



**STATE CORONER'S COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the suspected death of Anthony Fahey

Hearing dates: 20 April 2017

Date of findings: 27 April 2017

Place of findings: NSW State Coroner's Court, Glebe

Findings of: Magistrate Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – missing person, whether person now deceased, no jurisdiction

File number: 2015/305416

Representation: Ms B Lorenc, Coronial Advocate Assisting the Coroner

Findings: Pursuant to section 81(1) of the *Coroners Act 2009*, I find that Anthony Fahey is not deceased. Accordingly, I have no further jurisdiction in this matter. I therefore refer Anthony Fahey's case to the NSW Police Missing Persons Unit for continued investigation in accordance with the protocols and procedures of that unit.

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Introduction

1. Anthony Fahey was last seen on 3 July 2013. At that time Anthony was 29 years old and living in Murrumbateman, a small village about 30 kilometres northwest of Canberra. He was grappling with several personal issues and searching for answers to many questions about life in general, and about his own life in particular. It is thought that Anthony left behind his family in Murrumbateman to travel to Sydney in order to find the answers to these questions. In the 3 years and 9 months that have passed since, Anthony's family have themselves been left with many unanswered questions of their own about what happened to their beloved son and brother.

Why was an inquest held?

2. Approximately 38,000 missing person reports are made to the police each year in Australia. Of those persons reported missing, most are eventually located. However, of those reported, approximately 2,000 people remain missing for more than 3 months and are regarded as long-term missing persons. In such cases it is sometimes suspected, for various reasons, that the missing person has died. However, missing does not necessarily mean deceased.
3. When the police suspect that a missing person may have died, that suspected death becomes reportable to a Coroner. Once such a report has been made a Coroner then has an obligation to conduct an investigation in order to answer a number of questions. The primary question which a Coroner seeks to answer is whether the person is, in fact, deceased. If the Coroner reaches that conclusion then the Coroner must also seek to answer questions about where and when the person died, and what was the cause and manner of their death. The manner of a person's death means the circumstances surrounding their death and the events leading up to it. If any of these questions cannot be answered then a Coroner must hold an inquest. Sadly, it is often the case that even after an inquest a Coroner is unable to answer all, or most of these questions.
4. Anthony's suspected death was reported to the Coroner's Court in November 2014. Since that report, further investigation was conducted by both the police and the Court in an attempt to answer the above questions. At the conclusion of that investigation an inquest was held. These are the findings following that inquest.

Anthony's life

5. Before going on to set out the findings and the reasons for them, it is important at this point to say something briefly about Anthony. In inquests involving non-missing person cases where it is known that a person has died, it is often the case that a great deal of documents, photos, and other material is collected during the investigation into that person's death. There is so much material because the final moments of that person's death is often the focal point of an inquest and as much information about it as possible is gathered.
6. However, despite this large amount of material about a person's final weeks, days or moments, it is often the case that very little is known about the years in that person's life which preceded this period. Therefore, it is important in such inquests to recognise that person's life, recognise who they were as a person, and acknowledge how their death has impacted the people that knew, cared for, and loved that person. In missing person cases this becomes even more

important because, unlike cases where we know that someone has actually died, by their very nature there is often very little information surrounding the circumstances when a missing person was last seen.

7. Anthony is one of 7 children to Eileen and Neil Fahey. His older siblings are Richard, Laurence, Andrew and Kathleen and his younger siblings are Patrick and Clare. During the inquest the court was privileged to hear from Anthony's mother and several of his siblings. They spoke of how much Anthony is loved and missed and they were kind and gracious enough to share their personal memories and stories about Anthony.
8. Anthony's mother describes him as a quiet, yet very sociable person who loves to be with his family and friends. Christmas and New Year gatherings in the Fahey household were memorable occasions and Anthony delighted in the company of his parents and siblings. With such a large and close knit family, these holiday season gatherings were no doubt very lively and enjoyable occasions. One of Anthony's favourite pastimes during these festive family gatherings was to play poker and darts with his brothers. Anthony was also known to enjoy a chat with his siblings around the outside fireplace, especially after a few drinks, and simply enjoy being in their company.
9. Unlike many people his age, Anthony was not interested in social media and did not regularly use his mobile phone. However, he became very interested in computers and the internet and often used them to research ideas and concepts that he was passionate about.
10. At the time he went missing, Anthony was a strong person physically and in good health, no doubt partly due to his years of working in the construction industry. Anthony had lived and worked in different parts of Australia and was well-travelled, both in Australia and abroad. His siblings have many fond memories of Anthony joining them during their travels.
11. It is distressing to know that the Fahey family gatherings have not been the same since Anthony went missing and that each one, at times, has probably reminded his parents and siblings of how much they love and miss their son and brother.

