



CORONERS COURT OF QUEENSLAND

FINDINGS OF INVESTIGATION

CITATION: **Non-inquest findings into the death of A**

TITLE OF COURT: Coroners Court

JURISDICTION: CAIRNS

DATE: 28 April 2023

FILE NO(s): 2021/716

FINDINGS OF: Christine Roney, Coroner

CATCHWORDS: CORONERS: Animal Attack (Crocodile), Fishing, North Queensland

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Background

1. The deceased was a 68-year-old retired man, who was killed in a crocodile attack between 11 and 12 February 2021 in Gayundah Creek, Hinchinbrook Channel, Queensland.
2. The deceased was an experienced yachtsmen and fisherman. The area around Hinchinbrook Island and channel was well known to him, including the presence of crocodiles.
3. The deceased was in reasonable health prior to the attack that claimed his life. He was in remission from cancer, had high blood pressure and back pain but was medicated for those conditions.
4. He was a keen barramundi angler and every year for approximately ten years sailed to the Hinchinbrook channel to fish with his partner B.
5. On this occasion they had arrived on their yacht and anchored near Gayundah Creek.
6. On the morning of Thursday 11 February, the deceased went out in his fibreglass dinghy to fish in the creek. He returned to the yacht for lunch and headed back out at approximately 3:00pm to an area near Binden Creek.
7. He told B that he would be about an hour. He was not a strong swimmer but did not have a life jacket on board.
8. When the deceased was not back at around 4:00pm, she attempted to contact him by radio. She received no reply but continued trying to make contact. Next B called out and used binoculars to see if she could see the deceased returning. Then, she contacted a friend, C to check that the radio was working. It was. She now grew concerned and contacted emergency authorities to report the deceased as missing.
9. C, although some distance away on his own vessel, said he would meet B at the yacht to search the area.
10. D, the deceased's son also left to come to assist on learning that his father was missing.
11. The Coast Guard and C arrived at about 10:00pm, to search Gayndah Creek.
12. At about 2:30am on 12 February C located the deceased's dinghy 200 meters into the creek with significant hull damage. A large piece of the hull was missing, and there were tooth or puncture marks visible on it.
13. The Department of Environment Science became involved in the search on 12 February and 13 February located a human leg in the creek. This was considered to be consistent with a crocodile attack. On 13 February, the Crocodile management team of The Department euthanised a large male crocodile, 4.86 meters in length, thought to be responsible for the attack upon the deceased.
14. Sufficient human remains were recovered from this crocodile to permit an Autopsy to proceed.
15. On 14 February, a smaller female crocodile, 2.85 meters in length was euthanised. human remains were also recovered as having been ingested by this animal, and available for testing.
16. An Autopsy was able to identify, through DNA evidence, that the remains recovered from both crocodiles were those of the deceased.

Cause of Death:

17. An Autopsy Certificate described his cause of death as

'1a. Multiple Injuries, as a result of
1b. Animal Attack (crocodile)'

Autopsy Report

An Autopsy Report stated

'Summary & Interpretation

18. According to the Police Form 1, this 69-year-old man, with a past history of emphysema, hypertension, and scoliosis, was believed last seen alive in the afternoon of 11 February 2021 and was seen to be fishing in a dingy near Gayndah Creek, Cardwell. He did not return as expected. His capsized and damaged dingy was found early on 12 February 2021, and the damage was deemed consistent with a large saltwater crocodile attack. That evening portions of human tissue were found. The following day a crocodile seen nearby was captured and appeared to regurgitate human intestine. That evening discernible human tissue elements were retrieved from the crocodile.
19. In plain terms, post-mortem examination showed human tissue fragments, with a pattern of tissue disruption and injury consistent with crocodile attack. No identified pre-existing natural disease was identified in the remaining internal tissues, although the presence of surgical mesh consistent with a past abdominal hernia repair was noted. Tattoos and the general facial appearance were consistent with images of a person known as the deceased, but tissues were reserved for possible DNA analysis (if required) and tissues were also sampled for toxicology and microscopic examination.
20. In my opinion, at the time of autopsy, the cause of death was most probably multiple injuries sustained in a crocodile attack, but it remained impossible to completely exclude that death due to a natural disease process or drowning had preceded the animal attack. The possibility of drug toxicity was also difficult to completely exclude at the time of autopsy examination. Further investigations were subsequently performed. Microscopic examination showed prominent after death decay related changes, as well as some heart muscle tissue scarring. Testing for drugs and poisons showed the presence of a blood pressure medication (amlodipine). No other drugs were detected in muscle, with the comment that the result should be considered with caution due to the decomposed nature of the sample, and that the sample was unfortunately unsuitable to test for some substances (for example, alcohol).'

