



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 57/19

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Sigurd MOEN** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 28 October 2019, find the death of **Sigurd MOEN** has been established beyond all reasonable doubt, and the identity of the deceased person was **Sigurd MOEN** and that death occurred on **or about 24 September 1967 in the Indian Ocean off the coast of Yanchep north of Rottnest Island**, in the following circumstances:***

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

In the early hours of 24 September 1967 Sigurd MOEN (Mr Moen) disappeared, presumably from the deck of the Norwegian registered vessel, MV Sognefjell, when intoxicated. Despite an extensive search no trace of him was ever found.

The inquest was held in Perth and the documentary evidence consisted of the brief of evidence as Exhibit 1 (tabs 1-13) and the Public Notice of Inquest dated the 20 September 2019 as Exhibit 2. Oral evidence was heard from police officer Senior Constable Smith of the Coronial Inquiry Squad (CIS) who had formulated a report from the available Missing Person file and report (MPR).¹

Long Term Missing Person's Project (LTMP)

In 2017 it was confirmed there were a considerable number of files relating to the long term disappearance of people who had been in Western Australia at the time of their reported disappearance. Some of the disappearances had occurred at a time when there was limited or no jurisdiction for a coroner to investigate a suspected death.

Section 23(1) of the *Coroners Act 1996 WA* (the Act) allows the State Coroner to direct an investigation into a suspected death in certain circumstances without a body, for the purposes of allowing a coroner, under section 23(2), to establish beyond reasonable doubt that death has occurred. The investigation must be done by way of inquest and will attempt to clarify how the death occurred and the cause of the death. This effectively brings the suspected death into the ambit of s 25 of the Act and allows registration of the death under the *Births, Deaths and Marriages Registration Act 1998*.

The reported number of LTMP made it unrealistic for the Office of the State Coroner (OSC) to absorb those matters into the already long outstanding inquest list in a timely manner. A plan was proposed for a project to clear a backlog of LTMP files once it had been determined the matters fitted the circumstances set out in s 23(1)

¹ Exhibit 1 tab 3.

of the Act. That is, the State Coroner or delegate had reasonable cause to suspect the person had died and the death was a reportable death (s3 of the Act).

In 2018 approval was given for a coroner to work exclusively on the LTMP cases, on a part-time basis for twelve months, as a separate listing from the OSC general inquest list. This followed a pilot project of four inquests conducted in 2018.

In 2019 a coroner was appointed for that project with the support of an in-house Coronial Investigation Squad (CIS) police officer as Counsel Assisting (CA).

Some of the missing person files related to foreign nationals with no connection with Australia other than they had disappeared in Australian waters or a West Australian port was the first port of call for a foreign ship following the disappearance of that person, and Western Australia/Australia had been involved in a marine search and rescue (MSAR). Enquiries with those foreign nationals' consulates were conducted and, where that person's death had been dealt with in their country of origin, or their family were fully accepting of the death and all legal requirements were dealt with overseas, it was decided it was not in the public interest to take those matters any further by way of inquest and the files were closed from the OSC perspective.

In the case of Mr Moen, all attempted contact with the Norwegian Consulate in Australia and his possible family in Norway did not elicit any responses as to the situation with Mr Moen's death in Norway. The papers indicated the Captain of the ship from which Mr Moen went missing had copies of the Western Australian police report and statements from his crew, and would liaise with the family. However, there is no further information in Western Australia with respect to those matters. Further, Mr Moen's death has not been recorded by the West Australian Registrar General.

As a result it was decided it would be appropriate for an inquest to be held on the papers to conclude the matter from the Western Australian perspective and register the death.

The anticipated outcome of the LTMP project was that by June 2020 the majority of LTMP matters would be resolved and that future missing person files would be dealt with in the normal course of the OSC usual business.

THE DECEASED

Mr Moen is recorded as having been born on 9 August 1948 in Tolga, Norway. He appears to have been one of five siblings. Mr Moen was 19 years of age at the time of his disappearance in 1967, which would have made him 71 in 2019.

In 2016 there is information from the internet Mr Moen's older brother died in 2005, otherwise the OSC has been unable to obtain any information about Mr Moen's circumstances or family. Further attempts to contact Mr Moen's family have been unsuccessful.²

In September 1967 Mr Moen was a seaman aboard the Norwegian registered vessel MV "Sognefjell" which was a car ship bulk carrier sailing under a Norwegian flag out of Onslow. MV Sognefjell was recorded as being built in West Germany and was owned and registered to Oslo Companies. The vessel was apparently demolished in 1985 in China.³ It was just over 663 feet in length with a breadth of 93 feet and 9 inches and weighed 23,660 ton gross with a dead weight of 35,900 tons.⁴

It was intended the vessel would dock at Alcoa Wharf, Naval Base, to load iron ore.

