



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 29/13

I, Barry Paul King, Coroner, having investigated the suspected death of Sean Riley Coffey and the death of Bryce James Weppner with an Inquest held at Coroners Court 51, Perth on 5 July 2013, find that:

- 1. the death of Sean Riley Coffey has been established beyond all reasonable doubt, that the identity of the deceased person was Sean Riley Coffey, and that death occurred between 9 August 2012 and 10 August 2012 at sea off Carnarvon at approximately 25° 07 Latitude South, 113° 29 Longitude East from unknown causes; and that*
- 2. the identity of the deceased person was Bryce James Weppner, and that death occurred on 10 August 2012 at sea off Leeman from immersion*

in the following circumstances -

Counsel Appearing :

Sergeant Lyle Housiaux assisting the Coroner

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INTRODUCTION

1. On the afternoon of 9 August 2013 Sean Riley Coffey (Mr Coffey) and Bryce James Weppner (Mr Weppner) were fishing with Kim Thomsen (Mr Thomsen) in a five metre runabout boat just north of the Beagle Islands off the coast of Western Australia, northwest of Leeman, when the three men were thrown into the sea by a large wave.
2. A second wave sank the boat before the men could retrieve safety equipment from it.
3. Mr Coffey tried to swim against a strong current to the Beagle Islands while Mr Weppner and Mr Thomsen stayed together and swam north with the current.
4. About an hour before sunrise the next morning, Mr Thomsen lost contact with Mr Weppner.
5. Mr Thomsen stayed afloat and was rescued at about 11.25am that morning.
6. The body of Mr Weppner was recovered from the sea at about 11.45am.
7. Mr Coffey may have been sighted by a search aircraft a short time later, but he was not found.
8. On 12 October 2012 Mr Coffey's mother, Grace Coffey, requested by email that the State Coroner inquire into Mr Coffey's death.
9. In the context of information provided by Ms Coffey in the email, the State Coroner considered that there was reasonable cause to

suspect that the deceased had died and that his death was a reportable death.

10. By letter dated 25 October 2012 to the Commissioner of Police, the State Coroner directed under s23(1) of the Coroners Act 1996 that the suspected death of Mr Coffey be investigated so that an inquest could be held in order to determine whether the death could be established beyond reasonable doubt.
11. The subsequent investigation was carried out by Sergeant Greg Kemp, the officer-in-charge of the Leeman Police Station. Sergeant Kemp's report of his investigation was completed in February 2013.
12. On 5 July 2013 an inquest was held into the suspected death of Mr Coffey and the death of Mr Weppner. Sergeant Kemp was the only witness to testify. His investigation report, including its numerous attachments, was accepted into evidence and is the basis for the facts found below.¹

THE MORNING OF THURSDAY 9 AUGUST 2012

33. On the morning of Thursday 9 August 2012 Mr Thomsen, Mr Coffey and Mr Weppner drove up to Leeman from Perth in order to spend the day fishing. Mr Coffey and Mr Weppner were friends, and Mr Thomsen was Mr Coffey's uncle.
34. The men brought with them Mr Weppner's five metre Chivers runabout boat which was powered by a 90 horsepower Johnson

¹ Exhibit 1 Volume 1

motor and equipped with all the required safety equipment, including an emergency position-indicating radio beacon, or EPIRB. Mr Weppner had the appropriate recreational skipper's ticket though it appears that he was not experienced as a skipper in open water.

35. Mr Thomsen was 49 years old. He had a good general knowledge of water safety but had never owned a boat.
36. Mr Coffey was a fit 23 year old. He worked on off-shore platforms, so he had been rigorously trained in survival training and was a strong swimmer.
37. Mr Weppner, who was 22, was also a reasonably fit young man, though he smoked and had suffered from asthma.
38. When they arrived in Leeman at about 9.00am, the men visited the home of Constables David and Simone Puertollano. Mr Coffey was Ms Puertollano's younger brother. Both Puertollanos were police officers.
39. The three men dropped off some meat for a barbecue for the family that evening, and they discussed possible fishing spots with Dave Puertollano. He suggested heading directly west from Leeman until reaching a depth of 25 to 30 metres of water.
40. Mr Coffey asked whether there were any islands that might be good, and Dave Puertollano mentioned the Beagle Islands northwest of Leeman. The Beagle Islands are a group of small limestone and sand islands colonised by sea lions.

41. Dave Puertollano told the men that the Beagle Islands area was dangerous due to a reef and freak waves. He told the men that they should not bother with the Beagle Islands as it was too far away.
42. Dave Puertollano was concerned about Mr Weppner's lack of experience with the sea around Leeman. He told the men about the dangerous conditions that exist around the offshore reefs in particular. He warned them to keep a good eye out for freak waves that come out of nowhere when the water appeared calm, and he emphasised the need for them to log on by radio with the Leeman Volunteer Marine Rescue (LVMR) so that they could notify the LVMR of their locations as they moved around.
43. At around 11.00am the three men took the boat down to the boat ramp and put the boat into the water at a jetty near the LVMR base. They noticed signs indicating the radio channels that they would need to log onto.
44. As they got into the boat and began to leave the jetty area they tried to log onto the radio channels but were not able to get through. They decided to continue with the trip because of the fact that Dave Puertollano was aware of where they planned to go.

