



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

**COR 2023 001630**

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 63(2)*

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

Findings of: Deputy State Coroner Paresa Antoniadis Spanos

Deceased: Remy Da Silva

Date of birth: 18 September 2002

Date of death: 6 January 2023

Cause of death: Drowning

Place of death: Gunnamatta Ocean Beach, Fingal, Victoria, 3939

Keywords: Gunnamatta Beach; Drowning; BeachSafe;  
interactive signage.

## INTRODUCTION

1. On 6 January 2023, Remy Da Silva was 20 years old when he drowned at Gunnamatta Ocean Beach in Fingal, Victoria (**Gunnamatta Beach**). At the time, Remy lived in the family home in North Melbourne, Victoria.
2. Remy was born in 2002 to parents Yves and Eloise Da Silva and had two younger siblings, Otto and Ernest.
3. As a young man, Remy was very keen on health and fitness. He devoted much of his time to weightlifting which he had done since he was 15 years old, initially starting with exercise equipment in his bedroom and in his high school gym. He played junior hockey and football throughout high school.
4. The evidence suggests Remy was a strong and experienced swimmer who was used to the water and open ocean conditions. As a young child he participated in swimming lessons and in 2022 began regularly attending the North Melbourne swimming pool with friends. Shortly prior to his death, Remy had expressed an interest in surfing.
5. Remy and his family had access to a family-owned beach house in Rye throughout his life. The family would visit every summer as well as spending various long weekends there throughout the year. When staying in Rye, Remy and his family would routinely visit Gunnamatta Beach as their usual beach of choice.

## THE CORONIAL INVESTIGATION

6. Remy'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.
7. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding 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.
8. 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.

9. Victoria Police assigned Sergeant Annette Reynolds to be the Coronial Investigator for the investigation of Remy's death. The Coronial Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as family, the forensic pathologist, treating clinicians and investigating officers – and submitted a coronial brief of evidence.
10. This finding draws on the totality of the coronial investigation into the death of Remy Da Silva 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.<sup>1</sup>

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

### **Circumstances in which the death occurred**

11. On 6 January 2023, Remy and his family attended the Gunnamatta Ocean Beach in Fingal. The Da Silva family were joined by their friends Emily Palmer, Guy Duckworth and their young children, and Melissa Heard. The group all planned to stay at the Da Silva's beach house in Rye.
12. They arrived at Gunnamatta Beach late in the afternoon and immediately noted the wind was extremely strong. By the time they had arrived, surf life savers had not long finished packing up for the day and thus no safety flags were present at the beach.
13. At around 6.00 pm, Remy and his younger brother Otto entered a non-patrolled section of the water whilst the others remained on the sand. Their father, Yves noted the surf was rough and that that the current was slowly pulling them away towards the east.
14. After around half an hour in the water, Remy and Otto became caught in a rip and both began to struggle against its force. From the shore Yves noticed Remy appeared to be struggling,

---

<sup>1</sup> 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 evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

was about 20 metres further out than his brother, and was unable to consistently hold his head above water.

15. As Yves ran to the shore, he saw that Remy and Otto were yelling and waving for help. Around the same time, another beachgoer, David Lawson, also noticed the young men struggling in the water and immediately rushed in to provide assistance.
16. Yves first reached Otto who indicated he was able to make it back to shore by himself and subsequently did so with the assistance of another member of the public, Liam Kiernan, who had also entered the water to assist. Upon his safe return to shore, Otto was exhausted.
17. David was the first to reach Remy and by the time he did so Remy was unresponsive. David manoeuvred Remy onto his back and put one of his arms under Remy's armpit to try keep him upright. David noted that Remy's colour had begun to change, and he believed it was obvious he had taken on a lot of water.
18. By the time Yves reached Remy and David a short time later, David believed that Remy was already gone. Yves recalled the ocean conditions were like a '*washing machine*'. Due to the rough conditions and their own exhaustion, David and Yves were unable to maintain a hold on Remy and he slipped away. David recalled seeing him go under the water and not resurface.
19. By the time Remy had disappeared beneath the water surface, Yves' energy was almost completely depleted. David assisted Yves maintain his head above water until Life Saving Victoria (**LSV**) members, who had been packing up at Gunnamatta Beach, were alerted and came to their assistance.
20. LSV members rushed into the water with a rescue water board and were able to retrieve Yves and David from the water. By the time he was rescued, Yves was in an altered conscious state, unable to speak and completely exhausted. David was comparatively in a better condition relatively but was nonetheless extremely fatigued.
21. An air, land and water search for Remy was commenced by LSV alongside Victoria Police and other emergency services. Remy's body was sighted by the search and rescue helicopter. LSV members arrived via boat and located a body believed to be Remy on the ocean floor. Both LSV members on the boat stated they could see the body of a young male clearly.

