



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 4/14

I, *Barry Paul King*, Coroner, having investigated the suspected death of **Ian Shardlow** with an inquest held at **Perth Coroners Court, Court 51, CLC Building, 501 Hay Street, Perth**, on **7 February 2014**, find that the death has been established beyond all reasonable doubt that the identity of the deceased person was **Ian Shardlow** and that death occurred on **16 August 2012** at **Geographe Bay off Busselton** from **unknown causes** in the following circumstances:

Counsel Appearing :

Sergeant Lyle Housiaux assisting the Coroner

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INTRODUCTION

1. Ian Shardlow (**the deceased**) was a fit 76 year old man. He and his wife, Kerry, resided in Australind. He had planned to retire from his job as an electronics technician in the near future and to travel with his wife. He was reasonably healthy and he enjoyed life.
2. The deceased was a very experienced sailor and owned a six metre catamaran sailboat that he often sailed on his own.
3. On 16 August 2012 the deceased carried out some work in Bunbury in the morning and then took his boat out in the early afternoon. When he did not return when expected, a search commenced. The deceased's boat was found that evening, but he was not on it.
4. Blood stains were found on fittings of the boat near the cockpit. Biological material which was determined to be the deceased's brain matter was also found on various places around the cockpit. A live .22 calibre cartridge and a spent .223 cartridge were found in the boat, but no firearm was found. Six life jackets, the required number, were in the cabin.
5. An extensive search failed to locate the deceased.
6. On 20 August 2012 Detective Senior Sergeant Munday, the officer in charge of South West Detectives, contacted the Bunbury Court to report that the deceased was missing from his boat and that blood on the boat was consistent with the deceased either taking his life or meeting another violent injury. He also mentioned the fact that the two cartridges were found on the boat.
7. As a result of Senior Sergeant Munday's report, on 21 August 2012 State Coroner Alastair Hope directed under section 23(1) of the *Coroners Act 1996* that the deceased's suspected death be investigated by police.

Under section 23(2) of the *Coroners Act 1996*, where the State Coroner has given such a direction, a coroner must hold an inquest into the circumstances of the suspected death of the person, and if the coroner finds that the death of the person has been proved beyond a reasonable doubt, into how the death occurred and the cause of the death.

8. I held an inquest on 7 February 2014 as required. The documentary evidence adduced at the inquest was the report of Detective Sergeant David Beard, the police officer who led the investigation into the deceased's death. In addition, Sergeant Neil Blaver, a forensic investigator and bloodstain analyst, provided oral evidence to complement a report that he had prepared during the investigation.

THE DECEASED

9. The deceased was born in England on 9 June 1936. After completing his national service with the Royal Air Force, he immigrated to Australia.
10. The deceased was a self-employed electronics technician with his own business, Shardlow Electronics, in which he specialised in the service and repair of automatic teller machines (**ATMs**) in the South West region of Western Australia.
11. The deceased had once owned a licensed semi-automatic .22 calibre rifle, but he handed it in to police in 1997 and it had been destroyed.
12. The deceased's health was generally good. He suffered from gastric reflux, high cholesterol and arthritis, but received medications for each condition. He had longstanding noise induced hearing loss for which he wore hearing aids with apparently good effect.¹

¹ Ex 1, Vol 2 Tab 56

13. In 2011 the deceased was diagnosed with bladder cancer in its early stages. He underwent surgery which successfully removed the tumour.²
14. Following that, a blood analysis revealed a high white blood cell count consistent with leukemia, but further testing revealed that the deceased had persistent lymphocytosis which would not be likely to affect his health.³
15. For about six weeks prior to his death the deceased experienced dizzy spells when standing quickly and cold extremities, consistent with low blood pressure.⁴ He had made an appointment to see his doctor about the episodes.⁵
16. The deceased was married and had five children. His life insurance had expired when he turned 75.
17. Evidence obtained from his wife, Kerry,⁶ his doctor Dr Lorraine Smith⁷ and Malcolm Hockley, a security guard and friend who accompanied him at his work with ATMs,⁸ consistently established that the deceased had a positive attitude to life. He and his wife had made plans to retire and had made a list of things which they intended to do, which included travelling in particular.⁹ He was planning to perform several maintenance jobs on his boat in order to prepare it for the upcoming season.¹⁰ He was also planning to look into the possibility of manufacturing electronic shark guards as a project once he retired.¹¹
18. The deceased was a keen sailor, having some 45 years sailing experience and having owned several sailing

