
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : MICHAEL ANDREW GLIDDON JENKIN, CORONER
HEARD : 1 FEBRUARY 2023
DELIVERED : 3 FEBRUARY 2023
FILE NO/S : CORC 879 of 2019
DECEASED : NIXON, ROLY

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Senior Constable C. Robertson assisted the coroner.

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Michael Andrew Gliddon Jenkin, Coroner, having investigated the suspected death of **Roly NIXON** (also known as **Roly KYLIE**) with an inquest held at Perth Coroner’s Court, Court 85, CLC Building, 501 Hay Street, Perth, on 1 February 2023 find that the death of **Roly NIXON** has been established beyond all reasonable doubt, and the identity of the deceased person was **Roly NIXON** and that death occurred on or about 28 January 2018, in the vicinity of Fitzroy Crossing, in the following circumstances:*

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INTRODUCTION

1. Mr Roly Nixon (Mr Nixon) was last seen alive on 28 January 2018. He was reportedly leaving a convenience store in Fitzroy Crossing on foot and walking in the general direction of the Kurnangki Community. He has not been heard from or seen since, and his partner reported him as a missing person on 11 February 2018.^{1,2}
2. In 2019, Detective First Class Constable Toni Green (Officer Green) conducted a review of Mr Nixon's case and prepared a report for the State Coroner. By way of a letter dated 5 July 2019, the Acting State Coroner advised the Commissioner of Police that, on the basis of the information in the police report, he had reasonable cause to suspect that Mr Nixon had died and that his death was a "*reportable death*".^{3,4,5}
3. The Acting State Coroner directed that the suspected death of Mr Nixon be investigated and in accordance with that direction, I held an inquest on 1 February 2023.⁶
4. Officer Green gave evidence at the inquest, and the documentary material that was tendered consisted of one volume. The inquest examined the circumstances of Mr Nixon's disappearance and the issue of whether he was deceased.
5. After carefully considering all of the available evidence, I concluded that Mr Nixon had died. However, given that Mr Nixon's remains have never been located, I was unable to determine the cause of his death and I made an open finding as to the manner of death.

¹ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC. Const. T Green, Homicide Squad (10.05.19), pp1-2

² Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), paras 3-4

³ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC. Const. T Green, Homicide Squad (10.05.19) and ts 01.02.23 (Green), pp4-11

⁴ Letter - Acting State Coroner to Commissioner of Police (05.07.19)

⁵ Sections 3 & 23(1), *Coroners Act 1996* (WA)

⁶ Section 23(2), *Coroners Act 1996* (WA)

MR NIXON

Background^{7,8,9,10}

6. Mr Nixon was born in Derby on 21 August 1973 and was 44-years of age when he went missing. He had a child from a previous relationship, and at the time of his disappearance Mr Nixon was in a relationship with Ms WP. Mr Nixon received a Disability Support pension from Centrelink and was said to enjoy hunting and fishing.
7. On 29 December 2016, Police attended Mr Nixon's home after receiving a report of a domestic violence incident. Mr Nixon appeared intoxicated and said he had cut himself with a knife after arguing with Ms WP, who had fled the scene. Police took Mr Nixon to Derby Hospital for treatment of a significant laceration to his arm.¹¹

Medical issues^{12,13,14}

8. Mr Nixon's medical history included high blood pressure, rheumatic heart disease, type-2 diabetes, chronic alcohol misuse, and mild diabetic retinopathy. He underwent an aortic valve replacement in 1999 and in 2006, he had a craniotomy to drain a subdural haemorrhage. Mr Nixon was subsequently diagnosed with "*organic psychosis*" and began experiencing seizures. He was prescribed medications including warfarin and levetiracetam, but was reportedly non-compliant.

