



# MAGISTRATES COURT *of* TASMANIA

## CORONIAL DIVISION

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

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Simon Cooper, Coroner, having investigated the suspected death of Dale Waverley Nicholson

**Find, pursuant to Section 28(1) of the Coroners Act 1995, that**

- a) The identity of the deceased is Dale Waverley Nicholson;
- b) I am unable, on the available evidence, to determine how and in what circumstances Mr Nicholson died;
- c) I am unable, on the available evidence, to determine the cause of Mr Nicholson's death; and
- d) Mr Nicholson died on or after 10 December 2016 at a location unable to be identified in Tasmania.

**The reason Mr Nicholson's disappearance is being investigated**

1. The *Coroners Act 1995* governs the investigation of deaths in Tasmania. Section 21(1) of the *Act* provides that "[a] coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death." 'Death' is defined in Section 3 of the *Act* as including a 'suspected death'.
2. 'Reportable death' is defined in the same section as including a death which occurred in Tasmania and was unexpected or the cause of which is unknown. Thus if a coroner suspects (on reasonable grounds) that a person has died and the death meets the definition of a reportable death, then that coroner has the power to investigate that person's disappearance.
3. For reasons which will become apparent in this finding I am satisfied that it is appropriate to investigate the disappearance of Dale Waverley Nicholson because I am satisfied, on reasonable grounds, that he is dead and the cause of his death is unknown.

### **Mr Nicholson's background**

4. At the time he disappeared Mr Nicholson was unmarried, 61 years of age and living alone in Cox Avenue New Norfolk. There is no evidence he ever married nor had any children. He was close to his mother who lived nearby (but has subsequently passed away) and his three sisters, who all lived locally in New Norfolk.
5. Mr Nicholson had a history of alcohol use and abuse as well as casual drug use, predominantly cannabis. His medical records indicate that he was treated for depression on and from about 2010. As at December 2016, Mr Nicholson was prescribed Lexapro for major depression.
6. There is evidence that Mr Nicholson made a suicide attempt, utilising prescription medication, in 2012.

### **Circumstances of Mr Nicholson's disappearance**

7. Mr Nicholson was last seen alive by a neighbour at his home at about 11.00 am on 10 December 2016. He also spoke by telephone to a friend, Mr Craig Ransley, during the afternoon of the same day.
8. His family reported him missing to police the following day. Thereafter, an extensive search for Mr Nicholson was carried out in the Derwent Valley, and further afield, focusing on areas known to be frequented by Mr Nicholson.
9. I am satisfied that the search for Mr Nicholson was thorough and comprehensive. Unfortunately, no trace of Mr Nicholson was found.

### **Why I am satisfied Mr Nicholson is dead**

10. Although Mr Nicholson's body has not been found, there is ample evidence to conclude he is dead. First is the fact that, following his disappearance on 11 December 2016 no one has seen or heard of him again.
11. Second, extensive enquiries were carried out by Tasmania Police in areas Mr Nicholson was known to frequent. None of those enquiries found any trace of him.
12. Third, enquiries have been conducted with:
  - Tasmania Prison Service;
  - The Electoral Commission;
  - The Australian Passport Office;
  - The Australian Taxation Office;

- Department of Health and Human Services;
- Aurora;
- Registrar of Births, Deaths and Marriages;
- The most commonly used financial institutions in Australia (including ANZ, Commonwealth, Westpac, and NAB);
- All state and territory police jurisdiction information holdings;
- Centrelink; and
- Medicare.

13. Absolutely no trace of Mr Nicholson being alive, since 11 December 2016, was found as a result of those enquiries. All available evidence points to him being dead.

#### **Recent enquiries**

14. DNA samples were provided by members of Mr Nicholson's family for future comparison in the event any remains are located at any time in the future which may belong to Mr Nicholson. Those samples have been forwarded to the laboratory of Forensic Science Service Tasmania for inclusion in the missing person database.
15. In addition, details of Mr Nicholson's have been added to the Australian Federal Police Missing Persons website. To date, that listing has not elicited any additional information to assist in determining what became of him.

#### **Conclusion**

16. In all the circumstances, I am satisfied to the requisite legal standard, that Mr Nicholson is dead and has been since on or about 10 December 2016. It seems logical to conclude that he died somewhere in Tasmania, given there is no evidence of him leaving the state.
17. However, I am unable to make any further findings. In particular, I am unable to reach a concluded view as to the cause and more specific circumstances of his death. Mr Nicholson may have taken his own life, been the victim of homicide, died of natural causes or as the result of misadventure, but the evidence simply does not enable me to determine with any degree of certainty why and how he died.

#### **Comments and Recommendations**

18. 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*.

19. I convey my sincere condolences to the family and loved ones of Mr Nicholson. I sincerely hope that further evidence is unearthed sometime in the future that provides some clue as to what became of him.

**Dated:** 25 November 2021 at Hobart in the State of Tasmania.

**Simon Cooper**  
**Coroner**