What do we know about the last 12 months before Anthony went missing?

12. For part of the time during the last year before he went missing Anthony worked as a concrete stressor in the construction industry in both the Australian Capital Territory (ACT) and, for a short time, in Sydney. At the time he was living in a unit in Bruce, ACT which he owned.
13. In about June 2012 Anthony met Emma Mulvaney and they began dating soon afterwards. In October 2012 Anthony lost his driver's licence following a drink-driving incident. It was Anthony's fourth drink-driving related incident and he was placed on a good behaviour bond. Records kept by ACT Corrective Services indicate that Anthony maintained contact with the Community Corrections service between October 2012 and June 2013 as required by the conditions of his bond.
14. For a short time after losing his licence Anthony used a bike to ride to and from work. However, he was later forced to move out of his unit and back to his parents' home in Murrumbateman because he was unable to maintain his mortgage repayments. From this point on the commute to

and from work became too difficult to manage and, as a result, Anthony lost his job and became unemployed.

15. Sometime in around January 2013 Ms Mulvaney learned that she would have to move interstate to Perth because of a work transfer. She and Anthony had many discussions about whether Anthony would move with her. It seems that although Anthony was initially undecided about whether he would move, he did attempt to look for work in Perth by contacting a construction company that he had previously worked for and which operated in Perth.
16. Sometime before June 2013 Anthony advised his Community Corrections officer that he was moving to Perth. As he had complied with, and made progress in relation to, his good behaviour bond, arrangements were made for Anthony to report to his Community Corrections officer by a monthly phone call, rather than having to attend in-person appointments. Anthony made such a phone call on 6 June 2013 which was his first and last call to the Community Corrections service.
17. During the year before Anthony went missing his family and Ms Mulvaney recall that Anthony developed an interest in a number of religious and alternative concepts and ideas. Ms Mulvaney describes Anthony as seeming to be “*very confused with life*”¹ and said that he would often read, and quote passages from, the Bible. Ms Mulvaney recalls that Anthony also often researched conspiracy theories and religious topics on the internet. Anthony’s brother, Patrick, recalls that when Anthony moved back to live with their parents, Patrick noticed what he described as a “*rapid decline in [Anthony’s] mental health*”.² Patrick also describes Anthony as becoming paranoid, becoming interested in conspiracy theories, and becoming obsessive about watching videos on YouTube, most of which would have a religious theme. Anthony’s brother Andrew said that during these 12 months Anthony was always interested in fringe ideas and concepts and that his points of view on various issues would seemingly change on a daily basis. Mrs Fahey recalls that Anthony began asking deep questions about spirituality and questioning concepts such as humanity and his own existence.³
18. Patrick also recalls Anthony having a conversation with Andrew about living off the land and wanting to travel to Queensland. Patrick recalls that Anthony often spoke about “*how money was the root of all evil*” and that he was very frugal with his money.⁴ Ms Mulvaney also recalls that Anthony had previously expressed an interest in being self-sufficient and living off the grid, although to her knowledge he had never previously lived this way.⁵ Similarly, Mrs Fahey recalls having conversations with Anthony about him “*going bush*”, and that he had previously spoken of wanting to sell his unit, buy a piece of land and live in a caravan on it. From these discussions Mrs Fahey formed the impression that Anthony would have been happy living out of a city environment. Anthony’s step-uncle, Robert Gavin, described Anthony as someone who wasn’t “*structured*” and “*the type that might have gone to a cult or commune, or lived on the streets to be away from everything or live an alternate lifestyle*”.⁶

¹ Statement of Emma Mulvaney, para 5.

² Statement of Patrick Fahey, para 10.

³ Evidence given by Eileen Fahey during the inquest.

⁴ Statement of Patrick Fahey, para 11.

⁵ Statement of Rebecca Mulvaney, para 16.

⁶ Statement of Robert Gavin, para 9.

19. Both Andrew and Mrs Fahey recall Anthony constantly saying that he hated living in Murrumbateman and that he wanted to leave.⁷ After Anthony lost his licence and his job he became reliant on Andrew for lifts to get around. Anthony's life became increasingly insular and the only things for Anthony to do in Murrumbateman were to drink at the local hotel, smoke cannabis, and play video games.
20. From all of the available evidence the picture that emerges is that in the period leading up to the 12 months before Anthony went missing he began to challenge and investigate many aspects about his life and about life in general. The inability to find answers to questions that these issues raised troubled Anthony and created a degree of inner turmoil. Following the loss of his licence and job, and therefore his physical and financial independence, it appears that this turmoil only intensified and became more pronounced.
21. During the same period, Anthony's use of both alcohol and cannabis (which he first began to use during high school) increased. Whilst Anthony's family describe his alcohol consumption as sporadic – Anthony would drink regularly during certain periods and then not drink at all during other periods – they did not believe that it was problematic. Anthony, however, had a different view and often described himself as an alcoholic to his family. He expressed a desire to address his perceived issues through a formal rehabilitation program and spoke about entering one.

