



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref 12/20

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Toshiyuki HATAKEYAMA** with an inquest held at the **Coroner's Court, Court 2, Broome Court House, Hamersley Street, Broome, on 29 and 30 January 2020, find the death of **Toshiyuki HATAKEYAMA** has been established beyond all reasonable doubt, and the identity of the deceased person was **Toshiyuki HATAKEYAMA** and that death occurred on **6 August 1979, at sea approximately 12 kilometres west of Cape Latouche Tréville, Indian Ocean, as a result of immersion** in the following circumstances:***

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

In the early hours of 6 August 1979 Toshiyuki Hatakeyama (Mr Hatakeyama) was seen to fall overboard from the pearling lugger Kim into the sea about 7.4 nautical miles west of Cape Latouche Treville. Despite an immediate search by those onboard the lugger Mr Hatakeyama was never seen again or any trace of him located.

The inquest into this matter was heard in Broome where counsel assisting managed to locate the first diver onboard the Kim, Tsunehiro Tanaka (Mr Tanaka) at the time. Mr Tanaka was able to attend court and provide oral evidence with the assistance of his daughter, Ariana Tanaka. Other than Mr Tanaka the evidence comprised the documentary evidence contained in the brief Exhibit 1 Tabs 1-15, the Public Notice of Inquest dated 31 December 2019 as Exhibit 2 and the video link evidence of Senior Constable Turner who spoke to the police report provided to the Office of the State Coroner (OSC).¹

Long Term Missing Persons Project (LTMP)

In 2017 it was confirmed there were a number of files relating to the long term disappearance of people who had been in Western Australia at the time of their reported disappearance.

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 all 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*.

¹ Exhibit 1 Tab 2

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 the backlog of LTMP files once it had been determined the matters fitted the circumstances set out in s 23(1) 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).

Work on the files indicated a number of the disappearances related to specific areas of Western Australia, such as the Kimberley around Kununurra or Broome, and Albany. For these matters it was decided that, while there is always a preference for inquests to be held in the communities to which they relate, especially for Indigenous communities where there is an emphasis on oral history, resources would not be effectively utilised for all matters to be heard in the place of disappearance. Instead matters where the disappearance occurred outside the Perth metropolitan area were considered from the perspective of the best availability for relevant witnesses.

In the case of Mr Hatakeyama it was hoped enquiries while in Broome for other matters would provide additional witnesses. CA, as a result of enquiries through Pearls Pty Limited (now Paspaley Pearls), was able to make contact with the first diver onboard the Kim at the time Mr Hatakeyama fell overboard, and he had seen him fall. Mr Tenaka was unable to read well in English and

his daughter was able to assist him in court. Their contribution to the matter was invaluable.²

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's usual business

THE DECEASED

There is very little information available about Mr Hatakeyama's early life. He was born on 9 December 1958 in Japan³ which would have made him only 20 years of age when he fell overboard in August 1979. Mr Tenaka had difficulty remembering much detail about Mr Hatakeyama other than he was a recent recruit to Pearls Pty Limited and it was Mr Hatakeyama's first season diving with the company.⁴

Mr Tenaka clearly recalled the incident itself, but not some of the detail.⁵ Mr Tenaka referred to Mr Hatakeyama as "Toshi".⁶

Mr Tenaka advised that the young Japanese divers came over to work for their families and then return to Japan. They did not stay as Mr Tenaka had done⁷ and some had come over at only 16 years of age. The Japanese dive crews, as opposed to the lead divers, changed every year and would dive for long hours so there was not a lot of recreational time in 1979 for crew to get to know one another.⁸

