



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 2/16

*I, Evelyn Felicia Vicker, Deputy State Coroner, having investigated the suspected death of **Samir Joseph ABRAHAM** with an Inquest held at Perth Coroners Court, Court 51 Central Law Courts Building, 501 Hay Street, Perth, on 19 January 2016 find the death of **Samir Joseph ABRAHAM** has been established beyond all reasonable doubt, the identity of the deceased was **Samir Joseph ABRAHAM** and that death occurred on 26 October 2013 in the vicinity of Yanchep Lagoon, Indian Ocean, as a result of Drowning in the following circumstances:*

Counsel Appearing:

Sergeant L Housiaux assisted the Deputy State Coroner

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INTRODUCTION

On the late afternoon of 26 October 2013 Samir Joseph Abraham (the deceased) was at the beach of Yanchep Lagoon when he attempted to swim to the reef creating the lagoon. Just before he reached the reef he appeared to experience difficulties in reaching the reef. He then disappeared under water and despite an extensive sea, land and air search, was never seen again.

The deceased was 30 years of age in October 2013.

The office of the State Coroner received a letter on behalf of the mother of the deceased on 24 January 2014 referring to the disappearance of the deceased and seeking a determination as to whether he was deceased.

The State Coroner had reasonable cause to suspect the deceased had died and that the death was a reportable death and directed the suspected death of the deceased be investigated. In those circumstances an inquest into the circumstances of the suspected death must be held, pursuant to section 23 (2) of the *Coroners Act 1996*, to establish beyond all reasonable doubt the death of the deceased and, if possible, into how the death occurred and the cause of the death.

BACKGROUND

The Deceased

The deceased was born on 29 December 1982 in Sydney, New South Wales and was an Australian citizen. He was brought up partially in the United States of America, then returned to Australia and spent his time between WA and NSW. He had a minor criminal record in NSW relating to illicit substances.

He was a musician/recording artist/entertainer with a profile in Hip Hop and Rhythm & Blues under the artistic name Murffelz.¹ He featured as a support act/introduction to some well-known bands in his genre.

At the time of his death he was residing in Canning Vale with his girlfriend and working as a plasterer with a friend, Shane Dunbar. In October 2013 they were working in Mindarie, so the deceased lived with Mr Dunbar and his partner while working, and returned to Canning Vale in his free time.

On 26 October 2013 Mr Dunbar and the deceased had been working and on finishing work at approximately 4pm returned to Mr Dunbar's address in Yanchep. Mr Dunbar and the deceased had some drinks. The deceased was

¹ Ex 1, tab 25

drinking vodka and orange juice. Mr Dunbar had a four pack of wild turkey and coke and the deceased also had one of those cans. Mr Dunbar did not consider the deceased to be particularly intoxicated. He appeared well and his usual self.

The deceased then joined Mr Dunbar and his family for a meal prepared by Mr Dunbar's partner, Briannon Hull.

After the meal the deceased and Mr Dunbar's family decided to visit the beach. They all went to the Yanchep Lagoon.²

Yanchep Lagoon

Yanchep Lagoon is situated in the City of Wanneroo and is considered to be one of the most popular swimming beaches in the area due to its protected beach and ideal swimming conditions for children at its southern end, close to shore. There is a permanent rip of varying intensity depending on the weather conditions further out in the lagoon, adjacent to the inner reef comprising the lagoon.

² Ex 1, tab 4



Exhibit 1, Tab 18, Photo Page 8 – Yanchep Beach and Lagoon

Yanchep Lagoon is bordered on the western edge by a reef which runs parallel to the shore for approximately 200 metres and is connected to the shore at the southern end. The surface of the reef is mainly flat and surf regularly flows over the reef into the lagoon. It is fairly uniform in width, about 20 metres wide, and where it does not abutt the beach forms a lagoon about 20 metres from shore to reef.