What happened in the last month and days before Anthony went missing?

22. Sometime in June 2013, Ms Mulvaney and Anthony flew to Perth and upon their arrival they rented an apartment in the city. During their first week in Perth Ms Mulvaney was frequently away from their apartment because of her work commitments. As a result of this Anthony became unsettled. One night Ms Mulvaney woke up and found Anthony sitting on the floor crying to a religious song. As both Anthony and Ms Mulvaney became more distressed during Anthony's time in Perth, they discussed what he should do and eventually decided that it was best for Anthony to return to Murrumbateman for family support.
23. On 26 June 2013 Ms Mulvaney booked a return flight for Anthony to fly back to Canberra on Friday, 28 June 2013 via Adelaide. Prior to his departure Anthony remained unsure about whether he should leave but Ms Mulvaney reassured him that he could return to Perth at any time. When Anthony arrived in Canberra he called Ms Mulvaney and again expressed uncertainty about whether he should have left and said that he felt guilty for doing so. Ms Mulvaney reassured Anthony and when they spoke again and exchanged text messages over the weekend Ms Mulvaney said that Anthony seemed bright and alright. After returning from Perth, Anthony moved back into his parents' house
24. On Saturday, 29 June 2013 Anthony and his two brothers, Patrick and Andrew, were all at their parents' house. At about 6:00pm Anthony, Patrick and Andrew went to the Murrumbateman Hotel for some drinks, staying until about 10:00pm. After returning back to their parents' house they had some more drinks. During this time Patrick recalls that Anthony was quoting passages from the Bible and that "*it seemed almost like [Anthony] was trying to marry up Bible passages with conspiracy theories*".⁸ At one point Patrick recalls Anthony said something like, "*I'm going*

⁷ Statement of Andrew Fahey, para 15.

⁸ Statement of Patrick Fahey, para 14.

home”, which Patrick took to mean as a reference to Israel as Anthony had recently become interested in Judaism.⁹

25. By around 1:00am the conversation between the brothers had shifted to reminiscing about their childhood and a discussion about a boy who used to live near them. During the discussion Anthony told his brothers that when he was about 6 years old this boy, who was about 12 years old at the time, had allegedly indecently assaulted him. Concerned and distressed by his brother’s disclosure, Patrick woke up his mother to tell her what Anthony had said. Mrs Fahey spoke to Anthony and repeatedly reassured him that his family were there to support him. Mrs Fahey describes Anthony as feeling relieved that he made his disclosure, that it appeared that he had a weight lifted off his shoulders, and that he said that it felt good to tell people about this incident.¹⁰
26. On Monday, 1 July 2013 Anthony stayed at home in Murrumbateman. At some stage during this day Ms Mulvaney called Anthony and it seemed to her that Anthony was “*really distant*”. After saying that he would take his relationship with Ms Mulvaney one day at a time, Anthony later said, “*I don’t think I can do this right now, being in a relationship*”.¹¹ Shortly after the conversation ended Ms Mulvaney sent Anthony a text message indicating that she did not want to the relationship to end. Anthony never replied to this message.
27. On Tuesday, 2 July 2013 Anthony caught a lift with his mother into Canberra on her way to work. He told his mother that he was not going to drink alcohol anymore, and that it was his first day of not drinking. Mrs Fahey was aware that Anthony had previously expressed concern about his issues with alcohol and wanting to address them. After being dropped off, Anthony made his way to the home of his aunt, Margaret Harries, in Belconnen. Anthony would often visit Ms Harries and stay at her house, usually on a Friday and Saturday night so that he could visit his friends and go out in Canberra.
28. When Anthony arrived at Ms Harries’ house sometime between 11am and 1pm she asked him what he was doing there and expressed surprise that he had returned from Perth. Anthony replied, “*No, I didn’t like it, it was boring, it wasn’t my place*”.¹² To Ms Harries, Anthony seemed different, “*like he was preoccupied with something and not as relaxed or happy as before he went to Perth*”.¹³
29. Anthony stayed at Ms Harries’ house and spent the afternoon playing video games with his cousin, Christopher Page, in his room. Anthony and Christopher did not talk much, as they both usually remained silent whilst playing in order to concentrate, but Christopher recalls that Anthony made no mention of having any problems or plans to leave.¹⁴ When Anthony left the house later that afternoon Christopher realised that Anthony had left his mobile phone in his (Christopher’s) room. Christopher asked Anthony if he was going to take the phone but Anthony did not reply and left to catch a bus back to Murrumbateman. Christopher later found Anthony’s phone several days later.

