
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : MICHAEL ANDREW GLIDDON JENKIN
HEARD : 18 AUGUST 2020 and 3 SEPTEMBER 2020
DELIVERED : 10 SEPTEMBER 2020
FILE NO/S : CORC 311 of 2018
DECEASED : TITTUMS, CARLTON SCOTT

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Ms R Collins appeared to assist the Coroner.

Ms A Barter [Aboriginal Legal Service of Western Australia (Inc.)] appeared on behalf of Mr Tittums' family.

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Michael Andrew Gliddon Jenkin, Coroner, having investigated the suspected death of **Carlton Scott TITTUMS** with an inquest held at Perth Coroner’s Court, Court 85, CLC Building, 501 Hay Street, Perth, on 3 September 2020 find that the death of **Carlton Scott TITTUMS** has been established beyond all reasonable doubt, that the identity of the deceased person was **Carlton Scott TITTUMS** and that death occurred on or about 27 July 2011 in the waters of the Indian Ocean off Carnarvon, Western Australia, in the following circumstances:*

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INTRODUCTION

1. Carlton Scott Tittums (Mr Tittums) was a deckhand on a 24 m commercial prawn trawler (the *Belo Star*), which was at anchor off Carnarvon. At about 2.00 pm on 27 July 2011, Mr Tittums swam towards a dinghy that had been tied up to the *Belo Star* but which had broken free. Observers on board the *Belo Star* lost sight of Mr Tittums as he swam towards the dinghy and they alerted authorities.^{1,2,3,4}
2. On the basis of the evidence contained in a police report with respect to the disappearance of Mr Tittums,⁵ the State Coroner determined that she had reasonable cause to suspect that he had died and that his death was a “reportable death”.⁶
3. On 20 December 2019, pursuant to section 23(1) of the *Coroners Act 1996* (WA), the State Coroner directed that the suspected death of Mr Tittums be investigated.⁷ In accordance with that direction, I held an inquest on 3 September 2020, which was attended by members of Mr Tittums’ family.⁸
4. The documentary evidence adduced at the inquest consisted of one volume, and the following witnesses gave evidence:
 - a. Sergeant Macander (Officer Macander)⁹, investigating officer;
 - b. Mr Gregory Ayres (Mr Ayres), skipper of the *Belo Star*; and
 - c. Mr David Strong (Mr Strong), eye witness.
5. The inquest focused on the circumstances of Mr Tittums’ disappearance and the question of whether his death had been established beyond all reasonable doubt.

¹ Exhibit 1, Tab 3, Memo from Det. Sergeant J Macander (22.08.17), pp1-3

² Exhibit 1, Tab 7, Statement - Mr D Da Luz, para 3

³ Exhibit 1, Tab 31, Webeoc document, p1

⁴ ts 03.09.20 (Ayres), p31

⁵ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander

⁶ Sections 3 and 23(1), *Coroners Act 1996* (WA)

⁷ Direction by State Coroner, contained in letter to Commissioner of Police (20.12.19)

⁸ Section 23(2), *Coroners Act 1996* (WA)

⁹ At the time of his investigation, Officer Macander was a Det. Sgt, see: ts 03.09.20 (Macander), p8

MR TITTUMS¹⁰

6. Mr Tittums was born on 14 July 1977 in Port Hedland. He was 34 years of age when he went missing from the *Belo Star* on 27 July 2011.¹¹ He had worked in the commercial fishing industry on various vessels for several years. He and his long-term partner had one child.^{12,13}
7. Mr Tittums had no known physical or mental health conditions, and was described as someone who liked to help people. He was believed to have been a strong swimmer who was confident in the water, and was said to have been in a good mood at the time of his disappearance.^{14,15}

EVENTS OF 27 JULY 2011^{16,17}

8. At about 8.00 am on 27 July 2011, the *Belo Star*, which had been at sea for the previous four days fishing for prawns, dropped anchor off the Carnarvon coast. At that time, there were five people on board, namely: Mr Tittums, Mr Ayres (the skipper of the *Belo Star*) and three other deckhands. After dropping anchor, those on board went to sleep.¹⁸
9. At about 1.00 pm on 27 July 2011, Mr David Strong launched his 3.5 m dinghy from the Fascine side of the Carnarvon Boat Harbour. Mr Strong was with his father and they drove around the waters of the Fascine and surrounding areas in the dinghy.^{19,20} The Fascine is the name given to the bay formed by the southern arm of the Gascoyne River.²¹
10. After about 30 minutes, Mr Strong returned his father to shore because he felt the sea conditions would be too rough for his father further from the mainland.²²

