20 and Tab 24.

⁴² Exhibit 1, Tab 18 to Tab 21.

⁴³ Exhibit 1, Tab 3.

⁴⁴ Exhibit 1, Tab 3 and Tab 18.

⁴⁵ Exhibit 1, Tab 3.

⁴⁶ Exhibit 1, Tab 3.



41. First light broke around 4.35 am across the search area, which allowed for an increase in the vessel sweep width and other vessels joined the search, including jet skis, and fresh crews replaced those out overnight.⁴⁷
42. The Joint Rescue Coordination Centre in Canberra assisted with drift modelling based on different scenarios, to ensure they were searching in the most probable areas where Mr Tolli might be found. The report received just before 6.00 am of the paddle being found by a member of the public was added in to the drift modelling, which also confirmed the search was focussed in the most probable area. As more information came in from members of the public, it was fed into the search, but nothing changed the general understanding that Mr Tolli had become separated from his kayak between Point Peron and Garden Island.⁴⁸
43. By 7.30 am on 16 December 2020, the search for Mr Tolli had effectively become a search and recovery exercise, as there was no real prospect that Mr Tolli was still alive. However, all available air and surface assets were deployed in the hope that the estimates were wrong, or missing some essential unknown element, and Mr Tolli would be found alive. Searches continued on land in addition to the marine search area, in case Mr Tolli had made it shore alive, or alternatively if his body had washed ashore.⁴⁹
44. Sergeant Anderson had ceased duty in the morning and when he returned to duty at 3.00 pm, weather conditions were deteriorating and the various search assets began to withdraw. There had been no sighting of Mr Tolli, but information had come in from a member of the public that an orange kayak with no paddler onboard had been sighted near Garden Island's rock area at approximately 2.20 pm on 15 December 2020. The waves were large and the kayak was quite close to the rocks

⁴⁷ Exhibit 1, Tab 3.

⁴⁸ Exhibit 1, Tab 3.

⁴⁹ Exhibit 1, Tab 3.

at the time it was sighted. This information narrowed the window of time for when Mr Tolli became separated from the kayak to around 2.20 pm the day before.⁵⁰

45. Sergeant Anderson held a briefing with Inspector Dean Snashall, who had assumed the role of Police Commander of the search, at 3.29 pm. It was agreed that the search and rescue would be suspended at 6.30 pm that evening if nothing of relevance was located. This decision was endorsed by the District Superintendent. Marine search vessels were stood down and shoreline searching continued until 6.30 pm, at which time the search was formally stood down.⁵¹
46. The following day a police vessel and helicopter were tasked with patrolling the coastal shoreline areas, which found nothing of interest, so the search was suspended indefinitely at 12.18 pm on Thursday, 17 December 2020.⁵²

EXPERT ANALYSIS

47. An on-water flotation test was conducted on the kayak by Senior Constable Brody Baker (Senior Constable Baker) at the Water Police Base. Senior Constable Baker has extensive history of elite paddling. He has represented Western Australia at national events in sprint kayaking, as well as participating in high level surf ski paddling events and the Avon Descent. It was noted that at the time Senior Constable Baker tested the kayak, the conditions were calm, but consideration was given to how the kayak would perform in the challenging weather conditions reported for the day Mr Tolli went missing.⁵³
48. It was noted the kayak is designed to be used in open water and it was generally stable and did not leak. However, when turning, the kayak became less stable and more susceptible to capsize. The kayak did not have a paddle lanyard to attach the paddler to the kayak, so if it capsized, the paddler could become disconnected from the kayak.⁵⁴
49. Senior Constable Baker concluded that the most probable outcome, based on the known circumstances and the kayak's properties, was that Mr Tolli paddled offshore with the wind behind him and headed out of the protection provided by the shore and became overcome by the sea conditions. He then attempted to turn the kayak back to shore, and in doing so has caused the kayak to become side on to the waves whilst only paddling on one side. Given the rough sea state, Mr Tolli has then become unbalanced, capsizing the kayak and throwing Mr Tolli into the water. If Mr Tolli did not react quickly, the kayak would likely have been blown out of his reach by the wind at a speed possibly faster than he could swim. He would have had to make a decision to either leave the paddle and try to swim after the kayak or stay with the paddle. Even if he had managed to stay with the kayak after capsizing, Mr Tolli would have struggled to right the kayak due to its weight and the sea conditions

⁵⁰ Exhibit 1, Tab 3.

⁵¹ Exhibit 1, Tab 3.

⁵² Exhibit 1, Tab 3.

⁵³ Exhibit 1, Tab 4.

