



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 and family by the direction of the Coroner pursuant to s 57(1)(c) of the Coroners Act 1995)

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

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

- a) The identity of the deceased is ZA, date of birth 26 May 1965.
- b) ZA was 58 years of age at the time of his death and lived with his partner, VR, at Cooe. He was born and grew up in Devonport and attended university in Hobart. ZA married LC in June 2011. ZA and LC had four children together: BF (born 2010), DN (born 2013), HT (born 2014), and GE (born 2019). In 2021 ZA and LC separated and, at the time of his death, ZA was in the midst of an ongoing custody dispute. This had a negative impact on his physical and mental health. He developed symptoms of asthma, gained weight and suffered from hives. Shortly after his separation from LC, ZA began a relationship with VR. At the time of his death, ZA was working as a manager on his family's farm at Penguin and as a volunteer at HIVE cultural centre in Ulverstone.

The evidence in the investigation indicates that ZA was able to swim but not competently or enthusiastically. His mother said that he was "not a water person."

On Sunday 17 March 2024, ZA was spending the day with his four children, aged 14, 11, 9 and 4 years respectively. That day, he took his children to a number of places places, including Goat Island, the family farm at Penguin, and the HIVE centre. ZA planned to end the day with his children and VR at Cooe beach.

In the afternoon, at a time prior to 4.30pm, ZA and his children arrived at Cooe beach. The four children entered the water and went swimming.

There is some uncertainty about the initial movements of the children in the water. Due to the traumatic nature of this event, I have determined it unnecessary to seek their accounts. It is likely that ZA initially waded in the water, accompanying two of his children, but subsequently remained on the beach while they swam.

At about 4.30pm HT was swept out to sea in the current and swell. GE and DN were likely close to shore when this occurred and were safe. However, BF was also in the process of being swept away from shore. At some point, ZA entered the water to try and rescue his two children.

DN raised the alarm with other persons on the beach and a 000 call was made. Three males were present on the beach - John Abell, Peter Benson and Luke Jones - They entered the water to help.

Mr Abell swam out to BF who was 60 metres from shore. He was able to get her safely back to shore by laying on his back with BF holding his feet. Mr Benson and Mr Jones swam out to HT, who was about 100 metres from shore. They found HT, conscious, holding on to his father, who was face down, unresponsive and floating. They both shared the job of bringing HT towards shore. They were unable to help ZA. In his affidavit, Mr Jones said that the current was very strong, and a rip existed. The exertion required was considerable in these conditions.

Police officers arrived at the scene at 4.44pm. They saw a young boy and two males struggling in the surf about 100 metres from shore. Three police officers, Sergeant Jason Dicker, Constable Benjamin Strong and Trainee Constable Jamie Duggan removed their clothing and entered the water. They successfully assisted Mr Abell, Mr Benson and HT back to the shore.

Once on shore, the three officers were advised that ZA was still in the water, a fact previously unknown to them. They then returned to the water and swam out to rescue him. They described the swell as a high with the current dragging them outwards. They located ZA floating face down, 250 metres from the shore and unresponsive. They brought him approximately 100 metres towards the shore until they were assisted by personnel in the Burnie surf lifesaving boat, who had been advised of the emergency.

ZA was transported to shore by boat, with attempts at CPR commencing immediately. Ambulance Tasmania paramedics, who had arrived at the

scene, continued resuscitation attempts on ZA. Despite all attempts to revive him, ZA exhibited no signs of life at any time and was determined to be deceased.

- c) ZA drowned accidentally whilst attempting to rescue his son. I find that he was likely deceased at the time HT was rescued by Mr Abell and Mr Benson. Toxicological testing of ZA's blood sample revealed that he had consumed no drugs, medications or alcohol before entering the water.

- d) ZA died on 17 March 2024 at Cooee, Tasmania.

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

- The Police Report of Death for the Coroner;
- Affidavits confirming identity;
- Opinion of the forensic pathologist regarding cause of death;
- Toxicology report of Forensic Science Service Tasmania;
- General practitioner records for ZA;
- Affidavit from IU, mother of ZA;
- Affidavit of YR, partner of ZA;
- Affidavits of the three police officers involved in the rescue;
- Statutory Declaration of John Abell, civilian who helped rescue BF;
- Affidavit of Luke Jones and Peter Benson, civilians who helped rescue HT; and
- Affidavits of attending and investigating officers of Tasmania Police, together with body worn camera footage and photographs.

Comments and Recommendations

Cooee Beach is a popular and accessible Bass Strait beach at Cooee, just west of Burnie. It is unpatrolled and no services are provided by Surf Life Saving Australia for this beach. Like many beaches, it is prone to rips, current and swell which present hazards for swimmers. I am satisfied that, on the day of ZA's death, there was significant current and swell. There is no indication that ZA was aware of such potentially dangerous conditions when allowing his children to swim.

Tragically, when he went to rescue HT, he was not able to survive. The condition of the sea and his lack of swimming ability and fitness were factors in his death.

Several other lives could so easily have been lost in this event.

Mr Abell, Mr Benson and Mr Jones showed remarkable courage in entering the water to save the lives of both children. HT was brave and cooperative during his rescue. Sergeant Dicker, Constable Strong and Constable Duggan also acted quickly and fearlessly to bring three people to safety and then to return to the water to rescue ZA. All involved must be commended for their actions.

I note that, following this event, the Burnie City Council has arranged additional signage for Cooee Beach encouraging swimmers to swim at nearby beaches which are patrolled by Surf lifesaving personnel.¹

Finally, I make comment that Australia saw 150 deaths by coastal drowning for the year ending 30 June 2024. This is the highest recorded number of coastal drowning deaths since records began in 2004 and represents a 22% increase from the previous year. In Tasmania, coastal drowning deaths for the same period were above the 10-year average.²

Surf Life Saving Australia, in its National Coastal Safety Report of 2024, concludes that two major risk factors in such deaths are swimming at unpatrolled beaches away from surf lifesaving services and a lack of a swimmer's appreciation of dangers (including rips).

Sadly, ZA's death illustrates the elevated risk of swimming at an unpatrolled beach and failing to appreciate hazardous water conditions.

I extend my appreciation to investigating officer Constable Harry Burgess for his investigation and report.

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

Dated: 8 April 2025 at Hobart, in the State of Tasmania.

Olivia McTaggart
Coroner

¹ Burnie Beach and Somerset Beach are nearby patrolled beaches.

² Surf Life Saving Australia National Coastal Safety Report 2024