



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2024 000004

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

*Section 67 of the **Coroners Act 2008***

Findings of: Coroner Catherine Fitzgerald

Deceased: John Kieran Holland

Date of birth: 9 May 1960

Date of death: 1 January 2024

Cause of death: 1a: Drowning

Place of death: Urquhart Bluff Beach
Great Ocean Road
Aireys Inlet Victoria 3231

INTRODUCTION

1. On 1 January 2024, John Kieran Holland was 63 years old when he drowned at Hutt Gully Beach on the Great Ocean Road. At the time of his death, Mr Holland resided in Ireland and was on holiday visiting his daughter, Emma Holland, in Melbourne.
2. Mr Holland and his lifelong friend David Stapleton departed Ireland for Australia on 20 December 2023 and were due to return to Ireland on 4 January 2024.

THE CORONIAL INVESTIGATION

3. Mr Holland's death was reported to the coroner as it fell within the definition of a reportable death in the *Coroners Act 2008* (**the Act**). Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
4. The role of a coroner is to independently investigate reportable deaths to establish, if possible, the identity of the deceased, the medical cause of death, and the circumstances in which the death occurred. The circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
5. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
6. Victoria Police assigned an officer to be the Coronal Investigator for the investigation of Mr Holland's death. The Coronal Investigator conducted inquiries and submitted a coronial brief of evidence.
7. This finding draws on the totality of the coronial investigation into the death of John Kieran Holland including evidence contained in the coronial brief. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.¹

¹ Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE

Circumstances in which the death occurred

8. On 1 January 2024, Mr Holland, his daughter and Mr Stapleton decided to go for a drive along the Great Ocean Road. They stopped at Point Addis, Anglesea, where Mr Holland expressed interest in going for a swim. The group eventually decided to stop at Hutt Gully Beach to swim at approximately 2:00 pm. Mr Stapleton was aware that Mr Holland knew how to swim, having done so at leisure centres in Ireland and recently at Sorrento Beach on 21 December 2023.
9. Hutt Gully Beach is located between the towns of Anglesea and Aireys Inlet and has a 5 km stretch of south-facing beach. According to the Surf Life Saving Australia Beachsafe website, it has a general hazard rating of seven out of ten, which is considered to be “highly hazardous”. Hutt Gully Beach features a long, straight rock reef located 100 meters from the shoreline that runs perpendicular to the beach, and which generates a strong and permanent rip current through the gap in the reef. Hutt Gully Beach is not patrolled by lifesavers at any time. The nearest lifesaving patrol service is located at Point Roadknight, approximately 3 kms to the east. Safety signage at the pedestrian access point indicates the presence of strong currents, submerged objects and rough surf. The local weather forecast on this day was a maximum of 21°C, with wind speeds of 11 kms and swell above 1 metre.
10. At approximately 2:10 pm, Mr Holland entered the water. Fellow beach user Micheal Neal observed Mr Holland initially paddling in the shallow water about 30 metres from him. Approximately five minutes later, Mr Neal and his sister, Elizabeth Meadows, were approached by Emma Holland, who asked them if they had seen her father. At this time, they realised that Mr Holland had swum out past the waves and was struggling in the water. Ms Holland immediately entered the water to go to his assistance. Ms Meadows called 000 emergency services from the shore.
11. Mr Neal went to his car to get his phone and, from there, could see both Ms Holland and Mr Holland in the water, with Ms Holland calling for help about 20 metres from Mr Holland. Mr Neal then lost sight of Mr Holland and saw that Ms Holland had returned to shore. Approximately five minutes later, Mr Holland washed up into the shallow water but was

evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

unresponsive. Two additional passers-by entered the water and carried Mr Holland back to shore, where he was observed to be unconscious and not breathing.

12. Cardiopulmonary resuscitation (**CPR**) was commenced on instruction from the 000 call-taker and continued for approximately 10 minutes until the arrival of Ambulance Victoria (**AV**) paramedics, who then took over resuscitation efforts. Victoria Police members arrived at approximately 2:31 pm, along with a further AV unit and Lifesaving Victoria (**LSV**) lifeguards. An Air Ambulance Helicopter Emergency Medical Service (**HEMS**) helicopter was requested and attended the scene.
13. Despite resuscitation efforts, Mr Holland could not be revived and he was declared deceased at approximately 3:17 pm.

