
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : SARAH HELEN LINTON, DEPUTY STATE CORONER
HEARD : 8 FEBRUARY 2022
DELIVERED : 9 FEBRUARY 2022
FILE NO/S : CORC 883 of 2020
DECEASED : TOMIOKA, YARITOSAI

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Counsel Assisting : Sen/Const. Craig ROBERTSON

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

Nil

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Sarah Helen Linton, Deputy State Coroner, having investigated the disappearance of **Yaritosai TOMIOKA** with an inquest held at the **Perth Coroner's Court, Court 85, CLC Building, 501 Hay Street, Perth** on 8 February 2022, find that the death of **Yaritosai TOMIOKA** has been established beyond all reasonable doubt and that the identity of the deceased person was **Yaritosai TOMIOKA** and that death occurred on or about 5 October 1972 in the waters of the Indian Ocean approximately 200 nautical miles west of Fremantle, Western Australia, as a result of an unknown cause in the following circumstances:*

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INTRODUCTION

1. On 5 October 1972, Western Australian Police received information from the Marine Operations Centre in Canberra that a sailor had died on the ‘Toku Ju Maru’ vessel in Australian waters approximately 134 nautical miles from Fremantle, Western Australia. Further enquiries established that the sailor was Mr Yaritosai Tomioka and that, rather than having died onboard the vessel, Mr Tomioka was believed to have deliberately gone overboard in an act of suicide.¹
2. On 6 October 1972, the vessel berthed in North Quay, Fremantle, and Sergeant Buckley from the Victoria Quay Police Station boarded the vessel and commenced inquiries into Mr Tomioka’s disappearance, with the assistance of an interpreter. It was established that Mr Tomioka had been discovered missing early on the morning of 5 October 1972, and a search of the vessel had found no sign of Mr Tomioka, but did discover a ‘suicide note’ left by him in which he apologised for some issues in relation to his duties on board the vessel and referred to a plan to weigh himself down with a heavy item and go overboard.
3. On the basis of the information provided by the WA Police in relation to Mr Tomioka’s disappearance, I determined that pursuant to s 23 of the *Coroners Act 1996* (WA), there was reasonable cause to suspect that Mr Tomioka had died and that his death was a reportable death. I therefore made a direction that a coroner hold an inquest into the circumstances of the suspected death.²
4. I held an inquest at the Perth Coroner’s Court on 8 February 2022. The inquest consisted of the tendering of documentary evidence compiled through the police investigation conducted into Mr Tomioka’s disappearance, as well as hearing evidence from Sergeant Jenny Farman in relation to the police investigation.

BACKGROUND

5. Mr Tomioka was born in Japan on 1 January 1925. At the time of his disappearance he was said to be married although there is limited details in relation to his wife and other family. Mr Tomioka was employed as the Chief Engineer onboard the ‘Toku Ju Maru’, which was a tuna fishing vessel. He had been working in that role for approximately seven years prior to his disappearance. He had a good professional reputation and the vessel’s Captain found he was a very good Chief Engineer.³
6. The police investigation ascertained that Mr Tomioka had been struggling with a matter connected with his work. An ongoing problem had developed with the refrigeration onboard the vessel, which is a very important matter on a fishing vessel. Despite his best efforts, Mr Tomioka had been unable to get the freezer temperature down to the required temperature to maintain the vessel’s tuna catch. They had been at sea for 268 days at that time and were carrying 160 tonnes of tuna onboard. The plan was to come to Fremantle to obtain provisions before returning to Japan, where the catch of tuna would be sold. Obviously, that would require a lengthy journey and

¹ Exhibit 1, Tab 4.

² Section 23 *Coroners Act* Direction of Deputy State Coroner Vicker dated 19 March 2019.

³ Exhibit 1, Tabs 2 – 4 and Tab 6.

it was important that the refrigeration was fixed. Mr Tomioka appears to have taken his inability to fix this issue as a personal failure, and lost the will to live.⁴