The only information about Mr Moen and his past comes from another crewman, Bjorn Sjoli (Mr Sjoli), who was also on the MV Sognefjell. Mr Sjoli stated he had been to school with Mr Moen and they were good friends.⁵ Mr Moen was described by the ship's officers and crew as quiet and generally drank very little, but he was friendly with his other crewmen and there was no indication of any bad feeling between the crew or officers.

² Exhibit 1, Tab 10 and Information from CA

³ Exhibit 1, Tab 11

⁴ Exhibit 1 Tab 2

⁵ Exhibit 1 Tab 9

DISAPPEARANCE

On the evening of 23 September 1967 seaman Svein Klausen (Mr Klausen) invited Mr Moen, Lief Nilsen (Mr Nilsen), Kjell Barbo (Mr Barbo) and Alf Hovdahl (Mr Hovdahl) to his cabin for some drinks. The invited men brought 4 bottles of whisky and gin to Mr Klausen's cabin between them. Mr Moen was on duty between 8pm and midnight, however, returned to Mr Klausen's cabin at least twice during the night to have a drink. Mr Sjoli was also on duty during that time and did not attend at the cabin until approximately 9 o'clock where he stayed for about an hour before returning to duty until midnight.

Mr Nilsen, Mr Barbo and Mr Hovdahl all stated they were drinking and Mr Nilsen, 21, indicated he *“got drunk Had a fight with Sjoli, don't remember what it was about, don't remember fighting with Sigurd.”*⁶

According to Mr Barbo and Mr Hovdahl, Mr Moen returned back to Mr Klausen's cabin after midnight and continued to drink. Mr Hovdahl went on duty at midnight and finished at approximately 4 am. Mr Hovdahl, who believed he was good friends with Mr Moen stated he thought Mr Moen looked drunk and he recalled Mr Moen and Mr Nilsen having an argument about who was the strongest. He said Mr Nilsen pushed Mr Moen to the floor however it was not serious and everyone went on drinking.⁷

Mr Hovdahl recalled that at approximately 4.30 am on 24 September 1967 Mr Moen said he wanted to go on deck for some fresh air and Mr Hovdahl decided he would go with him. They left the crew quarters and went on to the main deck on the starboard side of the vessel. They had walked a short distance along the deck when Mr Moen said he wanted to feel “salt water in his face” and climbed onto the top rail of the guardrail.

Mr Hovdahl was concerned and pulled Mr Moen back onto the deck where he had to push him down and hold him in place with his knee on his chest because Mr Moen was struggling. Mr Hovdahl told Mr Moen he was being silly and not to

⁶ Exhibit 1 Tab 6

⁷ Exhibit 1 Tab 8

be stupid. Mr Moen advised Mr Hovdahl he was all right and he only wanted a wash. Mr Hovdahl told him if that was what he wanted to do he should go to the bathroom and then he let him up onto his feet. Mr Moen told Mr Hovdahl that he wanted to go for a walk and Mr Hovdahl returned to Mr Klausen's cabin. The last he saw of Mr Moen was him walking slowly along the deck, forwards.⁸

Once back in Mr Klausen's cabin Mr Nilsen and Mr Sjoli were still there drinking and Mr Hovdahl told them what had happened. Mr Nilsen could not recall Mr Hovdahl going out with Mr Moen, but did remember him coming back and saying Mr Moen had tried to jump overboard. He was too drunk to go and help look for him. He fell asleep and did not wake. He realised Mr Moen was missing at 10 am on the 24 September 1967 when he woke. The same applied to Mr Barbo.

At approximately 4.50 am Mr Klausen returned to his cabin and saw that Mr Moen was missing from the cabin. He asked the others where Mr Moen was and was told about the incident between Mr Moen and Mr Hovdahl on deck. Mr Klausen was concerned and told the others he would go and look for Mr Moen. He went out onto the deck to look for him, then to the various cabins onboard. He couldn't find him. He returned to the cabin and told the people there that he couldn't find Mr Moen and he was going to go and tell the Chief Officer what had occurred.⁹

Sverre Kvalsvik, (Mr Kvalsvik) the Chief Officer, came on duty at 4 am and at about 4.50 am on the 24 September 1967 was told by Mr Klausen that he was unable to find Mr Moen who, he was told by the others, had attempted to climb overboard. Mr Kvalsvik asked Mr Klausen to return to the quarters and make a thorough search of the all of the cabins and make sure that Mr Moen could not be found. Mr Klausen returned a short while later and said all the cabins had been searched and Mr Moen could still not be located.¹⁰ Mr Kvalsvik then notified the Captain, (Captain Neumann), that Mr Moen was missing and a full search of the entire vessel was ordered.