Criminal history^{15,16}

9. Mr Nixon had an extensive criminal history which included numerous convictions for offences including assault, stealing, and criminal damage. At the time of his disappearance, Mr Nixon was the subject of a bail undertaking requiring him to report regularly to the Derby Police station. He last did so on 10 January 2018.¹⁷

⁷ Exhibit 1, Vol. 1, Tab 1, P100 - Report of Death(15.05.19)

⁸ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), p5

⁹ Exhibit 1, Vol. 1, Tab 20, Family Liaison Officer - Victimology Report (06.06.18)

¹⁰ Exhibit 1, Vol. 1, Tab 12, Birth certificate (19.10.17)

¹¹ Exhibit 1, Vol. 1, Tab 36, Incident Report 291216 1915 150577 (29.12.16)

¹² Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), p5 and ts 01.02.23 (Green), pp4-6

¹³ Exhibit 1, Vol. 1, Tab 22, Medical summary - Derby Aboriginal Health Service Council (27.03.18)

¹⁴ Exhibit 1, Vol. 1, Tab 23, Patient summary - WACHS Kimberley (26.03.18)

¹⁵ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), p11

¹⁶ Exhibit 1, Vol. 1, Tab 32, Criminal & Traffic History (05.04.19)

¹⁷ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), p8

EVENTS LEADING TO MR NIXON'S DISAPPEARANCE

Trip to Broome and Bayulu Community^{18,19,20,21,22,23,24}

10. At about 10.00 am on 26 January 2018, Mr Nixon travelled to Broome with Ms WP and two others to access his bank account. After withdrawing about \$400.00 from the account, Mr Nixon purchased some cartons of beer, and he and the group left Broome at about 12.15 pm.
11. At about 7.00 pm, Mr Nixon and Ms WP arrived at a house in the Bayulu Community near Fitzroy Crossing. Mr Nixon and others “*stayed up and drank alcohol all night*”.²⁵ At about 7.00 am on 27 January 2018, Mr Nixon asked Ms WP to drive him to the Darlanguyaya Community so that he could visit his son.
12. Ms WP drove Mr Nixon and others to the Darlanguyaya Community, and when they arrived, Mr Nixon spoke to his ex-partner whilst Ms WP remained in the car. When Mr Nixon returned to the car he asked Ms WP for money and when she was unable to find her purse Mr Nixon became angry and smashed the vehicle's side mirror.

Mr Nixon dropped off near Darlanguyaya Community^{26,27,28,29,30}

13. Mr Nixon then asked Ms WP to drive him to the Bayulu Community, which she agreed to do. It appears that Mr Nixon was still angry because during the trip, he pulled the car's rear vision mirror from the windscreen. Ms WP had clearly tired of Mr Nixon's behaviour, and she stopped her vehicle near the old police station at the Darlanguyaya Community and told Mr Nixon to get out. Mr Nixon got out of the vehicle and walked off. He was wearing shorts and a t-shirt and was barefoot.

¹⁸ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), p2

¹⁹ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), pp2 & 4

²⁰ Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), paras 16-32

²¹ Exhibit 1, Vol. 1, Tab 5, Statement - Ms RM (17.02.18), paras 7-14

²² Exhibit 1, Vol. 1, Tab 6, Statement - Mr WJ (18.02.18), paras 5-17

²³ Exhibit 1, Vol. 1, Tab 8 Statement - Ms NJ (18.02.18), paras 4-15

²⁴ Exhibit 1, Vol. 1, Tab 9, Statement - Ms NS (06.06.18), paras 3-12

²⁵ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), p2

²⁶ Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), paras 33-38

²⁷ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), pp2 & 4

²⁸ Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), paras 33-38

²⁹ Exhibit 1, Vol. 1, Tab 6, Statement - Mr WJ (18.02.18), paras 15-21

³⁰ Exhibit 1, Vol. 1, Tab 7, Statement - Ms KT (20.02.18), paras 3-13

14. Mr Nixon subsequently made his way to a friend's house in Henwood Close in Fitzroy Crossing, where he consumed alcohol. At about 10.00 am on 28 January 2018, Mr Nixon asked one of the occupants of the house for a cigarette. The available evidence is that Mr Nixon did not have any of his medication with him at this time.³¹
15. Mr Nixon reportedly left the home "*at about lunchtime*", and he was later reported to have been walking across the road from the Coles Express in Fitzroy Crossing in the general direction of the Kurnangki Community, which is about five km away by road.

