



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 40/13

*I, Barry Paul King, Coroner, having investigated the suspected death of **Benjamin Charles Linden** with an inquest held at the **Perth Coroner's Court, Court 51, CLC Building, 501 Hay Street, Perth** on **11 October 2013**, find that the death has been established beyond all reasonable doubt, that the identity of the deceased person was **Benjamin Charles Linden**, and that death occurred on **14 July 2012** in the **Indian Ocean near Wedge Island** in the following circumstances -*

Counsel Appearing :

Sergeant Lyle Housiaux assisting the State Coroner

THE DECEASED

1. Benjamin Charles Linden (**the deceased**) was born in Subiaco on 15 January 1988.
2. He lived in Osborne Park with his partner, Alana Julie Noakes. They were planning to buy a house and to have children in the next few years.
3. The deceased was in above average fitness due to his employment as a subterranean surveyor and because he was an active surfer. He had suffered asthma as a child

but had required the use of an inhaler only occasionally over the last few years.

4. The deceased was a keen surfer. He often travelled long distances early in the morning in order to seek favourable conditions and had travelled overseas on surfing holidays.

14 JULY 2012

5. On Saturday 14 July 2012 the deceased and his friend, Ryan James Soulis, drove from the Perth metropolitan area to a beach near Wedge Island north of Perth in order to go surfing. They went to a bay in the Indian Ocean formally called Didey Bay, but locally known as Dolphins,¹ and parked at the boundary gate of the Lancelin Defence Training Area. They dressed in wetsuits and took their surfboards down from the vehicle. The deceased was wearing a full black wetsuit.
6. The two friends walked down to the beach, a distance of 500 metres or so, and then walked south and back north on the beach in search of a good spot. They entered the water about 150 metres north of three men who had just arrived in a four-wheel drive vehicle.
7. The friends then surfed for about half an hour in that spot before moving another 100 metres north to a better position. Further north of them at that stage were two men, Matthew Brian Holmes and Nathan Andrew Smith, who were using a jet ski to tow each other out from shore on their surfboards.
8. The deceased and Mr Soulis had surfed for another 20 minutes or so and were sitting out from shore on their surfboards about 15 metres away from each other waiting for another wave to surf when they noticed what Mr Soulis recognised to be a great white shark on the

¹ Exhibit 1 Tab 10.

floor of the ocean beneath them. They began to paddle for shore.

9. The shark circled underneath Mr Soulis and then surfaced to his right, close enough for him to feel the spray from its gills. As the deceased was paddling parallel to the shore and away from Mr Soulis, the shark submerged and moved off from Mr Soulis to his front and left before turning and heading straight for him. When it got within about a metre of Mr Soulis, it turned and moved towards the deceased.
10. The deceased turned and saw the shark heading towards him. He knelt on his surfboard and raised his right leg out of the water to kick at the shark, but the shark attacked, taking the deceased in its mouth.
11. In the meantime, Mr Soulis had been pushed towards shore by a small wave that dropped out from under him when he was about half way into shore. When he looked back, he could see the shark circling the deceased's lifeless body.
12. Just to the north of the deceased, Mr Holmes was on his jet ski, towing Mr Smith on a surfboard. Mr Holmes saw that the deceased was being attacked by a white pointer shark about 50 metres in front of him, so he dropped Mr Smith off at the shore and went back out with the jet ski to assist the deceased. Mr Holmes estimated that the shark was about 5.5 metres long because it was about twice as long as his 3.3 metre jet ski.
13. When Mr Holmes got to the deceased, he saw him floating face down in the water with a leg gone and part of the other one also missing. He tried to pull the deceased onto the jet ski, but the shark moved between the deceased and the jet ski and bumped the jet ski.
14. Mr Holmes circled the jet ski around and returned to the deceased, but the shark took the deceased's body in its mouth and swam towards the shore in the wash of the

waves. About 10 seconds later the shark came back past Mr Holmes with its mouth closed.

15. Mr Holmes then picked up Mr Soulis and together they tried to find the deceased, but they did not find any trace of him except for his surfboard, which had a bite taken out of it by the shark.
16. Mr Holmes called '000' and emergency response personnel attended.
17. A land, sea and air search was conducted for the deceased and for any evidence of the shark attack, but nothing was found. The land component of the search continued until 12.00 noon on Tuesday 17 July 2012 without result.

DR MCAULEY'S ESTIMATE

18. The bite mark on the deceased's surfboard was examined by Dr Rory McAuley, a senior research scientist with the Department of Fisheries who had worked with the shark research program in that department for 15 years and had managed the program since 1999.
19. Dr McAuley's view was that the bite mark was made by a white shark (*Carcharodon carcharias*) that was likely to have been 3.5 to 4 metres long.

CONCLUSION

20. On the information available to me, I am satisfied that the deceased died as a result of injuries sustained from an attack by a white shark while he was surfing in the Indian Ocean near Wedge Island.
21. I find that the manner of death was misadventure.

22. I commend Mr Holmes for his brave and selfless actions when attempting to assist the deceased.

B P King
Coroner

4 November 2013