² Ex 1, Vol 2 Tab 55

³ Ex 1, Vol 2, Tab 54

⁴ Ex 1, Vol 1, Tab 3

⁵ Ex 1, Vol 1, Tab 3

⁶ Ex 1, Vol 1, Tab 3

⁷ Ex 1, Vol 2 Tab 55

⁸ Ex 1, Vol 1, Tab 8

⁹ Ex 1, Vol 1, Tab 3; Ex 1, Vol 1, Tab 8

¹⁰ Ex 1, Vol 1, Tab 8

¹¹ Ex 1, Vol 1, Tab 8

yachts. It was not unusual for him to go out on his boat during the week after he finished a job¹², but in the time leading up to his disappearance he had not been out on it for some time.¹³ He could swim but was not a good swimmer.¹⁴

EVENTS LEADING UP TO THE DECEASED'S DISAPPEARANCE

19. On 14, 15 and 16 August 2012 the deceased serviced ATMs with the assistance of Mr Hockley.
20. On 14 August 2012 while the two men were doing a job at Eaton Fair, the deceased mentioned that he was not feeling well, that he was sweaty and off-colour.¹⁵ That afternoon he rested in the sun reading a book, after which he felt fine.¹⁶
21. The next day the deceased's condition appeared to have improved, and he told Mr Hockley that he felt much better. He also spoke about plans that he and Kerry were making to take a luxury river barge trip in Europe.¹⁷
22. On 16 August 2012 the deceased stayed in bed while Kerry had a shower and got ready to go to work. He then got up to make them a hot drink. He mentioned in passing that it was going to be a beautiful day but did not say anything about going out on his sailboat.¹⁸
23. The deceased went to the Bunbury Plaza shopping centre where at about 9.00am he met up with Mr Hockley in order to service an ATM. They completed the job at 10.35am.

¹² Ex 1, Vol 1, Tab 3, Tab 6

¹³ Ex 1, Vol 1, Tab 8

¹⁴ Ex 1, Vol 1, Tab 3

¹⁵ Ex 1, Vol 1, Tab 8

¹⁶ Ex 1, Vol 1, Tab 3

¹⁷ Ex 1, Vol 1, Tab 8

¹⁸ Ex 1, Vol 1, Tab 3

24. During the time they were doing that job the two men discussed a number of topics. The deceased mentioned his recent dizzy spells and the need to get his blood pressure checked. He talked about his car servicing and the need to stockpile diesel fuel before the business closes down. He told Mr Hockley that his boat had a scum line on it that he needed to clean, and he said that he was going to go down to the boat that day.¹⁹
25. In his statement to police, Mr Hockley said that there was nothing in their conversations that would indicate that the deceased was planning not to be around. Everything the deceased spoke about was positive. Mr Hockley said that the deceased definitely was looking forward to spending more time on his boat.²⁰
26. Mr Hockley's wife, Kylie, met with the two men just as they finished the repairs to the ATM. She also noted that the deceased was in good spirits and that their conversation was about the deceased's upcoming retirement and his plans to travel to Europe and England with Kerry.
27. The deceased and Mr Hockley left the Bunbury Plaza shopping centre at about 10.45am. Their next job was scheduled for 22 August 2012.²¹
28. At 12.25pm on 16 August 2012 the deceased radioed the Australian Coastal Radio Monitors (**ACRM**) in Capel to advise that he was intending to sail about five miles offshore in the Geographe Bay area near Busselton. He said that his estimated time of return was 4.00pm.²²
29. At about 2.00pm the deceased rang Kerry.²³ He would regularly call her during the day to let her know his location as a security precaution. On this day he said

¹⁹ Ex 1, Vol 1, Tab 8

²⁰ Ex 1, Vol 1, Tab 8

²¹ Ex 1, Vol 1, Tab 8

²² Ex 1, Vol 1, Tab 4

²³ Ex 1, Vol 1, Tab 3, but this may be 1.29pm per Telstra records at Tab 44

that he was out on the boat. When Kerry noted that he had not told her that he was going to go out, he said that it was such a beautiful day with calm conditions that he was just going to motor around. He said words to the effect that it was really lovely and that he was having a great time. The deceased told Kerry that he would be in at 4.00pm and would be home at 5.30pm. Kerry noticed nothing unusual about the conversation or the way in which the deceased was speaking.²⁴

30. At about 4.15pm Kerry rang the deceased to see how he was going, but the call went straight to voice mail. She tried again at 4.30pm, 4.50pm and 5.15pm without success.²⁵ She then called the ACRM base.
31. As the volunteers at ACRM were familiar with the deceased and knew that he would often return later than he estimated, they did not try calling him as soon as he did not call at 4.00pm. However, when he had not checked in by 6.00pm they tried to call him on his mobile phone and his home phone without success. They then called the water police.²⁶