⁸ Exhibit 1 Tab 8

⁹ Exhibit 1 Tab 5

¹⁰ Exhibit 1 Tab 4

All the crew then did a complete search of the MV Sognefjell, but could not trace Mr Moen. Mr Hovdahl attended on the bridge at 6.30am and advised the Chief Officer and Captain as to the events on deck at approximately 4.30 am as explained by Mr Klausen.

Captain Neumann ordered the MV Sognefjell to be turned back and they returned to the area they had been in at approximately 4.30 am. At that time the vessel had been travelling at about 7 ½ knots and the seas were calm. The Chief Officer advised they sailed back over the course until 8.30 am without anything being seen, and then returned back and repeated their trip over the same course. The crew were mounted as look-outs with glasses and no trace of Mr Moen was found.

A general distress message was broadcast to all local shipping at 7.10 am with details of Mr Moen going overboard and their position at the time as *“12 miles off the fair way buoy on a bearing of 315 degrees. Latitude 31 degrees 52.9 minutes longitude 115 degrees 33.9 minutes”* and Captain Elliott of the Fremantle Port Authority was notified by radio of a man overboard.¹¹

No trace of Mr Moen was ever reported back to the Fremantle Port Authority and the WA Police were notified.

INVESTIGATION

Following advising the Fremantle Port Authority the vessel sailed to Fremantle and then on to the Alcoa Jetty at Naval Base where police officers, Detectives Henley and Clarke commenced enquiries with the captain and the crew.

Preliminary enquiries indicated that the only person who was alone with Mr Moen at any stage was Mr Hovdahl, but there was absolutely no evidence to indicate that there was any difficulty between them and they were reported to be good friends. The detectives were impressed with Mr Hovdahl's presentation. The person with whom Mr Moen could have been said to have had a dispute, Mr Nilsen, bore no ill

¹¹ Exhibit 1 Tab 4

will towards Mr Moen and it appeared to be a relatively friendly push around, in addition to which Mr Nilsen was present in the cabin at all times with other people.

The police, after speaking with Captain Neumann, requested he make the crew available for statements which was done on 25 September 1967 in the presence of Captain Neumann who appears to have assisted with translation. It would appear all the younger crewmen needed their statements verified by Captain Neumann.¹² In addition, the police scientific bureau obtained prints from Mr Moen's passport and a photograph for future identification purposes. Captain Neumann advised the police officers that in the conditions at the time of Mr Moen's suspected disappearance overboard, he would not have survived being drawn under the ship by the suction of its propellers, unless he was able to swim away from the ship very quickly and strongly which seemed to be unlikely in his described intoxicated condition.¹³

Captain Neumann undertook to provide copies of the police report and statements to the Norwegian authorities on his return to Onslow.

As well as the sea search instigated by Captain Neumann and the Fremantle Port Authority there was an air search and police searches along the coast.

An undated newspaper report indicated the aircraft crew "*saw a man in dark clothing walk out of the water two miles north of Mullaloo Point, about 9.45 am. He walked up the beach and went inland.*"¹⁴ As a result of that sighting there was continued search both by air and land in that area, however, nothing further was reported. Several people had been fishing in the area at the time of the sighting and no-one appeared to react to anything unusual.

The police concluded the most likely explanation for the disappearance of Mr Moen was that he had either deliberately jumped, or accidentally fallen, from the deck of the vessel and that due to his very drunken condition he drowned almost immediately by being sucked under the vessel. Later checks by the police failed to

¹² Exhibit 1 Tabs 5, 6, 7, 8 and 9

¹³ Exhibit 1 Tab 3

¹⁴ Exhibit 1 Tab 12

gather any further information and it would seem the fingerprints obtained are no longer available, however the photographs of Mr Moen are still on file.¹⁵

The information available on genealogy websites indicated Mr Moen was recorded as having died at sea in 1967, by the manager of the relevant genealogy profile, however, the OSC has been unable to establish contact with that manager.

Recent enquiries with the Norwegian Embassy were not successful.

HAS DEATH BEEN ESTABLISHED?

Despite the newspaper clipping mentioning “a man in dark clothing” I am satisfied that Mr Moen died on 24 September 1967 at the time he disappeared off the deck of the MV Sognefjell. I am of the opinion the person walking out of the water was a coincidence. It does not appear that whoever walked out of the water attracted attention of those in the vicinity, which I am sure would have occurred had it been a complete stranger unable to communicate in English. One would imagine on seeing people he would have asked for help if he was in a position to walk out of the sea and in to the dunes.