The water from the waves from the ocean break over the reef and fill the inside of the lagoon. The water that comes over the reef platform, swirls downward at the reef's edge and forms an undertow, before funnelling north and picking up speed on the way. This forms a literal current running northwards to the end of the lagoon where it joins a seaward

rip. The seaward rip is formed by water which enters the lagoon from the swells breaking over the lagoon reef and Rafts beach. Rafts Reef is another reef which sits about 50 metres to the north of the northern end of the lagoon reef.

This construction allows a rip to form and the water goes out to sea between the two reefs. The current is always present at that location to some extent and on occasions can become very strong. It does not dissipate until it reaches deep water, approximately 200-400 metres off shore.

Once leaving the vicinity of the lagoon and sweeping out to deep water the rip then tends to sweep back into the shore north of Yanchep at an area known as 'the spot'.

The lagoon beach is patrolled in the summer months, on a voluntary basis for November, and officially on a date preselected from December through to March during normal business hours, and from noon until 4pm on Sundays and public holidays. It is also patrolled on a voluntary basis for the abalone fishery date during the month of April.³

The safety of the lagoon for recreational purposes was assessed by Surf Life Saving WA in April 2013 and the City of Wanneroo approved safety signage for the lagoon beach

³ Personal communication J.Heesters President of Yanchep Surf Life Saving Club to Sgt L Housiaux 30 May 2016

on 9 October 2013. These were installed on 18 November 2013 in preparation for the 2013/2014 summer period.⁴

THE DISAPPEARANCE

Ms Hull stated she made roast dinner for the family and the deceased which was eaten at approximately 4:40pm. Following that Ms Hull's small daughter stated she wished to go to the beach and the deceased and Mr Dunbar thought it was a good idea. The group packed up and Ms Hull drove them down to Yanchep Lagoon. Ms Hull noted the deceased had drunk quite a quantity of vodka before dinner and that he took four beers from the house of which he drank two, on the way to the beach.

Ms Hull stated they arrived at the Lagoon Beach at approximately 5:30pm and she parked the car at the café's carpark. They all went down to the beach and Ms Hull sat on the beach while Mr Dunbar and their daughter were paddling in the shallows along the edge of the lagoon.

The deceased went for a walk up the beach and then returned to where Ms Hull was sitting. They talked about their family life and their contentment with their situations.⁵

⁴ Ex 1, tab 26

⁵ Ex 1, tab 5

The deceased walked down to the water's edge where Mr Dunbar and his daughter were paddling and then they all returned to Ms Hull, who prepared to leave. At approximately 6:05pm Ms Hull was ready to leave when the deceased decided he was going to swim out to the reef bordering the lagoon. There is a marker pole (locator) on the reef which is used by life savers when identifying the location of people in distress.

The deceased said he wished to stand on the reef in the vicinity of the locator and shout "*King Kong ain't got shit on me*".

Ms Hull attempted to dissuade the deceased from swimming out because she knew he had been drinking and did not believe it was a good idea. The deceased took his thongs and cap off, but was otherwise dressed, and walked down to the water directly opposite the locator on the reef and began to swim out to the reef. He was wearing red shorts and a black T-Shirt.

Initially Ms Hull could see the deceased was doing freestyle as he swam towards the locator and she believed he was swimming quite strongly. He then appeared to slow down and she thought he was relaxing in the water and had changed to breast stroke due to the positioning of his head.

Mr Dunbar became concerned and believed the deceased may be in trouble. Mr Dunbar estimated the deceased reached within about two metres of the reef when he stopped and appeared to be doing breast stroke which continued for about 10 minutes.⁶

The deceased appeared to be stationary and was not making any progress towards the reef. Mr Dunbar waved at him to come back to shore because he was becoming concerned, but both Mr Dunbar and Ms Hull then observed the deceased's head disappear under water.

