



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 25-13

*I, Alastair Neil Hope, State Coroner, having investigated the suspected death of **Luke MELFI** with an Inquest held at Perth Coroner's Court on 12 June 2013, find that the death has been established beyond all reasonable doubt, that the identity of the deceased person was **Luke MELFI** and that death occurred on 27 September 2012 in the ocean off the cliffs at Steep Point as a result of drowning in the following circumstances:*

Counsel Appearing :

Sgt L Housiaux assisting the State Coroner

Table of Contents

Introduction	2
The Circumstances Which Resulted in the Five Men Being Washed Off The Rocks	3
Conclusion.....	11



INTRODUCTION

On 11 October 2012 the Coroner's Court received an email from Mr Peter Melfi requesting that an inquest be conducted in relation to the suspected death of his son, Luke Melfi, who went missing after being washed off rocks while fishing near Steep Point on 27 September 2012.

Luke Melfi was one of five men who were washed off rocks at Steep Point, Shark Bay, in Western Australia on 27 September 2012. The other four men were all rescued after being in the water for approximately five and a half hours.

In spite of extensive searches which were conducted for Mr Melfi he has not been seen again and, therefore, there was reasonable cause to suspect that he had died and that the death was a reportable death.

On 24 October 2012, as State Coroner, I wrote to the Commissioner of Western Australia Police advising that I had reasonable cause to suspect that Luke Melfi was deceased and that the death was a reportable death. In that context, I directed that the suspected death be investigated pursuant to *Section 23 of the Coroners Act 1996*.

In these circumstances it was necessary to hold an inquest into the circumstances of the suspected death, and



in the event that the death could be established beyond all reasonable doubt, to make findings into how the death occurred and the cause of the death pursuant to *Section 23 of the Coroners Act 1996*.

THE CIRCUMSTANCES WHICH RESULTED IN THE FIVE MEN BEING WASHED OFF THE ROCKS

Eight men decided to go on a fishing trip to Steep Point. Those eight men were:

- ¾ Luke Melfi;
- ¾ Scott Rolls;
- ¾ Aaron Allingham;
- ¾ Peter Davies;
- ¾ Shaun Denholm;
- ¾ Gavin Kimber;
- ¾ Andrew Kimber; and
- ¾ Jasen Kimber

Of the eight men there was a considerable range in experience from very experienced fishermen to occasional fishermen. Mr Melfi was described as being an occasional fisherman who had never previously been fishing at Steep Point.

At approximately 3am on Wednesday 26 September 2012 the eight men left Perth in two vehicles and travelled to Steep Point. They arrived at Steep Point at about 3pm and stayed at Scavengers Camp in Shelter Bay.



Vehicle access to Steep Point can be difficult. It is approximately 185km by road from the Northwest Coastal Highway. The first 41km is sealed, followed by 114km of a formed but unsealed road and the last 30km of the trip is over very soft sand.

On their arrival some members of the group drove out to look at the cliffs while the remainder made a camp fire to cook their dinner. They were back together by dusk, had dinner and some alcohol before going to bed between about 9pm and 10pm.

At approximately 6am on Thursday 27 September 2012 all of the eight men were up and they had a light breakfast.

They left the camp in two vehicles at approximately 7.15am and drove about 16kms south to their fishing destination at Zuytdorp Cliffs, also known as Thunder Bay.

Prior to leaving Perth Mr Allingham had accessed a weather internet site and had obtained a forecast for conditions at Steep Point. It was considered that though conditions were not ideal, they were suitable for fishing.

When the men arrived at the top of the cliffs the sea conditions were fairly rough so they watched the height of



the waves for a period of about 45-60 minutes before deciding that it was safe to climb down to a ledge, approximately 30 metres below the top of the cliffs, from which they were planning to fish. The ledge was about 10 metres from the water. None of the men were wearing life jackets or any similar buoyancy devices. The men used ropes to climb down to the ledge and it appears to have taken them about 30 minutes to climb down to it.

During the period prior to their reaching the ledge no wave had come close to the ledge and it was considered a safe spot to fish from.

Because of the relatively rough conditions, however, it was decided that at least one person should remain on a different ledge to act as a spotter so that in the event of any large waves approaching, he could raise the alarm.

The men fished from the ledge until about 9.50am to 10am before the first large wave came. At that time Jasen Kimber was acting as spotter. Jasen Kimber called out to warn the others that the wave was coming and they managed to cling to the rocks.

The men then decided to get off the ledge, but as they started to leave Jasen Kimber told them that there was another big wave coming and a second wave struck them and washed five of the men off the ledge.



Mr Denholm and Mr Rolls managed to cling to the rocks and eventually climbed to safety. Jasen Kimber was wet to the waist by the wave but was not washed from where he was spotting. Mr Melfi, Mr Allingham, Mr Davies, Gavin Kimber and Andrew Kimber were all washed from the ledge and fell into the rough sea below.

In the water Mr Davies, Gavin Kimber and Andrew Kimber discarded most of their clothing and allowed the current to take them out to sea away from the rocks. After a period in the water they managed to group together and waited for rescue craft to arrive.

Mr Allingham also discarded his clothing so that he was left in his underpants and shorts. He looked up to the top of the cliff and could see people at the top of the cliff. He then also waited to be rescued.