⁹ Statement of Patrick Fahey, para 15.

¹⁰ Evidence given by Eileen Fahey during the inquest.

¹¹ Statement of Rebecca Mulvaney, para 41.

¹² Statement of Margaret Harries, para 8.

¹³ Statement of Margaret Harries, para 9.

¹⁴ Statement of Christopher Page, para 5.

30. At some stage on 2 July 2013, Anthony went to a Westfield shopping centre in Woden ACT and withdrew \$790 from his ANZ bank account. This amount was rental income from Anthony's unit that had been deposited into the account on 28 June 2013 and the withdrawal left the account with few remaining funds. Later at home that night Anthony's parents spoke to him about the disclosure that he had made during the weekend and told him that they would support him any way that they could. Anthony told his parents that he was alright and it seemed to them that Anthony was relieved that he had been able to tell someone about what had happened to him.
31. The following day, Wednesday 3 July 2013, Anthony returned to Ms Harries' house at about 1:00pm. Ms Harries describes Anthony as being troubled and that he "*seemed depressed, preoccupied, and wanted answers to things*", namely religion and politics.¹⁵ When Ms Harries suggested that Anthony should join a religious sect or go on a retreat Anthony replied, "*You might be on to something there*".¹⁶ After Ms Harries indicated that one of these places might have answers, Anthony replied, "*I'm going to go to the Jolimont Centre and catch a bus to either Sydney or Melbourne, whichever bus comes first*".¹⁷ Ms Harries told Anthony to stay safe and to call, and said goodbye.
32. Anthony left Ms Harries' house at about 4:30pm that day. Before leaving, Ms Harries gave him a cup of 2-minute noodles, a pair of socks, a pair of boxers, and a pair of long pants. Anthony did not have any luggage with him, and the bumbag around his waist was too small to hold these items, so Ms Harries gave him a plastic shopping bag to carry them.
33. After leaving Ms Harries' house, Anthony made his way by unknown means (but likely by bus) to the Jolimont Centre, the main bus terminal in Canberra. Once there, Anthony bought a ticket from the Murrays ticket office at 6:03pm for a bus departing Canberra at 7:00pm, bound for Sydney. The trip had one stop, at Sydney airport, with its final destination being 486 Pitt Street, Sydney, near Central train station. The passenger manifest records that Anthony was marked off for the journey. This is the last known piece of information regarding Anthony's whereabouts.

What investigation was conducted after Anthony was reported missing?

34. After Anthony had not been heard from for several days, Mrs Fahey began to have concerns and went to a police station in Woden, ACT to report Anthony as missing. However, because Anthony lived in NSW Mrs Fahey was told to make the report to a NSW police station. Mrs Fahey did so and went to Yass police station on 15 July 2013 to report Anthony as missing to Senior Constable Belinda Rudgley.
35. Senior Constable Rudgley became the officer-in-charge of the investigation and over the following months and years she, and other police officers, carried out a number of enquiries in an attempt to gather more information about Anthony's whereabouts and what happened to him after he purchased his bus ticket to Sydney.
36. Between July 2013 and January 2014 the police made the following enquiries:
 - (a) Anthony had 3 mobile phone accounts registered in his name. One of these accounts was associated with the phone that Anthony left behind at his Aunt Margaret's house and had

¹⁵ Statement of Margaret Harries, para 10.

¹⁶ Statement of Margaret Harries, para 11.

¹⁷ Ibid.

obviously not been used by Anthony since 3 July 2013. There were no call charge records associated with the other two phone accounts.