Mr Dunbar shouted he thought the deceased was in trouble⁷ and Ms Hull said they should ring for someone. Mr Dunbar attempted to call from the beach but there was no reception and he ran up into the carpark in an attempt to obtain a signal. There he spoke to a male person who had been snorkelling earlier and that person ran straight back down towards the beach with Mr Dunbar following.

Ms Hull had stayed on the beach watching for the deceased's head. She saw him approximately 20 metres north of the locator and noticed he did not seem to be moving very much. Approximately 5 minutes later she saw the deceased lift his right arm up as if he was signalling for help and then disappear under the water. She did not see him again.

⁶ Ex 1, tab 4

⁷ Ex 1, tab 5

Mr Dunbar returned to the beach and Ms Hull told him she had lost sight of the deceased. Mr Dunbar then called 000 to inform emergency services as to what was happening. A large group had gathered on the beach and were watching the water in an attempt to sight the deceased. Mr Dunbar attempted to go into the water to look for the deceased but Ms Hull remonstrated with him and they waited for police to arrive.

The police arrived and a search was commenced. Mr Dunbar remained at the beach until about 9:30pm assisting the police from the shore with their enquiries.

THE SEARCH

The first police officers to arrive at the beach were First Class Constable Kate Mann and Senior Constable Colbert. They were on general duties from Yanchep Police Station. They received a call at 6:20pm to attend at Yanchep Lagoon for a missing swimmer. They arrived at approximately 6:40pm.⁸

By that time there were approximately 10-15 people walking on the beach with a group of three waiting for the police. Ms Mann stated it was windy, cool and the light was fading. Mr Dunbar approached her and said he hadn't seen the

⁸ Ex 1, tab 6

deceased for approximately 20 minutes following an attempt to swim across the Yanchep Lagoon towards the locator on the reef. Ms Mann conveyed the information to the Police Operations Centre (POC) and was advised Polair, the police air wing, had already been sent to look for the deceased in the water.

At approximately 6:35pm Johannes Heesters, president of the Yanchep Surf Life Saving Club, received a call from the beach services coordinator at Surf Life Saving WA, relating to a missing swimmer at Yanchep Lagoon. Mr Heesters contacted the vice president, Sharon Taylor, and both of them drove to the beach to assist in searching for the deceased.

Ms Taylor arrived at the Surf Life Saving Club at approximately the same time as the police and an ambulance was already in attendance. Mr Heesters arrived at approximately 6:45pm and went into the water in a wet suit with a rescue board. Ms Taylor was already in the water.

The weather conditions for visibility through the water were good and Mr Heesters and Ms Taylor were confident they would easily see the deceased's red shorts in the water. The two surf life savers directed their efforts towards the northern end of the lagoon, that is to the right of the locator, as that is the direction of the water flow on the inside of the

reef. They had been told that is where the deceased had last been seen.

Mr Heesters described the locator as a manmade marker on the top of the lagoon reef which surf life savers use as a reference point when conducting rescues or searches. It is a metal post which stands approximately 1.2 metres above the water covering the reef. It is located approximately 130 metres south of the northern tip of the reef.⁹

Mr Heesters noted the conditions were calm with only small waves breaking over the lagoon reef, almost no wind and exceptionally clear water. The permanent rip was running at approximately 2 knots towards the north. He described the current as turning north west out to open sea once it passed the opening to the reef in the north. On that day Mr Heesters described the current as dissipating approximately 250 metres out from the reef's end.

The two life savers searched the northern end of the lagoon back towards the centre and Mr Heesters also ventured out beyond the opening to the area further out to sea in the direction of the current. He described the water as ranging between 2.5-3.5 metres at about 2 knots with very good clarity and little pull of wind. This allowed good visibility of the bottom. The northern end of the lagoon and further out to sea was a mixture of seaweed covered reef with sand on

⁹ Ex 1, tab 7

the bottom and large areas of the open water were covered in reef with ledges and small cavities. Mr Heesters repeatedly left his rescue board to swim to the bottom to enable him to check the underside of the ledges and holes for any sign of the deceased. Neither Mr Heesters nor Ms Taylor saw any sign of the deceased.