Identity of the deceased

14. On 1 January 2024, John Kieran Holland, born 9 May 1960, was visually identified by his daughter, Emma Holland.
15. Identity is not in dispute and requires no further investigation.

Medical cause of death

16. Forensic Pathologist Dr Paul Bedford from the Victorian Institute of Forensic Medicine conducted an external examination of Mr Holland's body on 2 January 2024 and provided a written report of his findings dated 16 January 2024.
17. The findings on external examination were consistent with the reported circumstances.
18. A post-mortem CT scan showed a fatty liver and minor coronary artery calcifications. There were no acute cerebral changes.
19. Toxicological analysis of post-mortem samples identified the presence of mirtazapine² consistent with Mr Holland's known prescribed medication. No alcohol or other common drugs or poisons were detected.
20. Dr Bedford provided an opinion that the medical cause of death was 1(a) *Drowning*.

² Mirtazapine is indicated for the treatment of depression. The recommended daily dose is 15 mg or as a titrated dose of 30-45 mg, up to 60 mg. Therapeutic serum concentration is 0.02 - 0.10 mg/L of mirtazapine or 0.05 - 0.3 mg/L of total mirtazapine and desmethylmirtazapine.

21. I note that drowning is a diagnosis of exclusion as there are no specific or diagnostic signs of drowning. In such cases, considerable weight may be placed upon the reported circumstances of the death.
22. I accept Dr Bedford's opinion.

FURTHER INVESTIGATIONS AND CPU REVIEW

CPU Review

23. Following Mr Holland's death, I requested information from the Coroners Prevention Unit³ in relation to unintentional drowning deaths on the Victorian coastline.
24. For the period 1 July 2014 to 2 May 2024, the CPU identified 72 unintentional drowning deaths. Of these, 35 people were born overseas, 25 were Australian, and the origin of the remaining 12 was not known. The CPU highlighted that the annual summer holiday period in December and January represented the highest number of coastline drownings amongst swimmers.
25. The CPU identified ten previous coronial findings relating to drowning deaths of overseas visitors in which recommendations relating to water safety were made. Previous coroner's recommendations included:
 - a) To improve beach safety signage and public awareness messaging for tourists, with signs to follow international standards, using symbols as the primary communication mechanism.
 - b) That all education and training institutions provide international students enrolled in their programs with water safety education from Life Saving Victoria.
 - c) That public rescue equipment be installed in non-patrolled beach areas.
 - d) That safety messages about Australian beaches continue to be promoted by LSV and Surf Life Saving Australia, who have dedicated public education programs aimed at providing water safety education to overseas-born visitors and residents of Australia.

³ The Coroners Prevention Unit (CPU) was established in 2008 to strengthen the prevention role of the coroner. The unit assists the Coroner with research in matters related to public health and safety and in relation to the formulation of prevention recommendations. The CPU also reviews medical care and treatment in cases referred by the coroner. The CPU is comprised of health professionals with training in a range of areas including medicine, nursing, public health and mental health.

- e) That regular patrols be implemented at hazardous beaches, acknowledging that LSV have limited resources.

