



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 3/20

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Derek Spencer WATTS** with an inquest held at the **Coroner's Court, Court 85, Central Law Courts, 501 Hay Street, Perth, on 8 January 2020** find the death of **Derek Spencer WATTS** has been established beyond all reasonable doubt, and the identity of the deceased person was **Derek Spencer WATTS** and that death occurred on **30 January 1977** at **sea in the vicinity of the Ledges, Bob's Hollow, south of Margaret River**, in the following circumstances:*

**Counsel Appearing:**

Senior Constable Craig Robertson assisting the Coroner.

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## **INTRODUCTION**

On 30 January 1977 Derek Spencer Watts (Mr Watts) was fishing from rocky ledges at the Ledges, Bob's Hollow, with a friend, Alan John Kent (Mr Kent), when he descended to a lower level to assist in gaffing a fish. The ledge upon which he was standing was swamped by two waves in succession and following the second wave Mr Kent noticed Mr Watts was no longer clinging to the ledge below him. He called his name and shone his torch and saw Mr Watts in the vicinity of the rocks at water level. Mr Watts responded to Mr Kent's call and Mr Kent advised him to swim away from the rocks, but did not hear Mr Watts respond. Mr Kent ran down to the bottom ledge towards where he had seen Mr Watts, but did not see or hear anything from him again. Mr Kent searched for a few minutes then realised he needed to go and get help which he did. Mr Watts has never been seen or heard from again.

The inquest into the disappearance of Mr Watts was held in Perth with a videolink to Collie to allow Mr Kent to give evidence. The documentary evidence comprised of the brief of evidence, Exhibit 1, tabs 1-23, and the Public Notice of Inquest dated 13 December 2019 as Exhibit 2. The inquest heard oral testimony from Lennard Joseph Stansfield (Mr Stansfield), then Constable Stansfield, and the investigating officer in this matter. The Court also heard from Mr Kent, however, attempted direct contact with the family was unsuccessful.

### **Long Term Missing Persons 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 occurred at a time where there was limited or no jurisdiction for a coroner to examine the circumstances of 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 s 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*.

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 (s 3 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 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 inquest 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 Watts there was a relevant witness in Collie, Mr Kent, and while he was prepared to travel to Perth to give evidence, once offered the option of a videolink Mr Kent was content to participate in the inquest process via videolink. Inquiries as to whether the family wished to be involved in the inquest process were unproductive, however, when contacted in 2019 Mr Watts children had no objection to the inquest process.

Mr Watts death was dealt with by the Supreme Court in April 1981.<sup>1</sup> Enquiries with the Registrar General of Births, Deaths and Marriages revealed there was no record of Mr Watts' death and no death certificate issued. It was therefore necessary for an inquest to be held to allow a coroner to provide the Registrar General the particulars needed to register the death as a matter of public interest (s 25(1)(d)).

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

## **THE DECEASED**

Mr Watts was born on 4 October 1944 and was 32 years of age at the time he disappeared. Mr Watts was born in Wales, United Kingdom and travelled from Wales when he was 4 years old. He was the eldest of three boys and one of his brothers is still alive today.<sup>2</sup>

Mr Watts had been an apprentice jockey in his youth and was comparatively light weight for a male.<sup>3</sup> He had been raised in the Collie area and at the time of his death was working as a coal miner in the Collie mine on the conveyor belts. He did not work on the coal face.

At the time of his disappearance Mr Watts was married with two daughters and his wife was expecting their third child.<sup>4</sup>

Mrs Watts later remarried and did not remain in Collie.

Medical information provided at the time Mr Watts went missing indicated he had a full set of dentures for both his upper and lower jaws. Mr Kent advised the inquest Mr Watts had a bad back which prevented him from being able to cope with work at the coal face, although he did not know the origin of Mr Watts bad back and whether there would have been skeletal indicators to be used for future

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<sup>1</sup> Exhibit 1, tab 21

<sup>2</sup> t 8.1.2020, p31

<sup>3</sup> t 8.1.2020, p25

<sup>4</sup> t 8.1.2020, p29, 31

identification.<sup>5</sup> Otherwise Mr Watts appears to have been generally healthy and Mr Kent considered Mr Watts to be a good swimmer.