From 7:05pm the police helicopter assisted Mr Heesters with his search by spot lighting his position due to the fading light. Mr Heesters commented the spot light tracked his movements and provided him with sufficient light to continue searching until approximately 7:20pm. At that time he left the water because he was unable to search any further due to the lack of light.

The two life savers then spoke to the police and explained the working of the local current and how the conditions can change quite significantly if there is an increase in wind or swell. They had no further involvement in the search.

During the course of that evening Polair assisted with searching the area without sighting the deceased. Two Rocks Marine Rescue sent out a boat to search for the deceased without sighting him, and people were also walking along the beach in an attempt to sight the deceased or see if he had been swept to shore.

The Water Police were contacted to assist in the coordination of a search for the following day. The conditions were still relatively good and if the deceased had managed to stay on the water's surface it was hoped he would be swept into the coast further north.

The following morning, 27 October 2013 at first light, resources were combined for an extensive air, sea and land search.

Initially, it was estimated there was a high probability of detecting the deceased, provided he had remained on top of the water. That likelihood increased over the following two days due to the exceptionally good weather conditions for observing a person in the water.

Police divers commenced searching in the lagoon and the outer reef area. They were able to search due to the good conditions as far as the "spot", a known point for the current to allow people carried in the water back to shore.

A life ring was put into the water from the northern tip of the lagoon to estimate the direction of the current in those conditions. It only travelled a third of a nautical mile on a bearing of 209° from the tip of the lagoon.

On the morning of 27 October 2013 Constable Zayla Twine interviewed some of the deceased's family and friends who

had attended at the beach during the search. During a conversation with Ms Hull, Ms Twine was informed the deceased had been drinking, although he did not appear intoxicated in that he was alert and happy. Ms Hull advised the police she had found syringes in his bedroom a few days earlier and believed he may have been using illicit drugs.¹⁰ Ms Hull was concerned the deceased may have been both alcohol and drug affected at the time he went for his swim in the lagoon.

In the course of the inquest information from the deceased's family indicated they were unaware of his use of illicit substances, other than cannabis. They confirmed he did enjoy alcohol.¹¹

There were two independent reports of large sharks being sighted along the coast in the vicinity of Two Rocks on 27 October and Quinns Rock on 28 October 2013. The deceased was never located.¹²

The search continued from that Saturday through to the mid-morning of Wednesday 28 October 2013. At that time the air and sea components were suspended but the land based coastal patrols continued searching along the beach for another two days between Yanchep and Two Rocks. The search involved:-

¹⁰ Ex 1, tab 11

¹¹ t 19.01.16, p15

¹² Ex 1, tabs 2 & 3

- two helicopters;
- two volunteer marine rescue vessels,
- two water police vessels;
- two rescue boards (on the evening of the disappearance);
- two jet skis;
- a police dive team;
- an ambulance; and
- multiple two and four wheel drive police vehicles to patrol the area.

The deceased was never seen again and his body was not retrieved. There has been no evidence he survived and there is no reason for him to have either faked a disappearance or decided to end his life. There have been no entries on his Facebook page and no further activity with his musical enterprises. His girlfriend has not heard from him nor has his mother.

SIGNAGE

Aside from the permanent rip on the inner side of the reef, Yanchep Lagoon is generally considered to be a relatively safe beach and is classified as only moderately hazardous,¹³ depending upon the weather conditions. In rough weather conditions the water close to the reef may become hazardous for those who are unable to swim and attempting to access the reef. However, in the conditions that were occurring on 26 October 2013 there should not have been a problem for a competent swimmer in dealing with the

¹³ Ex 1, tab 24

current. The coastal conditions that day were relatively calm.