¹⁰ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander, pp3 & 8

¹¹ Exhibit 1, Tab 27, Police photographs of the *Belo Star* and Mr Strong's dinghy, photos 19 and 20

¹² Exhibit 1, Tab 1, P100 - Report of Death

¹³ Exhibit 1, Tab 25, Police photo of Mr Tittums

¹⁴ Exhibit 1, Tab 10, Medical advice checklist - Water Police Co-ordination Centre

¹⁵ Exhibit 1, Tab 4, File note record of conversation with Mr L Tittums (09.10.17)

¹⁶ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander, pp1-4

¹⁷ Exhibit 1, Tab 3, Memo from Det. Sergeant J Macander (22.08.17), pp1-3

¹⁸ Exhibit 1, Tab 6, Statement - Mr G Ayres, paras 1-4 and ts 03.09.20 (Ayres), p23

¹⁹ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 2-3 and ts 03.09.20 (Strong), p33

²⁰ Exhibit 1, Tab 27, Police photographs of the *Belo Star* and Mr Strong's dinghy, photo 1

²¹ See: <https://www.waholidayguide.com.au/the-fascine>

²² Exhibit 1, Tab 5, Statement - Mr D Strong, para 4 and ts 03.09.20 (Strong), p33

11. In his statement to police dated 27 July 2011, Mr Strong says that after dropping his father back to shore, he saw three fishing vessels anchored off the coast, one of which he did not recognise. He says that: “*curiosity got the better of me*” and he decided to head out towards the vessels to “*take a look*”.²³
12. However, at the inquest, Mr Strong said he headed out to the trawlers in order to set some crab pots and also because he wanted to see if he could “*get a feed of prawns*” from someone on one of the vessels. Given the rough sea conditions at the time, Mr Strong’s decision to head out to the trawlers, whatever the reason, is surprising. However, he says he did so and that it took him some time to reach the vessels because of the sea conditions.²⁴
13. As Mr Strong approached the three vessels, he recognised one of them as the *Belo Star*. He called out to a man standing at the back of the *Belo Star* and realised it was Mr Tittums, who he had known for about 10 years, but hadn’t seen for four or five years. Mr Strong approached the stern of the *Belo Star*, and tied up his dinghy before going on board.²⁵
14. Mr Strong and Mr Tittums chatted for about five minutes before Mr Tittums walked off, apparently to get something from the *Belo Star*’s galley. While Mr Tittums did so, Mr Strong went to check on his dinghy and discovered that the rope securing it to the *Belo Star* had snapped and the dinghy had drifted away.^{26,27}
15. When Mr Tittums returned from the galley, Mr Strong asked him to tie a rope to the lifejacket he (i.e.: Mr Strong) was wearing. Mr Tittums did so, and Mr Strong jumped into the sea and started swimming after his dinghy. On several occasions, Mr Tittums tied additional lengths of rope to the rope attached to Mr Strong’s lifejacket so that Mr Strong could keep swimming towards the dinghy.²⁸

²³ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 5-6

²⁴ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 7-8 and ts 03.09.20 (Strong), pp34 & 47-48

²⁵ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 9-20 and ts 03.09.20 (Strong), pp34 & 36-38

²⁶ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 21-27 and ts 03.09.20 (Strong), p38-41

²⁷ Exhibit 1, Tab 27, Police photographs of the *Belo Star* and Mr Strong’s dinghy, photos 2, 16, 17 and 18

²⁸ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 29-36 and ts 03.09.20 (Strong), pp41-42

