



CORONERS COURT OF NEW SOUTH WALES

Inquest: Inquest into the suspected death of missing person
Ashley McKellar

Hearing dates: 14 May 2025

Date of findings: 14 May 2025

Place of findings: Coroners Court Lidcombe

Findings of: Magistrate Hosking, Deputy State Coroner

Catchwords: Coronial law: missing person, whether now
deceased, cause and manner of death, place of
death

File number: 2023/205577

Representation: Danny Winter, Coronial Advocate Assisting the
Coroner

Findings: I find on the balance of probabilities that Ashley
McKellar is now deceased and that he died
sometime on or after 14 June 2023. However, the
available evidence does not allow for any finding to
be made as to where Ashley died or the cause and
manner of his death.

Recommendations: To the Commissioner of the New South Wales Police
Force (**NSWPF**):

That the investigation into the death of Ashley
McKellar be referred to the Tuggerah Lakes
Police District for monitoring and also to the
Missing Persons Registry, State Crime
Command, to monitor as per their protocols.

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FINDINGS

Introduction

- 1 Ashley McKellar, born 5 June 1980, went missing on 14 June 2023. He was last captured on CCTV at 10:46am dressed in a blue hooded jumper with a black life jacket fitted and driving his vessel bearing registration number VK844N through the Swansea Channel towards Moon Island. The vessel was found, unmanned, on 15 June 2023 approximately 30 nautical miles east of Swansea. The police investigation which ensued has not uncovered reliable evidence as to Ashley's whereabouts or what happened to him after 14 June 2023.

Why was an inquest held?

- 2 On 21 June 2023, the NSWPF notified the coroner that Ashley was suspected of being deceased. When the case of a missing person suspected to have died is reported to a coroner, the coroner must determine from the available evidence whether that person has in fact died. Despite extensive enquiries, there will often be very little information about what happened to the person after they were last seen alive.
- 3 If a coroner forms the view that a missing person has died then the coroner has an obligation to make findings in order to answer questions about the identity of the person who died, when and where they died, and the cause and the manner of their death. The manner of a person's death means the circumstances in which that person died. If the coroner is unable to answer these questions then an inquest must be held pursuant to section 27 of the *Coroners Act 2009* (NSW) (**the Act**).
- 4 In this context it should be recognised at the outset that the operation of the Act and the coronial process in general represents an intrusion by the State into what is usually one of the most traumatic events in the lives of family members who have reported a loved one missing. At such times, it is reasonably expected that families will wish to attempt to cope with the consequences of

such a traumatic event in private. The sense of loss experienced by family members does not diminish significantly over time. I acknowledge that both the coronial process and an inquest by their very nature unfortunately compel a family to re-live distressing memories and to do so in a public forum.

The evidence

- 5 A brief of evidence prepared by Senior Constable Kyle Doherty, the OIC¹, was tendered to the Court and marked Exhibit 1. SC Doherty also gave oral evidence at the inquest.

Ashley's life

- 6 Ashley McKellar was born on 5 June 1980 at Ryde Hospital to Colleen and Graham McKellar. He had one sibling, a sister Melanie. Ashley was married to Dr Elizabeth McKenney and they had two children together. Dr McKenney, Colleen, Graham, Melanie and their families were present at the inquest. Ashley was a much loved family member, friend and an asset to the broader community.
- 7 For work, Ashley was a self-employed engineer who had been working with Pacific National, a private rail freight operator.
- 8 Ashley was a very fit and active person who liked to travel. He was a strong swimmer and was the winner of a couple of small triathlons in late 2022. He had plans to travel to Japan for karate and Charlottes Pass for skiing in July 2023.
- 9 Ashley loved the water. He would scuba dive, free dive and snorkel on a regular basis. He had sailed since age seven. He first drove a boat in 2019 and had undertaken around 10 trips on the ocean before he went missing.

