



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 Andrew John Donohue

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

- a) The identity of the deceased is Andrew John Donohue;
- b) Mr Donohue died in the circumstances set out further in this finding;
- c) The cause of Mr Donohue's death was saltwater drowning; and
- d) Mr Donohue died, aged 49 years, on 30 December 2022 in the waters of Bass Strait, near at Robbins Island, Tasmania.

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

- Police Report of Death for the Coroner;
- Affidavits confirming identity;
- Report – Dr Christopher Lawrence, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Affidavit – Nelly Jaehne, sworn 3 February 2023;
- Affidavit – Corey Pratt, sworn 1 January 2023;
- Affidavit – Jacinta Doherty, sworn 1 January 2023;
- Affidavit – Jacqueline Pratt, sworn 1 January 2023;
- Affidavit – Senior Constable Damian Howden, sworn 20 March 2023;
- Affidavit – Senior Constable Damien Godfrey, sworn 18 August 2023;
- Affidavit – First Class Constable Dean Wotherspoon, sworn 3 April 2023 (and photographs);
- Affidavit – Sergeant Katrina Chivers, sworn 13 January 2023 (and photographs);
- and
- Records – Bureau of Meteorology.

Introduction

Mr Donohue was born in Deloraine, Tasmania on 5 February 1973. At the time of his death he was in a relationship with Ms Nelly Jaehne. He was a father and grandfather and employed as an excavator driver.

He was reportedly a strong swimmer.

There is evidence that he commenced using drugs such as methylamphetamine in 2011.

Circumstances of death

On 30 December 2022, Mr Donohue went on a prearranged camping trip to Perkins Island, with his close friend Mr Corey Pratt, Mr Pratt's wife Jacqueline and their daughter Ms Jacinta Doherty.

Perkins Island is in Bass Strait located between Smithton and Robbins Island.

Mr Donohue, Mr Pratt and Ms Doherty arrived first at about 12 noon and set up a camp near a hut on the western side of the island.

Mr Donohue had with him a pedal operated kayak, which was also fitted with an electric outboard engine and a "fish finder" device. It did not have an EPIRB.

After setting up camp, the three went to the beach on the island and started fishing.

Around about 4pm Mr Pratt left on a four wheel quad bike to pick up his wife from the mainland (Perkins Island is able to be accessed by land depending on the state of the tide). Mr Donohue and Ms Doherty continued to fish from the beach.

High tide at Perkins Island was approximately 7pm. Half an hour or so later Mr Donohue entered the water on his kayak. He left his mobile phone and his PFD on the front seat of his vehicle.

Witnesses described him as appearing happy.

The sea state was calm within 100m of the shoreline of Perkins Island and the wind was blowing between 30 and 40km/h from the east. The effect of the wind was ameliorated close to land (particularly on the western side of the island).

When Mr Donohue did not return his companions walked to the beach to see where he was. It was by now approximately 8pm. They could not find Mr Donohue but noticed his kayak was not on the beach.

Mr and Mrs Pratt and Ms Doherty commenced to look for Mr Donohue. When they were unable to locate him, and concerned for his welfare, they contacted police (at 10:19pm). A formal emergency service response and search were immediately initiated.

The following morning, at about 9:30am, Mr Donohue's kayak was located on nearby Montagu Island. The kayak had waders attached to it and the propeller of the electric motor was tangled in fishing line with a fishing rod and reel still attached and dragging behind. There was however no sign of Mr Donohue.

The next day, 1 January 2023, at about 10:30am, a searcher from Surf Lifesaving Tasmania found Mr Donohue's body on the south-west corner of Robbins Island.

Investigation

Mr Donohue's body was recovered from the scene and transported by the Westpac rescue helicopter to the Wynyard police station for formal identification.

He was then taken by mortuary ambulance to the mortuary at the Royal Hobart Hospital where an autopsy was carried out by Dr Christopher Lawrence, an experienced forensic pathologist. Dr Lawrence expressed the opinion, which I accept, that the cause of Mr Donohue's death was saltwater drowning.

Toxicological analysis of samples taken at autopsy showed 0.27mg/L of methylamphetamine to have been present.

The kayak was examined and found to be in good condition.

Conclusion

There are no suspicious circumstances associated with the death of Mr Donohue.

I have little doubt that had Mr Donohue been wearing a PFD then he would not have died.

Similarly, the presence of methylamphetamine in his system cannot have enhanced his prospects of survival once he entered the water.

An EPIRB (either personal or fitted to the kayak) would have significantly increased his chances of survival.

I am satisfied that the response of emergency services was timely and professional.

I consider that it is likely that Mr Donohue died within a relatively short time of having entered the water on 30 December 2022.

Comments and Recommendations

The circumstances of Mr Donohue'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 Donohue.

Dated: 26 June 2024 at Hobart, in the State of Tasmania.

Simon Cooper

Coroner