- (b) Given Anthony's indication to his mother that he wanted to address his perceived alcohol issues, enquiries were made with hospitals, rehabilitation centres, hostels and homeless shelters in Sydney. None of these enquiries revealed any further information about Anthony's whereabouts.
 - (c) A search of Anthony's name was conducted with records kept by the Department of Immigration revealing that Anthony had not left Australia.
 - (d) Enquiries with a number of financial institutions revealed that, apart from his ANZ bank account, Anthony had also previously held an account with the Commonwealth Bank. However, enquiries revealed that this account had been closed about 7 years prior to Anthony going missing and that there had been no transactions conducted since this time.
 - (e) Initial checks conducted with Medicare revealed that Anthony had not made any health care claims between 2 July 2013 and 5 September 2013.
 - (f) Forensic samples were obtained from Anthony's parents, as well as from some of Anthony's belongings, so that DNA profiles could be extracted for future comparison.
 - (g) Police enquiries revealed that Anthony had last seen his family GP, Dr Peter Main, on 14 September 2012 but had not made any further appointments since this time. Prior to this date, Anthony saw Dr Main on 24 June 2010 in relation to what is described as a "paranoid, delusional episode".¹⁸
 - (h) In January 2014, the police made enquiries with the State Rail Authority to determine if there were any CCTV cameras in the vicinity of the final stop of the bus route from Canberra to Sydney on 3 July 2013. The police discovered that whilst there were cameras in nearby Eddy Avenue and Quay Street, the CCTV footage was only retained for 28 days and that the footage was therefore no longer available.
 - (i) Due to Anthony's comments about searching for answers to spiritual questions and wanting to live off the grid, the police made a number of enquiries about possible locations where Anthony may have gone to obtain the answers that he was looking for. These enquiries led the police to one location named the Twelve Tribes, an alternative and self-sufficient religious-based community in Picton. After speaking to a representative of the community it was established that Anthony had not been seen in the community and was not associated with it.
37. Following the report of Anthony's suspected death to the Coroner's Court, and in preparation for the inquest, the police made a number of more recent further enquiries between February 2016 and November 2016:
- (a) Enquiries were made with a number of airlines to determine if Anthony had travelled domestically since he went missing. Records kept by various airlines indicated that Anthony has not travelled on any flights since 3 July 2013. However, it should be noted that

¹⁸ Statement of S/C Belinda Rudgley dated 19 April 2015, para 24.

comprehensive searches could not be conducted because whilst passengers can be searched for by name, they cannot be searched for by their date of birth, which is not recorded by the airlines.

- (b) A further check with the Department of Immigration established that Anthony had not travelled into or out of the country using his own name.
 - (c) Government organisations such as Medicare, the Health Insurance Commission, the NSW Registry of Births, Deaths, and Marriages, the NSW Electoral Commission, and various interstate and territory housing commissions held no records for Anthony.
 - (d) Databases and records kept by police missing person units from other states and territories contained no entries relating to Anthony or any indication that he had any interaction with law enforcement agencies.
 - (e) Checks conducted with various financial institutions and utility service providers revealed no accounts or records in Anthony's name.
 - (f) A number of unidentified deceased persons and their remains were examined, with none being identified as Anthony.
38. Apart from the formal investigation conducted by the police Anthony's family, and in particular his parents, have been extremely diligent, persistent and thorough with their own search for information. Shortly after Anthony was reported missing the entire Fahey family travelled to Sydney and conducted their own searches at homeless shelters, speaking to providers and residents in an attempt to locate Anthony. The Fahey family also contacted a number of hospitals and rehabilitation centres and established a social media presence in an attempt to elicit information about Anthony's whereabouts from the general community. The Fahey family has also worked closely with organisations such as the Australian Missing Persons Register, as well as the recently established National Missing Persons Coordination Centre to reach out to the media and to the general public for any information which might be helpful. As part of this process, Anthony was featured during National Missing Persons Week in August 2014

Has Anthony been sighted since he went missing?

39. As a result of the information that has been disseminated to the general public, the police and Anthony's family have received a number of reports from members of the community in relation to possible sightings of Anthony. These reports are summarised below:
- (a) It was reported that Anthony may have been seen at the Edward Eager hostel in Surry Hills on 1 August 2013. Police enquiries revealed that Anthony's name was not recorded on the hostel's register although hostel staff advised police that people frequently attend the hostel but do not stay overnight, meaning that their names are not registered. A photo of Anthony was sent to the hostel with a request for the hostel to contact police if anyone matching Anthony's appearance was seen at the hostel. To date, no further information has been received from the hostel.
 - (b) On 8 August 2013 there was another reported sighting of Anthony at a shopping centre food court in Bondi Junction. After making enquiries with the shopping centre and examining

CCTV footage the police were unable to establish any connection between Anthony and this reported sighting.

- (c) On 23 August 2013 Anthony was reportedly seen at the Australian Hotel in Yass. Senior Constable Rudgley later identified the person that was thought to be Anthony, spoke to him, and established that he was not Anthony.
- (d) In response to a notice that Patrick had put up on Facebook, the police received information that Anthony had reportedly been sighted on a bus in Canberra on 10 October 2013. After identifying the bus company and the bus that Anthony was reportedly on, the police viewed CCTV footage from the bus and could not find any person who matched Anthony's appearance.
- (e) On 13 April 2015 Anthony was reportedly seen at Central train station by a member of the public who told police that a person matching Anthony's description would often be at the station, usually on Friday afternoons, and was last there on 2 April 2015. Local police searched the station but could not find anyone matching Anthony's description. Mr and Mrs Fahey were told about this sighting and travelled to Sydney to search the station themselves on 17 April 2015. Although they saw someone whose appearance resembled Anthony, they did not find any information relating to Anthony. When CCTV footage from the station was later obtained and reviewed on 8 May 2015 by the police, no person matching Anthony's description was identified.
- (f) On 15 April 2017 Anthony was reportedly sighted in Martin Place amongst a group of homeless persons receiving blankets that were being handed out. The sighting was captured on video, which was later viewed by police although the video did not clearly depict the person thought to be Anthony. Local police later identified the person captured in the photo, spoke to him, obtained his identification details and determined that he was not Anthony.
- (g) There were other reported sightings of Anthony in the Sydney area and one reported sighting in Currimundi, Queensland. The police investigated each of these sightings but none were connected in any way to Anthony.