THE SEARCH

32. Busselton Volunteer Marine Search and Rescue searched Geographe Bay and located the deceased's boat at 8.00pm that evening. The boat was about 4.5 nautical miles north of the Port Geographe Marina with its sails down and its four horsepower motor running in gear with the rudders lashed loosely.²⁷ The boat was heading generally east. No-one was aboard.²⁸
33. An extensive three-day air, sea and land search for the deceased then ensued until about 12.45pm on 19 August 2012, but the deceased was not found. Had the

²⁴ Ex 1, Vol 1, Tab 3

²⁵ Ex 1, Vol 1, Tab 3 but see Tab 44

²⁶ Ex 1, Vol 1, Tab 4 and Tab 44

²⁷ Ex 1, Vol 1, Tab 6 and 24

²⁸ Ex 1, Vol 1, Tab 24

deceased been floating on the surface of the water, it is likely that he would have been found.²⁹

34. Advice was obtained from survival expert Dr Paul Luckin that if the deceased had not been wearing a life jacket, as seemed to be the case, he would not have survive past mid-afternoon on 17 August 2012.³⁰

INVESTIGATIONS

35. When police officers first attended the boat at sea after it was found by the Busselton Volunteer Marine Search and Rescue volunteers, they noticed blood on the cockpit area and pooling around a mast stay, but nothing to suggest that there had been a struggle aboard.³¹ No weapons were seen.
36. The boat was towed back to the Port Geographe Marina where it was guarded by police until it could be examined in detail the next day by the South West District Forensic Examination officers under the supervision of Detective Sergeant David Beard.
37. The officers noted blood and biological material around the cockpit area, the cabin roof and the front deck area. There were bloodstains on most of an aerial affixed to the left side of the transom.
38. Police found a pair of glasses, a hearing aid and a plastic container containing lunch food, all on a dash board to the front of the cockpit.
39. In the cabin on a raised section between hatchways to the hulls was an opened plastic bag lying flat. Sitting loose on the bag was a spent .223 rifle cartridge. On the back left-hand floor of the cockpit in a drain hole was a live .22 cartridge. In my view, neither of the cartridges looked new. The .22 cartridge had been

²⁹ Ex 1, Vol, Tab 24

³⁰ Ex 1, Vol, Tab 24

³¹ Ex 1, Vol 1, Tab 5 and 6

corroded somewhat, possibly from seawater,³² and the surface of the .223 cartridge looked dull and pitted.³³

40. The Port Geographe Marina provided police with CCTV footage taken that morning of the carpark and the footpath to the gate leading to the deceased's boat pen. That footage included brief scenes of the deceased at his car and then walking towards the gate. As he was walking, it is apparent that he was carrying a long, black tube-like object under his right arm in a manner similar to the way one might carry a rifle.³⁴ The wide-angle view makes it difficult to be sure about the relative dimensions of the tube.
41. The existence of the black tube may be explained by, or be relevant to, the fact that a roll of black plastic sheeting was found on the boat.³⁵

BLOODSTAINS

42. Because of the discovery of blood and biological material, the police Forensic Bloodstain Pattern Analysis Team was called in to conduct a full examination. A report of the team's analysis of the boat was prepared by Sergeant (then Senior Constable) Neil Blaver.³⁶
43. Sergeant Blaver found altered bloodstains distributed from the bow to the stern, on the port side edge and on the front of a blue canopy that was folded on its frame above and to the rear of the cockpit. These blood stains were altered by a physical or physiological alteration consistent with being co-mingled with biological material, which was ultimately determined to be brain cortex and white matter from the deceased.³⁷ Portions of brain material were found on the front deck, on the roof of the cabin near the cockpit, on the

³² Ex 1, Vol 1, Tab 43

³³ Ex 1, Vol 1, Tab 43

³⁴ Ex 1, Vol 2, Tab 53

³⁵ Ex 1, Vol 2, Tab 52, Photos 103 and 110

³⁶ Ex 1, Vol 1, Tab 16

³⁷ Ex1, Vol 1, Tab 45 and 46

left side seat at the back of the cockpit and on the blue canopy.³⁸

44. Projected bloodstains were seen on several surfaces of the boat including the aerial, the solar panel at the back of the cockpit, the motor, the blue canopy, the rigging and the mast. The size, shape and relative distribution of these projected bloodstains indicated that force had been applied to a blood source; namely the deceased's head. Most of the blood stains on the aerial, solar panel and canopy were altered and appeared diluted, most likely by the deceased's cerebrospinal fluid.
45. All of the blood stains and brain cortex material was identified as by DNA analysis to be the deceased's.³⁹
46. Sergeant Blaver testified that the distribution of the bloodstains and biological material including brain matter was most likely caused by a bullet striking the deceased's head. That was the case even if the spent .223 cartridge had not been found.⁴⁰
47. Blood and biological material seen on the port side of the mast and steps was analysed to determine that at the time of impact of a bullet, the deceased's head was on the port side of the cockpit at or below the height of the cabin,⁴¹ suggesting that he was sitting down on the port side in the cockpit at the time.⁴²
48. It was not possible to determine the direction from which the bullet was fired.⁴³