16. At some stage, Mr Strong was floating in the water, waiting for another length of rope to be tied to the rope attached to his lifejacket. He looked back towards the *Belo Star* and saw Mr Tittums jump into the sea and started swimming towards the dinghy. Mr Strong yelled out: “*Stop, what the fuck are you doing?*” because he did not want both of them to be in the water.²⁹ It appears that Mr Tittums entered the water at about 2.00 pm.³⁰
17. Mr Tittums went past Mr Strong and appeared to be swimming strongly. Meanwhile, Mr Strong used the ropes attached to his lifejacket to pull himself back to towards the *Belo Star*. He climbed back on board and watched Mr Tittums for several minutes. Mr Strong says that although Mr Tittums appeared to be swimming the whole time, he seemed to slow down as time went on.³¹
18. Mr Strong watched Mr Tittums for a few more minutes before going into the wheelhouse of the *Belo Star* and waking Mr Ayres, saying: “*He’s in the water*”. Mr Ayres demanded to know who Mr Strong was and who was in the water. Mr Ayres says Mr Strong told him he’d come to collect a former deckhand’s gear before pointing out the person in the water. Mr Ayres says that because of what Mr Strong told him, he assumed the person in the water was his former deckhand.^{32,33}
19. At the inquest, Mr Strong denied he had told Mr Ayres he had come to the *Belo Star* to collect the former deckhand’s gear and in fact, he said that he did not know the former deckhand. Instead, Mr Strong reiterated his evidence that he had come to the *Belo Star* to ask for some prawns.³⁴
20. In his statement to police, Mr Strong said he had spoken to Mr Tittums on board the *Belo Star* for about five minutes while they “*had a yarn and a smoke*”. However, at the inquest, Mr Strong said he didn’t end up asking for some prawns either because he “*didn’t have time*” or “*was too shy*”.³⁵

²⁹ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 37-41 and ts 03.09.20 (Strong), pp42 & 51-52

³⁰ Exhibit 1, Tab 12, Search running sheet

³¹ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 42-46 and ts 03.09.20 (Strong), p43

³² Exhibit 1, Tab 5, Statement - Mr D Strong, paras 47-51 and ts 03.09.20 (Strong), p43

³³ Exhibit 1, Tab 6, Statement - Mr G Ayres, paras 7-11 and ts 03.09.20 (Ayres), pp23-24

³⁴ ts 03.09.20 (Strong), pp35-36 & 51

³⁵ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 22-24 and ts 03.09.20 (Strong), pp38-39 & 51

21. I accept that over nine years have passed since Mr Tittums disappeared and recollections of events can be expected to deteriorate. Nevertheless, having listened carefully to Mr Ayres and Mr Strong while they gave their evidence at the inquest, I prefer the evidence of Mr Ayres. He gave his evidence in a forthright and straightforward manner without embellishment. In contrast, Mr Strong seemed vague and uncertain.
22. In addition, I find it strange that at the inquest, Mr Strong put forward an explanation for his presence on the *Belo Star* (namely, to get some prawns), which he had not given to police at the time of Mr Tittums' disappearance. In the end, I cannot be certain why Mr Strong went out to the *Belo Star* in rough seas. Whilst his decision seems suspicious, there is no evidence before me that Mr Strong was engaged in any untoward conduct at the relevant time.
23. Mr Ayres says that when he first saw the dinghy, it was about 300 m away and that the swimmer was roughly 100 m from the *Belo Star*. Mr Ayres saw the person's shoulders out of the water and thought they were swimming strongly. Mr Ayres gave some binoculars to Mr Strong and told him to keep the swimmer in sight, before contacting the Carnarvon Volunteer Marine Rescue Group (VMR) to report the incident.³⁶
24. Mr Ayres then woke the other deckhands on board and as he was heading back to the wheelhouse, he saw a pair of thongs belonging to Mr Tittums at the stern of the vessel, and realised that it was Mr Tittums who was in the water. Mr Ayres decided to ring his fleet master, who was the skipper of the *Phat Cat*, and ask him to come out and assist.³⁷
25. Mr Ayres then started the *Belo Star's* engine and told the deckhands to raise the anchor. His intention was to get as close to Mr Tittums as possible, but he didn't think he had "*enough water*" to do so, meaning that the area where the *Belo Star* was anchored was very shallow.³⁸

³⁶ Exhibit 1, Tab 6, Statement - Mr G Ayres, paras 11-13 and ts 03.09.20 (Ayres), pp24-25