22. The ocean was rough, and the LSV members estimated the water was around 3 metres deep, and that they were about 75 metres from shore and 40 metres east of the second carpark.<sup>2</sup> Due to the prevailing conditions LSV members were unable to enter the ocean to recover Remy's body.
23. That night police conducted a four-man line search from the beach out to fifty meters from shore covering Remy's last know position. The ocean conditions were rough and during the search the police were pushed approximately 200 metres east of their starting location. The search continued for one and a half hours but Remy was unable to be located.
24. Searches continued over the coming week but sadly Remy's body was unable to be located and the search was formally concluded on 13 January 2023.

### **Gunnamatta Beach**

25. Gunnamatta Beach is located on the Mornington Peninsula National Park and is an exposed, high-energy beach with a wide rip dominated surf zone. An average of 113 rescues occur each year at Gunnamatta beach.
26. Due to the volatile surf conditions, warning signs are located at the entrance to the car park and walking track to the beach. The warning signs are written in English and include pictures and provide the following warnings:
  - a) Submerged Rocks
  - b) Strong Currents
  - c) High Surf
  - d) Drop Off
  - e) Slippery Rocks
27. LSV lifeguard, Mr Joshua Ritchie-Crichton assisted with the rescue efforts and provided a statement for the coronial brief. Mr Ritchie-Crichton who has worked at Gunnamatta Beach since 2018 stated:

---

<sup>2</sup> Statements of Joshua Ritchie-Crichton dated 16 January 2023 & Conor Morone dated 17 January 2023.

*I feel that I have a good understanding of Gunnamatta Beach and know LSV refer to it as treacherous. Some of the factors for this is the strong swells, the strong current and rips and also the location of it being the furthest beach away from where emergency service are positioned on the Mornington Peninsula.*

## **Sea conditions**

28. As part of the coronial brief a statement was provided by Detective Senior Constable Kane Treloar (**DSC Treloar**) who in addition to his role with Victoria Police, has been a member of LSV since 2003, a lifeguard, and since 2015, has been a member of the LSV Life Saving Operations Council Executive. DSC Treloar is also an operational member of the Westpac Lifesaver Rescue Helicopter Service.
29. DSC Treloar advised the Australian Beach Safety and Management Database Program (**ABSAMP**) rated Gunnamatta Beach as 'highly dangerous' and on a danger taking scale out of 10, rated it an 8.
30. DSC Treloar provided an opinion on the sea conditions at Gunnamatta Beach on 6 January 2023. He noted the beach itself is southwest facing, and is highly exposed and susceptible to the high energy swells that come from Bass Strait. The waves average 1.9 metres and combine with sand to produce a 150-metre single bar surf zone. The bar is cut by strong rips every 300 metres which intensify around low tide. Relevantly in this case, low tide was at 6.04 pm.
31. DSC Treloar reviewed the aircraft footage taken on the day of the incident and opined the footage was consistent with a series of rips with an adjacent sandbar present along the beach.
32. Moreover, based on the aircraft footage DSC Treloar believed it was immediately apparent there was a significant trough that was present close to shore on the day of the incident. At the rear of the trough 1-1.5 metre waves were breaking. DSC Treloar provided the following comments about the changing conditions at Gunnamatta Beach on the day of Remy's death:

*Gunnamatta Beach was presenting as what is known as a "rhythmic bar and rip". This is differentiated from a standard "bar and rip" by the existence of a trough that runs into rips at periodic intervals.*

*This type of beach commonly has two breaking zones. The outer breaking zone typically has a larger wave, which breaks before spilling into a trough. Waves will often reform in this trough and break for a second time as they reach the shoreline.*

*The trough itself can act like a lagoon, providing a calmer area where bathers are often attracted to swim, with a sandbar along the back where the waves are breaking. At either end of the sandbar, a rip current will almost certainly be present carrying the water back out to sea.*

