



*Western*

*Australia*

## **RECORD OF INVESTIGATION INTO DEATH**

*Ref No: 31/17*

*I, Evelyn Felicia Vicker, Deputy State Coroner, having investigated the death of **Nigel Paradine KITCHEN** and the suspected death of **Andrew Trevor HINDS**, with an Inquest held at Perth Coroners Court, Court 51, Central Law Courts, 501 Hay Street, Perth, on 7 August 2017 find:*

- 1. the identity of the deceased was **Nigel Paradine KITCHEN** and that death occurred on 29 May 2016 in the seas in the vicinity of Ningaloo Reef, Coral Bay; and*
- 2. the death of **Andrew Trevor HINDS** has been established beyond all reasonable doubt and that the identity of the deceased was **Andrew Trevor HINDS** and that death occurred on 29 May 2016 in the seas in the vicinity of Ningaloo Reef, Coral Bay;*

*in the following circumstances:-*

### **Counsel Appearing:**

Sergeant L Housiaux assisted the Deputy State Coroner

Mr G Paull (Cullen Macleod) appeared on behalf of Mrs T Kitchen

## **Table of Contents**

INTRODUCTION .....	2
BACKGROUND .....	3
<b>Mr Kitchen</b> .....	<b>3</b>
<b>Mr Hinds</b> .....	<b>4</b>
<b>The Vessel</b> .....	<b>5</b>
<b>Coral Bay</b> .....	<b>6</b>

29 MAY 2016.....	9
<b>Weather Conditions</b> .....	<b>11</b>
<b>Last Known Sighting</b> .....	<b>12</b>
<b>Location of Debris</b> .....	<b>14</b>
SEARCH OPERATION .....	15
<b>Monday 30 May 2016 (Day 2 of 5)</b> .....	<b>18</b>
<b>Tuesday 31 May 2016 (Day 3 of 5)</b> .....	<b>19</b>
<b>Wednesday 1 June 2016 (Day 4 of 5)</b> .....	<b>20</b>
<b>Thursday 2 June 2016 (Day 5 of 5)</b> .....	<b>22</b>
POST MORTEM EXAMINATION OF HUMAN ARM LOCATED ON 31 MAY 2016.....	23
CONCLUSION AS TO THE DEATH OF THE DECEASED .....	25
CAUSE AND MANNER OF DEATH .....	29
<b>Mr Kitchen</b> .....	<b>29</b>
<b>Mr Hinds</b> .....	<b>29</b>
RECOMMENDATIONS .....	30
<b>Recommendation No.1</b> .....	<b>31</b>
<b>Recommendation No.2</b> .....	<b>31</b>
<b>Recommendation No.3</b> .....	<b>31</b>

## **INTRODUCTION**

Shortly before noon on 29 May 2016 two friends, Andrew Trevor Hinds and Nigel Paradine Kitchen, were observed to leave the Coral Bay boat ramp on vessel “*Centrefold*”, registration AY378 (Centrefold). It is believed their intention was to “*fish the high tide*”, which occurred at 3pm that day. Neither of the men or the vessel were seen again.

An arm, later identified as belonging to Mr Kitchen, was located on 31 May 2016. The injury severing the limb would have been unsurvivable without medical intervention and it confirmed the death of Mr Kitchen, and supported the likelihood of the death of Mr Hinds.

Mr Kitchen was 50 years of age in May 2016.

Mr Hinds was 57 years of age in May 2016.

The death of Mr Kitchen and the suspected death of Mr Hinds were reported to the Office of the State Coroner (OSC) as reportable deaths. A death is defined in section 3 of the *Coroners Act 1996* (WA) (the Act) to include a suspected death.

Section 23 (2) of the Act directs that where the State Coroner has concluded the circumstances of a suspected death make it a reportable death, then an inquest must be held into the circumstances of the suspected death. The coroner needs to determine whether the death of that person has been established beyond all reasonable doubt. In addition, if possible, the coroner will examine how the death occurred and the cause of the death. By section 25 (1) of the Act a coroner also needs to determine those things for a known reportable death and consequently it was determined an inquest would be held into the death of Mr Kitchen and the suspected death of Mr Hinds (section 40 of the Act).

## **BACKGROUND**

### **Mr Kitchen**

Mr Kitchen was born on 29 March 1966 in the United Kingdom. He migrated to Australia in the late 1980's and met his wife in 1999. They married in 2000 and had two children, both sons. Mr Kitchen also had a daughter from a

previous relationship. Mr Kitchen was self-employed as a carpet cleaner and lived in Port Kennedy. At the time of his death he was separated from his current wife, but not divorced.

Mr Kitchen was described as an excellent fisherman and very competent around boats. He had three boats and had been fishing for over 20 years. He had a recreational skippers ticket since May 2006 and there were no recorded suspensions for that ticket. Mr Kitchen had joined the Rockingham Offshore Fishing Club in 2000 and the Mangles Bay Fishing Club in 2003 where he was a Weighmaster.

Mr Kitchen was familiar with Coral Bay. He had been fishing there for the last thirteen years, at the same time each year for approximately two weeks. Mr Kitchen had met Mr Hinds in approximately 2000, but they had become particularly friendly in the last 4-5 years before May 2016. They both belonged to the Mangles Bay Fishing Club and the fishing trip in May 2016 was arranged by that fishing club. Members attended as a group to camp and fish for recreation.<sup>1</sup>

### **Mr Hinds**

Mr Hinds was born on 16 November 1958 and originated from Carlton, Victoria. He had an adult daughter to whom he was very close. He was a chef by trade. Mr Hinds was

---

<sup>1</sup> Ex 1, tab 2

very health conscious, but also enjoyed socialising and entertaining with his cooking. He was a very keen fisherman, experienced mariner and would fish on the ocean multiple times a week. He had obtained his recreational skippers ticket in 2006 and had no recorded suspensions.

