



# 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 death of Marc Edward Hay

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

- a) The identity of the deceased is Marc Edward Hay;
- b) Mr Hay died in the circumstances set out further in this finding;
- c) The cause of Mr Hay's death was drowning; and
- d) Mr Hay died, aged 38 years between 12 and 13 February 2024 in the waters in the vicinity of The Gardens, Tasmania.

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

- Police Report of Death for the Coroner;
- Affidavits confirming identity;
- Report – Dr Andrew Reid, State Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Medical records;
- Affidavit – Bianca Hay, sworn 6 June 2024;
- Affidavit – Mathew Hay, sworn 16 February 2024;
- Affidavit – John Ruttley, sworn 13 February 2024;
- Affidavit – Senior Constable Luke Griffiths, affirmed 12 March 2024;
- Affidavit – Sergeant Leighton Riggall, sworn 11 March 2024;
- Affidavit – Senior Sergeant Justin Bidgood, sworn 13 March 2024;
- Affidavit – Senior Constable Ebony Dunham, sworn 30 July 2024; and
- Forensic and photographic evidence and body worn camera footage.

Mr Hay drowned whilst free diving (that is using fins, weight belt, wetsuit, face mask and snorkel but not scuba equipment) in the waters in the vicinity of The Gardens in Tasmania.

He was not an experienced diver. He was probably diving in that area for crayfish and possibly abalone, which he was not licenced to do.

Subsequent investigation found that his weighted dive belt was too heavy for the wet suit he was wearing.

After recovery and formal identification, his body was taken to the mortuary at the Royal Hobart Hospital where the State Forensic Pathologist, Dr Andrew Reid, performed an autopsy. Dr Reid provided a report in which he expressed the opinion, which I accept, that the cause of Mr Hay's death was drowning.

Toxicological analysis of samples taken at autopsy showed that significant levels of the illicit drugs THC (the active constituent of cannabis), methylamphetamine and MDMA were present in Mr Hay's body when he died. The presence of those drugs undoubtedly contributed to his death by drowning.

At autopsy, Dr Reid also found significant evidence of myocardial fibrosis which also probably contributed to his death.

### **Comments and Recommendations**

The circumstances of Mr Hay's death are not such as to require me to make any formal comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*. It hardly needs to be said that diving (or indeed swimming) after ingesting considerable amounts of illicit drugs is an inherently dangerous activity.

**Dated:** 1 April 2025 at Hobart, in the State of Tasmania.

**Simon Cooper**  
**Coroner**