Following the death of an abalone fisherman at Yanchep Lagoon in December 2012,¹⁴ Surf Life Saving WA commenced risk assessments of all beach areas on behalf of the City of Wanneroo to categorise its beaches. That risk assessment was undertaken in April 2013 and in a report to the City of Wanneroo suggested there was the potential for signage to be of value with respect to assessing the risks at Yanchep Lagoon. The City of Wanneroo approved signage to be installed on 9 October 2013, which was later done on 18 November 2013.¹⁵ The deceased disappeared between those dates.

In the conditions on 26 October 2013 the deceased, who appeared to be in good health and was able to swim, should have been able to remain afloat despite running into difficulties, unless he became trapped under water as an explanation for his failure to reappear. His apparent consumption of alcohol prior to entering the water is a significant concern. Despite the sighting of sharks there is no evidence by way of torn clothing or remains to indicate the deceased was the victim of a shark attack.

The City of Wanneroo responded to the death of the deceased by installing temporary signs at Yanchep Lagoon

¹⁴ Beng Keong HE Inquest: Inq no: 47/13

¹⁵ Ex 1, tab 26

in the days immediately after his disappearance, pending the installation of official signs on 18 November 2013. The President of the Yanchep Surf Life Saving Club considers the new signs to be clear and useful. Prior to 26 October 2012 there had been no signs at the beach.¹⁶ Conditions at Yanchep Beach are very variable and, as with most WA beaches, change very quickly depending upon the weather.

CONCLUSION AS TO THE DEATH OF THE DECEASED

I am satisfied the deceased was a 30 year old musical entertainer, who also worked as a plasterer. He was generally considered to be healthy, although somewhat overweight, at the time he went for a swim in Yanchep Lagoon.

The evidence is the deceased was happy and had everything to live for, a happy home life, adequate working life and a future for him in the music industry. There were no indications there were any problems in his life which would cause him to be reckless with his life.

On the evening of 26 October 2013 he was with friends at the Yanchep Lagoon following a meal and drinking alcohol. While he had not been into the water when others were paddling at the water's edge, as the group decided to leave, the deceased decided he would swim out to a locator

¹⁶ Personal communication J.Heesters, President of Yanchep Surf Life Saving Club to Sgt L Housiaux
30 May 2016

approximately 30 metres away on the other side of the lagoon on the reef.

The deceased did not listen to his friends suggesting this may not be a good idea due to his level of intoxication, and he set out swimming, apparently strongly, towards the locator. Shortly before reaching the reef the deceased ran into difficulties and appears to have been unable to remain afloat. He signalled to his friends, possibly for assistance and whilst drifting a little north of the locator disappeared under water and was not seen again.

While the deceased appears to have been initially swimming well, it is clear something occurred in the vicinity of the reef which caused him problems. It is likely to have been associated with the current, which although not excessive at that time, may have caused him difficulties following his alcohol consumption.

It is not possible to determine whether he suffered injuries, or a natural medical event, but he clearly became unconscious, and drowned. His body remained concealed during the search and there has been no trace of him since.

The weather conditions were good at the time and visibility under the water was exceptional. Within 20 minutes of the deceased's disappearance competent life savers were out at the reef's edge looking for him and diving to examine the

crevices in and around the reef to see if they could locate him trapped in any way. There was no sign of the deceased.

The surf life savers followed the direction of the current and searched the reef and further out to sea for any sign of the deceased, who was clearly no longer on the surface of the water. Polair assisted with lighting for as long as it was feasible to continue to search that night.

Although the search continued for another two days by air and sea, and another four days by land, no sighting of the deceased occurred. There was no indication, despite the sighting of sharks, that the deceased was taken by a shark, and nothing has been located on the beach which would indicate he had survived and reached the shore.

I am satisfied beyond all reasonable doubt as to the death of the deceased.

I find death occurred on 26 October 2013 at approximately 6:20pm, shortly after he disappeared from view while in the water in the vicinity of the reef at the Yanchep Lagoon, north of the locator pole.

I find death occurred by way of Misadventure.

E F Vicker
Deputy State Coroner
2 June 2016