Similarly to Mr Kitchen, Mr Hinds was a member of the Rockingham Offshore Fishing Club and then the Mangles Bay Fishing Club when the two clubs amalgamated. He was a Weighmaster and Treasurer in the Rockingham Offshore Fishing Club and had fished in many competitions in Mangles Bay. He and Mr Kitchen regularly fished together, were good friends, and enjoyed fishing together.<sup>2</sup>

In 2016 Mr Kitchen and Mr Hinds had agreed they would travel together to Coral Bay and use Mr Hinds' new vessel, Centrefold, because it was lighter and cheaper to run, however, they used Mr Kitchen's vehicle to tow Centrefold. Members of the fishing club stated the pair would fish anywhere the fishing was considered to be good, including as far off shore as 40 miles.

### **The Vessel**

Centrefold was an Allison Walkaround (224) with a length of 8.2 metres. Centrefold was a vessel Mr Hinds purchased in 2016 and he had extensive maintenance conducted on

---

<sup>2</sup> Ex 1, tab 2

Centrefold in April 2016 to make sure it was seaworthy.<sup>3</sup> Its registration, AY378, was current and up to date as of May 2016.<sup>4</sup>

Centrefold was manufactured in Australia and first registered in Western Australia in July 1998. The design was appropriate for use in open waters as a recreational vessel, but its safety was dependent on many factors including the prevailing weather and sea state.<sup>5</sup>

Centrefold was equipped with a significant amount of safety equipment comprising two electronic position radio beacons (EPIRBs), two mobile telephones, a new sounder, a GPS Navman, a 27MHz very high frequency (VHF) two way radio and all the normal safety equipment.

### **Coral Bay**

Coral Bay is a very popular recreational spot for both tourists and fishermen, lying approximately 1100 kilometres north of Perth and 120 kilometres south of Exmouth, in Western Australia.

The shoreline in the vicinity of the settlement of Coral Bay has an extensive reef, Ningaloo Reef, which is Australia's only fringing reef. The reef extends from Exmouth in the north down to Quobba, north of Carnarvon in the south.

---

<sup>3</sup> Ex 1, tab 24

<sup>4</sup> Ex 1, tab 20

<sup>5</sup> Ex 1, tab 23

The reef protects the shoreline from the ocean, but passage out to sea for offshore fishing requires fishers to negotiate passages through the reef safely in order to fish the outer waters.

The settlement of Coral Bay has a local Volunteer Marine Rescue (VMR) crew comprised of permanent residents from the settlement. Access to the ocean is from the boat ramp which is approximately 2.5 kilometres south of the town site. Passage out to open water is usually achieved through the south passage, approximately two kilometres south of the boat ramp or the north passage, well north of Point Maud.

South passage is also known as Yalobia passage and the north passage, which is much wider, is known as Cardabia passage.

The waters within the reef are protected by the reef, but the drift of items in the water, both to the east and the west of the reef, tends to be in a northerly direction.