In-flight tourist education

26. The CPU advised that in 2019, Surf Life Saving Australia (**SLSA**) and the Royal Lifesaving Society Australia (**RLSSA**) called for on-board water safety videos on every flight arriving in Australia following an increase in the summer drowning death toll. A newspaper article advised that, at that time, Virgin Australia, Jetstar, Qantas and Tigerair Australia were all in discussions or had committed to implementing the videos on their aircraft, where in-flight entertainment screens were available.
27. I requested information from Qantas and Virgin Australia regarding any water safety education the airlines provided regarding swimming in Australian waterways and/or oceans, for passengers during flights arriving in Australia or within Australia.
28. In response, Qantas advised that they had implemented a “Beach Passport” program which was incentivised by Qantas points and competition entry. They explained that the Beach Passport was an online training tool that provided basic water safety knowledge for the community.
29. At that time, Qantas was also displaying an SLSA ad campaign, “Stop. Look. Stay Alive”, on inflight entertainment screens on both domestic and international Qantas flights. In addition, during the period 1 December 2024 to 30 April 2025, Qantas made the following inflight passenger announcement on all international flights arriving in Australia:
- Qantas and Surf Life Saving Australia have teamed up to keep you safe both on the ground, and in the air. To be safer on the beach this summer get your Beach Passport. It's a free online training course which only takes ten minutes to complete and will provide you with basic beach and water safety knowledge. Go to beachpassport.org.au. Remember when you're at the beach, stop and assess the conditions, read any warning signs and always swim between the red and yellow flags.
30. In their response, Virgin Australia advised that from 2017 until 1 December 2022, they included two videos, “Spot Rip Current and survive Rip Current” and “Beach Safety Tips” for optional viewing on their inflight entertainment system. The videos were included as part of a sponsorship agreement between Virgin Australia, SLSA and Surf Life Saving Queensland. The content was removed at the request of SLSA when the sponsorship agreement ended.

31. Since that time, Virgin Australia have not provided any water safety education regarding swimming in Australian water for passengers during flights arriving in Australia or within Australia. They confirmed that at that time, no discussions had been held with LSV, RLSSA, SLISA or the Australian Government regarding educational videos being shown on board Virgin Australia flights.

Life Saving Victoria

32. I sought further input from LSV, RLSSA and SLISA regarding any current or planned collaboration between their organisations, the Australian Government and airlines to incorporate water safety messaging into immigration policies or programs.
33. In response, LSV advised that they had not had any discussions directly with the Australian Government or airlines, as regulation at the national level is led by SLISA for coastal water safety and RLSSA for inland waterways and swimming pools. They added that the LSV Diversity and Inclusion Department worked with state and local governments, migrant resource centres, settlement services, educational providers and charitable organisations to reach as many communities as possible. They highlighted the importance of working with culturally and linguistically diverse communities, as there had been six drowning incidents along the Point Roadknight Beach to Urquhart Bluff coastline in the past five years, with half of those incidents involving someone from a culturally and linguistically diverse background.
34. LSV acknowledged the recommendations made in the previous findings but noted the difficulty in implementing water safety and drowning prevention precautions due to the difference in land and waterway managers' perceptions, roles and responsibilities around public safety and risk mitigation planning. They added that another difficulty in implementing prevention is that strategies need to tackle location-specific risks. LSV suggested that relevant land and waterway managers could implement a plan to discourage the public from entering the water at unpatrolled beaches, particularly on high risks days, but acknowledged that this would require additional personnel and resourcing.

Royal Life Saving Society Australia

35. In their response, RLSSA advised they were aware of water safety videos being shown on various airlines through media reports but had not engaged in discussions with airlines to provide safety videos.

36. In 2024, RLSSA submitted a formal proposal to the Department of Home Affairs advocating for the inclusion of water safety information in Visa processing and arrival documentation for refugee entrants to Australia. The proposal also included an adjustment to the current policy which would allow new migrants to have access to existing swimming and water safety education programs that are otherwise only available to Australian residents.
37. RLSSA provided an opinion that on-board water safety videos on airline flights were unlikely to be an effective drowning prevention strategy if implemented in isolation. They observed that the likelihood of water safety videos being actively absorbed by international visitors is low, particularly if not tailored to cultural and language contexts, and that they would be only one of a handful of interventions that would be recommended to assist in keeping visitors to Australia safe around the water.
38. RLSSA noted that the Australian Water Safety Strategy 2030⁴ made the following recommendations to prevent international tourist drownings:
- a) Strengthening partnerships between water safety organisations and the tourism sector to better engage with domestic and international tourists;
 - b) Partnering with the tourism and university sectors to prioritise strategies for overseas visitors and international students;
 - c) Ensuring program and campaign messaging is culturally sensitive and language appropriate; and
 - d) Ensuring water location management plans cater to the needs of diverse populations.