Mr Kent advised the inquest that he and Mr Watts were “work mates” and got on very well together having known each other for a long time. They were recreational fisherman and went fishing approximately once a fortnight in the Margaret River area. They enjoyed fishing at the Ledges at Bob’s Hollow and frequently fished from the rocks there, although they had never experienced a problem previously. Mr Kent advised they were both well aware of the potential for difficulties in fishing from the rocks, but believed that if one was sensible about the environment one would normally be safe. Mr Kent described the Ledges as being a series of ledges down to the water level, five in number, approximately five metres in depth. Level 5 was furthest from the water and level 1 was the closest to the water.<sup>6</sup> On the day in question Mr Kent recalled they had been fishing from level 5 having moved their gear further back due to the waves, however, it appeared relatively calm, although they were aware of the fact the sea in the vicinity of the hollow could be deceptive.

Mr Kent described the hollow as a small bay with a bottle neck which induced the swell into the hollow at one side which after a while would build up into a crescendo of waves crashing onto the rocks. The water in the hollow would be very active under the surface and it was known there were lots of ledges and caves under water. This was confirmed by Mr Stansfield.<sup>7</sup> It was recognised the underwater environment was dangerous and even the local abalone fishers would not dive for abalone at that point.<sup>8</sup>

Mr Watts and Mr Kent had left Collie on 27 January 1977 intending to spend the weekend at Bob’s Hollow at a camping spot there. Mr Kent advised the court it was one of their favourite spots, however, it was difficult to approach and consequently was usually fairly isolated, although it was a popular fishing spot. In 1977 there were no signs or warnings in the vicinity about the dangers of the coastline there.<sup>9</sup> Nevertheless he felt they were aware of the problems. Mr Kent believed its isolation

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<sup>5</sup> t 8.1.2020, p25, 28