ANNEXURE 3 – Land Search Area 1 June

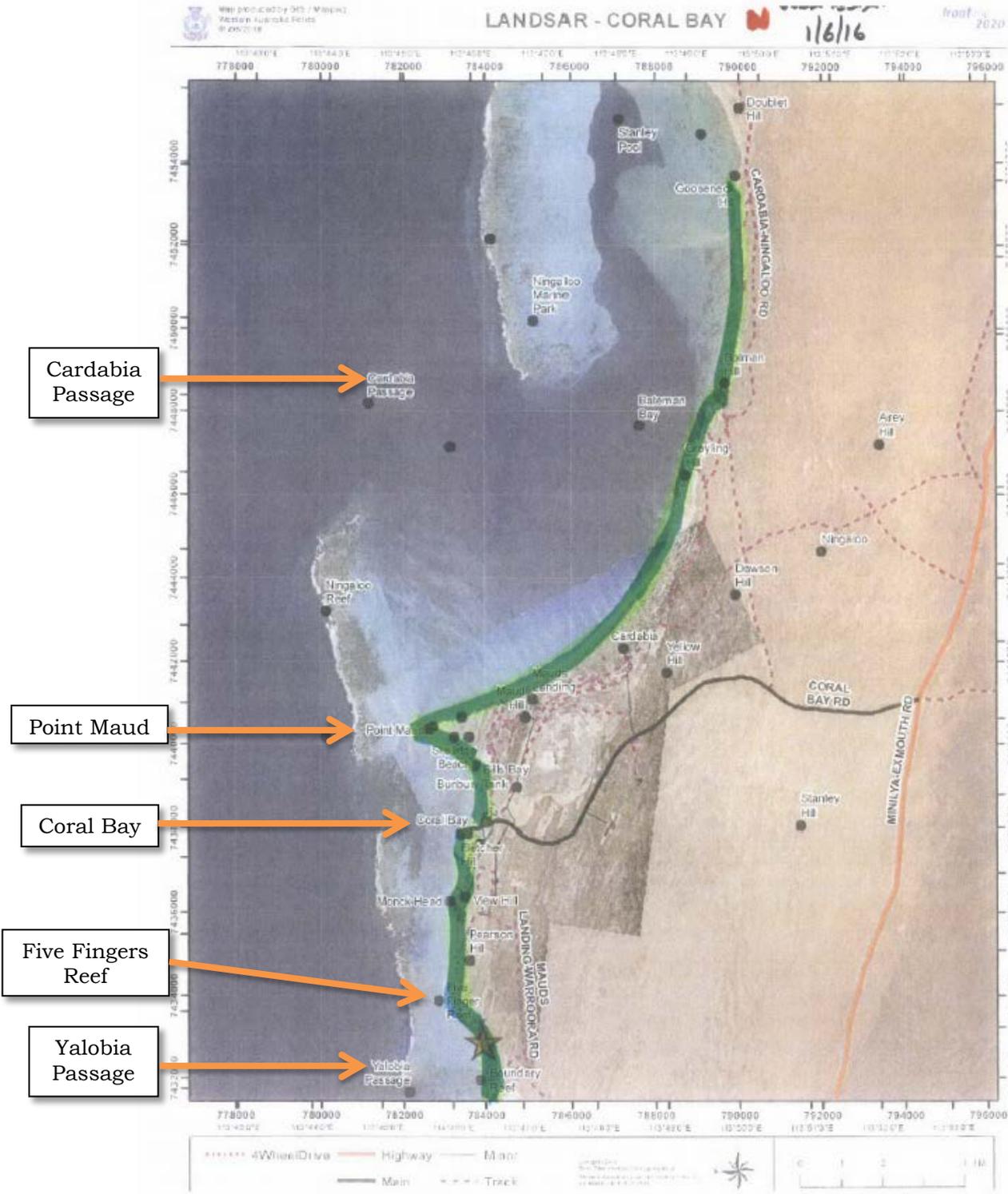


Exhibit 1, Tab 4, Annexure 3 – Land Search Area on 1 June 2016

Mr Kitchen and Mr Hinds left for Coral Bay on Thursday 19 May 2016 and stopped overnight on their way there. They arrived in Coral Bay and setup camp at the Coral Bay caravan park in the vicinity of others from the fishing club in the late afternoon of Friday 20 May 2016.<sup>6</sup>

The club members all stayed at the caravan park in a group although accessing different types of accommodation. Of that group those best known to the two deceased were Clive Marwood,<sup>7</sup> Andrew Scarfe,<sup>8</sup> Michael Fissiolo<sup>9</sup> and David Hilton<sup>10</sup>.

Both men were serious about fishing and would prefer to fish over other activities whenever they were able to access the fishing grounds. They were both regarded as very experienced and competent fishermen and boaters. It had been a successful trip and a majority of the group had fished well. They were relaxing towards the end of their trip.

### **29 MAY 2016**

The previous evening most of the group had eaten at the local hotel and then gone to the local backpackers to socialise. Of the two Mr Hinds was the bigger social drinker, while Mr Kitchen was more reserved and disliked

---

<sup>6</sup> Ex 1, tab 11

<sup>7</sup> Ex 1, tab 12

<sup>8</sup> Ex 1, tab 11

<sup>9</sup> Ex 1, tab 13

<sup>10</sup> Ex 1, tab 10

the effect of excessive alcohol. He would generally refrain from drinking to ensure he did not suffer a hangover.

On the morning of Sunday 29 May 2016 both Mr Hinds and Mr Kitchen were observed by their friends to be up and about and seemingly surprisingly well following the previous evening.<sup>11</sup> Mr Marwood observed Mr Kitchen cooking a barbeque breakfast and went over to talk to him about their intentions for the day's fishing. Mr Marwood advised Mr Kitchen he and Mr Scarfe were intending to go out fairly soon, but Mr Kitchen advised Mr Marwood they had not yet made up their mind, but would probably go out later to "*fish the high tide*". High tide on that day was at 3 pm.<sup>12</sup>

Mr Marwood and Mr Scarfe went out fishing and left from the boat ramp approximately 2.5 kilometres south of the town site at about 9.00 am. They decided to access the fishing grounds by using the northern Cardabia passage. The weather was not ideal and the weather forecast was for a high swell.

Mr Kitchen telephoned Mr Marwood at approximately 9.30 am as Mr Marwood was accessing the north passage to ask specifically about the conditions outside the reef. Mr Marwood advised Mr Kitchen the south passage was closed out, meaning the waves were of such a height and

---

<sup>11</sup> Ex 1, tab 13

<sup>12</sup> Ex 1, tab12

frequency it was difficult and dangerous to negotiate,<sup>13</sup> and advised him the swell required care and there was a fair bit of swell coming through the north passage. Mr Marwood advised Mr Kitchen he would be fishing approximately 1 km west of the north passage and that if they went out he would probably see them.<sup>14</sup>

Mr Scarfe knew Mr Hinds the better of the two deceased, and he had spoken with Mr Hinds on the morning of 29 May 2016 following their night out. Mr Hinds advised Mr Scarfe they had decided they would go trolling along the reef and Mr Scarfe replied he would probably see them out there. Mr Scarfe believed they left the campsite sometime after 10.30 am. It was Mr Scarfe's estimate he arrived at the boat ramp sometime between 11.40-11.50 am to go fishing, but decided it was too rough to go out. They returned back to camp and decided they would fish the following day.<sup>15</sup>

### **Weather Conditions**

The weather forecast for Coral Bay for Sunday 29 May 2016 was for south to south easterly winds of 15-20 knots. Seas 1-1 ½ metres, decreasing to 1 metre during the morning, then increasing to 1-1 ½ metres during the afternoon. The swell was a south westerly 2-3 metres, increasing to 2 and 2 ½ to 4 metres during the morning.<sup>16</sup> Experienced boaters understand that waves and swells up to twice the predicted

---

<sup>13</sup> † 07.08.17, p32

<sup>14</sup> Ex 1, tab 12

<sup>15</sup> Ex 1, tab 11

<sup>16</sup> Ex 1, tab 45

heights may occur infrequently with that type of forecast. For a predicted wave height of 1 - 1 ½ metres, 3 metre waves could occur and for a predicted swell of 2 metres, 4 metre swells can occur.

