

CERTIFICATE OF FINDINGS**Section 94, Coroners Act 2006****IN THE MATTER of Eric de VRIES****The Secretary**, Ministry of Justice, Wellington

As the Coroner conducting the inquiry into the death of the deceased, after considering all the evidence admitted to date for its purposes, and in the light of the purposes stated in section 57 of the Coroners Act 2006, I make the following findings:

Full Name of deceased: Eric de VRIES
Late of: 116 Creswick Terrace
Northland
Wellington
Occupation: Graphic Artist
Sex: Male
Date of Birth: 28 July 1959
Place of Death: Hunters Bank
Porirua
Wellington
New Zealand
Date of Death: 03 December 2011
Cause(s) of Death
(a). Direct cause: Accidental drowning
(b). Antecedent cause (if known):
(c). Underlying condition (if known):
(d). Other significant conditions contributing to death, but not related to disease or condition causing it (if known):
Circumstances of death (if known):

I make, under section 57(3) of the Coroners Act 2006, the attached specified recommendations or comments that, in my opinion, may, if drawn to the public attention, reduce the chances of the occurrence of other deaths in circumstances similar to those in which the death occurred.

This was a tragic death that occurred even when the spear fishing operation was being carried out in a safe and professional manner. It simply highlights that there will always be a danger when carrying out water sport activities. The dive report noted that the deceased was a conservative, cautious diver who was well respected within the spear fishing community. It made the following recommendations which I will endorse. When using the "one up, one down" diving principle, it is important to ensure that the diver who is monitoring from the surface maintains visual contact with the submerged diver until he surfaces and remains surfaced for a period of at least one minute. Secondly, the diver should always constantly review the weight in relation to

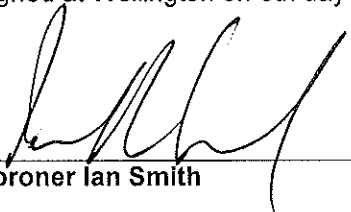
the diving they are conducting. Ideally the diver should manage their weight so they can maintain a neutral hover point in the water at approximately 30 to 40 percent of the depth that they will dive.

My reasons for making those findings are as follows:

I find that Eric de Vries, late of 116 Creswick Terrace, Northland, Wellington, died at Hunters Bank off the Kapiti Coast, Wellington on 3 December 2011 as a result of accidental drowning.

Those findings, and my reasons for making them, are also set out in my written findings dated: 5th November 2013.

Signed at Wellington on 5th day of November 2013.



Coroner Ian Smith

**IN THE CORONERS COURT
HELD AT WELLINGTON [IN CHAMBERS]**

IN THE MATTER of the Coroners Act 2006

AND

IN THE MATTER of an Inquiry into the death of

ERIC de VRIES

Date of Death: 3rd December 2011

Before: Coroner Mr I R Smith

Date of Findings: 5th November 2013

FINDINGS OF CORONER I R SMITH

[1] Introduction.

This is an inquiry into the death of 52 year old Eric de Vries, who resided with his family at 116 Creswick Terrace, Northland, Wellington. He was found deceased at what is known as Hunters Bank, offshore, approximately nine kilometres out to sea at Pukerua Bay, Kapiti Coast, Wellington. Mr de Vries had been spear fishing with his friends at the time of his death, being 3 December 2011.

[2] I have decided to conclude this by way of a chamber finding rather than to set it down for inquest. Notice of this intention have been sent out to the various parties concerned with this tragic death. I am satisfied that the requirements of s 77(2) Coroners Act 2006 had been met and that the chambers finding can proceed. These findings are to be read in conjunction with the certificate of final findings made pursuant to s 94 Coroners Act.

[3] For the purposes of this chambers finding I have considered the police report, witness statements, the police national dive squad report, as well as the post-mortem and toxicology reports.

[4] The police national dive squad report prepared by Constable Geoffrey Bray was a very comprehensive report and forms the basis of this finding. I do not intend to précis it here as it will not do it justice. The report is an intricate part of this finding.

[5] The basic facts of this matter are that the deceased and other friends who are part of the spear fishing fraternity at Wellington, decided to go for a spear fishing trip at what is known as Hunters Bank, some nine kilometres out to sea from Pukerua Bay. This trip was well organised and it effectively consisted of two boatloads of people. In one boat was the deceased and his spear fishing buddy, while in the other boat was a Mr David Mullens, who is also a competitive and experienced competitive free driver, ranked at third in the world and that is supported at this time.

[6] The boat parties proceeded to travel out to Hunters Bank, once there when the conditions/tide appeared to be settled, Mr de Vries and his partner Mr Masson commenced to spear fish. The depth of the water that they were in was approximately 19 metres.