Mr Nixon is reported missing^{32,33,34}

16. At about 10.20 am on 11 February 2018, Ms WP called the Fitzroy Crossing Police station and reported Mr Nixon as missing. She told police she had last seen Mr Nixon on 27 January 2018, outside the Darlungunaya Community in Fitzroy Crossing.
17. Ms WP subsequently advised police that after Mr Nixon got out of her car on 27 January 2018, she had travelled to Fitzroy Crossing on five separate occasions in a series of unsuccessful attempts to locate him. Ms WP also told police that Mr Nixon had not accessed his Centrelink payments, and because this was out of character for him, she contacted police to report him as missing.^{35,36}
18. Police completed a missing person report and began an investigation into Mr Nixon's disappearance.³⁷

³¹ Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), para 39

³² Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), pp1-2 & 13-14

³³ ts 01.02.23 (Green), p5

³⁴ Exhibit 1, Vol. 1, Tab 15, Running Sheet (110218 1940 15165)

³⁵ Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), paras 40-53

³⁶ Exhibit 1, Vol. 1, Tab 4.2, Statement - Ms WP (24.04.18)

³⁷ Exhibit 1, Vol. 1, Tab 13.1, Missing Person Report

POLICE INVESTIGATION

Overview^{38,39,40}

19. The initial investigation into Mr Nixon’s disappearance was conducted by officers at the Fitzroy Crossing Police station, with subsequent assistance from the Missing Persons Team and the Homicide Squad.
20. Using a tool known as “*Land Search - Urgency Assessment*”, police assessed that the appropriate response to Mr Nixon’s disappearance was a “*measured response*”. This level of response requires the deployment of field resources to areas where it was highly probable that Mr Nixon may have been, and a requirement to “*Aggressively gather further information*”.^{41,42}
21. Although police coordinated an extensive air and land search, and made various enquiries including “*proof of life*” checks, there has been no sign of Mr Nixon since his disappearance.

Land and air search^{43,44}

22. During the air and land search. Police coordinated the following efforts to locate Mr Nixon:
 - i. *Property search*: on 15 February 2018, police searched the property in Henwood Close in Fitzroy Crossing where Mr Nixon was last seen, and although there was furniture in the house it appeared no-one was living there;
 - ii. *Darlngunaya Community*: on 19 February 2018, police searched the old police station at the Darlngunaya Community and the area around where Mr Nixon had been dropped off and found no sign of him;

³⁸ Exhibit 1, Vol. 1, Tab 15, Running Sheet (110218 1940 15165)

³⁹ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), p9

⁴⁰ ts 01.02.23 (Green), pp6-11

⁴¹ Exhibit 1, Vol. 1, Tab 13.1, At Risk Person Assessment - Missing Person

⁴² Exhibit 1, Vol. 1, Tab 13.2, Land Search - Urgency Assessment

⁴³ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), pp3-4 & 11

⁴⁴ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), p9

- iii. *Subsequent land searches*: police searched areas known to have been frequented by Mr Nixon and found no trace of him;
- iv. *First aerial search*: on 20 February 2018, a helicopter was deployed and police coordinated a search which covered a section of the Great Northern Highway leading to the Bayulu Community and surrounding bushland, the Kori Kori water hole, a section of the Fitzroy River between Donkey’s Crossing and the DarlIngunaya Community, Russ Road, the “*bull yards*” on Muludja Road, and bushland in the vicinity of Kurnangki, Mindi Rardi, Loanbun, and the Three Mile Community;⁴⁵
- v. *Door knock campaign*: on 2 March 2018, police conducted door knocks in Henwood Place in Fitzroy Crossing, but no relevant information was forthcoming; and
- vi. *Second aerial search*: on 9 November 2018, police coordinated a further search of the Fitzroy Crossing area by helicopter, after brush fires had burnt long grass that may have been concealing Mr Nixon’s body. The search was unsuccessful.

