

Use of Coroner's court findings

Whilst we can learn a great deal from coroners' reports, we should be very wary of turning their recommendations into requirements. Their findings relate to a single incident (or at best the sum total of incidents in the coroner's experience) and are therefore only a small sample of all similar incidents (other states, overseas etc.). Also, the recommendation might be pertinent to the specific incident, but inappropriate in other circumstances.

It is very poor methodology to introduce a change in practice based on a single case study. The medical profession realized this many years ago, and has now moved from case-study invoked changes to evidence-based changes, after an awful lot of tragedies had occurred.

1. Example 1:

Paul Gregory Clifton: Coroner's Recommendation:

'I recommend that the Department of Transport give strong consideration in its review of recreational vessel safety requirements to mandating the wearing of lifejackets by persons over 12 months old on recreational vessels in Western Australia, when such a vessel is in unprotected waters.'

This is a good example of the limitations of coroners' findings. This one has overstepped the mark - if implemented, it would require, for example, a person on a 20m Sunseeker powerboat to wear a lifejacket whilst sleeping below on the way from Fremantle to Rockingham. The coroner had (one hopes) not considered such a circumstance when making this finding. The finding is only relevant to the circumstances of the inquiry that it came from.

2. Example 2:

From the report about Edward Raymond Barfield:

Incident: 5.5 metre runabout capsized, resulting in the drowning of Edward Raymond Barfield on 26/01/1991.

"My enquires also revealed that a recent chart of the area made available by the Department for Marine and Harbours and on sale at the Coral Bay Hotel does not list or show hazardous areas or contain any warnings of potential dangers in the area. Again it would be highly desirable that such things be noted on the map."

There is a limit to how much information goes on a chart before it becomes counterproductive. you can't litter a chart with information that every boater should know, or you would end up with the entire training manual on there, and still need space for more.