³⁷ Exhibit 1, Tab 6, Statement - Mr G Ayres, para 14 and ts 03.09.20 (Ayres), pp24-26

³⁸ Exhibit 1, Tab 6, Statement - Mr G Ayres, paras 15-16 and ts 03.09.20 (Ayres), p27

26. As the *Belo Star* began to move, Mr Strong lost sight of Mr Tittums. At about this time, Mr Ayres called the fleet master to clarify that it was Mr Tittums who was missing and then contacted the VMR to advise that the *Belo Star* was “*hitting the bottom*”, meaning that the vessel was starting to run aground because it was in shallow waters.^{39,40}
27. Mr Ayres took to *Belo Star* back to its original position and after a few minutes, the fleet master arrived on the scene in the *Phat Cat* and took Mr Strong’s dinghy onto his vessel. Along with the *Belo Star* and several recreational vessels that had overheard Mr Ayres on the marine radio, the fleet master began searching for Mr Tittums.^{41,42}

SEARCH OPERATION

The police search begins^{43,44,45,46}

28. The VMR contacted the police at about 2.15 pm, and its rescue vessel, *Sea Guardian 2*, picked up Mr Strong from the *Belo Star* before continuing the search for Mr Tittums. After a while, Mr Strong boarded the *Phat Cat* and helped secure his dinghy, before returning to the *Sea Guardian 2*. The *Phat Cat* continued searching for Mr Tittums for about an hour, and then returned to harbour.^{47,48,49}
29. Meanwhile, police tasked the Carnarvon State Emergency Services Unit (SES) to provide several “*flood boats*” to search the coastal mangroves from the Fascine to Teggs Channel. Sergeant Fenton (Officer Fenton) from Carnarvon Police, was appointed as the search and rescue mission coordinator and arrived at the VMR base at 3.24 pm on 27 July 2011 to coordinate the search for Mr Tittums. On arrival, Officer Fenton made an immediate request for support to the Police Air Wing.

³⁹ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 53-59 and ts 03.09.20 (Strong), pp44-45

⁴⁰ Exhibit 1, Tab 6, Statement - Mr G Ayres, paras 17-23 and ts 03.09.20 (Ayres), p27

⁴¹ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 60-69 and ts 03.09.20 (Strong), pp45-46 & 50

⁴² Exhibit 1, Tab 6, Statement - Mr G Ayres, paras 24-26 and ts 03.09.20 (Ayres), p24

⁴³ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander, pp5-6

⁴⁴ Exhibit 1, Tab 3, Memo from Det. Sergeant J Macander (22.08.17), pp1-4

⁴⁵ ts 03.09.20 (Macander), pp9-13

⁴⁶ Exhibit 1, Tab 31, Webeoc document

⁴⁷ Exhibit 1, Tab 5, Statement - Mr D Strong, paras 60-69 and ts 03.09.20 (Strong), p46

⁴⁸ Exhibit 1, Tab 6, Statement - Mr G Ayres, para 19

⁴⁹ Exhibit 1, Tab 12, Search running sheet

30. Although no Police Air Wing assets were available, a commercial helicopter and a fixed wing airplane were sourced and they conducted parallel searches, until fading light curtailed further efforts. Meanwhile, several police vehicles began searching the coastline in case Mr Tittums had managed to swim ashore. Police concentrated their searches in the area south of the Fascine because of the tidal drift at the time.^{50,51}
31. As this was happening, other police advised Mr Tittums' next-of-kin that he was missing and searched his home, but found nothing relevant to his disappearance. While this was going on, a team of divers from the Water Police left Perth to travel to Carnarvon⁵²
32. Police officers were taken out to the *Belo Star* by a VMR search and rescue vessel to continue their inquiries. They searched the cabin Mr Tittums shared with another deckhand, and seized Mr Tittums' mobile phone. Police also searched Mr Strong's dinghy but nothing untoward was found. On 28 July 2011, police photographed the *Belo Star* and Mr Strong's dinghy, and those photographs included one of the snapped dinghy rope.⁵³
33. Mr Ayres says when he searched Mr Tittums' shared cabin, he found an empty bottle of vodka on the floor. Mr Ayres said he does not allow alcohol on board the *Belo Star* whilst the crew is working. Mr Ayres also said that one of the deckhands told him that they had found a syringe or syringe packet in Mr Tittums' cabin, but it is unclear what happened to these items.⁵⁴
34. The weather forecast for the Carnarvon area on 28 July 2011 was for strong winds with a moderate swell. These conditions created "very choppy" seas and stirred up sediment causing the waters around the Carnarvon coastline to turn brown. This reduced visibility for the police dive team considerably.^{55,56}