Medical, financial and other proof of life checks^{46,47,48,49,50}

23. Police enquiries have established that other than the deposit of Centrelink payments, there have been no other transactions on Mr Nixon’s bank account since his disappearance, and further that Mr Nixon:⁵¹

- a. has made no claims under Medicare or the Pharmaceutical Benefits Scheme, and last saw a doctor on 15 January 2018. Mr Nixon also failed to attend appointments at Derby Hospital on 31 January 2018 and 15 February 2018;^{52,53}

⁴⁵ Exhibit 1, Vol. 1, Tab 17, Map of helicopter search (20.02.18)

⁴⁶ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), pp9-11

⁴⁷ Exhibit 1, Vol. 1, Tab 15, Running Sheet (110218 1940 15165)

⁴⁸ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), pp7-10

⁴⁹ Exhibit 1, Vol. 1, Tab 35, Proof of Life checks (30.01.19) and ts 01.02.23 (Green), pp9-10

⁵⁰ Exhibit 1, Vol. 1, Tab 30, Letter - Queensland Registry of Births, Deaths & Marriages (04.02.19)

⁵¹ Exhibit 1, Vol. 1, Tab 27, Emails between ANZ Bank and Det. FC Const. T Green (27.08.18 - 30.01.19)

⁵² Exhibit 1, Vol. 1, Tab 25, Certificate of Disclosure - Medicare (01.06.18)

⁵³ Exhibit 1, Vol. 1, Tab 25, Certificate of Disclosure - Medicare (07.02.2019) and ts 01.02.23 (Green), p11

- b. last contacted Centrelink on 21 December 2017, has not been admitted to any hospital, and has not engaged with any governmental agencies;⁵⁴
 - c. has neither travelled overseas, nor had he booked any travel within Australia with Greyhound Australia, Qantas, Virgin Australia or Skipper Australia;⁵⁵
 - d. has not been incarcerated and last reported to the Derby Police station on 10 January 2018, in accordance with his bail undertaking; and
 - f. has not been recorded as having died or changed his name by any Australian Registry of Births, Deaths, and Marriages, and has not had any contact with police in other States and Territories.^{56,57}
24. In my view, it is particularly notable that medical staff at Derby Hospital told police that Mr Nixon “*was at high risk of seizures and stroke after a short time without his medication*”. According to Ms WP, at the time of his disappearance, Mr Nixon did not have access to any of his medication.^{58,59,60}
25. On 18 May 2018, Mr Nixon’s son voluntarily provided police with a DNA sample to assist in the identification of Mr Nixon’s remains, should these ever be located.^{61,62}
26. At the inquest, Officer Green confirmed there are no unidentified remains logged in the police computer system that could be linked to Mr Nixon. Officer Green also confirmed that recent proof of life checks did not disclose any new information about Mr Nixon’s whereabouts.⁶³

⁵⁴ Exhibit 1, Vol. 1, Tab 26, Certificate of Disclosure - Centrelink (19.02.18)

⁵⁵ Exhibit 1, Vol. 1, Tab 19, Qantas response to Law Enforcement Request (19.02.18)

⁵⁶ Exhibit 1, Vol. 1, Tab 35, Proof of Life checks (30.01.19) and ts 01.02.23 (Green), p9

⁵⁷ Exhibit 1, Vol. 1, Tab 30, Letter - Queensland Registry of Births, Deaths & Marriages (04.02.19)

⁵⁸ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), p10

⁵⁹ Exhibit 1, Vol. 1, Tab 24, Memo - FC Const. M Ward, Derby Police Station (undated)

⁶⁰ Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), para 39

⁶¹ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), p3

⁶² Exhibit 1, Vol. 1, Tab 21, Informed Consent to an Identifying Procedure Volunteer form (18.05.18)

⁶³ ts 01.02.23 (Green), pp8-9

Public awareness strategies^{64,65,66}

27. On 13 February 2018, police issued a media release in the Kimberley region and in the Northern Territory about Mr Nixon's disappearance. Further media releases were made during 2018, and a state-wide bulletin was issued on 20 February 2018. Although Mr Nixon's image and details were added to the websites of the National Missing Persons Coordination Centre, and Crime Stoppers on 3 August 2018, no relevant information has been forthcoming.

