



# MAGISTRATES COURT *of* TASMANIA

## CORONIAL DIVISION

---

### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995*

*Coroners Rules 2006*

*Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Dale Waverley Nicholson make the following findings.

#### **Introduction**

1. On 25 November 2021 I published a finding in relation to the suspected death of Mr Nicholson. In that finding I said that whilst satisfied that Mr Nicholson was dead, in light of the fact his body had not been located I was unable to make any other findings.
2. I received a direction from the delegate of the Chief Magistrate to reopen this investigation on 16 June 2023 because new evidence had come to light. I turn to that evidence.

#### **Subsequent developments**

3. During January 2023 Mr Daniel Pritchard and Mr William McIntosh came to Tasmania to carry some investigations in relation to Mr Nicholson's disappearance. The two men are part of a group of divers (some serving police officers – like Mr Pritchard) who, in their spare time, conduct searches for missing persons.
4. They initially looked in the Lake St Clair area, having information that Mr Nicholson frequented that lake to fish. After enquiries there were unsuccessful, Mr Pritchard and Mr McIntosh decided to concentrate on the Derwent River at New Norfolk. During the afternoon of Sunday, 22 January they located a vehicle in the Derwent River near the New Norfolk Swimming Pool, in Page Avenue, less than 2 kilometres from where Mr Nicholson was last seen at his home, in Cox Avenue.
5. Mr Pritchard initially 'free dived' on the vehicle and confirmed it was a dark sedan. He then re-entered the water in his diving equipment and saw what appeared to be human remains in the driver's seat. Mr Pritchard swam to the rear of the vehicle

where he cleared debris from and removed the number plate, which he took to the surface and handed to Mr McIntosh.

6. The vehicle was Mr Nicholson's Ford Fairmont DE 8536, in which he had been last seen in during the morning of 11 December 2016 (and not, as I incorrectly indicated in my earlier finding, 10 December 2016).
7. Mr Pritchard re-entered the water and confirmed his earlier observation of the presence of human remains (leg bones) in the vehicle, as well as a fishing rod. After exiting the water again, Mr Pritchard rang the police.

### **Investigation**

8. Police recovered the vehicle from the water with the human remains still in it. Other things – a fishing rod, spectacles, coins, a cigarette lighter, keys and clothing were found in the vehicle. The vehicle (still with the remains in place) was taken to the Hobart police garage where it was photographed and forensically examined.
9. The driver's side seatbelt was noted to be secured around the remains.
10. Personnel from the Tasmanian Fire Service assisted to remove the doors of the vehicle to enable the forensic examination to proceed and the remains to be recovered.
11. Following recovery, the remains were placed in a body bag and transported to the mortuary at the Royal Hobart Hospital (RHH). At the RHH, the Tasmanian State Forensic Pathologist, Dr Andrew Reid performed a post-mortem examination upon the remains. Dr Reid provided an extensive report following that procedure. He noted that the skull and the upper first and second (C1 and C2) cervical vertebrae were absent. So were the hands but otherwise the body was more or less intact. There were no signs of injury or violence and the remains showed clear evidence of decomposition changes associated with cold water immersion and skeletisation.
12. No toxicological analysis of any samples was undertaken because of the results of any such analysis would, in light of the lengthy period of cold water immersion of Mr Nicholson's remains, have been futile.
13. Given the age and condition of the remains Dr Reid was unable to identify a cause of death.
14. Samples taken at autopsy were subsequently able to be positively confirmed by the laboratory of Forensic Science Service Tasmania as being Mr Nicholson. That analysis

involved a comparison of samples taken from the remains with a reference sample from Mr Nicholson's sister, Gaylene.

**Further findings pursuant to Section 28(1) of the Coroners Act 1995.**

15. I am satisfied that the remains found in the vehicle located in the Derwent River by Mr Prichard and Mr McIntosh are those of Dale Waverley Nicholson. I am unable to find or determine the cause of Mr Nicholson's death although the circumstances in which his body were found suggest he probably died of drowning. There are no suspicious circumstances associated with his death. The evidence does not allow me to conclude that Mr Nicholson caused his vehicle to enter the water with the intention of taking his own life. It is equally possible to my mind that Mr Nicholson lost control of his vehicle and entered the river by accident and was unable to extricate himself.

**Comments and Recommendations**

16. The circumstances of Mr Nicholson's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.
17. I wish to express my admiration for the work of Mr Pritchard, Mr McIntosh and the organisation 'Adventures with Purpose'.
18. I convey, again, my sincere condolences to the family and loved ones of Mr Nicholson and respectfully express the hope that the discovery of Mr Nicholson's body and this finding may bring some measure of closure.

**Dated:** 25 August 2023 at Hobart, in the State of Tasmania.

**Simon Cooper**  
**Coroner**