⁵⁰ Exhibit 1, Tab 19, Bureau of Meteorology: Tidal predictions for Western Australia

⁵¹ ts 03.09.20 (Macander), p21

⁵² Exhibit 1, Tab 9, Report - Water Police Dive Squad, Timeline

⁵³ Exhibit 1, Tab 27, Police photographs of the *Belo Star* and Mr Strong's dinghy

⁵⁴ Exhibit 1, Tab 6, Statement - Mr G Ayres, paras 27-29 and ts 03.09.20 (Ayres), p27

⁵⁵ Exhibit 1, Tab 19, Bureau of Meteorology: Weather forecast

⁵⁶ Exhibit 1, Tab 9, Report - Water Police Dive Squad, p1

Time frame for survival^{57,58}

35. At 9.38 am on 28 July 2011, Sergeant Wear (Officer Wear) contacted Dr Paul Luckin (Dr Luckin), a specialist anaesthetist and an expert in search and rescue operations and survival physiology.⁵⁹ Officer Wear sought advice on the maximum time a person in Mr Tittums position could reasonably be expected to survive (timeframe for survival). Dr Luckin subsequently provided the Court with a very helpful report.
36. In Dr Luckin's view, it was probable that Mr Tittums did not remain on the surface of the ocean and alive for very long after he was last seen. The close track spacing of search aircraft and rescue vessels meant that if Mr Tittums had been on the surface of the water, there was a high possibility he would have been found.
37. Dr Luckin noted that Mr Tittums had entered the sea without a lifejacket and was last seen at about 2.30 pm on 27 July 2011. At that time there were about four hours of daylight left, after which Mr Tittums would have lost the radiant heat of the sun and been less able to see oncoming waves. This would have made it more difficult for him to protect his airway and made him more prone to swallowing sea water.
38. Dr Luckin did not believe that Mr Tittums would have survived through the night of 27 July 2011. Further, based on the known facts, Dr Luckin's view was that the cause of Mr Tittums' death was:

[D]rowning contributed to by fatigue and immersion in water 15 degrees C below body temperature.⁶⁰

The search operation^{61,62,63}

39. During the period 28 - 30 July 2011, police coordinated an extensive land, sea and air search, in an attempt to locate Mr Tittums. During that time, the following resources were deployed:

⁵⁷ Exhibit 1, Tab 29, Report - Dr P Luckin

⁵⁸ ts 03.09.20 (Macander), pp11-13

⁵⁹ Exhibit 1, Tab 31, Webeoc document, p58

⁶⁰ Exhibit 1, Tab 29, Report - Dr P Luckin, p4

⁶¹ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander, pp6-7 and ts 03.09.20 (Macander), pp9-13

⁶² Exhibit 1, Tab 10, Task Briefing - Water Police Co-ordination Centre

⁶³ Exhibit 1, Tab 3, Memo from Det. Sergeant J Macander (22.08.17), pp1-2

- i. *Rescue vessels*: six recreational vessels, SES flood boats and two vessels from the VMR conducted searches of the designated search area. In addition, the VMR vessel *Lady Daph* was used by Water Police as a base for their dive operations and sonar searches;
- ii. *Search aircraft*: a fixed wing aircraft and a helicopter conducted parallel searches of the designated search area for various periods of time;
- iii. *Police divers and sonar equipment*: officers from the Water Police Dive Squad deployed sonar equipment and conducted numerous dives in response to identified “*targets*”. Although conditions for using the sonar equipment were described as “*good*”, choppy seas affected the quality of the sonar images being obtained and the probability of finding Mr Tittums was only assessed as “*average*”; and^{64,65}
- iv. *Land searches*: two and four-wheel drive vehicle patrols were conducted by day and night in the designated search area by police and members of the SES. The search area included the mud flats to the south of Carnarvon.