Reported sightings^{67,68,69,70,71,72,73}

28. Police investigated several reported sightings of Mr Nixon in February and March 2018 and January 2019, but none of these sightings turned out to be of Mr Nixon. Reports in June 2018 and February 2019 that Mr Nixon's body had been located also proved to be incorrect.

29. In August 2018, Mr Nixon's sister contacted police and asked them to interview a person she said had been in the Bayulu Community at the time of Mr Nixon's disappearance. Police interviewed the man and established he had been in Port Hedland when Mr Nixon went missing.

Police conclusion regarding investigation

30. In her report into Mr Nixon's disappearance, Officer Green made the following observation, with which I agree:

During this investigation, no evidence has been found suggesting any criminality surrounding (Mr Nixon's) disappearance. It is believed by police that (Mr Nixon) has wandered in the vicinity of Fitzroy Crossing and has perished in bushland due to his poor health. Police suspect that (Mr Nixon's) body has been concealed by the Fitzroy River or been consumed by local wildlife.^{74,75}

⁶⁴ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), pp12 and ts 01.02.23 (Green), p8

⁶⁵ Exhibit 1, Vol. 1, Tab 15, Running Sheet (110218 1940 15165)

⁶⁶ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), p3

⁶⁷ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), pp12-13

⁶⁸ Exhibit 1, Vol. 1, Tab 15, Running Sheet (110218 1940 15165)

⁶⁹ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18), p3

⁷⁰ Exhibit 1, Vol. 1, Tab 10.1, Statement - Ms HA (19.02.18), paras 4-14

⁷¹ Exhibit 1, Vol. 1, Tab 10.2, Statement - Ms HA (19.02.18), paras 1-4

⁷² Exhibit 1, Vol. 1, Tab 33, Photographs from CCTV in Kununurra (14.03.18)

⁷³ Exhibit 1, Vol. 1, Tab 34, Emails relating to possible sightings of Mr Nixon (5-16.02.19)

⁷⁴ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), pp14-15

⁷⁵ ts 01.02.23 (Green), pp10-11

Comments on the search and missing person investigation^{76,77}

31. Police conducted an extensive investigation into Mr Nixon's disappearance on being advised that he had gone missing. That investigation included aerial and land searches, door knocks, a media campaign and numerous proof of life checks.
32. Police also followed up several potential sightings of Mr Nixon and investigated two reports that his body had been located. None of these enquiries identified any relevant information. During the police investigation Ms WP was kept regularly briefed.
33. An assessment conducted by police indicated that a "*measured response*" was called for in relation to Mr Nixon's disappearance. In my view that assessment was correct, and the police investigation was commensurate with the requirements of relevant police policies, given that assessment.^{78,79}
34. The police investigation found no evidence of criminality, of the involvement of another person or persons in relation to Mr Nixon's death. There is also no evidence that at the time he was last seen, any person had any concerns for Mr Nixon's mental state and after completing her investigation, Officer Green concluded that Mr Nixon was deceased.^{80,81}
35. Having carefully reviewed all of the available evidence, I am satisfied that the police investigation into Mr Nixon's disappearance was timely and comprehensive, and that all reasonable efforts (including the allocation of appropriate resources) were made to locate him.

⁷⁶ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19)

⁷⁷ Exhibit 1, Vol. 1, Tab 3, Report - Sen. Const. S Wakelin, Fitzroy Crossing Police Station, (21.06.18)

⁷⁸ Exhibit 1, Vol. 1, Tab 13.1, At Risk Person Assessment - Missing Person

⁷⁹ Exhibit 1, Vol. 1, Tab 13.2, Land Search - Urgency Assessment

⁸⁰ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), p14

⁸¹ ts 01.02.23 (Green), p11

HAS DEATH BEEN ESTABLISHED?

