

THE OFFICE OF THE CORONER
AT ROTORUA
(In Chambers)

IN THE MATTER of the Coroners Act 2006

AND

IN THE MATTER of an Inquiry into the
death of **MARK HAYDEN McLEOD**

Before: Coroner Wallace Bain

Date of Findings: 11 August 2014

FINDINGS OF CORONER WALLACE BAIN
(IN CHAMBERS)

I record I opened an inquiry. I decided pursuant to section 80(b) of the Coroners Act 2006 not to hold an inquest for the purposes of my inquiry because the death was not one in official custody and care, and I have also complied with the requirements of section 77 of the Coroners Act 2006 and have received no notification from any person of an intention to give evidence in person.

I, Wallace Bain, Coroner at Rotorua, HEREBY CERTIFY pursuant to section 94 of the Coroners Act 2006 and having considered all the information available for the purposes of the inquiry into the death of the said deceased and for the purposes of section 57 of the said Act I find:

Mark Hayden McLeod, builder died under water at the Hahei Marine Reserve on the 27th October 2013, his cause of death being drowning.

(1) I have considered all available evidence including:

- Police reports to the Coroner
- ESR Toxicology Report from Diana Kappatos (Forensic Toxicologist)
- Post-mortem report from Dr Garavan (Pathologist)
- Witness Statements

(2) I am satisfied that all the elements of the "first purpose" of an inquiry set out in section 57 (2) Coroners Act 2006 have been established.

(3) I am satisfied that the requirements of section 77 (hearings on papers and chambers findings) have been satisfied without holding an inquest. In particular I am satisfied that persons from whom evidence is generally to be heard for the purposes of an inquiry do not wish to give evidence in person for the purposes of the inquiry. I am also satisfied that notice has been given of my proposal to make a hearing on the papers and make chambers findings to member of the immediate family of the deceased, who concur in the inquiry being concluded on the papers by way of chambers findings.

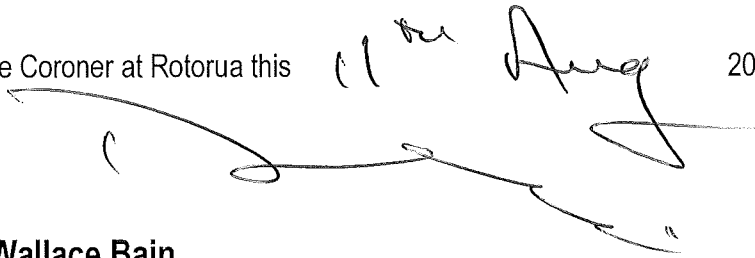
BRIEF FACTS

(4) Mr McLeod had been diving for approximately seven years although he had never formally qualified. On the day of his death he was diving with three others including his brother. They descended and Mr McLeod began searching for crayfish. The other three divers surfaced but Mr McLeod failed to surface and a search was undertaken. After about forty minutes he was located. He was described as being fit and healthy and although not formally qualified in diving he had done the theory and read all the books and he was described by the other divers as being as good as them.

(5) Pursuant to section 74 of the Coroners Act 2006, I prohibit the making public of the following:

- (i) The photographs forming part of the evidence.
- (ii) The addresses, telephone numbers, e-mail addresses (where applicable) of persons who have provided signed statements in evidence.

Signed by the Coroner at Rotorua this 11th Aug 2014

A handwritten signature in black ink, appearing to read 'Wallace Bain', written over a horizontal line.

Coroner Wallace Bain

Regional Coroner - Bay of Plenty

CERTIFICATE OF FINDINGS
Section 94, Coroners Act 2006

IN THE MATTER of **Mark Hayden MCLEOD**

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:	Mark Hayden MCLEOD
Late of:	5A Bruce Street Whitianga
Occupation:	Labourer
Sex:	Male
Date of Birth:	18 March 1980
Place of Death:	Hahei Marine Reserve . Hahei New Zealand
Date of Death:	27 October 2013
Cause(s) of Death	
(a). Direct cause:	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):	

I have, under section 74 of the Coroners Act 2006, prohibited the making public of the following:

- i) The photographs forming part of the evidence
- ii) The addresses, telephone numbers, e-mail addresses (where applicable) of persons who have provided signed statements in evidence.

Those findings, and my reasons for making them, are also set out in my written findings dated

Signed at Rotorua on 13th day of August 2014.



Coroner Wallace Bain