² Transcript 29.1.20 page 3, Transcript 30.1.20 page 3

³ Exhibit 1 Tab 1, Tab 5

⁴ Transcript 30.1.2020 page 9

⁵ Transcript 30.1.2020 page 5

⁶ Transcript 30.1.2020 page 14

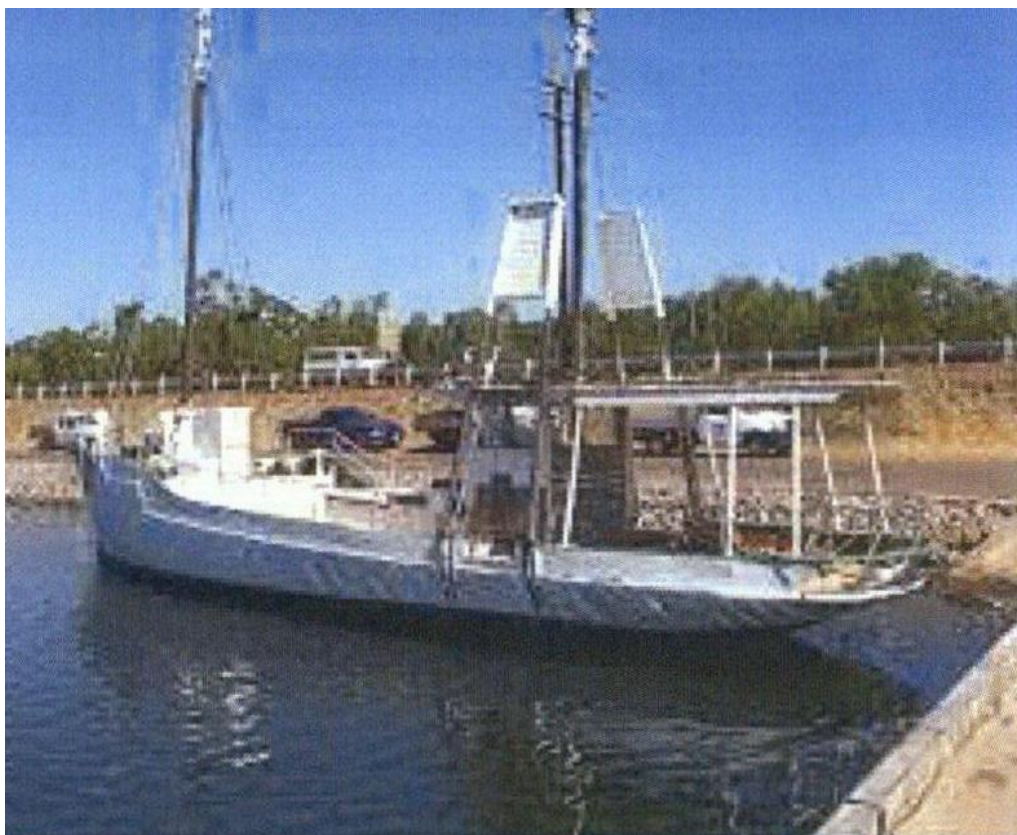
⁷ Transcript 30.1.2020 page 9

⁸ Transcript 30.1.2020 page 9

The young men who came over sometimes could not even swim before they were trained to dive on site in Broome.⁹ By 1979 the industry was using wet suits, flippers and lifelines with hookers.¹⁰ It was very tough work.¹¹

Little is known of any dental or medical markers in the case of later need for identification of unidentified remains other than the fact Mr Hatakeyama had a full set of teeth.¹²

THE KIM¹³



The Kim was a wooden pearling vessel used in Western Australia around the north west coast after being built in 1908. It was modified by the Royal Australian Navy in 1942 before returning to the pearling industry. In 1958 it

⁹ Transcript 30.1.2020 page 18

¹⁰ Transcript 30.1.2020 page 19

¹¹ Transcript 30.1.2020 page 9

¹² Exhibit 1 Tab 3, 4, 5

¹³ Tab 13A page 2 picture 2

was rebuilt in Broome to its standard post-war pearling lugger hull form. It had a planked keel which was a unique feature, probably added in 1959 to the original deadwood structure. It had twin verandah platforms aft which could be raised and lowered and allowed the crew tending the divers to handle the lines and hoses of more than one diver at a time.¹⁴ Kim was purchased by Pearls Pty Limited in 1976 before the company became part of the Paspaly Pearls. It remained in the pearling industry until the 1990s and in 2009 became part of a display in Darwin.¹⁵