Surf Life Saving Australia

39. In 2018 and 2019, SLSA held discussions with government representatives about the rise in drownings. At the time, former Prime Minister Scott Morrison publicly supported safety messaging being shown on flights. SLSA also noted that they previously advocated to the government to support a World Drowning Prevention Day, which is held annually on 25 July. They advised that they had also strongly advocated for the importance of water safety

⁴ A national strategy document developed by the Australian Water Safety Council with a primary goal of halving drowning deaths in Australia by 2030.

holistically through their Parliamentary Friends of Surf Life Saving events, the National Coastal Safety Report and the National Drowning Report.

40. SLSA highlighted the increase in deaths and injury from drowning events and noted that this was not limited to international tourism. They explained that for domestic tourists, drowning is often associated with people swimming a considerable distance away from what may be considered their local beach, in an unfamiliar environment with dynamic conditions and hazards that they may not expect. International tourists, on the other hand, may have a poor understanding or misinterpret the meaning of the red and yellow beach safety flags. They may also have limited knowledge and awareness of general safety around where to swim and how to recognise dangers. SLSA advised that of all international visitor drowning deaths, most have occurred in Queensland (51%), followed by New South Wales (31%) and Western Australia (11%). Almost two thirds of international visitor drowning deaths happen at beaches (63%), followed by offshore locations like the Great Barrier Reef (24%). SLSA have sought to address this by developing the Beachsafe website, which is available in 100 languages and provides safety information on all beaches within Australia.
41. In relation to coastal drownings occurring predominantly at unpatrolled locations, SLSA also pointed to their national water safety campaign called, “Stop. Look. Stay Alive”. The campaign aims to increase hazard awareness and identification within the community and, as noted above, has been displayed on inflight entertainment screens on both domestic and international Qantas flights.
42. Ultimately, SLSA considered that mandatory messages or videos that can be seen by airline passengers prior to landing at their destination would help to reach high-risk groups and provide important water safety information and aid in reducing misunderstanding around being safe in, on and around Australian waterways.

FINDINGS AND CONCLUSION

43. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:
 - a) the identity of the deceased was John Kieran Holland, born 9 May 1960;
 - b) the death occurred on 1 January 2024 at Urquhart Bluff Beach, Great Ocean Road, Aireys Inlet, Victoria 3231, from drowning; and
 - c) the death occurred in the circumstances described above.

44. Having considered all the circumstances, I am satisfied that Mr Holland's death was accidental and the result of misadventure while swimming.

COMMENTS

Pursuant to section 67(3) of the Act, I make the following comments connected with the death.

45. There is a stark overrepresentation of international visitors in drowning deaths at Australian beaches. Mr Holland's death will now contribute to that statistic. Mr Holland knew how to swim, but there is no evidence that his swimming skills were adequate for hazardous surf beach conditions, or that he was aware of the dangers of swimming in such conditions. The beach where he was swimming was unpatrolled. The circumstances of his death were such that it was observed by others that he was in difficulty and there was opportunity for him to be rescued. I commend those who attempted to assist him, but it is evident that he required the assistance of lifesavers trained in conducting rescues in such conditions and with the appropriate equipment. The danger of swimming at an unpatrolled beach is that those services are not available.
46. I note the extensive public awareness campaigns and advocacy by the SLSA, RLSSA and LSV directed at preventing drownings of overseas visitors and migrants at Australian beaches and waterways, and commend them for their ongoing efforts in that regard. I note that this has included engaging the airline industry and the federal government. I accept that there are a broad range of circumstances in which drowning deaths occur, however it is significant that almost half of all drownings at beaches are international visitors. Anything which can be done to educate international visitors to assist them in making informed decisions about the dangers of swimming at unpatrolled Australian beaches, will assist in preventing these types of deaths. Having regard to the wide-ranging advocacy which is already occurring regarding this issue, and the divergent views about how to target those efforts, I have not made any specific recommendations. However, I encourage ongoing advocacy targeted specifically at this cohort of international visitors, to contribute to a reduction in preventable drowning deaths.

I convey my sincere condolences to Mr Holland's family and friends for their loss.

Pursuant to section 73(1A) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

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

Emma Holland, Senior Next of Kin

Senior Constable James Hoare, Coronial Investigator

Signature:



Coroner Catherine Fitzgerald

Date: 23 July 2026

NOTE: Under section 83 of the *Coroners Act 2008* (**the Act**), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