36. In my view, the evidence establishes beyond all reasonable doubt that Mr Nixon died on or about 28 January 2018. In reaching that conclusion, I have relied on the following facts:
- i. Mr Nixon was last seen alive on 28 January 2018, and since that time no witnesses have come forward with any information about his whereabouts, and a comprehensive aerial and land search has failed to locate any sign of him;
 - ii. There have been no transactions on Mr Nixon's bank account since his disappearance, and he has not had any contact with Centrelink since that time;
 - iii. Mr Nixon was at serious risk of seizures and/or a stroke without medication, and he did not have access to his medication when he was last seen;⁸²
 - iv. Despite his significant medical issues, Mr Nixon has not accessed medical services since his disappearance;
 - v. A comprehensive police investigation failed to unearth any information about Mr Nixon's whereabouts, and police concluded he had died;
 - vi. Despite a public awareness campaign, no information relevant to Mr Nixon's whereabouts has come to light and Mr Nixon's family have had no contact from him since he disappeared; and
 - vii. Although Mr Nixon's body has not been found, if, as seems likely, he succumbed to the elements and died in bushland in the vicinity of Fitzroy Crossing, his body would have decomposed rapidly given that the average day time temperature at the time of his disappearance was 37.6°C, been concealed by the Fitzroy River or been the subject of predation by local wildlife.^{83,84}

⁸² Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), para 39

⁸³ Bureau of Meteorology records for Fitzroy Crossing, see: <http://www.bom.gov.au/>

⁸⁴ Exhibit 1, Vol. 1, Tab 2, Report - Det. FC Const. T Green, Homicide Squad (10.05.19), p14

CAUSE AND MANNER OF DEATH

37. Given that Mr Nixon's body has not been located, I am obliged to find that the cause of his death is unascertained and I make an open finding as to the manner of his death.
38. However, having carefully considered all of the available evidence, it is my view that the most likely explanation for Mr Nixon's death is that he died from exposure on or about 28 January 2018, after leaving a house in Henwood Close in Fitzroy Crossing.
39. In canvassing the possibility that Mr Nixon died from exposure, I am mindful of the following facts:
- i. Mr Nixon was last seen alive on 28 January 2018 and had been drinking alcohol;
 - ii. Mr Nixon was at serious risk of seizures and/or a stroke without medication, and he did not have access to his medication when he was last seen;⁸⁵
 - iii. The terrain in the vicinity of the Fitzroy Crossing area is rugged, and there are limited water sources;^{86,87,88}
 - iv. According to the Bureau of Meteorology, the average maximum temperature for the Fitzroy Crossing area in January 2018 was 37.6°C;⁸⁹
 - v. At the time of his disappearance Mr Nixon did not have access to a vehicle; and
 - vi. Since his disappearance, there has been no sign of Mr Nixon, and no physical evidence has been located which might account for his disappearance.

⁸⁵ Exhibit 1, Vol. 1, Tab 4.1, Statement - Ms WP (15.02.18), para 39

⁸⁶ Exhibit 1, Vol. 1, Tab 14, Maps of Bayulu Community, DarIngunaya Community & Fitzroy Crossing

⁸⁷ Exhibit 1, Vol. 1, Tab 17, Map of helicopter search (20.02.18)

⁸⁸ Exhibit 1, Vol. 1, Tab 18, Map of Gogo Station

⁸⁹ Bureau of Meteorology records for Fitzroy Crossing, see: <http://www.bom.gov.au/>

CONCLUSION

40. Mr Nixon was last seen alive in Fitzroy Crossing on 28 January 2018. Despite a comprehensive police investigation (which included aerial and land searches, and proof of life checks) no information about Mr Nixon's whereabouts has come to light.
41. Although there were no eye-witnesses to Mr Nixon's final moments, when considered as a whole, the available evidence leads to the inescapable conclusion that Mr Nixon died on or about 28 January 2018.
42. It seems sensible to conclude that the most likely explanation for Mr Nixon's death is that he died as a result of exposure after leaving a house in Fitzroy Crossing. However, on the basis of the evidence before me, I have been unable to ascertain the cause of Mr Nixon's death, and I make an open finding as to the manner of his death.
43. I cannot begin to imagine the grief and sadness that Mr Nixon's family and friends have experienced since his disappearance. I can only hope that my finding that Mr Nixon has died may offer some sense of finality, as his loved ones continue to cope with their terrible loss.

MAG Jenkin

Coroner

3 February 2023