Mr Tenaka identified 13A as being a picture of the Kim and pointed out the wheelhouse, crewroom and coolroom.¹⁶

DISAPPEARANCE

Mr Tenaka stated that at the time of the incident the Kim (B.1) had 8 crew onboard. The head supervisor of the four pearling luggers Shoji Takata (Mr Takata), Mr Tenaka, four divers, two deck hands and the engineer.¹⁷

Mr Tenaka stated that it was at approximately 11:10 pm on 6 August 1979 and during night watch when he was in the wheelhouse. There were only three people awake, Mr Tenaka in the wheelhouse, a Malay crewmember on nightwatch, Ali Bin Jaudine (Mr Ali) and Mr Hatakeyama.¹⁸ Apparently Mr Hatakeyama has recently ceased his watch duties.¹⁹

Mr Tenaka described the sea as really rough with a very strong south easterly wind blowing and very big waves. In evidence Mr Tenaka explained the current at the time was very strong due to the spring tides.²⁰ The Kim was

¹⁴ Exhibit 1 Tabs 2, 13

¹⁵ Exhibit 1 Tab 13, Transcript 29.1.2020 page 5

¹⁶ Transcript 30.1.2020 page 23-24, Tab 13 page 2

¹⁷ Exhibit 1 Tab 8

¹⁸ Exhibit 1 Tab 8 and 9

¹⁹ Exhibit 1 Tab 2

²⁰ Transcript 30.1.2020 page 8

heading to Broome due to the spring tides arising and, because it was so rough, he started to slow the lugger down. As the lugger slowed a very big wave hit the lugger which caused it to roll. At the same time Mr Ali was walking from the front of the lugger to the back when he saw Mr Hatakeyama relieving himself over the side as the wave hit which caused Mr Hatakeyama to fall overboard.²¹

Mr Tenaka said in evidence he did not see Mr Hatakeyama relieve himself and it was not the usual place from which crew would relieve themselves, which was further to the back of the lugger.²² Mr Tenaka identified Mr Hatakeyama as falling from the side of the boat as it rolled with the wave, in front of the wheelhouse area.²³ Mr Tenaka just saw a body go overboard,²⁴ not what was happening before.

At the time Mr Hatakeyama was wearing a tracksuit with black bottoms and a green top.²⁵

Mr Ali stated Mr Hatakeyama went over head first as his feet went out from under him on the wet deck.²⁶ Mr Ali did not hear Mr Hatakeyama yell out and he just disappeared beneath the water. Mr Ali called out to Mr Tenaka to slow the boat, but he realised Mr Tenaka was already stopping the motors. Mr Tenaka immediately cut the engines to prevent movement and started to call out for Mr Hatakeyama, as did Mr Ali. They heard nothing and could not see him although the lighting was not the best. Kerosene lamps were in use at that time.²⁷

²¹ Exhibit 1 Tab 9

²² Transcript 30.1.2020 page 16

²³ Transcript 30.1.2020 page 23

²⁴ Transcript 30.1.2020 page 12

²⁵ Exhibit 1 Tabs 3, 4

²⁶ Exhibit 1 Tab 9

²⁷ Transcript 30.1.2020 page 13

In evidence Mr Tenaka said it appeared to him to be a genuine fall, he did not believe there was any indication that Mr Hatakeyama would wish to kill himself.²⁸

In his statement at the time Mr Tenaka said the moon was approximately 3-4 days before the full moon and visibility was very poor as there was a lot of cloud cover. The tide was very strong. Mr Tenaka ordered the lugger to turn to port as Mr Hatakeyama would be carried in that direction and commenced to search as they woke Mr Takata and the rest of the crew.²⁹

Mr Takata stated that as soon as he was woken and told a crew member had fallen overboard he went up on deck and noticed that the lugger engines had stopped. He said that everything was quiet and they yelled out for the missing diver for approximately 10 minutes but received no reply. At that stage the lugger engines were started again and they made a search of the area for about an hour while calling on the assistance of any other pearling luggers in the area. Approximately an hour later another lugger arrived to assist in the search and both luggers stopped and remained in position in the original place Mr Hatakeyama had disappeared.³⁰

By sunrise there were another five vessels involved in searching for Mr Hatakeyama and they all searched for the rest of the day. Once night fell the search was terminated by the pearling vessels and they returned to Broome.