Is Anthony now deceased?

- 40. This is the ultimate question which a Coroner must answer and the question which is the most difficult to answer. A finding that a person is deceased is a finding of great significance and seriousness, not only for the family members of that person and the emotional impact that such a finding may have on them, 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.¹⁹
- 41. The inherent difficulty which Coroners face in missing person cases is that there is often very little evidence upon which to reach a conclusion and make such a finding. One simple example in Anthony's case is that there is no evidence to establish whether he even boarded the bus that departed Canberra at 7:00pm on 3 July 2013. This is because whilst Anthony's name was checked off the passenger manifest, indicating that he presented his ticket, Anthony may have

¹⁹ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

subsequently never boarded the bus. As there is no record kept of disembarking passengers there is therefore no actual evidence that Anthony arrived in Sydney on the night of 3 July 2013.

42. It is frequently the case that Coroners make findings that missing persons are deceased for two main reasons. Firstly, there is often a lengthy period of time, sometimes many years, during which the family and friends of a missing person have not heard from or had any contact with that person. In such circumstances the question which Coroners ask themselves is, if the person is indeed alive why have they not made any contact with their family and friends? Secondly, a number of “signs of life” checks, such as those described above, are always made by police in missing person cases. These checks routinely return negative results indicating that various government agencies, financial institutions and organisations which we interact with on a daily basis have no record of, or any contact with, the missing person. In such situations, Coroners again ask themselves whether it is possible for a person to be still alive and to not have had any such contact since the time when they were reported missing?
43. In considering these questions, Coroners often reach the conclusion that (a) because a missing person’s family have not heard from the person; and (b) because the missing person has not appeared on any form of record or database held by an agency or organisation that the person would in the ordinary course of daily life have been expected to come into contact with, this means that it is more probable than not that the missing person is deceased. Of course, Coroners take into account that the longer that a missing person has not been heard from and not come into contact with an agency or organisation, the more probable it is that the person is deceased.
44. However, these considerations are not approached, and these conclusions are not reached, in an imprecise or general manner. It is necessary for a Coroner to consider the above questions specifically in relation to the person who is the subject of the inquest. I propose to do that now in relation to Anthony.

(a) Why have Anthony’s family not heard from him?

45. From the evidence contained in the police brief of evidence and the evidence given by Anthony’s family members during the inquest, there appears to be four possible answers to this question which are set out below.
46. Firstly, Anthony may have left Murrumbateman to address his perceived issues with alcohol and/or to look for the answers to the questions he was contemplating and, in doing so, reached a “point of no return” along the way. Both Mrs Fahey and Patrick in their evidence described the possibility that after leaving home and having not contacted his family for so long, Anthony may now feel too embarrassed or too ashamed to return home or make contact with them.²⁰ It should be clearly pointed out that Anthony’s family in no way consider that Anthony *should* have these feelings, but some of his family do believe that Anthony may well have them. Mrs Fahey explained that these feelings may be brought on by how close the family is and Anthony’s perceived difficulty in explaining to them, if he were to now return home, why he left so suddenly and why he has not been in contact with them.
47. The evidence established that when Anthony previously travelled to Sydney before he went missing he would always get in contact with either or both his siblings who lived there, Clare

²⁰ Statement of Andrew Fahey, para 18.

and Patrick. The fact that Anthony did not do so at any time after his bus from Canberra arrived in Sydney on the night of 3 July 2013 raises immediate questions and concerns. However, it should be remembered that at this particular point in his life Anthony was obviously grappling with, and troubled by, a number of significant issues. Because of this, he may not have been in the correct frame of mind to contact his siblings without first undertaking some sort of enquiry to answer the questions that he was asking of himself. It should also be remembered that both Patrick and Andrew gave evidence that if Anthony had left on 3 July 2013 and returned a few months later without having contacted his family during this period, they would not have thought this was unusual. To explain why this was so, Patrick described Anthony as being somewhat aloof and that in 2006 he had impulsively moved to Adelaide at very short notice and that Anthony had not answered his phone for a matter of weeks, meaning that his family had not been able to contact him. Therefore there is evidence to suggest that if Anthony did in fact travel to Sydney to “clear his head”, as Andrew describes it, he may not have wanted to contact his family and thought nothing of it. If this did occur then there is also evidence to suggest that the longer Anthony remained out of contact with his family, the more difficult it became for Anthony to make contact with them.