<sup>6</sup> t 8.1.2020, p24

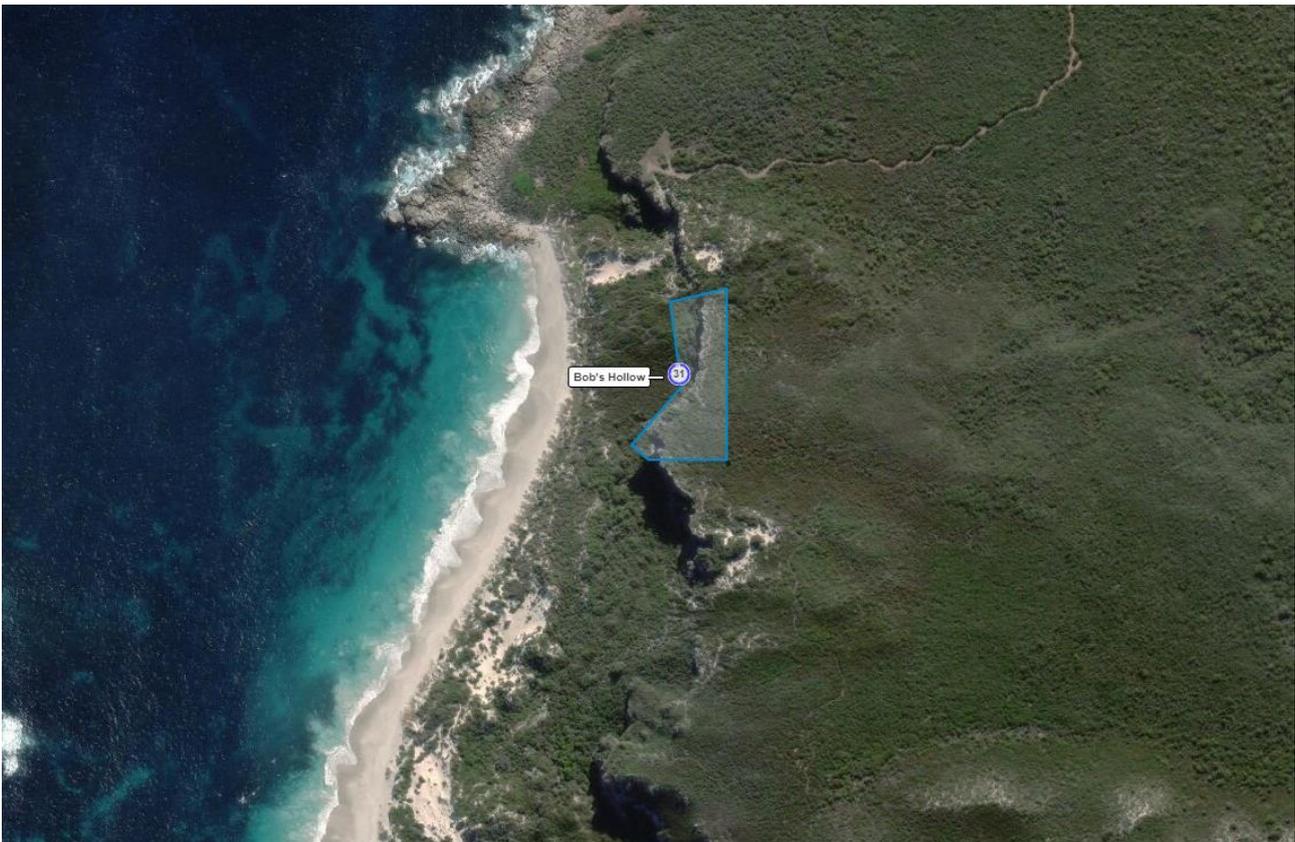
<sup>7</sup> t 8.1.2020, p13

<sup>8</sup> t 8.1.2020, p24

<sup>9</sup> t 8.1.2020, p13, 23, 27

was part of its attraction and it would not be heavily populated. This resulted in the fishing being extremely good. Mr Kent reported it was relatively chilly at night, despite it being January, and that both he and Mr Watts were warmly clad.<sup>10</sup> Mr Watts was wearing overalls with desert boot type footwear.

## **Bob's Hollow**



Map of Bob's Hollow – thecrag.com

The Missing Person Report (MPR) described the Ledges as a large cliff face situated on the northern side of a small bay measuring approximately 100 feet across. The sea comes into a small bottle neck bay and at any one time there are several currents criss-crossing each other from the south, west and north. There is a lot of turbulence in the bay itself and underneath the ledges there are a lot of caves and deep holes.<sup>11</sup>

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<sup>10</sup> t 8.1.2020, p25

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

Local experience estimates the depth of the water in the bay as 10 to 15 feet to 40 feet and the area is quite infamous for the type of incident that occurred with Mr Watts.<sup>12</sup>

## **DISAPPEARANCE**

Mr Kent advised the inquest he and Mr Watts were fishing from ledge number five in the very early hours of Sunday 30 January 1977. The sea looked relatively calm although they were aware of the fact the swell could build up and break over the rocks.

At approximately 1.40 am Mr Kent succeeded in catching a large fish which he was having some difficulty pulling in out of the water and up onto the ledge. Mr Watts moved down onto ledge number 3 to gaff the fish in an attempt to bring it out of the water and up to their ledge. Mr Kent shouted to Mr Watts he should get back up the ledges as the water was breaking along ledge number 3. Mr Watts replied he was alright and started to make his way to the edge of the ledge to get the fish.

Mr Kent saw and heard a large wave coming in and shouted to Mr Watts to get down and hang on. He observed Mr Watts crouch down on the ledge and hold onto a rock while the wave partially broke over him. Once it had broken over him and started to recede Mr Watts started to get back up, but Mr Kent yelled to him again as there was another wave coming and Mr Kent could see it was bigger than the last one. Mr Kent described the waves there as coming side on, not front on.<sup>13</sup> Mr Kent jumped back from the ledge he was on and could see Mr Watts crouched down and holding onto the rocks again. The wave broke over the ledges wetting Mr Kent and when the wave had receded he went to the edge of the ledge and saw that Mr Watts was no longer on the lower ledge hanging onto the rock and the torch he had been using was lying on the ledge.<sup>14</sup>