Mr Tenaka stated that they relayed a message through Allan Badgers' lugger to report to Broome they had a man overboard and missing.³¹

²⁸ Transcript 30.1.2020 page 17

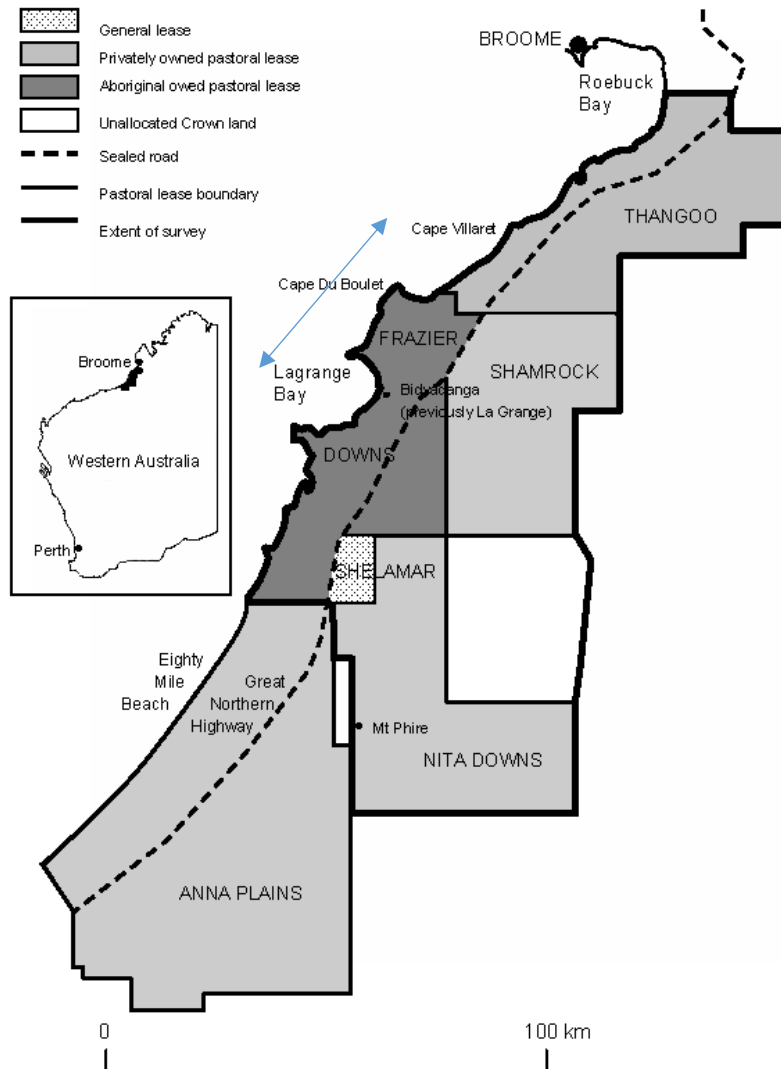
²⁹ Exhibit 1 Tabs 8, 9 and 10

³⁰ Exhibit 1 Tab 10

³¹ Exhibit 1 Tab 8

INVESTIGATION

The sea search for Mr Hatakeyama widened from the immediate area of his disappearance to the coast from Lagrange Bay to Cape Villaret.



According to the police report aircraft also joined the search once the police had been notified and the police conducted foot patrols of the coast from Cape Bossut to False Cape Bossut, but were limited due to the terrain along the coast.³²

The Missing Person Report (MPR) completed by Broome Police Station on 9 August 1979 indicated that a full scale land, sea and air search for

³² Exhibit 1 Tab 2

Mr Hatakeyama was negative and that Mr Hatakeyama's mother, Mrs Sumi Hatakeyama of Ehime, Japan, was notified through the Japanese Consulate and Mr Hatakeyama's employers, Pearls Pty Limited, of his disappearance. She could provide no further medical information which may assist in later identification.³³

Once all the luggers and search vessels had returned to Broome at approximately 9:30 pm 8 August 1979 police conducted enquiries with Mr Tanaka, Mr Takata and Mr Ali and compiled a report which was sent to MP Bureau, from where it was returned to Broome Police Station to ask for full statements. On 25 September 1979 typed statements were obtained from Mr Tanaka and Mr Takata and on 25 October 1979 from Mr Ali.

