

SOUTH



AUSTRALIA

FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 29th day of April 2002 and the 17th day of May 2002, before Wayne Cromwell Chivell, a Coroner for the said State, concerning the death of Robert John Gertau.

I, the said Coroner, find that, Robert John Gertau aged 68 years, late of 9 East Terrace, Cummins, South Australia died at Frenchman's Bluff via Port Lincoln, South Australia on the 18th day of October 1999 as a result of head injuries.

1. **Introduction**

- 1.1. Mr Robert Gertau was a 68 year old man who lived at Cummins, on the Eyre Peninsula of South Australia.
- 1.2. On Monday, 18 October 1999, Mr Gertau went fishing at a place called Frenchman's Bluff, near Cummins with his friend John Mahiljevic. Mr Mahiljevic described what happened as follows:

'I've known Bob Gertau and his wife Shirley for about ten years. We are next door neighbours in Cummins.

I drove my hilux utility VFB 727 out to the beach. When we arrived we looked at the beach from the cliff top and decided it was too rough to fish from our usual place off the rocks. It didn't look safe enough to fish. The rocks were wet.

We looked across to the point in a westerly direction about 2 kilometres from the parking bay. It looked okay out there so we drove around there. I think the wind is blowing at about 15 knots now. It's the afternoon sea breeze. It wasn't blowing like that when we came here.

I drove as far as we could and I walked to the point. We went down the cliff and I went to a point a bit further out than Bob. I threw a line in and Bob had to get his line ready.

I turned around after I cast the line in and saw something in the water. I climbed up the cliff further and saw Bob was gone. I realised it was Bob. I had to be careful because the swell was coming in through the rocks.

Bob was on the rocks, in the water. He was face down in a pool of water. I went down to get him and pull him out the water.

As soon as I lifted him up I knew he wouldn't survive. His head was badly cut and blood was oozing from the top of his skull. His body was limp, there was blood everywhere. I wasn't in a position to provide resuscitation as the swell was coming in. I had to get us both out of there. I pulled him up onto the rocks. When the swell came in I was waist deep in water.

His cockles were still on the rock untouched and his fishing gear was still where he was rigging the line. I can't explain what happened as his line is about five to six feet from the edge where he fell over.

I don't recall any unusually large swells. There was a swell but nothing huge. He wasn't washed off the rocks. He couldn't have been from where he was.

I believe Bob was perfectly healthy for an old man.

After I got him on the rocks I went to the car and tried to grab a rope and secure him. By the time I got to the car I knew I couldn't get back so I went and got help at a house.

The SES guy came down and we moved Bob further up the rocks.'

(Exhibit C9a, p1-3)

2. Cause of death

- 2.1. A post-mortem examination of the body of the deceased was performed by Dr T Simon, Pathologist, at the Whyalla Hospital Mortuary on 20 October 1999.
- 2.2. Dr Simon noted the presence of multiple fractures at the base of the skull with subdural and subarachnoid haemorrhages.
- 2.3. Dr Simon's conclusion was that the cause of Mr Gertau's death was head injuries rather than drowning (see Exhibit C11a).
- 2.4. The toxicological examination of Mr Gertau's blood revealed that there was no alcohol present (see Exhibit C12a).

3. Issues arising at inquest

- 3.1. Constable David Manning, who attended with Constable Karen Walter at the scene of Mr Gertau's death, said that Mr Gertau was wearing 'a set of blue overalls and pull on work boots' when he checked his body at the scene.

- 3.2. I am unable, on the evidence before me, to form a firm conclusion as to the cause of Mr Gertau falling on his head and sustaining fatal head injuries.
- 3.3. On the basis of that conclusion, I make no recommendations pursuant to Section 25(2) of the Coroner's Act, since I am unable to form a conclusion as to what might prevent, or reduce the risk of, a death similar to that of Mr Gertau.

Key Words: Fishing; Head Injuries; Fall on Rocks

In witness whereof the said Coroner has hereunto set and subscribed his hand and

Seal the 17th day of May, 2002.

Coroner