40. At about 2.05 pm on 29 July 2011, marine and air search teams were stood down, whilst the Water Police dive team completed their sonar searches. Police divers reported that the depth of water in the search area varied between 1.6 m and 6 m, depending on the tide and the sea bed was covered in patches of wireweed of up to 50 cm in length. Sonar searches continued until about 11.10 am on 30 July 2011, by which time there was no prospect that Mr Tittums was still alive.^{66,67,68,69}

41. Despite an extensive land, sea and air search over a period of four days, no trace of Mr Tittums was found.

⁶⁴ Exhibit 1, Tab 9, Report - Water Police Dive Squad, p3

⁶⁵ See also: Exhibit 1, Tab 8, Statement - Sen. Const. G Southcott

⁶⁶ Exhibit 1, Tab 29, Report - Dr P Luckin, p4

⁶⁷ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander, pp 3, 7 & 9 and ts 03.09.20 (Macander), p10

⁶⁸ Exhibit 1, Tabs 15 & 16, Handwritten notes relating to the search for Mr Tittums (27-29.07.11)

⁶⁹ Exhibit 1, Tab 23, Police incident report (27.07.11)

42. Officer Macander said that enquiries made with Mr Tittums' partner established that there had been no unexplained activity on his bank accounts after he had gone missing. Since that time, there has been no contact whatsoever from Mr Tittums, and when interviewed in 2017, both Mr Tittums' aunt and his father expressed the opinion that had he had died.^{70,71,72}
43. Officer Macander said that in his view, the search for Mr Tittums was conducted in accordance with relevant guidelines and policies and was "*thorough and exhaustive*". He also said that all necessary resources had been made available during the search operation.⁷³

Allegations relating to Mr Tittums' disappearance

44. On 3 August 2011, an anonymous caller to *Crime Stoppers* told police that Mr Strong's dinghy was "*full of drugs*" and that the SES had found drugs on the vessel on 28 July 2011. However, a police investigation found no evidence to support these allegations. Mr Strong denied he had done anything to the dinghy after it was taken on board the *Phat Cat* and when police searched the dinghy and the *Belo Star* after Mr Tittums' disappearance, nothing untoward was found.^{74,75,76}
45. At the inquest, Mr Strong was asked how the rope securing his dinghy to the *Belo Star* had snapped and whether he and Mr Tittums had argued. Mr Strong said the rope must have frayed as it rubbed against the side of the *Belo Star* as the dinghy bobbed up and down and he denied that he and Mr Tittums had argued.⁷⁷
46. The basis for these questions appears to be the fact that Mr Tittums' father told police that he had heard a story going around that his son "*may have been pushed off...[the Belo Star]...and into the water*" and that this matter "*was never fully investigated*".^{78,79}

⁷⁰ ts 03.09.20 (Macander), pp18-19

⁷¹ Exhibit 1, Tab 4, File note record of conversation with Ms G Boddington (06.10.17)

⁷² Exhibit 1, Tab 4, File note record of conversation with Mr L Tittums (09.10.17)

⁷³ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander, pp 7 & 9 and ts 03.09.20 (Macander), pp20-21

⁷⁴ ts 03.09.20 (Strong), p50

⁷⁵ Exhibit 1, Tab 23, Police incident report (270711 1500 7981), p1

⁷⁶ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander, pp8-9 and ts 03.09.20 (Macander), pp13-16 & 19-21

⁷⁷ ts 03.09.20 (Barter), pp48-50 and ts 03.09.20 (Strong), pp47-48

⁷⁸ Exhibit 1, Tab 4, File note record of conversation with Mr L Tittums (09.10.17)

47. In his report, Officer Macander says that as a result of his investigations and review of the circumstances of this matter, he did not identify: “*any evidence of the unlawful involvement of another person in the suspected death of...[Mr Tittums]*”. Officer Macander added:

While the presence of David Strong on board the *Belo Star* is suspicious, I am of the opinion that the missing person, Carlton Scott Tittums, drowned in the Indian Ocean whilst swimming after a dinghy on Wednesday, 27 July 2011.⁸⁰

48. Given that there is no evidence before me to contradict Mr Strong’s version of events, I am unable to take the issues raised by Mr Tittums’ family about his disappearance any further.
49. However, in my view, it is unlikely that Mr Tittums was pushed off the *Belo Star*. Had this occurred, I would have expected Mr Tittums to have attempted to get back on board the *Belo Star* and/or to have alerted those on board. Neither of those things occurred. Instead, both Mr Strong and Mr Ayres both say they saw Mr Tittums swimming towards the dinghy.