FURTHER INVESTIGATION

49. Senior Constable Beard and his team obtained the Telstra records for the deceased's mobile phone

³⁸ Ex 1, Vol 2, Tab 52, Photos 35-41, 44, 45, 53-66, 71-73

³⁹ Ex 1, Vol 1, Tab 46

⁴⁰ Ex 1, Vol 1, Tab 16; ts 21

⁴¹ Ex 1, Vol 1, Tab 16

⁴² ts 25

⁴³ ts 21

between 13 August 2012 and 19 August 2012.⁴⁴ The record confirmed that the deceased had made no calls after 1.29pm on 16 August 2012.

50. The team also checked the deceased's bank records and confirmed that the deceased had not used any account since the same day.
51. The team searched the deceased's car and his home and shed but found nothing to assist the investigation. They obtained his computer and checked his emails with the same result.

CONCLUSION AS TO WHETHER THE DEATH HAS BEEN ESTABLISHED

52. In my view the evidence, particularly that of the brain material ascertained to be the deceased's, establishes beyond all reasonable doubt that the deceased died on 16 August 2012 at Geographe Bay off Busselton.

CONCLUSION AS TO CAUSE OF THE DEATH

53. The evidence of Sergeant Blaver establishes that the deceased was likely sitting on the port side of the cockpit at the time of the gunshot wound. It follows in my view that the deceased was almost certainly alive at that time.
54. The fact that brain material was found on various places of the boat from the front deck to the seat in the cockpit establishes that the gunshot must have caused brain material to be ejected with some force from the deceased's head.
55. Even in the absence of expert evidence, I am satisfied that the deceased died instantaneously from the shot.
56. In these circumstances, I find that the cause of death was a gunshot wound to the head.

⁴⁴ Ex 1, Vol 1, Tab 44

CONCLUSION AS TO HOW THE DEATH OCCURRED

57. The issue of how the death occurred is a disturbing mystery.
58. The evidence establishing that the deceased died from a gunshot wound to the head together with the existence of a spent .223 cartridge in the cabin of the boat tempts a conclusion that the deceased used that cartridge or another similar one of the same calibre to shoot himself, there being no indication that another person was with him on the boat.⁴⁵ If that had occurred, it is difficult to imagine that the deceased had shot himself accidentally, which would point to a finding of suicide.
59. It is possible to conjecture that the deceased carried a .223 calibre rifle rolled in black plastic to his boat from his car that morning as the CCTV footage may indicate, and that before he shot himself he placed himself in such a position that when the rifle was fired he fell over the side of the boat, taking the rifle with him.
60. It is also possible to explain the presence of the spent cartridge as either having been ejected from the rifle (if it were a semi-automatic rifle) or having been fired earlier by the deceased to ensure that other cartridges in his rifle would fire. The former scenario is unlikely given the position in which the spent cartridge was found. The latter scenario is supported by the apparent age of the spent cartridge.
61. The existence of the live .22 calibre cartridge defies explanation, especially since the deceased voluntarily handed his licensed .22 rifle to police in 1997 and was not known to have had another one since then.

⁴⁵ Ex 1, Vol 1, Tab 3

62. It is sometimes said that there is a presumption against a finding of suicide. In other words, there needs to be clear and cogent evidence supporting such a finding before one is made.
63. Even without any such presumption, in my view there is a great deal of evidence indicating that the deceased was unlikely to have killed himself intentionally. That evidence included the universally held assessment of the deceased by those who were close to him as being a man who enjoyed life. On the day of his death he presented as always. He appeared to be looking forward to, and planning for, the future.
64. Also relevant is the fact of the deceased's calls to Kerry and to the ACRM to inform them of his planned return. Making those calls seems inconsistent with a plan to commit suicide.
65. In short, there was no evidence indicating a reasonable basis for a motive for the deceased to end his life, and much evidence to the contrary.
66. While it is unlikely that the deceased died by way of an accident or from the actions of another person, neither or those scenarios are beyond the realms of possibility.
67. In these circumstances I make an open finding as to how the death occurred.

BP King
Coroner
24 February 2014