



# MAGISTRATES COURT of TASMANIA

## CORONIAL DIVISION



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### Record of Investigation into Death (Without Inquest)

*Coroners Act 1995*  
*Coroners Rules 2006*  
*Rule 11*

I, Stephen Raymond Carey, Coroner, having investigated a death of Genaro Lotero Ordonez

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

- The identity of the deceased is Genaro Lotero Ordonez;
- Mr Ordonez died in the circumstances set in these findings;
- Mr Ordonez died as a result of drowning;
- Mr Ordonez died on 23 January 2015 at Swimcart Beach, The Gardens, Binalong Bay;
- Mr Ordonez was born in Columbia on 19 May 1985 and was aged 29 years;
- Mr Ordonez was single and was travelling at the date of death; and
- No other person contributed to the cause of Mr Ordonez's death.

#### **Circumstances Surrounding the Death**

Mr Ordonez and his girlfriend Cathy Heniart had been travelling since April 2014 when they left France.

They arrived in Australia in July 2014 after travelling through Nepal and India. They purchased a vehicle in Victoria and arrived in Tasmania on 12 January 2015 via the Spirit of Tasmania.

They arrived at the Swimcart campgrounds, The Gardens, Binalong Bay on 22 January 2015 and intended on staying for a few days. On Friday 23 January 2015 they woke late and drove into St Helens where they did some grocery shopping before returning to Swimcart campgrounds. They had a late lunch and at approximately 4:00pm they went onto the beach.

After an hour of sitting on the beach the couple went for a short walk for approximately 15 minutes. When returning, Mr Ordonez informed Ms Heniart that he was going for a swim to refresh.

Ms Heniart warned Mr Ordonez to be careful as the surf was big (approximately 1-2 metres). Mr Ordonez informed her that he would be fine as there was a sandbank just off shore and that the water depth there would be only ankle deep.

Mr Ordonez waded through a shallow trough before standing on the sandbank. As he was standing on the sandbank a large wave came and knocked him over. As the water receded he was pulled into deeper water affected by a rip. He attempted to swim clear of the rip but a set of waves came through and pulled him further out to sea.

Ms Penny Coyle, who was staying at the camping ground, witnessed what was occurring. She went down to the beach and motioned to Mr Ordonez that he swim south, along the beach, rather than attempting to swim against the rip and undertow. She described the water conditions at that time as poor with a strong rip running out.

The actions of Ms Coyle and Ms Heniart attracted the attention of others on the beach who joined in attempts to recover Mr Ordonez. Mr Christopher Podesta entered the water, but was driven back by the waves and strong undertow. He described the conditions as dangerous and unsafe for swimming. Mr Adrian Pearce then entered the water tethered by a rope held on shore by Mr Trevor Baker. Mr Pearce attempted to reach Mr Ordonez but was unable to do so due to the water conditions and the fact that the rope used was not long enough. By this stage it was estimated that Mr Ordonez was approximately 50 metres offshore and was struggling to stay afloat.

Mr Delroy Bergsma was staying at the campsite with his family and at about 5:30pm describes that a lady came running into the campsite saying there was a male caught in the rip on the beach, asking for help and the use of a surfboard. She grabbed his surfboard and he took his kayak, dragging it down to the beach. When he got to the beach he realised that it would not be safe or practical to use the kayak due to the surf and he endeavoured to swim out to Mr Ordonez. He describes feeling the strength of the rip as he entered the water as it was dragging him outwards and he was having difficulty keeping his feet. He says that the rip was pulling him away from the direction of Mr Ordonez and he determined it would not be safe for him to attempt to swim out to Mr Ordonez and attempt to return him to the beach.

At that time Mr Bergsma's surfboard had been brought to the beach; he took it and paddled out to Mr Ordonez who, by this stage, was about 60 metres from shore. When he got to him he was face down and unresponsive. Mr Bergsma pulled Mr Ordonez onto the surfboard, focussing on keeping his head out of the water. He managed to get half of Mr Ordonez's body length on the board with his head out of the water as he paddled him back to the beach. When he arrived, two other persons were in the water and assisted him in carrying Mr Ordonez up onto the beach at which stage CPR endeavours commenced.

Police and Tasmanian Ambulance Service had previously been notified. When police arrived, they assisted with CPR until ambulance personnel arrived at approximately 5:55pm. Initial assessment found Mr Ordonez to be in cardiac and respiratory arrest. Christopher Paley, a paramedic, then performed defibrillation a total of five times and administered drug therapy over the next 30 minutes as part of intensive CPR endeavours which continued for 30 minutes but did not produce any positive response. At approximately 6:30pm, Mr Ordonez was in a sustained asystole state and resuscitation was ceased.

A post-mortem examination concluded that the cause of death was drowning. It was also found that he had a small subdural haematoma and bruising on the bridge of his nose which was suggestive that Mr Ordonez may have struck his head on the seabed when initially struck by the wave. This may have contributed to the difficulties he faced when pulled out into deep water.

#### **Comments and Recommendations:**

Mr Ordonez was unfamiliar with this area of beach and he entered the water and waded out from the shore in conditions that were unsuitable for swimming. The situation was

compounded when he was struck by a wave and knocked over, possibly striking his head. From that time he was unable to regain his feet and was dragged out to sea by the prevailing undercurrent. His struggle against the current and the strong waves has apparently exhausted him, resulting in his death by drowning.

Swimcart Beach is well known to locals as generally being unsuitable for swimming. It is characterised by a steep beach and loose sand. During adverse weather conditions it experiences strong waves and very strong undercurrents. The observations of others on the beach at the time of this incident were that the conditions created a danger for anyone entering the water.

I recommend that appropriate signs be placed in prominent positions within the camping area and at access points to this beach, warning of the potential danger to persons entering the water, especially at times of adverse wave conditions.

In concluding, I convey my sincere condolences to the family of Mr Ordonez.

**Dated:** 29 January 2016 at Hobart Coroners Court in the State of Tasmania.

**Stephen Raymond Carey**

**CORONER**