### **Last Known Sighting**

Mr Matthew Guidera is a member of the Coral Bay VMR crew. He had seen Centrefold in the week preceding the disappearance of Mr Kitchen and Mr Hinds, and had noticed the two men with the vessel in that week.

On 29 May 2016 Mr Guidera had been on a vessel which organised Mantra Ray tours and was driving that vessel back to the boat ramp when he saw the two men with Centrefold preparing it before leaving from the boat ramp. He estimated it was 11.45 am on 29 May 2016.<sup>17</sup>

Mr Guidera's last view of Mr Hinds and Mr Kitchen was that one of the two men was on Centrefold getting things ready, while the other man was walking down the boat ramp towards the Centrefold. Once Mr Guidera had put his vessel on the trailer, he turned around and noticed the two men were on board Centrefold and heading out on the water. Mr Guidera estimated the wind was north west west with a very big swell of 2-3 metres. The wind was at 10-15 knots and the swell was rising. On the tour he had just completed he had not been outside the reef, but stayed

---

<sup>17</sup> Ex 1, tab 14

inside because it was too rough. Mr Guidera did not consider that in the weather conditions he had just experienced the men on Centrefold would contemplate going outside the reef. He thought the weather was continuing to deteriorate.

Mr Hinds and Mr Kitchen had not logged their journey with the Coral Bay VMR group nor given any clear indication of where they intended to fish to the rest of their group, their decision making evidently relying upon the conditions as they saw them as they travelled.<sup>18</sup>

Mr Hilton's estimate of the time he and Mr Scarfe went to the boat ramp and decided the conditions were too rough was at approximately 12-12.20 pm. Mr Hilton described an attempt to telephone Mr Hinds and Mr Kitchen to ask them about the conditions. It was clear they were out on the water because the ute and trailer were at the ramp but not Centrefold. Mr Hilton described a lack of response on both of the deceaseds' telephones, nor were they able to raise them on the radio. Mr Hilton observed four or five boats on the eastern edge of the reef, trolling the back edge, but they could not see Centrefold. Neither Mr Scarfe nor Mr Hilton were particularly concerned about not being able to raise the deceaseds on the telephone or radio because it was not unusual not to get reception.<sup>19</sup>

---

<sup>18</sup> Ex 1, tab 16

<sup>19</sup> Ex 1, tabs 10 & 11

### *Location of Debris*

Mr Lynn Robinson is a resident of Coral Bay and employed as the skipper of a dive and snorkel tour operation.

On the afternoon of 29 May 2016 Mr Robinson had returned from the open ocean, through north passage, between 2.30 and 3.00 pm. He then skippered the inside of the reef looking for a good spot for the afternoon snorkel. Due to the swell and the conditions the visibility was poor and they decided they would not stop for a snorkel. Mr Robinson continued past the Coral Bay town site to an area known as Five Finger Reef. He then turned the vessel back towards the boat ramp, when he saw some debris in the water. He asked his decky to take the rubbish out of the water and noted it was vinyl covered plywood approximately 300mm x 600mm and blue and white in colour. He returned the vessel to the boat ramp at approximately 4.00 pm and told his decky to throw the debris into the bin.

Later that evening Mr Robinson received a message from the local VMR asking if he had seen Centrefold while out on the water because it was overdue. There were a few more telephone calls about the overdue vessel and a conversation about a flare which turned out to be a false alarm.

The next morning Mr Robinson was aware Centrefold had still not returned and recalled the debris he had asked his decky to dispose of in a bin.<sup>20</sup>

He rang Ms Sandra Lymbery, secretary treasurer and radio operator for the Coral Bay VMR and told her about the debris. Ms Lymbery managed to locate the debris which was taken into the VMR office and was later given to the police.<sup>21</sup>

That piece of debris was eventually put together with other pieces of debris located and identified by Ms Ann Sigley to belong to a boat she and her husband owned prior to April 2016 when they sold it. Ms Sigley advised the Allison Ocean Angler 244 had been bought by herself and her husband in 1999 and sold in April 2016.<sup>22</sup>

Other items of debris were also located that were identified by Mr Fissiolo as belonging to the two men.<sup>23</sup>

## **SEARCH OPERATION**

When the two men had not returned on Centrefold by the afternoon of 29 May 2016 their friends from the fishing club became concerned. Despite knowing how experienced the

---

<sup>20</sup> Ex 1, tab 15

<sup>21</sup> Ex 1, tab 15

<sup>22</sup> Ex 1, tab 9

<sup>23</sup> Ex 1, tab 13, tab 17

two were, it was unusual for them to stay out so late and the weather conditions were certainly not favourable.