*The presence of the trough would in my view have been inviting to swim, however it would have become significantly more dangerous as the tide began to change. This is particularly true on an incoming tide. This tidal change combined with the wind blowing from the east southeast would have been compounding factors in the events that were to follow.*

*The fact that this incident occurred shortly after low tide is relevant, as the tide was starting to come in. What occurs at this time is that in order for the tide to come up, the ocean will begin to push more water onto the beach as the level rises. This scenario is characterised by larger waves that each carry more volume, or more successive waves. Regardless the result is that the trough begins to fill with more water.*

*In the statement of Mr DA SILVA, he outlines that he observed his son being pushed parallel across the beach before he became distressed. This is known as a "littoral current" or a "sweep" and is the symptom of water running parallel along the shoreline until it finds the rip current the will allow it to be taken back out to sea. They are highly dangerous as they will often cause bathers, as they did in this instance, to be moved from a place of relative safety into a rip current that will carry them out to sea.*

*As the trough begins to fill with more water, it means the littoral sweep of the water attempting to find the rip currents to return to sea intensifies. The most dangerous time for persons being pushed into rip currents is at this turning of the tide, generally within thirty minutes of the change occurring. In this incident, the conditions would have been exacerbated by the wind blowing from the east south east at over 20 km/ h.*

33. In summary, DSC Treloar believed that Remy and Otto were swimming in the trough at low tide. As the tide came in, water filled the trough leading to a littoral sweep which pushed them along the beach towards a rip current. As the trough continually filled with water, the rip current became increasingly active and dragged both of them out to sea.

## Suggestions for improvement

34. Included in the coronial brief were several statements from people with water safety expertise from differing backgrounds.
35. Detective Leading Senior Constable Madeleine McDonald (**DLSC McDonald**) from the Victoria Police Marine Investigation Unit assisted in the search for Remy's body. DLSC McDonald suggested:

*It may [then] be worthy for a review to be conducted by Parks Victoria and LSV of all signage and risk treatments in place for Gunnamatta Beach to determine if the location, size, and information provide on signage is adequate and appropriate for this area.*

36. Bruce Robertson assisted in the rescue of Yves and David and has been a lifesaver at Gunnamatta Surf Life Saving Club (**GSLSC**) for over 30 years. Mr Robertson is also employed as a first aid trainer and assessor in secondary schools.
37. Mr Robertson advocated for rip awareness, including recognition and escape, to be included as part of all first aid courses and suggested the rip awareness course already provided by Surf Lifesaving Australia.
38. David Stogdale, President of the GSLSC stated that Gunnamatta Beach is one of the most dangerous beaches in Victoria. Mr Stogdale was critical of the signage at Gunnamatta Beach noting they are good if a swimmer is looking for them, reads English, and understand their "cryptic pictorial presentation."<sup>3</sup>
39. On behalf of the GSLSC, Mr Stogdale suggested:<sup>4</sup>

*The Club feels that larger, multilingual and even interactive signs or kiosks will materially improve the impact of the warnings that are needed to ensure that persons going to the Gunnamatta beach are better informed and hopefully sufficiently informed about the risks should they enter the water, let alone do so when the beach is not patrolled.*

---

<sup>3</sup> Statement of David Stogdale dated 20 November 2023.

<sup>4</sup> Ibid.



## **FURTHER INVESTIGATIONS –PARKS VICTORIA AND LSV**

40. Having received the suggestions from DLSC McDonald, Mr Roberts and Mr Stogdale, I directed statements be obtained from Parks Victoria in response to the suggestions. I also invited LSV to provide a submission on what measures they consider might help prevent the deaths of swimmers in rips and strong currents as well as information about current initiatives regarding the dangers of rips and strong currents in Victoria.
41. Subsequently, statements were received from Matthew Jackson, CEO of Parks Victoria dated 25 July 2024, and from Adjunct Associate Professor Bernadette Matthews, Principal Research Associate & General Manager, LSV dated 31 May 2024.

### **Life Saving Victoria**

42. Adj Assoc Prof Matthews advised that the four factors either in combination or by themselves that resulted in drownings are:
  - a) Lack of knowledge, disregard or misjudgement of the hazard.
  - b) Uninformed, unprotected or unrestricted access to the hazard.
  - c) Lack of supervision or surveillance.
  - d) An inability to cope once in difficulty.
43. Adj Assoc Prof Matthews further reported that a multifaceted approach was required to prevent drowning in rips is required, and require specific tailoring based on the demographic targeted. That said, the four primary strategies to mitigate the above factors of drowning are:
  - a) Education and information.
  - b) Denial of access, improvement of infrastructure and/or provision of warnings.
  - c) Provision of supervision.
  - d) Acquisition of survival skills.