On return to the MPB the file was reviewed in November 1979 and Mr Hatakayama listed as 'presumed deceased'.³⁴

In February 2019 further enquiries were made to see whether any additional information could be obtained from any of the Kimberley Port Authorities, however no historic documents with respect to the Kim or the search were located in addition to those already filed. The actual incident was reported to the police by Pearls Pty Limited by Mr Meyer and Mr Male. While in Broome in 2020 CA was provided with the address for Mr Takata which enabled CA to contact him by knocking on his door. He was happy to give evidence in January 2020 in Broome with the assistance of his daughter. His evidence was extremely useful for understanding the working conditions in 1979.

There is no record of there being any trace of Mr Hatakeyama after he was observed falling overboard on the late evening of the 6 August 1979. Recent enquiries with the Japanese Consulate were unable to provide any additional

³³ Exhibit 1 Tab 3 and 4

³⁴ Exhibit 1 Tab 2

information to that already received and I assume his family in Japan never heard from him again as there was no notification to his employer or Paspaley Pearls.

HAS DEATH BEEN ESTABLISHED?

I am satisfied beyond all reasonable doubt that Mr Hatakeyama is deceased and died on the night of 6 August 1979 at the spot where he was observed to fall overboard from the Kim.

The statements of Mr Tanaka and Mr Ali taken in September and October 1979 are quite comprehensive in their observations of what occurred. I have not been informed of any reason as to why I should not accept that evidence as correct. In addition, having heard Mr Tanaka in person and his observations at the time, and his knowledge of the Kim and Mr Hatakeyama, I am satisfied an immediate search was conducted and everything possible done in an attempt to locate Mr Hatakeyama however, it appears he never surfaced.

There was some discussion in court as to the likelihood of Mr Hatakeyama being injured as he hit the water in view of the circumstances of his immersion being completely unexpected, regardless of his swimming abilities. Mr Tanaka was unable to comment further than to say it was entirely possible he was injured when he hit the water, or sucked under the vessel prior to the ability to stop the engines. Despite the immediate slowing of the vessel, had Mr Hatakeyama been taken completely by surprise, it is entirely conceivable he would have become waterlogged immediately on entering the water and so not returned to the surface prior to drowning.³⁵

³⁵ Transcript 30.1.2020 page 18

MANNER AND CAUSE OF DEATH

The evidence is unequivocal that Mr Hatakeyama fell overboard unexpectedly when the Kim rolled with a wave in the very strong winds and current indicative of the spring tide which was causing the Kim to return to port. There is no indication Mr Hatakeyama surfaced following hitting the water and it is likely he was drowned within moments of becoming immersed in deep waters off the coast.

There is no indication Mr Hatakeyama surfaced in a state to respond to any of the people calling for him from the vessel and I am satisfied he was already deceased by the time the Kim was able to stop and search.

I am satisfied Mr Hatakeyama died as a result of drowning within moments of hitting the water on the 6 August 1979 off the coast of Cape Latouche Treville as the Kim returned to port.

I am satisfied Mr Hatakeyama drowned and that death occurred by way of Misadventure.

CONCLUSION

It is always a tragedy when anyone so young, at the beginning of their lives, loses their life when so far away from home. I am sure the fact of losing a son in circumstances where a family can never be entirely certain of the circumstances must have been devastating.

I am however, satisfied that efforts were immediately made to search for Mr Hatakeyama as he was observed in the process of falling into the sea. Had Mr Hatakeyama been in a position to be rescued I am sure that would have

occurred. It would appear death was very rapid and likely he was deceased within minutes of his fall.

E F VICKER
CORONER
6 May 2020