Mr Marwood received a telephone call from the camp site advising him the men had not yet returned. Initially, Mr Marwood suggested they give them a little more time while he went down to the cleaning tables and around the town site to see if he could find them. He then drove to the boat ramp and found Mr Kitchen's car and Mr Hinds' boat trailer in the car park as the only car and trailer still in the parking lot. Although he understood the two men were prepared to fish a long way out and in deep water, he knew they should have been back by that time.

Sunset for Coral Bay on 29 May 2016 was at 5.47 pm.<sup>24</sup>

Mr Marwood believed the first call he made to the local VMR was at 6.00 pm, although a later search of the telephone records could not locate that call. It seems more likely it was at approximately 7.30 pm.

During that evening WAPol received three telephone calls concerning the deceased being overdue in Centrefold. They are recorded at 7.33 pm from Mr Marwood, 8.26 pm from Mr Fissiolo and 8.44 pm from Mr Scarfe. All those entries were for an overdue vessel.<sup>25</sup>

---

<sup>24</sup> Ex 1, tab 3

<sup>25</sup> Ex 1, tab 2

Members of the Mangles Fishing Club took it upon themselves to search different areas of the coast in an attempt to locate either of the deceased or signs of Centrefold.<sup>26</sup> Enquiries made of the Joint Rescue Coordination Centre in Canberra advised there were no active EPIRBs for that area during 29 May 2016.

Coincidentally, north west water police vessel Delphinus with five police officers on board was in the vicinity of Coral Bay that day. It was anchored at Mauds Landing and was tasked at 9.40 pm on 29 May 2016 to commence a marine search for Centrefold. That continued from 9.40 pm until approximately 2.00 am on Monday 30 May 2016 when the vessel and crew returned to Mauds Landing.<sup>27</sup>

The overnight search by Delphinus was of the 3 nautical miles south of Mauds Landing and then north for approximately 6 nautical miles at a track spacing of 0.05 nautical miles to the west of the original track. The search was coordinated by the duty Search and Rescue Mission Controller (SARMC) and Delphinus was asked to conduct a further search of 3 nautical miles south of Mauds Landing and then transit 15 nautical miles north along the coast to False Hill. Visibility was low, due to no moon and the large seas, with minimal chances of spotting an object which was not lit.<sup>28</sup>

---

<sup>26</sup> Ex 1, tabs 10, 11, 12 & 13

<sup>27</sup> Ex 1, tab 21

<sup>28</sup> Ex 1, tab 3, tab 33

The Delphinus was aware of the flare sighting mentioned by Mr Robinson, but the search located no source for the flare which was blue green<sup>29</sup> nor any wreckage or debris during that search.

**Monday 30 May 2016 (Day 2 of 5)**

By 30 May 2016 SARMC had coordinated a comprehensive search plan based on local information about the north or south passage from the boat ramp. WA Water Police used a search and rescue map (SARMAP) a recognised computer system designed to assist with the prediction of the movement of objects through the water, using relevant wind and sea current information. Using SARMAP it was predicted most items in, or on, the water would move from south to north on either side of the reef. Concurrently with the sea search a corresponding search was implemented by Exmouth Police on land.

Five vessels were involved in the sea search, two aircraft and a search area of 316 square nautical miles was examined. The land search involved four quad bikes and one 4 wheel drive Troopcarrier operated by the SES. The land search was coordinated by police officers Maher and McQueen who arrived at Coral Bay just before 10.00 am. Those two officers are experienced in search and rescue operations.

---

<sup>29</sup> † 07.08.17, p21

In addition to coordinating the land and sea search SARMC contacted a recognised survival expert, Dr Paul Luckin, to provide an estimate of the expected survival times for the two deceased. It was Dr Luckin's view that by 30 May 2016 there was very little chance of survival if the two men were in the water. He predicted they would by then have experienced hypothermia and exhaustion. He gave the outer time of their survival as the end of that day with the expectation they would not be able to survive another night at sea. If the two men were on the hull of Centrefold then it was considered possible they would be able to survive the night.<sup>30</sup>

On 30 May 2016 more debris was collected at four different locations, either in the water or on the beach. This debris was later identified as belonging to Centrefold and with the debris located the previous day it was clear Centrefold was missing. It was likely there had been a catastrophic event causing Centrefold to disintegrate.

### **Tuesday 31 May 2016 (Day 3 of 5)**

On Tuesday 31 May 2016 the tour vessel "Bay Escape" was inside the reef to the north west of the town site when a passenger on the tour spotted what looked like a human arm on the sea bed. That passenger advised the crew who

---

<sup>30</sup> Ex 1, tab 4

marked the location and advised Ms Lymbery of the find.<sup>31</sup> Ms Lymbery advised the search coordinators and police divers retrieved the arm which was later identified, through DNA, as belonging to Mr Kitchen.<sup>32</sup>

The arm was located in the Mauds sanctuary zone, adjacent to Bills Bay, at a depth of 7.2 metres.

On 31 May 2016 twelve vessels were involved in the sea search and two aircraft with a search area of 622 square miles.