¹ Officer in charge of the coronial investigation

- 10 In 2021, Ashley and Dr McKensey purchased a 4.8m aluminium runabout boat, registration VK844N. According to Dr McKensey, the engine was new and had been engineered to fit the boat in February - March 2023.
- 11 A brief summary of Ashley's known medical history follows.
- (1) Ashley was admitted to John Hunter Hospital on 5 October 2016 suffering from viral myocarditis.
 - (2) Ashley suffered from atopy² in respect of which he received immunotherapy, at least during 2016.
 - (3) In 2016 Ashley was diagnosed with Essential Thrombocytosis³ with JAK2 V617F mutation for which he saw Dr Janowski, Haematologist. Initially he was treated by way of 100mg daily of aspirin.
 - (4) Ashley commenced seeing Dr Morgan at the New Lambton Family Practice Pty Ltd on 1 June 2017. He reported seeing a psychiatrist, Al Stevens⁴ for his depression and anxiety. However, at the time of his first appointment with Dr Morgan he reported that his mood was 'really good'.
 - (5) On 26 June 2017 Ashley saw Dr Dewar, orthopaedic surgeon, in respect of chronic left hip pain. He continued to see Dr Dewar who on 8 March 2019 referred to a diagnosis of early osteoarthritis⁵. However, on 23 May 2019 he indicated that the underlying diagnosis 'remains a little unclear and probably related to early degenerative changes.'
 - (6) On 3 June 2021 he reported to Dr Morgan that he was no longer seeing a psychiatrist.

² A genetic disposition to develop allergic reactions.

³ A blood disorder where the bone marrow produces too many platelets potentially leading to blood clots.

⁴ We have been unable to access these records as Dr Stevens has retired.

- (7) Ashley presented to Dr Younis⁶ on 16 January 2023 complaining of generalised pain. Dr Younis also noted:

Mild depression, chronic, was seeing psychiatrist...Chronic Mild depression, chronic, lately triggered by family/relationship. Feels low and unhappy, keen to start on antidepressants, states never tried them before. Denying suicidality; denying past h/o suicide attempt. Wife is GP. Declined psychologist referral, wants to start on antidepressants.

- (8) Dr Younis prescribed the anti-depressant medication agomelatine.
- (9) On 12 February 2023, Ashley was admitted to Lake Macquarie Private Hospital suffering from epigastric pain. A CT of his abdomen revealed extensive thrombosis of the superior mesenteric vein, the main portal vein and the left portal vein. A past history of anxiety and depression was noted and Ashley disclosed that he was taking agomelatine and aspirin.
- (10) On discharge, Dr Janowski prescribed: Hydroxyurea 1g daily and Apixaban 5mg twice daily. Pegylated interferon 45mcg weekly was subsequently added.
- (11) Dr McKenney stated that Ashley ceased taking the anti-depressants following this period in hospital and he decided to focus on making positive lifestyle changes to improve his mood including exercise, family time and doing things he enjoyed including spending time in the water.

Ashley's last known movements

- 12 Ashley was last seen by Dr McKenney at around 8.30am on 14 June 2023. He was dressed in grey tracksuit pants and a blue hooded jumper. He was planning on working from home and was chairing a meeting at 2pm.

⁶ General practitioner, practicing at Woodrising General Practice. Ashley's completed a 'Patient Information Form' for that practice on 21 June 2021 suggesting he attended that practice from that date.

- 13 At 10:30am Ashley was observed on Swansea Bridge CCTV footage to be in vessel VK844N, passing under the bridge & heading seaward. Ashley was wearing a bright orange jacket and an inflatable life jacket.
- 14 The last recorded activity on Ashley's laptop was at 10:45am.
- 15 About 10:46am, Ashley is captured on CCTV dressed in the blue hooded jumper with a black life jacket fitted and driving the vessel through the Swansea Channel towards Moon Island.
- 16 At or about 3:37pm Dr McKensey sent a text to Ashley but received no response. She continued to call and text Ashley's phone with no answer. Until 7pm his phone diverted to voicemail and thereafter there was no response. Dr McKensey spoke with friends, none of which had any knowledge of Ashley's whereabouts.

Ashley reported as missing to the Police

- 17 On or around 7.30pm Dr McKensey contacted police and the details were passed onto Marine Rescue Lake Macquarie.
- 18 Marine Area Command Search and Rescue (MACSAR) assumed coordination of an extensive Police Search and Rescue operation in order to find Ashley. This search involved the matters that follow amongst others.
- (1) A crew was deployed to conduct a search of the western shoreline of Lake Macquarie up to Bolton Point. They also spoke to Nick Hood, a friend of Ashley's, who was searched the eastern coastline of Lake Macquarie.
- (2) Approval was given to call out the 'Newcastle crew' to also search.
- (3) A search was conducted from the Swansea break wall and the eastern side of Lake Macquarie.