[7] Mr Masson completed a dive and swam back to the boat. He then noticed Mr de Vries' float line attached to his spear gun go tort and thought he must have had a good sized kingfish on it. He then decided to dive again to also look for the fish. He saw Mr de Vries who was attempting to pull in the speared kingfish. He did not appear to be in any trouble. Mr Masson then had a problem with a line tangle and looked away. When he had sorted that out, he looked for Mr de Vries but could not see him. He searched for him but still could not locate him. He returned to the boat and quickly summonsed assistance from Mr Mullens' party.

[8] Mr Mullens and their party then attended and started to search for Mr de Vries. Mr Mullens located Mr de Vries in approximately 27 metres of water. He was able to recover his body and return it to the surface.

[9] Referring to the police dive squad report, reference was made to Mr de Vries dive watch, which is used to monitor the diver's depths when ascending or descending. This watch will record the diver's depths and times under the water as well as the time they spend on the surface.

[10] Mr de Vries' watch recorded that the last three dives which shows his depths, time under water and surface times. He had conducted six dives in total on the day with the last three being recorded. His first dive was to a depth of 17 to 19 metres for a period of one minute. He then had a period of rest on the surface for six to seven minutes. His second dive was to a depth of 17 to 19 metres, again for a period of one minute. His surface interval before his first dive was again between five and six minutes. His third dive was to a depth of 19 metres for a period of one minute, 12 seconds. His surfacing was again five to seven months.

[11] Mr de Vries' watch recorded his last dive as leaving the surface and descending to a depth of 19.2 metres. This had taken 32 seconds and shortly after this he has started to surface possibly after he had shot a kingfish.

[12] His dive watch records him leaving the pinnacle floor at 49 seconds which was slightly longer than his previous dive. He has then began his descent but this time has been much slower from the 16 metre mark.

[13] His watch records him stopping briefly four times during his ascent. Mr de Vries slows down towards the surface and takes a further 20 seconds to get from 10 metres to a depth of 2.7 metres.

[14] Mr de Vries reached 2.7 metres and his total underwater duration time at this stage was one minute, 22 seconds. He remains at this depth for a further four seconds and then slowly begins to sink.

[15] Mr de Vries' watch records his descent to a depth of 27.4 metres in 61 seconds. It records this final depth until he was recovered.

[16] The report then describes what is known as shallow water blackout. This is where there is a loss of consciousness caused by a reduction of oxygen to the brain. Shallow water blackout occurs in spear fishing when reef hold divers descend for a period of time. During the return ascent, the changes in pressure and reduced oxygen content starve the diver's brain and cause them to blackout.

[17] The report noted that beginner breath/hold divers, because of their lack of adaptation are not generally subject to this condition. It is the intermediate and advanced diver who is most at risk as they have developed techniques to relax their muscles underwater and prolong the urge to breath.

[18] On Mr de Vries' last dive, his dive profile was similar to his previous with the exception of the four pauses during the ascent. This along with the drag and effort Mr de Vries expended in fighting the fish has caused his time to see his previous dive time.

[19] The profile identified the moment Mr de Vries blacks out and began to sink towards the seabed. The difference between the third and fourth dive times at four metres of water was only 20 seconds extra.

[20] Mr de Vries sank quickly, giving Mr Masson less than 20 seconds to observe what has happened before Mr de Vries was lost from site.

[21] The report considered that Mr de Vries like all experienced divers, understood and accepted the risks associated with this sport. It is stated that Mr Masson could not have foreseen what would occur at that exact moment

he decided to free himself from the rope that was entangling him and highlights the safe diving practice of constant interrupted monitoring until the diver has surfaced and remains on the surface for at least one minute.

[22] A post-mortem was carried out by forensic pathologist Dr John Rutherford on 5 December 2011. He has concluded that the cause of death was from drowning.

Coroner's comment.


[23] This was a tragic death that occurred even when the spear fishing operation was being carried out in a safe and professional manner. It simply highlights that there will always be a danger when carrying out water sport activities. The dive report noted that the deceased was a conservative, cautious diver who was well respected within the spear fishing community. It made the following recommendations which I will endorse. When using the "one up, one down" diving principle, it is important to ensure that the diver who is monitoring from the surface maintains visual contact with the submerged diver until he surfaces and remains surfaced for a period of at least one minute. Secondly, the diver should always constantly review the weight in relation to the diving they are conducting. Ideally the diver should manage their weight so they can maintain a neutral hover point in the water at approximately 30 to 40 percent of the depth that they will dive.

Verdict

[24] I find that Eric de Vries, late of 116 Creswick Terrace, Northland, Wellington, died at Hunters Bank off the Kapiti Coast, Wellington on 3 December 2011 as a result of accidental drowning.

[25] I wish to extend my condolences to the family and all the friends of Mr de Vries.

Signed this 5th day of November 2013 at Wellington

A handwritten signature in black ink, appearing to read 'Ian Roderick Smith', written over a horizontal line.

Ian Roderick Smith

Wellington Regional Coroner