Report by Department of Environment and Science

21. The Department provided a report to the coroner detailing the search undertaken to locate the deceased, the location and search for the two animals involved in the attack, and subsequent testing.
22. The Report reached certain conclusions about the circumstances of the attack as follows,
23. 'Key evidence
 - The boat that the deceased occupied was a small tender (~2.2m long) that sat very low in the water (<10cm free board), providing little protection for the occupant.
 - The crocodile (4.86m) that attacked the deceased was more than twice the length of the boat and almost as wide.
 - The damage to the dinghy, including bite puncture marks, and extensive hull damage, was consistent with an attack by a large crocodile (>4m) on a small boat.
 - The nature of the damage to mangroves near the water's edge at the attack site suggested that the deceased had attempted to rapidly pull himself up and out of the boat/water at some stage.
 - The broken fishing rod and other equipment at the attack site suggested that the deceased was likely fishing at the time of the attack.
 - Both the 4.86m male and 2.85m female crocodiles that were euthanised and necropsied contained human remains.

- The large male also contained the remains of a large sea turtle, while the female contained multiple plastic mesh crab pot bait bags that had accumulated over a long time.
24. This suggests that the male specialised in larger prey while the female was more of a scavenger and opportunist.
25. Department of Environment and Science Conclusion
- Based on the evidence it would appear that the deceased was initially attacked and killed by the larger male crocodile (4.86m) while fishing in his boat.
 - The female likely came in once the man was killed to assist in dismemberment and consumption. At this time of year, it is not unusual for a male and a female(s) to be in close proximity (breeding season) and males will generally tolerate other females.
 - As estuarine crocodiles instinctively respond to any movement at the water's surface by approaching and biting or attacking the source (they are even known to bite/attack inanimate objects such as floats), it is likely that the attack was triggered by the deceased disturbing the water in some form whilst fishing (e.g., splashing).
 - Once estuarine crocodiles have engaged in a predatory attack they will continue until the prey stops moving, unless they determine that the prey is too large – in which case they often let go (this is the case in non-fatals on humans – typically involving smaller <3m crocodiles).
 - Given the very large size of the crocodile, the deceased was well within the suitable prey size range, and the small size of the boat provided the deceased with next to no protection from the attack.
 - As the survival rate of humans attacked by large crocodiles >4m is estimated to be zero, the deceased had almost no chance of survival once attacked.
 - This attack involved a large dominant male crocodile that maintained a predominantly oceanic existence and specialised in larger prey (e.g., turtles, dugongs). Crocodiles of this size are serious predators capable of attacking and consuming humans. Crocodiles of this size (>4m) have previously been involved in fatal attacks in Queensland.
 - While it is not unusual that a male crocodile would share a large meal with another female, to my knowledge this is the first time that two crocodiles have been recorded preying a human anywhere.'

Next of kin concerns

26. After the attack B expressed concern about how the attack unfolded. Based upon the evidence she concluded that the attack has occurred as the deceased was sitting within the boat, not standing, and as the dinghy was moving.
27. Understandably she has expressed concern about the violence and predatory nature of such an attack and the potential danger to the fishing community.
28. B also recalls seeing this particular crocodile, the male responsible for the attack, some years earlier.
29. The Department has assured the coroner that it has an active crocodile management plan for the area which is a known crocodile habitat.
30. There is a difficult balance to be struck in allowing these animals to exist and the protection of the fishing/boating community.
31. Perhaps wider debate and information sharing is needed to ensure that all views are considered and the

risk to human life minimised.