THE AFTERNOON OF 9 AUGUST 2012

45. As suggested by Dave Puertollano, the men went out from the coast due west until the depth of water below them was 30 metres. They spent some time looking around for good spots

with the use of the boat's echo-sounder and tried a couple of places without catching anything.

46. After a while, they decided to head to the Beagle Islands in order to try their luck there.
47. At the Beagle Islands, the men manoeuvred the boat so that it backed into the northwest of the islands and then let the boat drift north with the current while they fished from the back of it. After a while they would use the motor to drive the boat back to the initial position in order to start drifting again. Every time they drifted from the islands they caught fish.
48. The men were having a fantastic time catching fish and enjoying each other's company. They had taken beer with them, but had not had much to drink because they were so busy fishing.

THE FREAK WAVES

49. As they were keen to catch a dhufish, at 4.14pm Mr Coffey tried to call a friend in Jurien Bay, Geoffrey Simmons, to obtain information about locations which might be good for dhufish. Mr Simmons did not answer Mr Coffey, so Mr Coffey left him a voice message. Mr Simmons received the voice message and tried to call Mr Coffey back at 4.25pm but without success.
50. At about that time, the three men again put the boat at the starting position for drifting, agreeing that it would be their last time as they were hungry, and ready to head back to Leeman. They

started to drift and they all moved to the back of the boat to start fishing as they had done before.

51. After about 10 minutes, the men heard the loud noise of a breaking wave, and they felt the boat rise. A wave approximately five metres high lifted the boat and flipped it end over end, throwing the men into the water and leaving the boat floating upside down.
52. The men all surfaced and swam to the overturned boat. Mr Thomsen and Mr Weppner were unhurt, but Mr Coffey had been struck on the chin as the boat overturned. The extent and the seriousness of that injury is not known.
53. The men initially stayed with the boat. They planned to swim under it to retrieve the safety gear and the EPIRB, but they expected to be hit by another large wave, so they waited for it to pass. Another large wave did hit them as they clung to the hull of the boat, causing it to sink together with all the safety gear. The men again surfaced near each other after the wave had passed.

IN THE WATER

54. At this stage the three men were about 500 metres north of the Beagle Islands. Mr Coffey told the others that he was going to try to swim to the nearest island, and he set out on his own against the current.

55. Mr Thomsen told Mr Weppner that he did not think that he could make it to the island because of the breakers and the swell, and Mr Weppner stayed with Mr Thomsen.
56. During the rest of the afternoon, evening and night, Mr Thomsen and Mr Weppner swam slowly northeast with the current, encouraging each other to keep going and calling out when they became separated. When they had leg cramps, they would help each other to overcome them. Mr Weppner apologised several times for the accident, and Mr Thomsen kept saying that it was no one's fault.
57. Mr Weppner did not show any signs of his asthma and he did not complain about being cold or tired, but about an hour before sunrise he and Mr Thomsen became separated.
58. Mr Thomsen called out and heard Mr Weppner respond, but could not hear what he said. He did not see him again. Mr Thomsen continued to float northwards alone with thoughts of his family and kids giving him the will to keep going.

SEARCH AND RESCUE

59. Constable Dave Puertollano was on duty from 5.00pm on 9 August 2012. When the three men did not return to the Puertollano's home by 5.00pm on 9 August 2012, he started to keep a look out for them. He checked the empty horizon from the boat ramp and concluded from the fact that they had still not returned that the men must have gone to the Beagle Islands.

60. At 6.30pm Constable Puertollano went home to barbecue the meat that the men had brought that morning. Ms Puertollano tried calling Mr Coffey on his mobile phone without success.
61. Constable Puertollano had dinner with his family and then returned to duty at 7.30pm. He picked up his colleague, Constable Susan Schroder, and again drove by the boat ramp to check to see if the men were back.
62. As it had been dark for some time, Constable Puertollano decided to initiate a marine search. He assumed the role of incident controller and tasked Constable Schroder to call out the LVMR members. He then moved his command post to the LVMR base where phones and radios were available.
63. At about 8.55pm Constable Puertollano contacted the Water Police to bring them into the search. At about 9.30pm a qualified search and rescue mission coordinator, Senior Constable Barney Hutchison, took over the role of search mission co-ordinator and Constable Puertollano then became the police forward commander.
64. Police patrols were sent north of Leeman to flash lights to try to get a response from the boat.
65. The LVMR left Leeman in the vessel Abbey-Lee at 10.30pm to begin searching north of Leeman on the inside of the reef to the Beagle Islands and then back south from there.
66. At 10.40pm Senior Constable Hutchison contacted the Rescue

Coordination Centre-Australia to request the assistance of an

aircraft with radar and forward looking infrared to search for the boat. A Dornier aircraft arrived in the search area at about 12.45am the next morning and completed a search south of the Beagle Islands by 2.10am without sighting Mr Weppner's boat. The air search was then called off till 6.00am.

