



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 Anthony Adolf James Gaiswinkler

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

- a) The identity of the deceased is Anthony Adolf James Gaiswinkler;
- b) Mr Gaiswinkler died whilst kayaking alone on the Derwent River, Hobart in Tasmania. He was an expert kayaker, properly equipped with no known medical conditions. There are no suspicious circumstances associated with his death;
- c) The cause of Mr Gaiswinkler's death is drowning; and
- d) Mr Gaiswinkler died on 21 July 2021 in the waters of the Derwent River, Hobart, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into Mr Anthony Adolf James Gaiswinkler's death. The evidence includes:

- Police Report of Death for the Coroner;
- Affidavits establishing identity and life extinct;
- CCTV Footage – TasPorts;
- Post Mortem Report – Dr Donald Ritchey, Forensic Pathologist
- Report – Forensic Science Service Tasmania;
- Affidavit – Ms Rosemary Lai, sworn 28 July 2021;
- Affidavit – Mr Tony Thurlow, sworn 27 July 2021;
- Affidavit – Mr Caelum Wood, sworn 27 July 2021
- Affidavit – Mr George Gideona, sworn 3 August 2021;
- Affidavit – Mr Daniel Garlick, sworn 2 August 2021;
- Affidavit – Mr Ronald Rainbow, sworn 3 August 2021;
- Affidavits of attending and investigating police;
- Photographic evidence; and
- Report – Marine and Safety Tasmania – 21 July 2021.

Mr Gaiswinkler was an extremely experienced kayaker. On the day of his death, 21 July 2021, he appeared to be healthy and in a good mood. He left a note for his wife indicating his intentions to go for a paddle.

He set out, alone, in a sturdy and well-maintained sea kayak, from Marieville Esplanade, Sandy Bay (he left his vehicle near the Hutchins Rowing Shed).

The significant aspects of Mr Gaiswinkler's final journey were captured on Tasports CCTV cameras. The CCTV footage shows him paddling north from Macquarie Point towards Ross Bay on the western shore of the Derwent River, immediately south of the Tasman Bridge. The weather conditions were rough and a strong wind was blowing.

At 1:04 PM the footage shows him drifting back towards Macquarie Point still in his kayak, but apparently slumped over. Seconds later, the footage shows him capsizing to the left of his kayak into the water. He does not appear to swim or indeed move at all once he entered the water.

Two nearby workmen saw his kayak and then him floating face down. The workmen, Mr Thurlow and Mr Wood, went to his assistance in a work boat, pulled him into the boat, started CPR and rushed him to the nearby Domain Boat Ramp. Police were quickly on the scene and took over CPR. Ambulance personnel were also shortly after in attendance. Despite the best efforts of all involved, Mr Gaiswinkler was unable to be resuscitated.

Police recovered the kayak and paddle Mr Gaiswinkler had been using.

His body was taken by mortuary ambulance to the Royal Hobart Hospital. At the hospital, an autopsy was carried out by experienced Forensic Pathologist, Dr Donald Ritchey. Dr Ritchey expressed the opinion, which I accept, that the cause of Mr Gaiswinkler's death was drowning. Notably, Dr Ritchey found evidence of mild atherosclerotic changes in the heart which potentially could have caused a loss of consciousness.

Toxicological analysis of samples taken at autopsy proved unremarkable, so for the fact that a low dose of diazepam was found to have been present. Mr Gaiswinkler's had no known doctor and thus the source of that drug was unable to be identified. Whatever its source I do not consider it caused or contributed to Mr Gaiswinkler's death.

Conclusion

I am satisfied on the evidence that the cause of Mr Gaiswinkler's death was drowning. The sea kayak which he was using was sturdy, well maintained and fit for purpose. The PFD he was wearing fitted him properly and was in good condition. In summary he was extremely experienced and well equipped.

I am conscious of the fact that he had exhibited signs of distress, or perhaps depression, in the lead up to his death. I recognise that some close to him, given his vast experience with sea kayaking, find the notion of his death only explicable in terms of it being due to suicide. However, I am not satisfied to the requisite legal degree that his death was the result of a voluntary and intentional act on his part undertaken with the express intention of ending his own life. The CCTV footage, coupled with the evidence of atherosclerotic changes in the heart, suggests to me that it is probable that Mr Gaiswinkler suffered some a loss of consciousness, which led to his entering the water from his kayak and drowning. I note that the PFD he was wearing while specifically designed for kayaking, and in good condition, provides no head or neck support to keep the head clear once a person enters the water.

Comments and Recommendations

I extend my appreciation to investigating officer Senior Constable Christo Le Grange for his investigation and report.

The circumstances of Mr Anthony Gaiswinkler's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of Mr Gaiswinkler.

Dated: 3 March 2022 at Hobart in the State of Tasmania.

Simon Cooper
Coroner