### **Wednesday 1 June 2016 (Day 4 of 5)**

By 1 June 2016 the timeframe for survival had been exceeded by 48 hours and it was acknowledged neither deceased would be found alive, if they were in the ocean. The search was conducted as close, and as safely, as possible to the western edge of the reef with echo sounds for any anomalies. Similarly three vessels conducted search operations on the eastern side of the reef from Bills Bay to the south passage looking for debris and or anomalies. Police divers examined the area of the reef where the arm had been located in good visibility. This was done both inside and outside the reef but no further human remains were found. The western side of the reef became dangerous

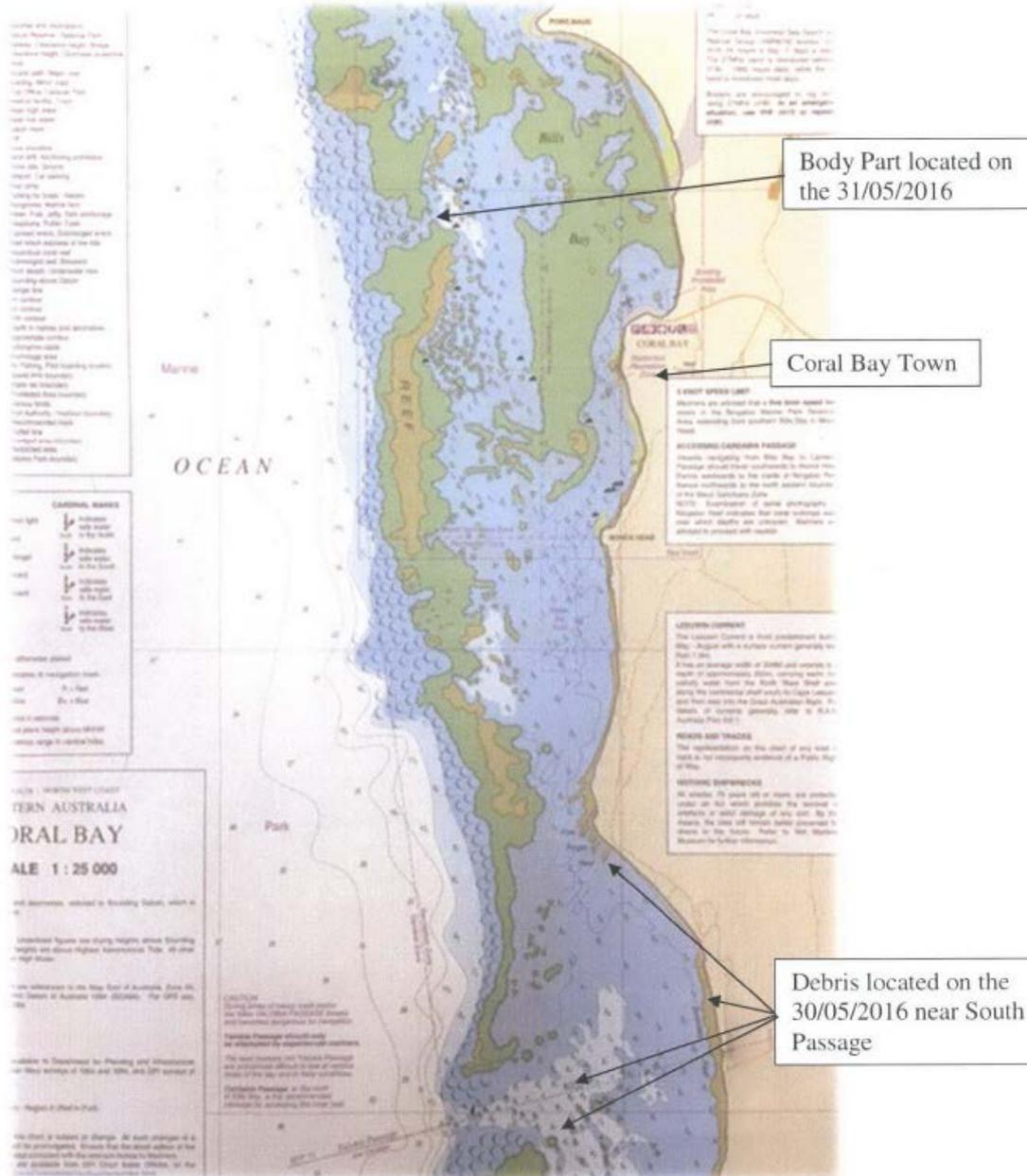
---

<sup>31</sup> Ex 1, tab 16

<sup>32</sup> Ex 1, tabs 18 & 5

and the police divers were moved to the eastern side of the south passage.

### Annexure 11 – Body part located



Items located from the 30<sup>th</sup> to the 31<sup>st</sup> of May 2016 showing the different locations.

Exhibit 1, Tab 3, Annexure 11 – Location of Body Part

**Thursday 2 June 2016 (Day 5 of 5)**

Two vessels were involved in the search with one aircraft. It was agreed at the morning briefing that if nothing had been located the search would be terminated at the end of that day's search.

The police divers were searching an area approximately 1.5 nautical miles off shore with a start point approximately 1 nautical mile south of south passage and heading north, again as close, and as safely, as possible to the reef with a finish point approximately 1 nautical mile north of the south passage. This was because most of the debris located had been closer to the south passage area.

The divers cancelled their search due to the presence of a great white shark and continued their search on the eastern side of the passage.

Nothing further was located on 2 June 2016 and the search was formally concluded. It was agreed there had been good coverage of all areas, which had been repeatedly searched over one night and four days with good visibility. The estimate was that with the repeated and overlapping searching of the probable areas of drift it was likely all debris which could be located had been located by that time.

The conditions prevented the underwater search of the south passage by divers and the expectation is that Centrefold is either wedged under or against the reef or has fallen into deeper water off shore. There was a lot of activity in and around the coast and the expectation was that if anything were to be found it would have been found.