⁷⁹ ts 03.09.20 (Macander), pp16-17

⁸⁰ Exhibit 1, Tab 2, Report - Det. Sgt. J Macander, p9 and ts 03.09.20 (Macander), p19

HAS DEATH BEEN ESTABLISHED?

50. In my view, the evidence establishes beyond all reasonable doubt that Mr Tittums died on or about 27 July 2011 in the waters of the Indian Ocean off Carnarvon.

51. In reaching that conclusion, I have relied on the following facts:

- i. the *Belo Star* was anchored off the coast of Carnarvon on 27 July 2011, and Mr Tittums was known to be on board;
- ii. Mr Tittums was seen to enter the sea without a lifejacket at about 2.00 pm on 27 July 2011 and swim towards a dinghy that was drifting away from the *Belo Star*;
- iii. Mr Tittums was swimming strongly, but he slowed down after a while (and may have been floating on the water for a short time)⁸¹ before disappearing from view;
- iv. Mr Tittums' timeframe for survival, assuming immersion in the sea, had expired by the time the search for him was called off on 30 July 2011;
- v. a police investigation found no evidence of the involvement of another person in Mr Tittums' disappearance; and
- vi. there is no evidence that since Mr Tittums' disappearance, he has been seen by any person or that he has made contact with any member of his family.

⁸¹ ts 03.09.20 (Strong), pp49-50

CAUSE AND MANNER OF DEATH

52. In circumstances where Mr Tittums' body has not been located, I am obliged to find that the cause of death is unascertained. However, the available evidence strongly suggests that the most likely explanation for Mr Tittums' death is that he died from immersion (drowning) after he jumped into the sea from the deck of the *Belo Star* and swam towards Mr Strong's dinghy.
53. In canvassing the possibility that Mr Tittums drowned after entering the sea from *Belo Star*, I have had regard to the following facts:
- i. Mr Tittums was seen to enter the sea without a lifejacket at about 2.00 pm on 27 July 2011 and swim towards a dinghy that was drifting away from the *Belo Star*;
 - ii. Mr Tittums was seen to be swimming strongly when he entered the water, but he seemed to slow down after a while, before then disappearing from view;
 - iii. Mr Tittums' timeframe for survival, assuming immersion in the sea, had expired by the time the search was called off;
 - iv. an extensive land, sea and air search failed to find any sign of Mr Tittums; and
 - v. Dr Luckin's opinion was that the most likely explanation for Mr Tittums' death was that he drowned.
54. Although it seems most likely that Mr Tittums died after getting into difficulty whilst swimming towards Mr Strong's dinghy, I have been unable to exclude other possibilities, such as that death occurred by some other natural cause.
55. Accordingly, I make an open finding as to the manner of Mr Tittums' death.

CONCLUSION

56. The evidence in this case leads to the inescapable conclusion that Mr Tittums died shortly after 2.00 pm on 27 July 2011, in the waters of the Indian Ocean off Carnarvon. At the relevant time, Mr Tittums was a deckhand on board the *Belo Star*.
57. The most likely explanation for Mr Tittums' tragic death is that he drowned whilst swimming after a dinghy belonging to an associate of his, that had been attached to the *Belo Star*, but which had come adrift.
58. However, on the basis of the available evidence and for the reasons I have set out above, I have been unable to ascertain the cause of Mr Tittums' death and I have made an open finding as to the manner of his death.
59. I cannot begin to imagine the grief and sadness that the family of Mr Tittums have endured since his disappearance. I can only hope that my finding that Mr Tittums has died, may offer his family some sense of finality, as they continue to cope with their terrible loss.

MAG Jenkin

Coroner

10 September 2020