

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2008 1386
COR 2008 3305

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)
Section 67 of the Coroners Act 2008

I, IAN WATKINS, Coroner having investigated the death of UMER HABIB

without holding an inquest:

find that the identity of the deceased was UMER HABIB

aged 22 years

and the death occurred on 24 March 2008

at Phillip Island, Victoria

from:

1a. DROWNING

Pursuant to Section 67(2) of the *Coroners Act 2008*, I make these findings with respect to the following circumstances:

1. Mr Umer Habib was 22 years of age at the date of his death. There is no evidence unfortunately of his precise date of birth. Mr Umer Habib and his friend, Mr Waseem Akram, both resided at 16 Martin Street in Pascoe Vale, although they were originally from Pakistan. On 23 March 2008, Mr Habib and Mr Akram, together with four other friends from Pakistan who were living in Melbourne, decided to travel to Phillip Island to visit tourist attractions. They arrived late in the evening, and slept the night in their cars. Early the next morning they had some breakfast before travelling to an area known as Seal Rocks on the southern coastline of Phillip Island. They arrived there between 9.30am and 10.00am. They then decided to walk down a steep cliff face to stand on an area known as Seagull Rock so that they could photograph each other. This area is difficult to access and there were no defined paths for walking. After having negotiated the steep cliff the gentlemen took photographs of each other, sometimes standing close to edge of the rocks with their backs to the water. This was to

enable photographs to be taken with waves breaking against the rocks in the background of the photographs.

2. After a short time a large wave has struck Seagull Rock. The wave has knocked all six males off their feet and caused Mr Habib and Mr Akram to be washed into the water. Mr Habib and Mr Akram were observed by their friends to struggle in the waves before being swept out of sight.
3. Emergency services were immediately contacted and Victoria Police commenced a land, sea and air search using fixed wing aircraft and the police helicopter. Unfortunately only a jacket belonging to Mr Habib was located approximately 300 metres offshore.
4. In the following weeks various body parts were located on the coastline around Phillip Island. These were later identified by means of DNA analysis, as belong to both Mr Habib and Mr Akram.
5. Whilst there is no evidence as to the specific cause of death for Mr Habib, in the circumstances it reasonable to conclude that death was as a result of drowning.
6. Having considered all of the available evidence I am satisfied that there are no suspicious circumstances and that no further investigation is required. On the basis of the evidence available to me, I find that the death of Mr Umer Habib was accidental.

Recommendations:


Pursuant to section 72(2) of the *Coroners Act 2008*, I make the following recommendations connected with the death:

1. The Investigating Member from Victoria Police has expressed an opinion that as a minimum, appropriate water safety warning signs should be erected at all major beach car parks and at all designated lookout points around the coastline of Phillip Island. I accept his opinion and make that recommendation. In particular, it would seem that there is a need to provide information to international visitors regarding water safety at dangerous point and popular tourist attractions around the island.

I direct that a copy of this finding be provided to the following:

The family of Mr Umer Habib,
Investigating Member, Victoria Police,
CEO, Phillip Island Nature Park,
Interested parties.

Signature:



IAN WATKINS
CORONER
20 June 2012