32. The deceased was experienced in crocodile habitats. It is unlikely that he had been provocative or drawn attention to himself. If he was taken, as B theorizes, while he was traveling on his dinghy, water users may need to be better informed about the risks they face.

Further investigation by the Coroner's Office

33. Correspondence was sent by me to the Department of Environment and Science dated 15 February 2023 asking for further information.
34. That correspondence stated:
35. 'I am writing in relation to the death of the deceased in the aforementioned attack. I refer also to your Report to the Coroner in relation to this incident, a copy of which is enclosed for ease of reference.
36. I am interested in the comments in the report at page 4, "*Under the management program, crocodiles that pose a threat to public safety are targeted for removal from the wild by the department or its contractors*"
37. In relation to that comment, can you further advise in relation to the following matters.
- i. When did DES become aware of the existence of this particular crocodile
 - ii. Was this crocodile, prior to the attack, identified as a threat to public safety?
 - iii. If so, had it been targeted for removal?
38. Given the comment in DES conclusions at page 11 of the Report, that survival rate for humans attacked by a crocodile over four metres in length is zero, do I infer that any crocodile over four meters is targeted for removal, under the plan?
39. Further could you advise how many crocodiles in a crocodile population are estimated to be over four metres in length.
40. This issue of saltwater crocodiles continues to be a matter of community interest. A very recent example is the interest surrounding the report of a crocodile sighting off the waters of North Stradbroke Island.
41. I would be interested in any observations you may have about any changes in crocodile management by the Department.
42. I would appreciate your further comment. I enclose a Form 25 for that purpose.'
43. The Response from the Department of Environment and Science dated 29 March 2023 was:
- 'Thank you for your letter of 15 February 2023 regarding further questions you have in relation to the Hinchinbrook Island fatal crocodile attack on 12 February 2021.
44. Having read the Department of Environment and Science's (the department) Report to the Coroner (the Report) on this incident, you have asked further questions in relation to the Crocodile Management Program (Program) and specifically, crocodiles which pose a threat to public safety are removed from the wild. These are addressed sequentially below.

When did the department become aware of the existence of this particular crocodile?

45. The department became aware that a fatal crocodile attack had occurred on 12 February 2021. This crocodile was first observed on the night of 12 February 2021 (estimated at the time as being 3.5 - 4.2 metres in length) and, on 13 February 2021, identified as the animal most likely to be responsible for the attack due to its size and behaviour. It should be noted that estuarine crocodiles are highly mobile and

therefore there is no way of knowing whether sightings of large crocodiles in the area around Hinchinbrook Channel prior to the attack were of the same animal. A breakdown of all crocodile sightings in the local area in the six months before and after the incident, is attached. Information about the necropsy conducted by the department on 13 February 2021 (on page 9 of the Report) indicated the animal had led a largely oceanic existence.

Was this crocodile, prior to the attack, identified as a threat to public safety?

46. No. There is no way to ascertain if any large crocodiles sighted prior to the attack were the same animal that conducted the attack. Once the crocodile was identified as being the animal most likely to be responsible for the attack, it was declared a 'Problem crocodile' under the Nature Conservation (Estuarine Crocodile) Conservation Plan 2018 (Conservation Plan), and it was targeted for removal on the basis of the threat it posed to public safety.

If so, had it been targeted for removal?

47. See the above responses. Further to the above questions:

Given the comment in the departments' conclusions at page 11 of the report, that survival rate for humans attacked by a crocodile over four metres in length is zero, do I infer that any crocodile over four metres is targeted for removal, under the plan?