He realised he had to get away from the cliff and swam away from it. He thought of swimming to the reef but the sea conditions were too rough and he was forced back away from the cliffs.

Of the others, Mr Kimber and Mr Denholm took one of the vehicles and went to alert the Steep Point Ranger.



Mr Rolls remained at the scene and tried to keep the five men in the water under observation. He lost sight of Mr Melfi within about 20 minutes. At that time Mr Melfi was the person nearest to the rocks below.

At approximately 10.40am the Steep Point Ranger, Paul Dickenson, was made aware of the incident and action was commenced to endeavour to rescue those in the ocean.

Mr Dickenson, arrived at the scene at approximately 11.15am. He used the radio in his vehicle to communicate with a Command Post, which had been set up at a Department of Environment and Conservation building in Denham, and relayed his coordinates. Using his binoculars he stated that he could see four people in the water about 200 metres offshore. He described conditions in the water as very rough with about a 3 metre swell and winds south westerly about 35-40kms per hour.

Mr Dickinson became the main point of contact with the Command Post and continued providing information from his location.

At 11.36am a fixed wing aircraft departed Shark Bay Airport with pilot Margaret Prior and two spotters.



At approximately 12.01pm Water Police were made aware of the incident by the Police Air Wing.

At 12.03pm a Volunteer Marine Rescue vessel and a Department of Fisheries vessel departed from Denham jetty to search for the men.

At 12.10pm Water Police in Fremantle were appraised of the situation by the Incident Control Centre which had been set up in Geraldton and took control of the sea search. Sergeant Wear from the Water Police subsequently compiled a detailed report which was included with the coronial file.

At about 2.01pm four persons were sighted from an aircraft provided by Shine Aviation.

At 2.46pm rescue aircraft 461 was on the scene and crew believed they saw three people in a group in the water, with another person further north and another further south.

At 2.59pm crew of the rescue aircraft advised that the person they believed had been sighted further south, who could possibly have been Mr Melfi, was on the edge of white water.



At approximately 3pm Mr Davies, Gavin Kimber, and Andrew Kimber were rescued from the water by those on the Volunteer Marine Rescue vessel and about ten minutes later Mr Allingham was also located and rescued by those on the same vessel. All four men were suffering from exhaustion and hypothermia and had minor cuts and grazes. They had been in the water for approximately five and a half hours.

Between about 3.12pm and 3.50pm persons on both the Volunteer Marine Rescue vessel and the Department of Fisheries vessel sighted what they believed might have been a person in the backwash near the cliffs in an area too hazardous for boats to enter. It cannot be confirmed whether this was a sighting of Mr Melfi and there were no further sightings which could possibly have been of him.

Mr Rolls, who had been keeping observations on the men on the cliff, said that he had not had any visual sightings of Mr Melfi after approximately 20 minutes from the time he was washed into the ocean and there are no confirmed, reliable sightings after that time.

Mr Melfi was not seen by the men in the water after a relatively short period from when they had been washed off the ledge. When seen by them he appeared to be struggling with the situation.



The men in the water recall Mr Melfi being the person closest to the rocks and it is possible that he continued to attempt to reach land instead of allowing the current to take him away from the rocks as the other men did.

The conditions at sea that day were described a “horrendous” and were certainly so bad that many of the rescue personnel were seriously seasick and feared for their own safety.

The land, sea and air search continued until sunset with more aircraft and vessels joining the search, but there were no further sightings of Mr Melfi.

At first light on Friday 28 September 2012 the land, sea and air search resumed. There were no sightings made throughout the day and a decision was made to suspend the search at about 3.10pm.

On Saturday 29 September 2012 another land, sea and air search was conducted but on a smaller scale. That search was suspended at 1.25pm with no positive sightings being made of Mr Melfi.

Subsequently further searches were conducted at Dirk Hartog Island and Mystery Beach as it was considered possible that Mr Melfi might be washed to one



of those locations. Mr Melfi was not located at either location.

Following the incident First Class Constable Kirk Hobson, who conducted the investigation into the circumstances of the suspected death, caused enquiries to be made with relevant financial institutions and was able to confirm that Mr Melfi's bank accounts and credit cards have not been used by him since his disappearance.

To date Mr Melfi's body has not been located and there have been no further sightings of him.

CONCLUSION

On 27 September 2012 five men, including Mr Melfi, were washed off the rocks near Steep Point at a time when sea conditions were extremely dangerous.

A full scale land, sea and air search was carried out over three days. Four of the men were rescued approximately five and a half hours after they were washed into the sea.

The last reliable sighting of Mr Melfi alive was at about 10.10am. There were subsequent sightings during the afternoon which could have been of him but these



could not be confirmed as reliable. Mr Melfi was certainly not seen after about 3.50pm on the day of the incident.

An expert in timeframe for survival was called upon and expressed the opinion that it was most unlikely that Mr Melfi could have survived the first night given the conditions at sea.

Based on the evidence referred to herein I am satisfied beyond all reasonable doubt that Mr Melfi has died. I am further satisfied that Mr Melfi died on the day he was washed off the rocks, 27 September 2012, and that he died in the ocean off the cliffs at Steep Point. In my view it is most likely that he drowned, although it is possible that he may have suffered injuries as a result of being washed by the ocean against the rocks.

In the above circumstances I find that the death arose by way of accident.

A N HOPE
STATE CORONER
12 June 2013