- (4) PolAir was engaged to search in the vicinity of Moon Island and then into Lake Macquarie and to Bolton Point.
- (5) Marine Rescue radio base tasked to do an all ships broadcast every 15 minutes to keep a lookout for Ashley's vessel.
- (6) Newcastle Harbour Control broadcasting a keep a look out to commercial shipping in the area.
- (7) JRCC⁷ in Canberra was contacted, which revealed that there had been no EPIRB⁸ activations in the area concerned.
- (8) 'Triangulations' were obtained of Ashley's mobile phone.
- (9) The AMSA⁹ Challenger jet was utilised in the search.
- (10) Surf Lifesaving NSW and the Westpac Rescue helicopter were utilised in the search.

Location of the vessel

- 19 At 10:50am on Thursday 15 June 2023 Sgt Fordy of Marine Area Command **(MAC)** (Sydney) received information that a commercial ship "Alcmene" had located a small white unmanned vessel approximately 30 nautical miles east of Swansea.
- 20 At 11:46am on the same date the on-scene helicopter confirmed the vessel was VK844N, and no person was on board. The vessel was towed back to Port Stephens by MAC while the land and sea search continued.

⁷ Joint Rescue Co Ordination Centre

⁸ Emergency position indicating radio beacon.

⁹ Australian Maritime Safety Authority

- 21 The search was resumed on Friday 16 June 2023. At 4:05pm, the search was suspended. The coordinated search and rescue operation ceased and was replaced by 'general taskings.'
- 22 Despite an extensive search, including a marine search of an area of approximately 300 square nautical miles, Ashley's body was not found.

Survivability

- 23 As part of the search process, Dr Paul Luckin¹⁰ was asked to provide his opinion on the potential timeframes for survival to assist in the search. Dr Luckin opined that given the weather conditions, water temperature, air temperature, Ashley's body type, he was unlikely to survive outside of the vessel with a life jacket after 'last light' on 15 June 2023.

Police investigation

- 24 In relation to the vessel:
- (1) Ashley's personal effects were found on the vessel including: a mask and fins; clothes placed folded next to the driver's seat; reading glasses and life jacket next to the clothing; a 'flat' mobile phone and Ashley's brown work backpack.
 - (2) on inspection, Senior Constable Clarke¹¹ found: no on-board GPS system or Fish Finders on the vessel; the key in the ignition attached to a lanyard; the motor was in neutral and the ignition was off; the propeller was in the water and that there was a line of rope on the back left hand corner of the vessel which was wrapped around the propeller and trailing the vessel¹². SC Clarke thought that this may have stopped the motor.

¹⁰ Medical advisor to Police Search and Rescue Teams and the AMSA

¹¹ Who boarded the vessel when it was located.

¹² The presence of the rope was also reported by Senior Constable Grey who towed Ashley's vessel back to Port Stephens.

- (3) Dr McKensey did not recall the rope usually being tied to the back of the vessel.
 - (4) Harris Pericleous, Crime Scene Officer, Engineering Investigation Section of the NSWPF, inspected the vessel on 26 June 2023 and opined that there was no mechanical defect in the vessel which would have caused or contributed to a collision.
- 25 MAC confirmed that Ashley had not registered to go into deep waters.
- 26 When Ashley drove his vessel through the Swansea Channel towards Moon Island, whale migration had been strong in the area and was a popular spot for viewing for Ashley. Potentially of significance, Ashley had told Dr McKensey that, 'if there was a whale in the water he was prepared to get in to swim with it.'
- 27 SC Doherty found no disturbance or suspicious circumstances in Ashley's home following his disappearance. No unusual items had been taken from the home and Ashley's passport was at his home.
- 28 Following the initial search and rescue phase:
- (1) INTERPOL were advised of Ashley's disappearance.
 - (2) Ashley's toothbrush and two of his hats were seized for DNA purposes on 23 June 2024, with the toothbrush being sent to Newcastle Crime scene in order to obtain a DNA profile for identification purposes, should any unidentified bodies come to police attention.
 - (3) Ashley's Medicare & PBS information was obtained.
 - (4) On 30 August 2023 inquiries were made with the NSW Registry of Births, Deaths & Marriages seeking records relating Ashley's death or change of name.