48. Secondly, there is the possibility that Anthony has made a deliberate decision not to contact his family. It is clear that the Fahey family is a close knit one and if this is the case it may seem surprising why Anthony has not at least contacted his family in the time that he has been missing to let them know that he is well. However, it is also clear that in the year before he went missing and in the immediate months leading up to this point, Anthony had become increasingly disillusioned with modern life and sought some escape from it. The evidence from his family and Ms Mulvaney is that Anthony often spoke about living off the grid, going bush, and living off the land. Whilst there is no evidence that he took any concrete steps towards implementing these thoughts and desires, it is clear that he thought deeply and regularly about them. If Anthony did indeed implement these thoughts then it is possible that he may have either made the decision to live in isolation without contact with his family and the outside world, or that because of his isolation, such contact may not be possible.
49. Thirdly, it is possible that because of mental health issues Anthony may not be aware or conscious of the fact that his family are concerned for him and looking for him, and that he is regarded as a missing person. This is the view of Anthony’s sister, Clare. It arises because of the circumstances which led to Anthony seeing Dr Main in June 2010 and because his family noticed that Anthony appeared to be suffering from a decline in his mental well-being in the year before he went missing.
50. After seeing Anthony on 24 June 2010 Dr Main formed the view that Anthony may have been suffering from depression at the time and, consequently, may have been using cannabis as a form of self-medication. Accordingly, it was difficult for Dr Main to determine whether the episode which led to Anthony seeing Dr Main was the result of drug use or mental illness. However Dr Main’s assessment was that Anthony was, on balance, experiencing some sort of drug-induced psychosis. From the medical records it appears that consideration was given for a psychiatric review but this did not occur. Anthony was prescribed Epilum (a mood stabiliser used in persons with bipolar disorder) and a low dose of Seroquel (antipsychotic medication) but it is not known whether Anthony took this medication. According to medical records, Anthony returned to see Dr Main on 2 August 2010 where it was noted that Anthony had reported remaining abstinent from cannabis use, but that he was still having trouble managing

his alcohol use. According to Dr Main's records "*a significant improvement in mood and psychotic symptoms had occurred*".

51. In considering this issue it should be pointed out that there is no expert evidence, from a suitably qualified physician, that Anthony was at any stage suffering from a mental illness. The possibility that Anthony had been suffering from bipolar disorder had been raised in June 2010 but no diagnosis had ever been given. It would seem that the 2010 contact with Dr Main is too remote to have any bearing on the events of July 2013. However, given that Anthony's family describe him as having used cannabis since he was in high school and that his use increased in the period prior to him going missing, it is possible that Anthony's mental well-being may have been impaired particularly if Anthony was labouring under some drug-induced psychosis, as appears to have been the case in 2010. If this is so then it is possible that Anthony's mental faculties may be impaired to the extent that he may be incapacitated from contacting his family, or not even be aware that they are missing him.
52. The fourth and final possibility is, of course, that Anthony is deceased. However, there is no positive evidence to suggest that this is the case. This possibility only arises because of the reasons that I have referred to earlier.
53. If Anthony is now deceased then it is possible that his death was due to one of the following common causes of death: natural cause, self-harm, foul play, or misadventure. I will consider each of these possibilities in turn:
 - (a) There is no evidence that Anthony was in poor health or likely to succumb to a natural cause death due to a fatal disease or condition. The evidence to the contrary is that Anthony was physically fit and in good health at the time he went missing.
 - (b) The only evidence that Anthony had ever previously contemplated self-harm comes from Ms Mulvaney. She recalls that Anthony only talked about self-harm once, which was during his time in Perth. She recalls Anthony being particularly distressed at the time when he said, "*It would be easier if I was not here*".²¹ Anthony's brother, Richard, said in evidence that Anthony was troubled by a self-harm incident involving another person that he (Anthony) had witnessed at Belconnen mall when Anthony was younger and that Anthony had mentioned it several years later. My view is that both of these incidents are too vague to carry any weight. There is no evidence to establish that Anthony had ever attempted self-harm or that he intended to act upon any thoughts he may have had. Furthermore, both Andrew and Patrick gave evidence that they do not believe that Anthony was capable of considering, let alone committing an act of, self-harm.
 - (c) There is also no evidence that Anthony's death might have been due to foul play. There is no evidence that Anthony might have been the target of someone that sought to do him harm. The evidence establishes that Anthony was a social person and well-liked by all.
 - (d) Whilst the possibility of death due to misadventure cannot be excluded, it might be expected that if this had occurred, for example during a motor vehicle accident, then Anthony would have been identified and there would have been some evidence of this. It might be argued that in the same way that negative results from a signs of life check suggests that Anthony is

²¹ Statement of Rebecca Mulvaney, para 12-14.

deceased, negative results from a check of unidentified deceased persons suggests that Anthony is alive.