44. In relation to information provided on arrival, such as a warning sign at a beach, Adj Assoc Prof Matthews reported:

*Arrival information such as water safety signage can help reinforce messaging already provided and offer information on the most appropriate place to swim, the potential hazards or dangers at that particular location as well as the availability of lifesaving services. However, signage is not the only risk reduction action than can be implemented and should not be used in isolation. Research has shown that while signage is an important part of public awareness tactics to alert the community to particular risks at aquatic locations, less than half (45%) of people actually look at static aquatic safety signage.*

45. With respect to Gunnamatta Beach and specific mitigation measures, Adj Assoc Prof Matthews advised there would be a need to conduct a site-specific risk assessment to ensure the most effective mitigation strategies at a particular location.
46. Adj Assoc Prof Matthews reported LSV in conjunction with Surf Life Saving Australia (SLSA) are currently engaged in a number of public safety awareness campaigns, including previous national campaigns promoting awareness about rip currents.
47. LSV are currently trialling signage with QR codes and exploring the use of electronic signage in recognition that many Victorian beachgoers ignore traditional signage. Regrettably, Adj Assoc Prof Matthews advised that complex planning restrictions have thus far thwarted efforts to install electronic signage at coastal locations.
48. LSV are also actively trialling the installation of public rescue equipment at beaches at Venus Bay, Victoria. The trial involves the installation of six public rescue equipment stations including rescue tubes and emergency alert technology to allow members of the public to respond to emergencies when lifeguards are not patrolling, such as occurred in Remy's case.

## **Parks Victoria**

49. In response to the suggestions from DLSC McDonald about reviewing the signage and risk treatments in place for Gunnamatta Beach, Mr Jackson advised that a review of water risk signage across 115 public access points in the Mornington Peninsula occurred early in 2024. The review found all assessed access points complied with the current international standard.<sup>5</sup>

---

<sup>5</sup> ISO 20712-3, 'Water safety signs and beach safety flags'

50. In response to Mr Stogdale's suggestion for larger, interactive and electronic signage, Mr Jackson stated that Parks Victoria is unaware of any evidence that such signage increased the impact of the warnings to the reader of the sign, their understanding of risks, and their resultant behaviour.

## FINDINGS

51. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:
- a) the identity of the deceased was Remy Da Silva, born 18 September 2002;
  - b) the death occurred on 6 January 2023 at Gunnamatta Ocean Beach, Fingal, Victoria, 3939;
  - c) although Remy's body was unable to be discovered, I am satisfied to the applicable standard that his death was from *I(a) Drowning*; and
  - d) the death occurred in the circumstances described above.

## COMMENTS

Pursuant to section 67(3) of the Act, I make the following comment

52. Upon my request, the CPU collated data about drownings at Gunnamatta Beach and drownings in Victorian beaches more broadly as a result of rip currents.
53. The CPU was established in 2008 to strengthen the coroners' prevention role and assist in formulating recommendations following a death. The CPU is comprised of health professionals and personnel with experience in a range of areas including medicine, nursing, mental health, public health, family violence and other generalist non-clinical matters. The unit may review the medical care and treatment in cases referred by the coroner, as well as assist with research related to public health and safety.
54. Between 1 January 2000 and 31 December 2023, 124 people<sup>6</sup>, across 116 separate incidents, unintentionally drowned after entering the water from the shore along the Victorian coastline.

---

<sup>6</sup> The CPU excluded a number of deaths from the total number of Victorian ocean drownings to reach the figure of 124. The types of deaths excluded from the total included deaths where intent was unclear, deaths where the person unintentionally entered the water (i.e. fell), were diving, entered from a boat etc.

Of those, males accounted for 101 coastline drownings of swimmers, and the drownings occurred most frequently among males aged 25 to 44 years old.