48. No. The statement about the likelihood of a human surviving an attack by an animal of four metres or greater in length being close to zero, is consistent with a paper referenced as Attachment 30 in the Report. However, despite the conclusions in that paper, on 3 November 2021, an attack by a crocodile greater than four metres in length, in the Mclvor River near Hopevale was non-fatal. In keeping with the Conservation Plan and relevant zoning under the Queensland Crocodile Management Plan (Management Plan), crocodile sightings are assessed on a case-by-case basis (by considering the size, location and behaviour of the animal). The process for determining that a crocodile is a problem crocodile is set out in Section 5 of the Conservation Plan and summarised on page 8 of the Management Plan. These circumstances include where:

- the crocodile has attacked, is about to attack, or is behaving aggressively towards, a person
- the nature of the crocodile's location or behaviour makes the crocodile a threat, or a potential
- threat, to the safety or wellbeing of humans
- a crocodile has passed over, through or under a crocodile prevention barrier on land on which aquaculture fisheries resources, stock, or a working dog normally lives, and is likely to become a danger to the resources, stock or dog.

49. The department received no information regarding this animal, on which to make such an assessment, prior to 12-13 February 2021.

Could you advise how many crocodiles in a crocodile population are estimated to be over four metres in length?

50. Based on estuarine crocodile population monitoring conducted by the department from 2016-2019, it is estimated that 6% of estuarine crocodiles in waters between Cooktown and Ayr are greater than four metres in length.

The interest surrounding a crocodile sighting report on Stradbroke Island

51. Based on recent estuarine crocodile population monitoring by the department from 2016-2019, estuarine crocodiles are very unlikely to be observed south of what is considered the southern boundary of their range, being the Boyne River near Gladstone. This is due to the water and air temperatures south of that boundary being too cold for the metabolism of crocodiles (Which are cold-blooded) to function optimally. However, the department took reports of a crocodile sighted on Minjerribah (North Stradbroke Island) on 18 January 2023 seriously and expended considerable time and effort including sea and helicopter surveys, in satisfying itself that no crocodiles were present in waters near the island.

Observations in relation to any changes to crocodile management by the department

52. In May 2021, Queensland's then Chief Scientist, Professor Hugh Possingham was appointed Chair of an Independent Expert Committee (IEC) to evaluate the effectiveness of the department's Program. The

evaluation covered the three components of the Program:

- i. Responding to crocodile sighting reports and removing problem animals in keeping with the Management Plan.
 - ii. Delivering Be Croc wise community safety education and engagement.
 - iii. Research and monitoring to ensure the Program is informed by the most up-to-date scientific information.
53. That IEC report found the department's approach to crocodile management to be 'pragmatic, robust and fit-for-purpose'. It also described the departments' scientific research program into crocodiles as being 'world-class. Further information on the IEC's findings can be found at https://environment.des.qld.gov.au/_data/assets/pdf_file/0032/276764/independent-evaluationqld-croc-mngmt-program-report.pdf.
54. The IEC report identified 22 recommendations which have all been accepted and the department is working towards implementation of these as a matter of priority. The department's response to the independent evaluation is available on the department's
55. website at https://environment.des.qld.gov.au/_data/assets/pdf_file/0038/276779/response-toindependent-evalulaion-croc-mgmt-report.pdf
56. In conclusion, I note that the department is required to balance two competing responsibilities regarding its management of estuarine crocodiles – supporting the long-term conservation of wild populations of crocodiles within their normal range whilst reducing the risks to public safety.'

Findings required by s.45

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| Identity of the deceased – | [de-identified for publication purposes] |
| How he died – | I find that the deceased was killed in a crocodile attack on Gayundah Creek, Queensland between 11 and 12 February 2021 |
| Place of death – | Gayundah Creek, Hinchinbrook Channel CARDWELL QLD 4849 AUSTRALIA |
| Date of death – | 11/01/2021 - 12/01/2021 |
| Cause of death – | 1(a) Multiple Injuries 1(b) Animal Attack (crocodile) |

I close the investigations.

Christine Roney
Coroner
CORONERS COURT OF QUEENSLAND

28 April 2023