



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 Lindi Sun

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

- a) The identity of the deceased is Lindi Sun;
- b) Mr Sun was aged 66 years at the time of his death (having been born in China on 10 September 1954). He died when he fell or was swept into water south of Boltons Beach near Triabunna whilst rock fishing with a companion;
- c) The cause of Mr Sun's death was drowning; and
- d) Mr Sun died on 9 October 2020 at Triabunna, Tasmania.

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

- The Police Report of Death for the Coroner;
- An opinion of the Tasmanian State Forensic Pathologist;
- The results of toxicological analysis of samples taken at autopsy;
- An affidavit of Mr Sun's daughter, Mengyu;
- An affidavit of his fishing companion, Peng Fei Fu;
- Police affidavits; and
- Forensic and photographic evidence.

Mr Sun and Mr Fu commenced fishing at about 4.00pm on Friday, 9 October 2020 from an area of elevated rocks south of Boltons Beach. Neither men were wearing any form of personal flotation device.

Mr Fu later told investigators that he noticed waves coming up onto the rocks where the pair were fishing. There was a hiatus before a wave broke on the rocks where the men were fishing covering him in water. That wave undoubtedly swept Mr Sun into the water. Mr Fu immediately sought help. Police were advised (although given the incorrect address). I do not consider that the incorrect address given to police had any material impact on Mr Sun's death.

The police rescue helicopter was quickly on the scene.

Helicopter crew members located Mr Sun floating face down, below the surface of the water, approximately 300 metres north of where he had been fishing with Mr Fu.

His body was recovered and transported to the Royal Hobart Hospital for formal identification and autopsy.

Dr Ritchey, the Tasmanian State Forensic Pathologist, performed an autopsy. He found evidence of advanced heart disease caused by airflow sclerosis but concluded that there was no evidence that that natural disease had directly contributed to Mr Sun's death. Ample evidence was identified at autopsy, including copious foamy pulmonary oedema fluid in the nose, mouth and upper and lower airways, markedly over expanded lungs and abundant watery fluid in the stomach to indicate that the cause of Mr Sun's death was drowning.

Toxicological analysis of samples taken at autopsy did not reveal the presence of any alcohol or drugs in Mr Sun's body at the time of his death.

I am satisfied that there are no suspicious circumstances surrounding Mr Sun's death. I am satisfied that neither drugs nor alcohol played any role in his death.

Comments and Recommendations

Recreational fishing is a hobby carried out by many people in Tasmania and indeed nationally. Unfortunately, many people die in circumstances similar to Mr Sun. Coroners in this state and throughout Australia have had occasion to highlight the dangers associated with rock fishing. Recently, Coroner Olivia McTaggart highlighted measures that can, and should, be undertaken to make rock fishing safer (see *Connor Robert Lincoln Hart* [2014] TASCDC 201). Coroner McTaggart said that some of the measures include:

- Carrying out a proper risk assessment before commencing fishing;
- Wearing appropriate footwear; and
- Always wearing a PFD or buoyancy aid.

I respectfully endorse and repeat Her Honour's observations.

I **comment** that had Mr Sun been wearing a PFD then he almost certainly would have survived after he entered the water. I note that PFD's in the form of the well-known yoke are cheap, comfortable, easy-to-use and widely available. I **recommend** that any person engaged in rock fishing always wear a PFD.

I extend my appreciation to investigating officer, Senior Constable Daniel Lamont, for his investigation and report. In particular, the information provided following the deployment of a drone was of particular assistance to me in understanding how Mr Sun died.

I convey my sincere condolences to the family and loved ones of Mr Sun.

Dated 10 May 2021 at Hobart in the State of Tasmania.

Simon Cooper
Coroner