Similarly the land search had located numerous items of debris washed up on shore and later identified as belonging to either of the deceased or Centrefold. The land SAR was concluded on 2 June 2016 with the expectation by the coordinators there was no chance of finding any sign of the deceased, either dead or alive.<sup>33</sup>

### **POST MORTEM EXAMINATION OF HUMAN ARM LOCATED ON 31 MAY 2016**

The human arm located on the sea bed on the inner side of the reef on 31 May 2016 was examined by Dr Vicki Kueppers, Forensic Pathologist, and Dr Rory Mcauley, Senior Scientist with the WA Department of Fisheries Shark Research Program.

Dr Kueppers received a right sided human arm and hand with extensive soft tissue loss and bony exposure, with features of animal predation. Dr Kueppers was responsible for overseeing the DNA testing and it was confirmed the arm

---

<sup>33</sup> Ex 1, tab 4

belonged to Mr Kitchen. From the arm Dr Kueppers was unable to advise whether the disarticulation of the arm from the body occurred when the deceased was alive or had already deceased.<sup>34</sup> She was able to say that had the deceased been alive at the time of the arm's dislocation, he would have suffered severe blood loss and would not have survived without immediate medical attention. Enquiries of WA Country Health Services did not record any contact with Mr Kitchen in its Midwest health care facilities.<sup>35</sup>

It was evident from the appearance of the tissues they had been immersed in water for some time, and there was the beginnings of degenerative change as a result of exposure.

Dr Kueppers described a number of marks on the bones which indicated predation and she sought the assistance of Dr Rory Mcauley.<sup>36</sup>

Dr Mcauley examined the human arm and concluded that most, if not all, of the score marks on the exposed surfaces of the bones were likely to have been caused by more than one individual shark of different species. He noted two different types of markings which he believed to be consistent with members of the grey reef shark species and tiger shark species. He did not observe any markings of the type that he would have associated with bites by a great

---

<sup>34</sup> † 07.08.17, p15

<sup>35</sup> Ex 1, tab 32

<sup>36</sup> Ex 1, tab 5

white shark, although one had been noted in the vicinity by divers the days following the disappearance of Centrefold.

In addition, Dr Mcauley advised it was possible for the arm to have been transported the distance of approximately 3 kilometres from where it was located to where it was believed Mr Kitchen had entered the water, somewhere in the vicinity of south passage. This was especially the case with Tiger sharks. It was also possible for a shark to consume material and regurgitate it at some distance from the point of consumption.<sup>37</sup>

### **CONCLUSION AS TO THE DEATH OF THE DECEASED**

I am satisfied that Mr Kitchen and Mr Hinds left the boat ramp south of the Coral Bay town site at approximately 11.45 am on the morning of 29 May 2016. They were travelling in Centrefold, a vessel Mr Hinds had recently purchased in April of that year and had extensively checked by way of service and improved diagnostics to ensure it was suitable for his proposed fishing trip to Coral Bay later in May 2016.<sup>38</sup> Centrefold was equipped with safety features, including two EPIRBs.

The weather forecast on 29 May 2016 was for worsening conditions and the two men had been advised to avoid south passage and use north passage. I accept they were

---

<sup>37</sup> Ex 1, tab 22

<sup>38</sup> Ex 1, tab 8

both very experienced mariners and would have made a decision for themselves as to the appropriate exit from the reef to their proposed fishing location which they intended to reach in time to fish the high tide at 3.00 pm.

On the evidence it seems likely that, despite the warnings, the two men decided they would risk south passage.<sup>39</sup> I note police officer Senior Sergeant Stevens believed the men may have travelled from the boat ramp to the north passage, exited the north passage, which is very wide, and travelled down to the vicinity of south passage intending to turn back toward the north.<sup>40</sup> I note Mr Marwood was located approximately a kilometre west of north passage and did not observe Centrefold exiting the north passage. He concedes he may not have seen it, but he believed he would have done.<sup>41</sup>

The missing person report of Senior Constable Peter Murphy<sup>42</sup> confirms it is impossible to be certain as to the exit point of Centrefold through the reef. However, he notes that all debris located was either in the vicinity of the south passage, both on the west and east borders or consistent with drift from an area around south passage. Senior Constable Murphy noted there was no information as to whether they did exit through the south passage or, if they made it through south passage, in what direction they may

---

<sup>39</sup> t 07.08.17, p33

<sup>40</sup> Ex 1, tab 42 & t 07/08/17, p29

<sup>41</sup> Ex 1, tab 12

<sup>42</sup> Ex 1, tab 3

have turned or swum, before succumbing to fatigue or hypothermia, if they were in the water.

On the evidence available, taking into account:

- Mr Kitchen was able to communicate with Mr Marwood by telephone when Mr Marwood was on the ocean at approximately 9.30 am, and;
- Mr Hilton and Mr Scarfe were unable to speak with either Mr Hinds or Mr Kitchen at approximately 12.15 – 12.30 pm by either radio or telephone, and;
- high tide was at 3 pm that day, and;
- the fact debris was located inside the reef north of south passage, consistent with the drift patterns, at approximately 3.30 pm on the afternoon of 29 May 2016.

I am of the view it is most likely Mr Hinds and Mr Kitchen did decide to transit out through south passage and, either in the passage or at the western entrance to the passage, Centrefold was swamped in one catastrophic event which capsized the vessel causing it to disintegrate very quickly. The two men were not in a position to activate any of the safety equipment on board, were probably injured in the event and, as a consequence, drowned.

