

CERTIFICATE OF FINDINGS
Section 94, Coroners Act 2006

IN THE MATTER of Jacqueline Michelle NGAPERERA

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:	Jacqueline Michelle NGAPERERA
Date of:	99 Stewart Drive Johnsonville Wellington
Occupation:	Client Services Manager
Sex:	Female
Date of Birth:	21 May 1970
Place of Death:	Wellington south coast New Zealand
Date of Death:	08 December 2007
Cause(s) of Death	
(a). Direct cause:	Accidental drowning

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.

Constable Cook listed the following recommendations that all dive industry and recreational divers should consider in the future. These were as follows.

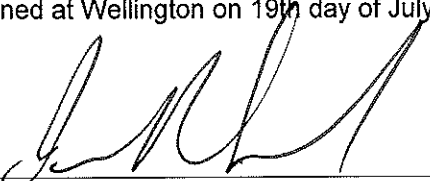
- Ensure persons diving have dived recently and have appropriate skills for that depth and conditions.
- Ensure that buoyancy is checked prior to the dive to achieve neutral buoyancy.
- Ensure that divers plan to be on the surface at 50Bar.
- All divers should remain together especially during the ascent even if it means holding on to one another.
- Ensure divers check their own and others equipment thoroughly.
- Do not dive with equipment that is suspect/faulty.
- Ensure divers monitor their air contents gauges as well as their dive buddies
- Ensure divers monitor their depth and time
- Ensure divers have a plan if an emergency occurs during the dive.
- All divers should avoid diving to or close to their maximum limits which includes depth, time, and their experience.

My reasons for making those findings are as follows:

I find that Jacqueline Michelle Ngapera, late of 99 Stewart Drive, Johnsonville, Wellington, died at sea off Wellington's south coast on the 8th December 2007 as a result of accidental drowning.

Those findings, and my reasons for making them, are also set out in my written findings dated: 19th July 2010.

Signed at Wellington on 19th day of July 2010.



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 **JACQUELINE MICHELLE**
NGAPERERA

Date of Death: 8th December 2007

Before: Coroner Mr I R Smith
Date of Findings: 19th July 2010

FINDINGS OF CORONER I R SMITH

[1] **Introduction**

The deceased, Jacqueline Ngapera, was a 37 year old female who resided at 99 Stewart Drive, Johnsonville, Wellington. On the 8th December 2007 she and three others left Paremata in a small boat and travelled to an area off Makara where she and her diving buddy commenced a scuba dive. Ms Ngapera failed to surface. Her body was located on the sea floor the following day by her diving buddy who had gone back to look for her.

[2] I have considered that this matter can be dealt with by way of a Chambers' Finding pursuant to section 77(2) of the Coroners Act 2006. Notices of that intent have been given to the various parties involved with this Inquiry and no objection as to this process had been received. These Findings, therefore, are to be read in conjunction with the Certificate of Final Findings pursuant to section 94 of the Coroners Act 2006.

[3] In considering this matter I have considered the Police evidence, including the various statements of the witnesses; and the very comprehensive report produced by Constable Bruce Cook of the Police National Dive Squad, that report being received in October 2009. I have also to hand the forensic pathologist's report.

[4] Statement of Wiremu Tamihana Pullen

Mr Pullen was the diving buddy of the deceased. He provided a statement to the Police on the day after the diving trip and stated the following.

He said he had known the deceased for about a year and that they had completed about six or seven dives together. He said she was an advanced diver.

[5] On the 7th December in the early hours of the morning, Mr Pullen, the deceased and two others set off from Paremata, travelling along the coastline to a spot off Makara, approximately 200 metres offshore.

One of the party stayed with the boat; another had gone snorkelling while Mr Pullen and the deceased prepared to dive. They checked the contents of each diver's tank which read 210 bar, which indicated that the tanks were full.

[6] The two divers descended to a depth of about 22 to 25 metres and indicated to each other on several occasions that everything was satisfactory. Mr Pullen said visibility was approximately 15 metres; that there was no current and the sea was flat. The pair were looking for crayfish and had been at that depth for approximately 20 minutes. Mr Pullen then checked the deceased's air gauge, which indicated 70 bar remaining. They then carried on with the dive. Their rule was when the air reading got to 50 bar, that was the time to head to the surface.

[7] Shortly after, Mr Pullen turned around to check on the deceased but could not see her. Due to his own air content he had no alternative but to begin his ascent and in doing so kept a look out for Ms Ngapera. When Mr Pullen got back to the boat, the person on the boat said he had seen two sets of bubbles but by the time Mr Pullen

surfaced, his was the only set observed. Despite further searches the deceased was not located and the authorities were alerted.