- (5) No records have been located suggesting that Ashley has accessed any account since being reported missing. CBA account #279911562451 belonging to Ashley was last transacted on at a petrol station on the 13 June 2023 for the amount of \$92.58.
- (6) A check of unidentified deceased persons and remains was conducted on the 1 September 2023 and Ashley was not identified.
- (7) On 28 June 2023 a media release was published and no further information was received.

Is Ashley now deceased?

- 29 A finding that a person is deceased is a finding of great significance and gravity, not only for the family members of that person and the emotional toll that such a finding will invariably bring, but also because such a finding carries with it important legal and administrative consequences. Such a finding is made on the balance of probabilities, but there must be clear, cogent and exact evidence that a person has died before it can be made *Briginshaw v Briginshaw* (1938) 60 CLR 336.
- 30 The evidence summarised below which was gathered during the course of the investigation into Ashley's disappearance supports the contention that Ashley died on or after 14 June 2023.
 - (1) There was no evidence found in Ashley's home, via his banking records, through the Department of Births Deaths and Marriages which would support the contention that Ashley has intentionally absconded.
 - (2) Ashley had a pre-arranged meeting at 2pm on the day he was reported missing and had travel plans in the following month such that it is unlikely he had intentionally absconded.
 - (3) Ashley ceased responding to phone calls and texts from Dr McKensey after 3.37pm on 14 June 2023.

- (4) The vessel was located drifting with a life jacket but no persons aboard on 15 June 2023.
- (5) No additional information was received following the media release on 28 June 2023.
- (6) No records have been located showing that Ashley has accessed any bank account since being reported missing.
- (7) Ashley was not located despite a marine search of approximately 300 square nautical miles.
- (8) Almost two years post Ashley being reported missing, he has not been seen or heard from.

31 I am satisfied on the available evidence that Ashley is deceased.

When and where did Ashley die?

32 Having concluded that Ashley is deceased, as part of the coronial jurisdiction I am to determine whether the available evidence allows for a finding to be made as to where and when Ashley died, and the cause and manner of his death.

33 Ashley was last seen alive by Dr McKensey on the morning of 14 June 2023. The evidence does not enable a finding as to time of death that is more precise than Ashley died on or after 14 June 2023.

34 As Ashley has not been found, the available evidence does not enable me to find the place of Ashley's death.

What caused Ashley's death?

35 As Ashley has not been found, the available evidence does not enable me to find the cause of Ashley's death.

What were the circumstances (manner) in which Ashley died?

- 36 The evidence does not support the contention that Ashley's death was intentional.
- 37 On the available evidence it appears likely that between 10:46am and 2pm Ashley has turned the boat's engine to the off' position, taken off his life jacket and outer layer of clothes, and voluntarily entered the water. This may have been because the rope has become entangled around the vessel's propeller or it may have been to swim with the whales or it may have been for an unrelated purpose. There is no evidence on which I could base a finding as to what happened thereafter. As such, I am unable to make a finding in relation to manner of death.

Is it necessary or appropriate to make any recommendations?

- 38 It is appropriate to ensure that if Ashley's remains are located at some time in the future they can be appropriately identified and his family notified. To that end, I make the following recommendation to the Commissioner of the NSWPF:

That the investigation into the death of Ashley McKellar be referred to the Tuggerah Lakes Police District for monitoring and also to the Missing Persons Registry, State Crime Command, to monitor as per their protocols.

Concluding remarks

- 39 The findings that I make under s 81(1) of the Act are:

Identity

The person who died was Ashley McKellar.

Date of death

Ashley McKellar died sometime after 10.46am on 14 June 2023.

Place of death

The available evidence does not allow for any finding to be made as to the place of Ashley McKellar's death.

Cause of death

The available evidence does not allow for any finding to be made as to the cause of death.

Manner of death

The available evidence does not allow for any finding to be made as to the manner of death.

- 40 I thank SC Doherty for his work in the coronial investigation and for preparing the brief of evidence. I also thank SC Winter-Mirenzi of the Police Advocates for his assistance in this inquest.
- 41 On behalf of myself and the Coroner's Court of NSW, I express my sincere condolences to Ashley's family and friends for the tragic loss of Ashley in circumstances which remain uncertain.
- 42 I close this inquest.



Magistrate R Hosking
Deputy State Coroner
Lidcombe
