

FORM 38

Rule 60(2)

FINDING INTO DEATH WITHOUT INQUEST

Section 67 of the Coroners Act 2008

Court Reference: 4490/2010

In the Coroners Court of Victoria at Morwell

I H C H Alsop, Coroner having investigated the death of:

Details of deceased:

Surname:	Abdurahman
First name:	Kuti
Address:	23A Franklin Street MORWELL VIC 3840

without holding an inquest:

find that the identity of the deceased was Kuti Abdurahman
and death occurred on 22 November 2010
at Lake Narracan, Newborough
from

1a) Consistent with drowning

Pursuant to Section 67(2) of the Coroners Act 2008, an inquest into the death was not held and the deceased was not immediately before the person died, a person placed in custody or care; but there *is* a public interest to be served in making findings regarding the following circumstances:

Mr Abdurahman was aged 22 at the time of his death. He was Sudanese and had been living in Australia for some four years.

On the 22nd November 2010, he arranged to spend the day with friends at Lake Narracan, Newborough, arriving there at about midday.

At approximately 2.00pm several members of the group were in the water near the end of the public jetty. At this point, the water is some 2 metres deep. Signs in area display both written and diagrammatic warnings of "Shallow Water," "No Lifesaving Devices," "Submerged Obstacles", and "Strictly No Diving." The water is extremely cloudy to the point that it is impossible to see any more than a few centimetres below the surface.

Mr Abdurahman was on the jetty with a friend, Kuka Adama. Neither Mr Abdurahman nor Mr Adama could swim.

For some unknown reason, Mr Abdurahman jumped from the jetty into the water and immediately began to "thrash about" in an apparent panic. One of the group suggested he was "just joking around."

The swimmers in the group left the water and called to Mr Abdurahman to come over to the jetty. At this point, he disappeared beneath the water.

Mr Adama, despite being a non-swimmer, jumped from the jetty in an attempt to rescue his friend. He immediately got into difficulties and was rescued by one of the group, Ashley Bowden.

Two police officers, Senior Constable Shane Kew and Constable Jeff Thorpe, attended the scene a few minutes later and immediately entered the water in an attempt to locate Mr Abdurahman.

Despite searching for 20 to 30 minutes in circumstances of serious danger to themselves, they were unable to locate him.

Mr Abdurahman's body was later recovered by Search and Rescue Police. Mr Abdurahman's inexplicable act of jumping into the water was the direct and sole cause of his death.

Mr Adama cannot be criticised for jumping into the water. This was a spontaneous reaction to seeing his friend disappear. In entering the water he placed himself in immediate mortal danger. This action would probably have cost him his life if he had not been rescued by Ashley Bowden.

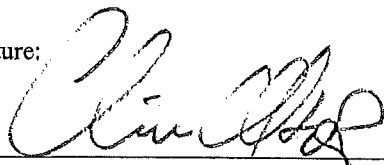
It is appropriate to acknowledge that both Senior Constable Kew and Constable Thorpe also placed themselves in danger in their efforts to locate Mr Abdurahman.

The depth of water, the existence of rubbish and other obstacles on the bottom of thick mud, and zero visibility all combined to create a treacherous environment.

SIGNAGE: The warning signs on and near the jetty refer to the hazards outlined above and infer that the primary danger is that the water is shallow. Pursuant to section 72(2) of the coroners Act 2008, I recommend that the City of Latrobe or other relevant authority with control over Lake Narracan and its environs, place a further warning sign in a conspicuous place on or near the jetty, informing the public that water conditions can make swimming from the jetty dangerous.

I direct that a copy of this finding be forwarded to the Chief Commissioner of Police.

Signature:



Date:

10 / 5 / 11

H.C.H. ALSOP
CORONER