(b) Why are there no signs of life since 3 July 2013?

54. It may be difficult to imagine, in modern society, a person living without needing to access a bank account, without obtaining a driver's licence, without obtaining identification documents, and without registering to receive utilities such as water, electricity and a phone service. However, that does not mean that it is not possible for a person to live in this way.
55. Andrew recalls that Anthony "*wasn't really bothered when he was out of work at times*".²² The evidence establishes that Anthony was frugal with his money and that he was capable of surviving off little means. However, if Anthony was in need of money the evidence establishes that he was capable of obtaining it. Patrick and Richard both believe that because of Anthony's experience in the construction industry it would be possible for him to obtain cash-in-hand work and to live without any form of government assistance.
56. However, the evidence also establishes that by July 2013 Anthony had become disillusioned with trappings of modern society and, according to Richard, began to question the value of money. Apart from talking about a life of self-sufficiency away from encumbrances, Anthony also spoke about wanting to join the French Foreign Legion.²³ When Anthony's Aunt Margaret suggested that he should join a sect or go on a retreat Anthony seemed interested in the suggestion.
57. All of this evidence establishes that Anthony desired, and was motivated to, live in a way that did not require him to have any of the modern needs and conveniences that I have referred to above. If Anthony did indeed leave Murrumbateman to live in this manner then it is quite possible that he may not appear on any signs of life check results.

(c) What conclusions can be reached?

58. There is no positive evidence that Anthony is still alive. Equally so, there is no positive evidence that Anthony is now deceased. As I have already noted, the presumption that is often made in missing person cases is that the only plausible explanation for why a person has not contacted their loved ones, and why there are no signs of life, is because that person is now deceased.
59. However, in Anthony's case the validity of this presumption must be called into question. This is because the available evidence offers other plausible explanations which challenge this presumption. The evidence from the people who know Anthony best, his family, is that Anthony may not have regarded himself as missing, that he may be unwilling or unable to contact his family, and that he is capable of living a self-sufficient or isolated life. Objectivity can sometimes be clouded by hope, but I do not consider that to be the case here. The evidence given by each member of Anthony's family was rational, considered, well-reasoned and, ultimately, persuasive. My view is that there is more persuasive evidence to indicate that Anthony is still alive than to indicate that he is now deceased. This means that it is more probable than not that Anthony is still alive.

²² Statement of Andrew Fahey, para 7.

²³ Statement of Andrew Fahey, para 12.

60. On the available evidence I cannot identify clear, cogent and exact reasons to allow me to reach a conclusion that Anthony is now deceased.

Findings

61. Before turning to the findings that I am required to make, I would like to acknowledge and thank Ms Bronwyn Lorenc, Coronial Advocate, for her assistance both before, and during, the inquest. I would also like to thank, and express my appreciation for, the efforts of the police officer-in-charge of the investigation, Senior Constable Rudgley, as well as the other police officers who have been involved in the search for Anthony over the years.
62. On the evidence available to me I find, pursuant to section 81(1) of the *Coroners Act 2009*, that Anthony Fahey is not deceased. Accordingly, I have no further jurisdiction in this matter. I therefore refer Anthony's case to the NSW Police Missing Persons Unit for continued investigation in accordance with the protocols and procedures of that unit.

Epilogue

63. As I have already noted the question which Coroners must answer about whether a missing person is still alive or now deceased is a difficult one. But this difficulty pales in comparison to the difficulties, uncertainty and burden that families of long-term missing persons, like Anthony's, experience due to the many unanswered questions that they are confronted with.
64. The love that Anthony's family have for him and how greatly they miss him, demonstrated by their dedication and tirelessness in their search for any further information about his whereabouts, is inspiring and worthy of admiration.
65. Whilst the close of this inquest signifies the end of but one part of search by Anthony's family for more answers, their search will continue. On behalf of the coronial team I would like to wish Anthony's family well in their endeavours and hope that they soon find the answers that they are seeking.
66. I close this inquest.

Magistrate Derek Lee
Deputy State Coroner
27 April 2017
NSW State Coroner's Court, Glebe