



STATE CORONERS COURT OF NEW SOUTH WALES

Inquest: Inquest into the death of Glenn Yates

Hearing dates: 3 June 2025, Coroners Court, Lidcombe

Date of findings: 3 June 2025

Place of findings: Coroners Court, Lidcombe

Findings of: Deputy State Coroner, Magistrate Devine

Catchwords: CORONIAL LAW – Missing person, boat travel, no suspicious circumstances

File number: 2021/00057019

Representation: Advocate Assisting the inquest: Sgt Timothy O'Donnell

Findings: **Identity of deceased:** Glenn YATES

Date of death: 20 November 2020

Place of death: Ocean off Eden NSW 2551

Manner of death: Misadventure

Cause of death: Unascertained

Recommendations:

Nil

Publication orders: Nil

Findings

Introduction

- 1 This is an inquest into the disappearance of Mr Glenn Yates (who I will refer to as Mr. Yates), who was last seen alive on 13 November 2020 departing Hobart onboard a sailboat.
- 2 Section 21 of the Coroners Act ("the Act") gives jurisdiction to a Coroner to hold an inquest into the death, or suspected death of a person, if there is reasonable cause to suspect that the death, or suspected death, is a reportable one. Reportable deaths are defined in section 6 of the Act. In this particular matter, the Court is dealing with a suspected unnatural death, and so it falls within the Court's jurisdiction.
- 3 The first role of a Coroner in cases such as this is firstly to determine whether the missing person is actually dead.
- 4 Given the seriousness of the finding and the common law presumption in favour of a continuance of life, it is well established that the Court should carefully examine the circumstances of the matter before making a finding of death and that the evidence of death must be clear, cogent and exact. The standard of proof to be applied is that known as the Briginshaw standard.
- 5 If the death of the missing person is established then the primary purpose of an inquest is to make formal findings as to the following five aspects of the death pursuant to s81 of the Act: (1) the identity of the person who died, (2) the date they died, (3) the place they died, and what was (4) the cause and (5) the manner of that person's death.

The Inquest

- 6 A coronial investigation precedes an inquest. During the investigation considerable evidence, in form of witness statements, expert opinions, reports, photographic evidence and more are obtained by, and provided to, the Coroner.

- 7 In the case of the investigation into Mr. Yates's suspected death, a 2 volume brief of evidence compiled by the Officer in Charge of the coronial investigation, Senior Constable Philip Taylor, was tendered to the Court and became Exhibit 1 at the inquest that was held at Lidcombe on 3 June 2025.
- 8 It is important to stress that the length of this inquest and the number of witnesses being called, is in no way a reflection of the importance this court places on Mr. Yates's life. That is more accurately reflected in the preparation and lengthy investigations undertaken by police and other responsible parties in an attempt to find out where he is, and what happened to him.
- 9 In addition to the brief prepared by Senior Constable Taylor, I also heard brief evidence from him.
- 10 Although I will touch on aspects of this evidence that I consider important, and not make mention of other aspects, I have had the opportunity to consider the entirety of this material during the coronial process.
- 11 In relation to non-contentious factual matters and issues in these findings I have drawn from the opening submissions of the advocate assisting the inquest, Sgt O'Donnell. I am grateful for his considerable assistance in this regard.

Mr Yates Background

- 12 Mr. Yates was a 64-year-old male at the time of his disappearance. He resided in Windemere Park in New South Wales with his wife, Yanzhen and his stepson. Mr. Yates and Yanzhen had been married since 2011. He was a retired Deputy Principal from a local secondary school.
- 13 Mr. Yates was considered a fit and healthy person for his age with no known medical issues that impeded his ability to sail. He had experience with single handed inshore dinghies that have one sail. He was also a very capable boat handler and understood all reasoning when it came to safety and weather conditions. He would sail almost every Sunday and used to race at the Wangi Wangi and Sunshine clubs.

- 14 Mr. Yates close friend, Robert Brown had been sailing and competing against Mr. Yates since 1988 when they were members at the Penrith Sailing Club. Robert said Mr. Yates had competed in world title events in Australia and overseas.