7. Mr Tomioka was last seen by the 1st Engineer at midnight on 4 October 1972 in the Engine Room when they changed watches. Mr Tomioka was off duty from midnight until midday on 5 October 1972.⁵
8. When Mr Tomioka failed to attend breakfast at 7.00 am on the morning of 5 October 1972, the ship's cook went to his cabin to check on him. Mr Tomioka was not inside the cabin, but the cook located inside his cabin was a six page letter in which Mr Tomioka apologised for his actions in relation to the freezer and referred to weighing himself down with a heavy item and going overboard.⁶
9. After the discovery of the note, the captain of the ship, Captain Keniti Ozaki, was informed that Mr Tomioka was missing and was believed to have committed suicide. Captain Ozaki initiated a sea search at 7.05 am, which continued until 8.30 pm without any sign of the missing man, as well as a thorough search of the vessel being undertaken. No heavy items were found missing from the vessel, and there was no sign of Mr Tomioka onboard. Enquiries with the crew found no one who had seen him after midnight.⁷
10. The Marine Operations Centre in Canberra was notified, and they contacted the WA Police in Fremantle at 9.20 am on 5 October 1972. Additional information was provided by the vessel's agents at around 11.10 am as to the known circumstances of the disappearance and the search efforts that had been undertaken. At the request of the vessel's agents, the authorities were requested to cancel any planned search for Mr Tomioka, as it was believed there was little hope of locating him.

INITIAL POLICE INVESTIGATION

11. At 4.05 pm on 6 October 1972, the vessel berthed in Fremantle and Sergeant Buckley from the local police station boarded the vessel with an interpreter in order to conduct inquiries into Mr Tomioka's reported disappearance. Sergeant Buckley spoke to various witnesses and reviewed the six page suicide note. Captain Ozaki provided a statement to police in which he confirmed that Mr Tomioka was missing and identified that the handwriting on the note was that of Mr Tomioka. Captain Ozaki reported that Mr Tomioka was in good physical health, but the note suggests he was in a poor mental state due to the refrigeration issue.⁸
12. The suicide note was viewed and a copy was apparently taken of the original, before the original was returned to the Captain who wished to take it back to Japan. Unfortunately, the copy is not now able to be located. However, in the original report, it was recorded that the note was interpreted for Sergeant Buckley at the time by an employee of the vessel's agents and Sergeant Buckley was satisfied the letter clearly indicated Mr Tomioka's state of mind. He indicated his intent to commit suicide, apologised for his actions and indicated that there would be no use in

⁴ Exhibit 1, Tab 3 and Tab 4.

⁵ Exhibit 1, Tab 6.

⁶ Exhibit 1, Tab 3 and Tab 6.

⁷ Exhibit 1, Tab 3.

⁸ Exhibit 1, Tab 3.

searching for him. Nevertheless, the Captain confirmed they had conducted a lengthy sea search for over twelve hours.⁹

13. The vessel stayed in Fremantle for ten days, before it left Fremantle to return to Japan. Whilst the vessel was still in port, a local refrigeration engineer was called in, and he verified that there was a problem with the temperature of the freezer. The shipping agents flew in a replacement Chief Engineer and refrigeration engineer from Japan to accompany the vessel on its journey back to Japan. No further information was obtained after the vessel left port.¹⁰
14. A report to a Superintendent dated 1 November 1972 indicated that Mr Tomioka's relatives had been notified of Mr Tomioka's disappearance, and the Japanese Consulate had also been notified.¹¹

RECENT POLICE REVIEW

15. This matter was reviewed by an officer from the WA Police Missing Persons Team. In 2015, 'proof of life' checks were conducted with the relevant authorities nationally, and no sign of Mr Tomioka having been in Australia was found. In February 2020, Sergeant Andrew Pelletier prepared a report to the Officer in Charge of the Missing Persons Team confirming the police view remains that Mr Tomioka perished in the ocean approximately 321 kilometres from Fremantle on or about 5 October 1972.
16. Recent enquiries with the Japanese Consulate to try to identify any next of kin details of Mr Tomioka have unfortunately been unsuccessful, as they do not have any records dating back to 1972. Therefore, no recent contact has been able to be made with Mr Tomioka's family.

CONCLUSION

17. I am satisfied beyond reasonable doubt that Mr Tomioka died around the time of the discovery of his disappearance on 5 October 1972. I am satisfied, based upon the note he left, that the manner of death was by way of suicide, but there is insufficient evidence for me to be able to be satisfied of a cause of death, as he may have met his death in a number of ways, including injury from the fall into the water, drowning or predation. Accordingly, the cause of death must remain unascertained.

S H Linton
Deputy State Coroner
9 February 2022

⁹ Exhibit 1, Tab 3.

¹⁰ Exhibit 1, Tab 4.

¹¹ Exhibit 1, Tab 5.