It is clear from the genealogy tree, despite the fact the manager would not communicate with OSC, that his family, and presumably the Norwegian government, considered Mr Moen deceased in 1967 as recorded. There is no indication anybody on board the vessel had any reason to assist Mr Moen’s disappearance. Mr Hovdahl was quite clear about his interaction with Mr Moen and the fact he believed he was safe to be left to walk on the deck once he had been persuaded that attempting to obtain salt water on his face was silly. It is also clear Mr Moen was quite intoxicated at the time, and was not usually a heavy drinker.

There is no indication there was any motive for Mr Moen to voluntarily disappear, jump intentionally, or be pushed overboard.

¹⁵ Exhibit 1 Tab 13

The fact nobody saw Mr Moen again either on the vessel, or along the route once retracted, satisfies me Mr Moen most likely fell overboard, possibly as a result of again climbing onto the top railing in his intoxicated state to “feel the salt water”. He would have been sucked under the vessel and in his intoxicated state is likely to have inhaled water and drowned almost immediately if not also badly injured, and sunk to the sea bed. Thereafter his body would remain on the sea bed being directed by the current until it either disintegrated or floated to the surface. The area of coast is well populated and had Mr Moen’s body surfaced it is likely it would have been observed or washed ashore.

As a result I am satisfied beyond a reasonable doubt that Mr Moen was deceased within a very short period of falling overboard and was probably deceased by 5 am on the 24 September 1967.

MANNER AND CAUSE OF DEATH

While I am satisfied beyond a reasonable doubt as to the death of Mr Moen I am unable to determine the manner of his death, although I suspect it was accidental. There is no indication in the papers which would suggest a motive for suicide and it is more likely that in his drunken condition he continued with his enterprise of wanting to feel salt water on his face. Whether he did this by deliberately jumping overboard to swim or fell from the railing while attempting to get spray on his face is unknowable.

I am unable to determine the manner of his death and effectively his cause of death, although I believe it to be drowning if he was not already deceased by his impact with the water in the vicinity of the vessel’s passage.

I make an Open Finding as to the manner of Mr Moen’s death.

CONCLUSION

I am satisfied Mr Moen was a young seaman aboard the MV Sognefjell who had been drinking with a group of similarly young seamen aboard the vessel as it

travelled towards Kwinana to load iron ore from Alcoa. While drinking spirits in Mr Klausen's cabin the young men went to and from their rounds of duty onboard the vessel and, by all reports, Mr Moen was (for him) very intoxicated by approximately 4.30 am on 24 September 1967. There seems to have been a relatively innocuous scuffle between Mr Moen and Mr Nilsen which does not appear to have resulted in any ill-will.

At about 4.30 am Mr Moen told Mr Hovdahl he wanted some fresh air and Mr Hovdahl went with him to get some air. They were friends and Mr Hovdahl prevented Mr Moen from climbing up on to the guardrail to feel salt water on his face. Mr Moen struggled in his intoxicated state and Mr Hovdahl told him he was being stupid. After he had desisted he was allowed to his feet and said he just wished a walk. Mr Hovdahl returned to the cabin where the others were and advised them of what had just happened. Mr Sjoli, who had known Mr Moen for a long time, did not believe there would be any difficulty for Mr Moen.

When Mr Klausen returned to his cabin he asked where Mr Moen was and on being told he had gone on to the deck went to look for him. He was unable to locate him and had reported to the ship's officers by 4.50 am.

At 6.50 am the vessel was turned around and retraced the course it had been on since 4.30 am in an attempt to find Mr Moen. The ship was turned around again and retraced its course. At no stage did they sight Mr Moen.

The Fremantle Port Authority, police and other vessels in the area were notified of Mr Moen's disappearance, however, he was not located and any unusual activities were followed up by an air and land search which again failed to discover Mr Moen's whereabouts.

I am satisfied beyond a reasonable doubt that Mr Moen died at the time he went overboard, and that his family were also of that view as a result of the information related to them by Captain Neumann and the Norwegian Embassy. The fact the

genealogy site in 2016 gave his date of death as 1967, satisfied me his family never heard from him again. There is no reason recorded in the papers as to a motive to voluntarily disappear.

I am sorry both the Norwegian Consulate and the manager of the genealogy site were unable to be contacted by OSC. The known particulars of Mr Moen will be forwarded to the WA Registrar General of Births, Deaths and Marriages for formal closure of this matter and registration of his death.

E F Vicker
Coroner
15 November 2019