Events leading up to Glenn's disappearance

- 15 On 1 July 2020, Mr. Yates purchased a 30ft sailing vessel called "Bonne Idee". The vessel was located in Hobart and owned by Robert Donovan. Mr. Yates was unable to pick up the vessel for a number of months due to the pandemic and lockdown restrictions but stayed in contact with Robert during this time. The vessel was reported to be in very good condition and had been refurbished.
- 16 Mr. Yates's arrived in Hobart on 9 November 2020 to pick up the vessel. He met Robert Donovan on Wednesday 11 November and Robert spent about an hour showing him the controls and functions of the vessel.
- 17 The next day, being 12 November 2020, Mr Donovan and Mr. Yates's took the vessel out for a sail on the River Derwent so that Mr. Yates's could get used to the vessel. Mr. Yates's filled the vessel's fuel tank at this time.
- 18 When spoken to by police, Mr Donovan expressed some concerns about Mr. Yates's level of sailing experience, as his intention was to stay offshore where he would not be able to receive weather information. He was also concerned about Mr. Yates decision to do the trip on his own and talking about completing it in 10 days, as well as a lack of charts to cover the trip if the GPS failed.
- 19 Mr Donovan shared with Mr. Yates his experience of sailing the boat to Hobart, his preparation for the trip and places to stop along the way. In Mr Donovan's opinion, Mr. Yates seemed underprepared for a solo trip to NSW. However, Mr. Yates continued to express his proficiency in sailing.
- 20 Mr. Yates left Hobart on the morning of 13 November 2020 with the intention of sailing back to his home address in Lake Macquarie, NSW on his own. He was seen departing by Robert Donovan, and Robert's wife Jacqueline, wearing a self-inflating life vest and storm gear.

- 21 Mr. Yates's friend, Robert Brown, called him on the morning of 13 November 2020 and spoke with him. Mr. Yates told him he was sailing down the River Derwent and doing about 5 knots. He said he was relaxed and just eating his breakfast.
- 22 Mr. Yates's wife, Yanzhen, reported that Mr. Yates texted her on 14 November and said he had stopped at Bass Strait. Mr. Yates called Yanzhen that evening and they spoke on the phone. Mr. Yates said he would continue sailing the next day and would call again as soon as he had reception. This was the last time Yanzhen heard from Mr. Yates.
- 23 Around 19 November 2020, Mr. Yates encountered severe weather conditions which included very high winds that has led to the main sail and the job sail of his yacht being damaged, making it impossible to properly sail the vessel under those conditions.
- 24 At approximately 2:30am on 20 November 2020, Mr. Yates contacted the NSW Marine Rescue advising them of the damage to his yacht due to the weather and that he was drifting approximately 75 nautical miles South of Green Cape within Victorian waters. He advised that he was not in distress and had 65 nautical miles of fuel left and a working engine. He advised that he intended to motor through until first light, hoist a storm sail and attempt to reach Eden but he may need some assistance to get there. He advised that he would continue to call every two hours to check in with Marine Rescue. The NSW Marine Area Command with the NSW Police Force were notified and Mr. Yates's yacht was being monitored on the "SEAHAWK" vessel tracking system.
- 25 By 5am that morning, Marine Rescue had tried numerous times to contact Mr. Yates, but with no success. Marine Rescue reasoned that, as it was not daylight yet, Mr. Yates may still be asleep, so they were not overly concerned at that time. Hourly calls continued to be made with no response from Mr. Yates. The vessels last known location at this point was near Eden and so Eden Water Police were informed of the situation. Mr. Yates's onshore emergency contact, Robert Brown, was informed of the situation at about 1pm.

26 At approximately 2:40pm, Marine Area Command and the Victorian Water Police were informed there was still no contact with Mr. Yates. The Joint Rescue Coordination Centre were advised, and a Challenger Aircraft was deployed to search. Mr. Yates's vessel was located shortly after 7pm, five nautical miles East of its original position with no sign of activity on the vessel and no contact able to be made with Mr. Yates's. The Australian Maritime Safety Authority (AMSA) supplied footage and images of the vessel taken prior to police attendance with the sail rip clearly visible.