67. During the early morning planning was undertaken to extend the air search north to a position off Knobby Head.
68. At 7.00am on 10 August 2012 vessels and crews from Leeman, Jurien Bay and Port Dennison were brought into the search.
69. A nationally recognised expert on survivability in the wild, Dr Paul Lukin, was contacted at 8.20am to seek his opinion on the estimated time frame for survival for the men. He advised that, if the men were in the boat, the survival limit was three to four days; if they were in the water with personal floatation devices or hanging onto something buoyant, the survival limit was about 48 hours so would not be expected to extend past midday on 11 August 2012; if they were in the water without personal floatation devices, survival past last light on 10 August 2011 was unlikely.
70. At about 9.00am on 10 August 2012 Sergeant Kemp took over from Constable Puertollano as police forward commander and sent him home to be with his family.
71. Fixed wing aircraft and the Police Air Wing helicopter Polair 61 were utilised in the search, and at 10.00am the Channel 7 News

helicopter was also in the area. The Channel 10 News helicopter also came into the area that morning.

72. At 11.00am the crew in the Channel 7 News helicopter located Mr Thomsen floating alive in the waters off Knobby Head. The pilot, Nicholas Scott, notified the Dornier aircraft that there was a survivor in the water, so the Dornier headed for the location in order to drop a life raft.
73. The journalist on the helicopter, Grant Taylor, spotted a three and a half metre hammerhead shark circling Mr Thomsen, so Mr Scott used the rotor wash from the helicopter to scare the shark away. The Dornier then arrived and dropped a life raft, but Mr Thomsen was unaware that it had been dropped due to the salt in his eyes. In the meantime, a rescue vessel came to Mr Thomsen to pick him up while the helicopter hovered above.
74. At about 11.30am Mr Weppner's body was found by members of the LVMR in the water not far from the spot where Mr Thomsen was rescued.
75. Then, at about 11.55am the crew of the Dornier aircraft saw a third person in the water just north of the area where the other men were found and relayed their coordinates for a vessel to attend. A vessel from Port Dennison Volunteer Marine Rescue went to the location where the third person was seen, but the crew of the vessel were unable to find the person despite conducting an expanded search with the assistance of four more vessels, two fixed wing aircraft and a helicopter.

76. No further sightings of the third person occurred. The air search for Mr Coffey continued until about 6.00pm on 10 August 2012 and resumed the next morning at 8.30am. Vessels continued to search on the evening of 10 August 2012 until around 10.00pm and then recommenced the next morning at about 6.30am.
77. Mr Weppner's badly damaged boat had been located by the crew of the Channel 10 helicopter on 10 August 2012. It was recovered the next afternoon from four metres of water in a surf zone of the reef. The motor and several other parts of the boat were missing.
78. The air and water borne searches on 11 August 2012 were completed by 5.00pm.
79. On 12 August 2012 low cloud and strong winds made air searching impracticable, but a Fisheries Department vessel continued to search the coast.
80. On 13 August 2012 a LVMR vessel conducted coastal searches but at 9.15am the search for Mr Coffey was suspended.

POST MORTEM EXAMINATION OF MR WEPPNER

81. On 14 August 2012 forensic pathologist Dr G A Cadden made a post-mortem examination of Mr Weppner's body. Dr Cadden determined that Mr Weppner had died from immersion.

**CONCLUSION AS TO WHETHER THE DEATH OF
MR COFFEY HAS BEEN ESTABLISHED**

82. In the circumstances described above, I am satisfied that Mr Coffey's death has been established and I so find.

**CONCLUSION AS TO THE CAUSE AND MANNER OF
DEATH OF MR COFFEY**

83. It is not possible to be satisfied with any degree of certainty what caused Mr Coffey's death. It is likely that he was the third person spotted in the search, so it appears that he had been unable to swim to the Beagle Islands against the current and had turned north instead in order to rejoin his friends. It is likely that he drowned after being spotted, but sightings of sharks in the area, and the fact that great white sharks are found near sea lions colonies such as the one on the Beagle Islands, leaves open the possibility that Mr Coffey died from a shark attack.
84. In these circumstances I am not able to make a finding as to the cause of Mr Coffey's death.
85. I find that the manner of Mr Coffey's death was accident.

**CONCLUSION AS TO THE CAUSE AND MANNER OF
DEATH OF MR WEPPNER**

86. I find that Mr Weppner died from immersion in accordance with Dr Cadden's opinion. I find that the manner of his death was accident.

NO RECOMMENDATIONS

87. As the evidence at the inquest did not address issues relevant to obviating the likelihood of similar circumstances arising again, I refrain from making any formal recommendations.

COMMENTS IN RESPECT TO SAFETY ISSUES

88. These deaths provide a salutary lesson to recreational boat users that fishing on the ocean is always potentially hazardous, so appropriate care needs to be taken. In areas where freak waves are even remotely possible, boat users need to maintain a proper lookout.

COMMENDATION

89. The scores of people who took part in the search and rescue operation, particularly the members of the volunteer marine search and rescue groups, deserve special commendation.

**B P KING
CORONER**

10 July 2013