Mr Kent called out to Mr Watts and heard an answering shout so he shone the torch down into the water approximately 20-30 feet below and could see Mr Watts

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<sup>12</sup> Exhibit 1, tab 6

<sup>13</sup> t 8.1.2020, p23

<sup>14</sup> Exhibit 1, tab 7

clinging to a rock at water level in the bay with the water rolling over and around him pushing him about. Mr Kent heard Mr Watts say he was going to try and swim to the rocks, but Mr Kent told him to keep away from the rocks and swim out into the bay. Mr Watts responded, but Mr Kent could not hear what he said at that point. He then ran down to the bottom ledge across the rocks with his torch shouting for Mr Watts. Mr Kent did not see Mr Watts or hear him call out again.

In the police report prepared by Mr Stansfield in April 1977 he stated “*he heard (Mr Kent) him grunt (Mr Watts) as if the air had been pushed out of him. That was the last he saw of him*”.<sup>15</sup> Although Mr Kent did not repeat that in evidence it is likely with the passage of time he had forgotten that detail.

Mr Kent remained in the area for approximately five to ten minutes after Mr Watts disappeared, but saw no sign of Mr Watts and decided it would be most useful for him to go and get help. Mr Kent then left Bob’s Hollow, as he said it was a long drive on his own, and at approximately 2.30 am arrived at the private residence of one of the Margaret River Police to advise that Mr Watts had been washed off a ledge at Bob’s Hollow and that he appeared to have disappeared approximately 50 minutes earlier.

## **Investigation**

Constables Stansfield and O’Sullivan left Collie at approximately 3.30 am with Mr Kent to attend at Bob’s Hollow to search the area for Mr Watts. They could see no sign of Mr Watts and after an hour of searching the immediate area Constable Stansfield left Constable O’Sullivan and Mr Kent there and returned to Margaret River in an attempt to get further assistance.<sup>16</sup>

Mr Stansfield advised the inquest he sought assistance by going across to the volunteer fire station opposite the Margaret River Police Station and ringing the emergency bell. This bought volunteers out who then returned with him back to the Ledges at Bob’s Hollow to assist with a search of the bay and shore.<sup>17</sup>

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<sup>15</sup> Exhibit 1, tab 6

<sup>16</sup> Exhibit 1, tab 6

<sup>17</sup> t. 8.1.2020, p.14

The immediate area was searched along the shoreline from a bay approximately 400 metres south of the Ledges to approximately a kilometre north of the Ledges. In addition local volunteers in boats, who were out fishing, searched the sea from the mouth of the Margaret River to the north of the Ledges and an air search was organised and conducted by a local farmer who frequently assisted the police in these situations. He searched the area with a friend as a spotter along the sea and shore for a distance of approximately 15 miles north and south of the Ledges with no one reporting having seen any sign of Mr Watts.<sup>18</sup>

All local police stations were notified and the police diving squad arrived from Perth at approximately 3.00 pm. They went out to the Ledges, but advised Mr Stansfield the water was too rough for them to dive in the bay where it would be likely Mr Watts was caught up against the rocks and crevices or caves.<sup>19</sup> The search was continued on land and the dive squad returned to Bob's Hollow the following morning, but again found the water to be too rough to allow them to enter the bay and search the area properly. By the afternoon of 31 January 1977 they returned to Perth, there being no prospect of Mr Watts being alive in the bay by that time.

The air, land and sea search was then continued over the next 11 days by local volunteers and police, but no trace of Mr Watts was ever located.

Constable Stansfield believed there had been approximately five deaths at that location and it was most likely Mr Watts became trapped in a hole or cave and his body unable to surface. General experience indicates a body which is able to surface usually surfaces after approximately 3 days near the sea bed, however, may due to circumstances have disintegrated before there is the possibility of that occurring.

Later enquiries by police as to whether there was any indication Mr Watts had survived and accessed government services elsewhere confirmed there was no record in April 2015 of Mr Watts having accessed any government agencies, health facilities or banks since January 1977.