The investigation following Glenn's disappearance

- 27 Victorian Water Police dispatched a Police Vessel at 9pm that night and arrived at Mr. Yates's vessel around 1:46am on 21 November 2020. No person was located on board and nothing found in the area around the yacht. Of note is that the 'dan buoy' was seen floating at the stern of the vessel and it was attached to the vessel by a light line that appeared to go to the horseshoe life ring that was in a cradle on the starboard side of the stern of the yacht.
- 28 Police also stated that they saw a line about three metres long floating in the water behind the stern of the yacht and this line was tied off to the transom. On the bow on the port side was an orange lifeline with one end hanging over the wire rail and the other end attached to a deck fitting. The vessel was taken to Paynesville, Victoria for examination. It was eventually found to be in otherwise good working order.
- 29 Air and water searches continued until last light on 21 November 2020. Expert medical opinion placed the latest time of survival at 8pm on 20 November 2020.
- 30 The search continued with a Challenger Jet, Victorian Police Helicopter and water police until being suspended again at last light on 22 November 2020.
- 31 Police conducted all required sign of life checks, with no indications that Mr. Yates may still be alive.
- 32 As indicated earlier, at the inquest brief evidence was called from Senior Constable Philip Taylor. Formalities aside, the effect of his evidence was that

he believes Mr. Yates died shortly after being separated from his vessel and that his death is not suspicious.

Formal Findings as to Death

- 33 Whilst Mr. Yates's body has never been recovered, based on all the evidence available to me, I am satisfied that Mr. Yates is deceased. There is no evidence at all to suggest he is still alive and no other plausible explanation for his disappearance in the circumstances outlined above. I can only speculate as to the precise cause of his death.
- 34 As to his manner of death, there is no evidence to support a finding that Mr. Yates had any reason to take his own life. There is no evidence to suggest that he was a victim of foul play. The only plausible explanation is that Mr. Yates fell from the vessel. For that explanation there is some evidentiary support in the police observations of the vessel when it was recovered.
- 35 Indeed, it is the opinion of Senior Constable Taylor that around 2:30am on 20 November 2020 Mr. Yates left his cabin to secure the sails, and one of two things happened. Either:
- (1) Mr. Yates was secured to the vessel by the safety tether on the bow. He fell from the vessel to the port side. He has been unable to get back on the yacht and, still being tethered, was hitting himself against the side of the vessel. Mr. Yates released himself from the safety strap and moved to the rear of the vessel, or
 - (2) Mr. Yates did not secure himself to the safety strap but placed it over the rail on the port side, so it didn't impede his tending to the sails – something sailors are known to do. He placed the safety strap in that position so it could be easily found in low light conditions. He has then fallen overboard and moved to the rear of the vessel.
- 36 In either case, once at the rear of the vessel, Mr. Yates has taken hold of the dan buoy from the yacht (which has deployed) but the horseshoe buoy it was tied to has not released from its holding cradle. Mr. Yates was not able to hold

onto it, has been forced away from his yacht and has been unable to get back to the vessel in the circumstances that existed and subsequently died.

Section 81 Findings

- 37 Having considered the documentary evidence tendered and the oral evidence of Senior Constable Taylor, I make the following findings:

Identity of deceased: Glenn YATES

Date of death: 20 November 2020

Place of death: Ocean, off Eden NSW 2551

Manner of death: Misadventure

Cause of death: Unascertained

The Question of Recommendations

- 38 Enquiries have been made as to whether there could be any recommendations suggested, including an opinion expressed by Detective Taylor about the use of PLB's (or Personal Locator Beacons). A response was provided from the Mr Craig Purdon, the Manager of Maritime Investigations, which said mandating PLB's was not feasible for a number of reasons, but he highlighted that Transport for NSW are currently looking into the carriage of GPS equipment when boating in open waters as part of a remake of the Marine Safety Regulations.
- 39 This equipment would be able to provide accurate location information in real-time to allow for easier navigation and measurement of speed. Mobile phones with GPS capabilities would be sufficient to meet this requirement, and a NSW Government app would be installed so that vessel operators can provide coordinates to emergency services. Public consultation has been held, and this proposal is still being considered.
- 40 I am satisfied that in these circumstances there is no need for any recommendations to be made.

Concluding Remarks

- 41 I will close by conveying to the Yates family my sympathy for the tragic loss of Mr. Yates.
- 42 I thank the officer in charge for his work in conducting the investigation and compiling the brief of evidence.
- 43 Even more so, I thank Sgt O'Donnell for his outstanding support in the conduct of this inquest.
- 44 I close this inquest.

A handwritten signature in black ink, appearing to read "S. Devine". The signature is written in a cursive, flowing style.

Magistrate Stuart Devine

Deputy State Coroner

Lidcombe Coroners Court

3 June 2025