⁵⁴ Exhibit 1, Tab 4.

working against him. If he was able to right the kayak, it would take a high degree of skill to climb back on, especially if he was to maintain control of the paddle in the process, and if he was affected by alcohol then this would have been even more difficult to achieve. His lifejacket was in the kayak, so he could not access it once he was in the water, and without a personal flotation device, he would have become overwhelmed by the rough sea conditions.⁵⁵

50. Dr Paul Luckin (Dr Luckin) is a medical expert with significant experience in estimating time of survival in search and rescue matters. Dr Luckin fills the role of medical advisor to the Australian Maritime Safety Authority and state policing jurisdictions throughout Australia and he was consulted by the WA Water Police at an early stage of this search. Based upon the known information, including that Mr Tolli would likely have already been exhausted from kayaking in rough sea conditions before he parted from the kayak and he was not wearing a lifejacket, Dr Luckin indicated that he thought Mr Tolli was unlikely to have survived beyond about four hours in the water. However, allowing for all eventualities, Dr Luckin had advised the police that any small chance of survival would not extend beyond mid-morning on Wednesday, 16 December 2020.⁵⁶

RECENT POLICE REVIEW

51. Police did receive some information from two prisoners suggesting they had information that Mr Tolli had met with foul play and his disappearance had been faked. Police officers followed up by interviewing the two people and found the information they provided was not credible and was likely to be influenced by their desire to be given credit for assisting police in their own criminal matters.⁵⁷ Police have found no reliable evidence of any suspicious circumstances in connection with Mr Tolli's disappearance. Independent eyewitness accounts place him clearly at Point Peron on a kayak on the afternoon of 15 December 2020.
52. Standard 'proof of life' checks were conducted with government agencies and banking institutions and there were no new records to indicate Mr Tolli was alive after 15 December 2020.⁵⁸
53. The unidentified human remains register has been checked and there are no matches with Mr Tolli. DNA samples from Mr Tolli's property and family members and his dental records are held by the police, in the unexpected event further remains are located that may relate to Mr Tolli.⁵⁹
54. Although Mr Tolli's sister had expressed some concern that her brother had seemed down when they last spoke and she had some worries that he might have had occasional suicidal ideation, his friend Mr Jones recalled that Mr Tolli had generally been in good spirits before his disappearance and had never given him any reason to

⁵⁵ Exhibit 1, Tab 4 and Tab 21, p. 6.

⁵⁶ Exhibit 1, Tab 3 and Tab 19, p. 19.

⁵⁷ Exhibit 1, Tab 2, p. 4 and Tab 21.

⁵⁸ Exhibit 1, Tab 2.

⁵⁹ Exhibit 1, Tab 2.

suspect he might harm himself. Mr Jones told police he believed it was far more likely his friend “got himself into a bit of strife and either fell off or maybe he was bumped by a shark.”⁶⁰

55. After the search was concluded, responsibility for the investigation of this matter transitioned from Water Police to the Homicide Squad Missing Person Team. Detective Senior Constable Paul Ayton became the investigating officer for this matter and he prepared a final report to the State Coroner. Detective Senior Constable Wold spoke to that report at the inquest and confirmed there is no reliable evidence that another person was involved in Mr Tolli’s death and the extensive witness evidence strongly supports the conclusion Mr Tolli died in the water on the afternoon of 15 December 2020.⁶¹

CONCLUSION

56. I am satisfied beyond reasonable doubt that Mr Tolli died on the afternoon of 15 December 2020 in the ocean off Point Peron.
57. His cause of death was possibly due to drowning, but there is insufficient evidence for me to be able to be satisfied of the specific cause of death on the balance of probabilities. It is also quite possible he suffered an injury that could have contributed to his death, and he may also have been the victim of marine predation, given the evidence of sharks being seen in the area at the time he went out on the water and the evidence of what the fishermen pulling craypots saw the following day.
58. As to the manner of death, I am satisfied there is no evidence of criminality and no evidence to suggest Mr Tolli had an intention to end his life at the time he went out on the water. He had faced a number of recent challenges but was generally described as being in a positive frame of mind, with plans for the future. I am satisfied on the balance of probabilities that Mr Tolli died by way of accident, although the exact circumstances are unknown.
59. My findings will not come as any surprise to Mr Tolli’s family, noting his next of kin have already been involved in Supreme Court proceedings prior to this matter, during which the Supreme Court Registrar reached similar conclusions on the papers.⁶²

S H Linton
Acting State Coroner
28 May 2025

⁶⁰ Exhibit 1, Tab 15 [76].

⁶¹ T 14 – 15; Exhibit 1, Tab 3.

⁶² Exhibit 1, Tab 28; *Re Ian Steven Tolli; Ex Parte Tolli* [2023] WASC 71.