[8] Mr Pullen and three others, including the deceased's sister, went back to the area the next morning to continue to look for her body. One of the party began a search first but did not find the deceased during his dive. Mr Pullen then began his dive and located the body on the sea floor. He checked her dive tank and confirmed that there was no air left. He began to lift her body to the surface but she was too heavy so he had to descend and remove her weight belt. On this second attempt he was able to get the body to the surface. He had noticed that the deceased's face had suffered from sea lice and covered it up. The Police Dive Squad then arrived and took control of the body.

[9] Report of Constable Bruce Cook

Constable Cook is a member of the Police Dive Squad and he has produced a comprehensive report for this Court. It is a common feature of these dive reports that they are very well compiled and detailed and are of a major assistance to this Court. Constable Cook's report methodically details all of the deceased's diving equipment, completing examinations and tests on each item. In general terms all of the deceased's diving equipment it was found to be in a very sound condition with the exception as to the moisture and carbon monoxide levels within the tank but he did not believe that this was a factor contributing to this death. Given that the cylinder was reading zero when Mr Pullen located the deceased's body this testing must be considered with some caution.)

[10] Constable Cook stated that the deceased obtained a basic dive qualification in February 2007, then completed experience in wreck, buoyancy, deep, night and underwater diving. On the 23rd September 2007 she completed a PADI advanced open water course. Ms Pullen had no medical conditions and was said to be fit and healthy. Prior to her commencing her dive training she had completed a dive medical in January 2007. That examination concluded that Ms Ngapera was fit to begin her training.

[11] Constable Cook, however, considered that there was an insufficient dive plan and the pair relied on Mr Pullen's dive computer to calculate their nitrogen loading. Two divers relying on only one dive computer was not good practice. He also commented that Ms Ngapera did not have a time piece and was, therefore, reliant on Mr Pullen.

[12] Constable Cook commented that Mr Pullen's weight belt had a weight of 12.8 kg and given her weight and size he considered that she was over weighted. A correctly weighted diver should be neutrally weighted so that they can hang comfortably on the surface with the waterline at their eye level without assistance from the use of fins or the BCD unit. The consequences of being over weighted is as a diver is negatively buoyant, more effort is needed and air is consumed at a greater rate. He also stated that it is common for a "panicking diver" to forget to release their weight belt which would instantly make the diver positively buoyant and although this would induce an uncontrolled ascent, it would return the diver to the surface without any further effort from the driver.

[13] Constable Cook, while stating it is not known what the deceased has done on losing sight of Mr Pullen, she had begun to ascend according to her surface air bubble pattern, but she has then begun to run out of air. Ms Ngapera would have felt this difficulty in breathing, which may have caused her to panic. She had deployed her safety sausage but it was not inflated, nor was her BCD unit inflated she had not released her weight belt. Constable Cook also stated that whilst Ms Ngapera had completed the advanced diver course, her diving experience was limited. He made several recommendations which I will return to later in this Finding.

[14] Dr Martin Sage, Forensic Pathologist, conducted a post-mortem report on the deceased on the 10th December. His opinion was that death was due to immersion, commenting that definitive evidence of drowning or specific features of a dive mishap was not discernable in this instant due to severe tissue demolition by sea lice.

[15] Returning to Constable Cook's report, it had been noted that the deceased was located on the seabed and that she had run out of air, he concluded that she has died from drowning.

[16] Recommendations

Constable Cook listed the following recommendations that all dive industry and recreational divers should consider in the future. These were as follows.

- Ensure persons diving have dived recently and have appropriate skills for that depth and conditions.
- Ensure that buoyancy is checked prior to the dive to achieve neutral buoyancy.
- Ensure that divers plan to be on the surface at 50Bar.
- All divers should remain together especially during the ascent even if it means holding on to one another.
- Ensure divers check their own and others equipment thoroughly.
- Do not dive with equipment that is suspect/faulty.
- Ensure divers monitor their air contents gauges as well as their dive buddies
- Ensure divers monitor their depth and time
- Ensure divers have a plan if an emergency occurs during the dive.
- All divers should avoid diving to or close to their maximum limits which includes depth, time, and their experience.

[17] The Court extends its condolences to the family and friends of the deceased over their tragic loss.

[18] Formal Finding

I find that Jacqueline Michelle Ngapera, late of 99 Stewart Drive, Johnsonville, Wellington, died at sea off Wellington's south coast on the 8th December 2007 as a result of accidental drowning.

Signed this 19th day of July 2010 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