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<sup>18</sup> t 8.1.2020, p14

<sup>19</sup> t 8.1.2020, p12

The Immigration Department confirmed there was no trace of Mr Watts leaving Australia and his family have not heard from him since. Mrs Watts obtained probate in April 1981 to deal with his estate,<sup>20</sup> but no death certificate was issued.

### **HAS DEATH BEEN ESTABLISHED?**

The evidence of Mr Kent as to the circumstances of the disappearance of Mr Watts satisfies me beyond all reasonable doubt that Mr Watts is dead, and died on 30 January 1977 in the seas in the vicinity of the Ledges, Bob's Hollow, sometime between 1 and 2.00 am.

I accept Mr Watts was a capable swimmer as far as Mr Kent was concerned, who had seen him swimming in a river situation, however, he was also a slight man with a bad back and had fallen or been swept from a ledge some distance to the rocks beneath. While he appeared to have survived that incident, in that he could be seen clinging to rocks below and was able to respond to Mr Kent, there is no doubt that first immersion would have been destabilising physiologically for Mr Watts. He then apparently intended to swim towards the rocks in an effort to climb the ledges, but it is clear the water was extremely rough and there were significant currents and undertow in the vicinity of the small bay. It is clear he disappeared underwater and did not retain enough buoyancy, either in his clothes or lungs, to resurface. By then he would have been deceased.

It was likely he was then swept into the rocks and crevices under the ledges and it appears unlikely his body resurfaced at all. No trace of him was located by the searchers over the following 11 days along the coastline. He was certainly not seen by those at sea looking for him or from the plane searching for him.

The fact Mr Kent did not see or hear from him when he ran down to the water's edge with the torch satisfies me Mr Watts had by that time been re-immersed under water and had not survived.

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<sup>20</sup> Exhibit 1, tabs 15,16,17,18,19,20,21

I am satisfied beyond all reasonable doubt that Mr Watts became immersed in the vicinity of the strong current along the bottom of the ledges and was either swept into the rocks or out to deep water.

There is no apparent motive for Mr Watts to have voluntarily disappeared, and in any event it is extremely unlikely anyone would choose such a method to disappear if they wished to remain alive.

I also note the Order of 24 April 1981 made in the Supreme Court of Western Australia by a Deputy Registrar, that Mr Watts died on or after 30 January 1997 in the sea at Margaret River in the State of Western Australia, on behalf of Mrs Watts.<sup>21</sup>

All later checks by police as to the possibility of Mr Watts being alive and attempting to access essential services around Australia revealed no indication Mr Watts was still alive and his bank accounts and medical practitioners did not see any evidence that anyone with that name was still alive.

## **MANNER AND CAUSE**

I am satisfied beyond all reasonable doubt Mr Watts suffered at least two immersions around 1.40 am on 30 January 1977 and that he did not survive his second immersion, whether he had been injured in the first immersion or otherwise. As a result of the second immersion I am satisfied Mr Watts drowned at that time and place.

The fact Mr Watts was not found floating on the surface would indicate he drowned at the time of the second immersion. His body would have remained in the vicinity of the sea bed, rocks or crevices subject to the water movements at that time. Whether he remained intact and later surfaced out to sea is unknowable, but it is equally as possibly he was swept out to deeper water and his body never surfaced.

I find death occurred by way of Misadventure.

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<sup>21</sup> Exhibit 1, tabs 11 to 21

## **CONCLUSION**

It was a terrible situation for Mrs Watts to find herself in, pregnant with their third child and two small daughters. The fact people were very hopeful of finding at least Mr Watts' body to provide some closure is evidenced by the search continued by local volunteers and police for 11 days. This is an exceedingly long time. Mr Stansfield described the commitment by local people to the effort to find Mr Watts and it was certainly commendable for such an isolated spot, which I understand now has warning signs, bolt holes and rings designed to warn and assist people intent on fishing from rocks along a coastline which is known to be dangerous in its production of unexpected freak waves.

Mr Kent advised the inquest he had not rock fished, or even fished since 30 January 1977, other than in rivers or from a large boat.<sup>22</sup>

E F Vicker  
**Coroner**  
May 2020

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<sup>22</sup> t 8.1.2020, p27