I accept it is possible the two men exited south passage and fished the high tide, although I would have expected

someone to have noticed Centrefold due to the number of people on the water, as referenced by the number of trailers observed by Mr Scarfe in the boat ramp car park.

Similarly, if they had fished the high tide at 3pm and were on their way back through south passage, the catastrophic event could have occurred. However, I would not have thought the first piece of debris located by Mr Robinson at about 3.30 pm would have been at Five Fingers Reef so quickly, although it is impossible for me to specifically determine that on the evidence.

I am, however, satisfied Centrefold was in the vicinity of south passage when a catastrophic event occurred which capsized and disintegrated Centrefold to the extent it could not be used as a safe refuge. It is likely once in the seas around the passage, both the debris and the reef itself were a danger to the survival of the deceased. They would have succumbed very quickly to immersion once in an injured state.

There is no evidence either man survived 29 May 2016 and checks of their financial accounts and health facilities revealed no activity with respect to either of the deceased.<sup>43</sup>

---

<sup>43</sup> Ex 1, tab 32, 34-41

## **CAUSE AND MANNER OF DEATH**

### **Mr Kitchen**

I am satisfied the arm located on 31 May 2016 belonged to Mr Kitchen and that he would not have survived that injury without immediate medical attention. I find it most likely on the evidence Mr Kitchen's arm was severed post his death.

I am satisfied on the evidence that Mr Kitchen died on 29 May 2016 in the ocean in the vicinity of south passage, Coral Bay.

I am unable to determine precisely how Mr Kitchen died, but I am satisfied death occurred by way of Accident.

### **Mr Hinds**

I am satisfied on the basis of evidence before me that the death of Mr Hinds has been established beyond all reasonable doubt, and I am further satisfied that he died on 29 May 2016 in the seas in the vicinity of south passage, Coral Bay.

I am unable to determine the precise cause of Mr Hinds death, but I am satisfied his death occurred by way of Accident.

## RECOMMENDATIONS

On the evidence available and my finding that both men died as the result of a catastrophic swamping of Centrefold, which as a result largely disintegrated due to the seas and its proximity to the reef, it is not possible to say with any certainty their deaths would have been prevented with additional safety measures. However, there are certain factors which need to be emphasised to ensure those searching for people having the misfortune to experience accidents at sea have the best possible information with which to search for missing persons and so enable a timely conclusion to these events.

I accept Centrefold was considered to be a stable and trustworthy vessel both by its previous owner and the mechanics working on it for Mr Hinds following his purchase.<sup>44</sup> In the events as I suspect them to have been, there was no opportunity for either of the deceased to activate the EPIRBs on board or put on life jackets.

Coroners repeatedly make findings about the desirability of recreational boaters wearing life jackets while on the water. I accept many people argue life jackets are inconvenient, however, have heard evidence in other inquests and at conferences there are available personal floatation devices (PRD) which are not awkward to wear and inflate on contact with water.<sup>45</sup> These types of life jackets can be worn

---

<sup>44</sup> Ex 1, tabs 1 & 9

<sup>45</sup> Evidence of Dr Paul Luckin to inquest Zhang & Li 23.11.2017 in Albany WA

perfectly conveniently while recreationally on the water for whatever purpose. They provide buoyancy in the event of submersion in the water and assist in the recovery of injured persons once in the water, or bodies for loved ones if deceased.

Similarly there are now EPIRBs available which are activated on contact with the water. Most EPIRBs are located within vessel cabins and need to be physically activated. There are newer brands which feature a self-release mechanism once immersed and, while requiring line of signal with an available satellite, are positioned externally to cabins. They self-release in an emergency. These really should be considered, especially for people undertaking the types of recreational fishing it is accepted the two deceased men preferred.

In addition, although I accept people fishing recreationally often do not always determine where exactly they are going, depending on conditions once on the water, it is clear that some indication of intention would assist those searching to attempt a reasonable starting point for any search. Searches inevitably involve a large number of vessels, craft, and personnel, and in some circumstances risk to those responding to emergencies.

Catastrophic events can occur no matter how experienced and fit individuals may be.

As a result I recommend:

**RECOMMENDATION No.1**

**ALL RECREATIONAL ACTIVITIES ON THE WATER BE UNDERTAKEN WITH THE WEARING OF PERSONAL FLOATATION DEVICES ACTIVATED ON CONTACT WITH WATER.**

**RECOMMENDATION No.2**

**WHERE RECREATIONAL ACTIVITIES ARE UNDERTAKEN IN CONDITIONS WHERE EPIRBs ARE USED, THOSE EPIRBs INCLUDE A WATER ACTIVATED DEVICE WHICH IS LOCATED EXTERNALLY TO THE CABIN AND DOES NOT REQUIRE MANUAL ACTIVATION.**

**RECOMMENDATION No.3**

**THOSE INTENDING TO FISH RECREATIONALLY OFF SHORE NOTIFY THE LOCAL MARINE VOLUNTEER SEARCH AND RESCUE GROUP, OR AT THE VERY LEAST, FRIENDS AND FAMILY OF THEIR INTENDED ROUTE, AND OF CHANGES DIRECTED BY WEATHER CONDITIONS WHERE POSSIBLE.**

E F Vicker  
**Deputy State Coroner**  
29 December 2017