



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings have been de-identified in relation to the name of the deceased, family, friends, youths and others by direction of the Coroner pursuant to s57(1)(c) of the Coroners Act 1995)

I, Olivia McTaggart, Coroner, having investigated the death of JY

Find, pursuant to Section 28(1) of the Coroners Act 1995, that

- a) The identity of the deceased is JY, date of birth 2 November 1987.
- b) JY was 34 years of age and was employed as a fish farm worker. At the time of his death, he was not working due to a work-related injury to his back. He was scheduled to return to work on 17 March 2022.

JY regularly went fishing and scuba diving, both on his own and with others. He had previously completed a scuba diving course. He chose not to wear a wetsuit when he dived and the evidence suggests that he was in the habit of consuming alcohol immediately before diving to combat the cold.

On Friday 11 March 2022 JY drove to the Catamaran campground at Recherche with his housemate, TI. They had planned to camp there for several days to fish and dive. On Saturday 12 March 2022 they were joined by JY's uncle, MG. That evening JY and TI consumed a carton of beer between them.

During the early afternoon of Sunday 13 March 2022, JY consumed approximately half a bottle of vodka. At about 2.00pm the group launched JY's boat (a fibreglass boat with an outboard motor) and travelled to Sullivan Point. At this location, JY put on his scuba gear, without a wetsuit, and entered the water alone to dive for abalone. His dive equipment comprised a regulator set, cylinder, buoyancy control device, mask, fins, weight belt and catch bag.

TI and MG left the diving location in the boat to secure a dinghy that they saw had washed ashore. The pair were assisted in retrieving the dinghy by a local

landowner, Jason Whitehead. During this time, they lost sight of JY's diving location.

Mr Whitehead observed the bubbles being made by JY and movement of his flippers whilst he dived in a gulch area. Mr Whitehead pointed out his location to TI and MG. Subsequently, however, they again lost sight of JY. Again, they attempted to locate him. Despite their initial searches, they were unable to find him and requested the assistance of others nearby. They also called emergency services for help. TI put on his snorkelling gear from the boat and swam into the gulch where JY had last been seen.

JY was found by TI lying unresponsive on the bottom of the sea floor at a depth of approximately four metres. TI was unable to raise JY to the surface due to his weight. Mr Whitehead, who had returned to the scene, used TI's snorkel gear to dive down to JY. He secured the anchor of the boat to JY's buoyancy control device and they were able to move JY onto a nearby rock platform. Mr Whitehead unclipped JY from his weight belt in this process and also unclipped a very heavy catch bag completely full of abalone.

I am satisfied upon the evidence in the investigation that the catch bag contained about three times the lawful bag limit. Before police arrived, TI emptied a large quantity of abalone from the catch bag into the water in order to conceal the quantity of abalone taken by JY. JY was taken in the boat to the boat ramp at Catamaran where the group were met by police officers. JY was confirmed as being deceased.

An autopsy was conducted by Forensic Pathologist, Dr Christopher Lawrence, who formed that opinion that JY died by drowning. Toxicological analysis revealed that he had a highly elevated blood alcohol concentration of approximately 0.250g/100ml.

JY's diving equipment was examined and tested by Mr Karl Price, the Hyperbaric Facility Manager of the Department of Diving and Hyperbaric Medicine at the Royal Hobart Hospital. Mr Price found no failure in the scuba equipment that would have caused or contributed to JY death. The evidence indicates that JY had sufficient air in his full tank to dive for about 45 minutes. I am satisfied that when TI located JY, he had been under the water for 70 minutes and was deceased.

- c) JY's cause of death was drowning.

d) JY died on 13 March 2022 at Recherche, Tasmania.

In making the above findings, I have had regard to the evidence gained in the comprehensive investigation into JY's death. The evidence includes:

- The Police Report of Death for the Coroner;
- Affidavits confirming life extinct and identity;
- Opinion of the Forensic Pathologist who conducted the autopsy;
- Toxicology report of Forensic Science Service Tasmania;
- Affidavit of HU, partner of JY;
- Affidavit of TI, housemate of JY;
- Police interview with MG, uncle of JY;
- Affidavits of Jason Whitehead and Jarrod Carr, who helped search for JY;
- Affidavits of four attending and investigating police officers, including photographs; and
- Diving equipment report from Department of Diving and Hyperbaric Medicine at the Royal Hobart Hospital.

Comments and Recommendations

I am not able to determine upon the evidence the precise circumstances surrounding JY's death by drowning. It appears that he did not take steps to surface from his dive before he ran out of air. His decision to dive was fraught with obvious risk and his death was entirely preventable. There were numerous factors that likely contributed to JY's dangerous situation and death. These factors include:

- That he was diving alone and without a buddy.
- That those operating the dive boat moved away from JY's instead of staying with him, and therefore lost sight of his location.
- That he was highly intoxicated with alcohol, likely leading to physical incapacitation, poor decision-making and disorientation. This may have included neglecting to monitor the amount of air remaining in his cylinder and failing to surface when he should have done.
- That he was in a state of negative buoyancy. He was heavily weighed down on the sea floor by a heavy bag of abalone in excess of his lawful limit, together with his weight belt. He had failed to unclip both items. His lack of buoyancy was exacerbated by his failure to wear a wetsuit and his obesity (131.3 kg).

JY death serves as a reminder of the importance of scuba diving in a safe and responsible manner.

I extend my appreciation to the investigating officer and experts assisting with this case.

I particularly acknowledge the efforts of Mr Jason Whitehead in retrieving JY.

The circumstances of JY's death are not such as to require me to make any recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of JY.

Dated: 17 April 2024 at Hobart in the State of Tasmania.

Olivia McTaggart

Coroner