55. The CPU reviewed each of the 124 coastal deaths and identified 53 coastline drownings of swimmers where a rip or current was implicated. Two of these deaths (including Remy's) occurred at the Gunnamatta Beach Fingal with an additional death occurring at the neighbouring beach, Gunnamatta Beach Cape Schanck.
56. Data from the CPU as well as evidence contained in the coronial brief indicates that Gunnamatta Beach is one of the most dangerous beaches in Victoria. It's unique geography including a sandbar and trough result in the formation of violent rip currents, particularly around low tide.
57. Remy's case highlights the inherent dangers of swimming in the open ocean where there are rip currents, and more specifically the dangers at Gunnamatta beach. From all accounts Remy was a fit young man who was a strong swimmer familiar with the conditions at Gunnamatta Beach. Nonetheless, he quickly found himself in trouble when the sea conditions changed and he found himself caught in a rip.
58. Yves, Otto and David Lawson, all strong swimmers in their own right, also found themselves in varying degrees of danger on 6 January 2023. So much so that Yves graciously credited David Lawson with saving his life.
59. Throughout the brief and other material, reference was made to the Beachsafe app and associated Beachsafe website<sup>7</sup> operated by Surf Life Saving Australia.
60. The Beachsafe app and website contains information about individual Australian beaches, including an overview of the typical conditions, hazards, live updates on weather, swell, tide, and water temperature, and a schedule as to when a particular beach is patrolled by lifeguards.
61. The Beachsafe description of Gunnamatta Beach includes the following:

*Gunnamatta Beach is an exposed, high energy beach with a wide, rip dominated surf zone. .... The beach faces south-west, exposing it to high westerly winds and waves. The waves average 1.9 m and combine with the medium sand to produce a 150 m wide single bar surf zone. The bar is cut by strong rips every 300 m, together with additional permanent rips next to major reefs and rocks. The rips intensify around low tide....*

---

<sup>7</sup> <https://beachsafe.org.au>

*This is a very hazardous beach, with an average of 113 rescues a year, second only to its neighbouring Portsea Beach.*<sup>8</sup>

62. In Remy's case, the evidence suggests he and his brother entered the water at around 6.00pm. Low tide at Gunnamatta Beach on 6 January 2023 was at 6.04 pm. Information on the Beachsafe app and website could have informed Remy and his brother that they were entering the water at the most dangerous time in an area highly susceptible to volatile rip currents.
63. I note Parks Victoria's position that there is little evidence that larger, interactive and electronic signage increases the impact of the warnings to the reader of the sign, their understanding of risks, and their resultant behaviour. It is however unclear as to what attempts have been made to test the efficacy of interactive and electronic signage.
64. While I accept that it is difficult to prove that improved signage would reduce drowning deaths, the idea of interactive signage with up dated information as to ocean conditions, weather conditions, tide, and beach specific information including the presence of rips and lifeguard patrol times would seem to be helpful for beachgoers to arm themselves with information prior to entering the water. I note that Mr Stogdale, president of the Gunnamatta Surf Life Saving Club, advocated for such signage.
65. Although it is unclear whether larger, interactive signage would have been used by Remy and his brother prior to entering the water, if information readily available on the Beachsafe app and website was available to them by way of interactive signage at Gunnamatta beach, that is low tide is the most dangerous time for strong rips, they may potentially have made a different assessment of conditions on the day and Remy's tragic death may have been avoided.
66. I commend the actions of David Lawson, Liam Kiernan, and the lifeguards who responded to Remy's distress and risked their own lives in an attempt to save him on 6 January 2024.
67. I convey my sincere condolences to Remy's family for their loss.

---

<sup>8</sup> <https://beachsafe.org.au/beach/australian-antarctic-territory/australian-antarctic-territory/mcdonald-islands/gunnamatta>

## **RECOMMENDATIONS**

Pursuant to section 72(2) of the Act, I make the following recommendations:

1. Life Saving Victoria conduct a site-specific risk assessment at Gunnamatta Beach to explore the most effective drowning mitigation strategies for that particular location.
2. Life Saving Victoria, Parks Victoria, and Surf Living Australia continue to promote the Beachsafe app and website, including by installing infrastructure to support QR code access to information on site at Victorian beaches.
3. Parks Victoria explore the feasibility of interactive signage with up-to-date safety information at Gunnamatta and other high risk Victorian beaches.

## **PUBLICATION OF FINDING**

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

## DISTRIBUTION OF FINDING

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

Yves and Eloise Da Silva, senior next of kin

Life Saving Victoria

Surf Life Saving Australia

Parks Victoria

Sergeant Annette Reynolds, Victoria Police, Coronial Investigator

Signature:



Deputy State Coroner Paresa Antoniadis

Spanos Date: 10 April 2025

---

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.

---