



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Emily Catherine Stein

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

- a) The identity of the deceased is Emily Catherine Stein;
- b) Ms Stein died in the circumstances set out further in this finding;
- c) The cause of Ms Stein's death was drowning; and
- d) Ms Stein died, aged 22 years on 25 January 2022 in the waters of the First Basin, Cataract Gorge, South Esk River, West Launceston, Tasmania.

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

- Police Report of Death for the Coroner;
- Affidavits establishing identity;
- Report – Dr Andrew Reid, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Affidavit – Wesley Stein, sworn 27 January 2022;
- Affidavit – Daniel Stein, sworn 27 January 2022;
- Affidavit – Sergeant Philip Norton, sworn 31 January 2022;
- Affidavit – Senior Sergeant Michael Gillies, sworn 29 April 2023;
- Affidavit – Senior Constable Crawford, sworn 10 June 2022;
- Medical Records – Mayfield Medical Connection;;
- Medical Records – Hunter New England Local Health District;
- Report – Dr Anthony J Bell, Medical Advisor to the Coronial Division;
- Affidavit – Senior Constable Caroline McGregor, Northern Forensic Services, sworn 2 February 2022 (and photographs); and
- Affidavit – Senior Constable Peter McCarron, sworn 20 February 2022 (and drone footage).

Introduction

Ms Stein was the daughter of Wesley and Judith and the only sister of Daniel, Hamish and Thomas.

In November 2020 Ms Stein had seizures and was, eventually, in May 2021 diagnosed with epilepsy.

On 13 January 2022 Ms Stein travelled to Tasmania with her family for a two-week holiday.

Circumstances of death

Late morning on 25 January 2022 Ms Stein, her father and her brother Daniel went to Cataract Gorge for a swim. They entered the water together and swam for 10 or 15 minutes before Ms Stein disappeared.

Lifeguards were alerted and they and some kayakers started to search for her. Police were also called and a search was commenced and continued until Ms Stein's body was located in 5.2 m of water, still with her goggles on, the following day.

The search was extensive. It involved the water flow being shut off upstream, the rescue helicopter and members of the police dive squad being deployed, as well as personnel from the State Emergency Service.

Investigation

Ms Stein's body was recovered from the water of the gorge, photographed, examined and then transported to the mortuary at the Royal Hobart Hospital for identification and autopsy.

Following autopsy, Dr Andrew Reid, Forensic Pathologist provided me with a report in which he expressed the opinion the cause of Ms Stein's death was drowning. I accept his opinion.

Toxicological analysis of samples taken at autopsy did not reveal the presence of any alcohol or illicit drugs. Prescribed anti-depressant and anti-epilepsy agents were identified as being present in those samples.

Dr Anthony J Bell, Medical Advisor to the Coronial Division reviewed Ms Stein's medical records. He expressed the opinion that her epilepsy was unstable at the time of her death and that it was likely that she drowned because of an epileptic seizure. That seems logical.

Recommendation and Conclusion

There are no suspicious circumstances, inconsistencies or anomalies associated with Ms Stein's death. I am satisfied to the requisite legal standard that the cause of her death was drowning, and that is most likely that she suffered an epileptic seizure which caused her to drown.

There is a significant body of research which confirms that people with epilepsy drown at a rate nearly 10 times greater than the general population (although the majority of such drownings do occur in a bath tub). Nonetheless, it is beyond question that epilepsy significantly enhances the risk of drowning. I **recommend** that persons suffering from epilepsy should at least discuss with their general practitioner whether it is safe for them to swim. I note practical advice in relation to epilepsy and swimming can be found on the Epilepsy Action Australia website - [Epilepsy & Swimming - everything you need to know - Epilepsy Action Australia](#) - amongst other similar publicly available resources.

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

Dated: 22 September 2023 at Hobart, in the State of Tasmania.

Simon Cooper

Coroner