



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

**COR 2024 005647**

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 63(2)*

*Section 67 of the Coroners Act 2008*

Findings of:	Coroner Simon McGregor
Deceased:	Damian Peter McKenzie
Date of birth:	28 April 1964
Date of death:	Sometime between 4-14 September 1974
Cause of death:	1(a) Unascertained
Place of death:	Steavenson Falls, Marysville Victoria 3779
Keywords:	Missing persons; Police search

## INTRODUCTION

1. On 4 September 1974, Damian Peter McKenzie was 10 years old when he went missing in bushland near Steavenson Falls in Marysville. At the time of his disappearance, Damian lived at 86 Amaroo Drive, Chelsea Heights, Victoria, 3196 with his parents, Marcia and Peter McKenzie, and his younger siblings, Anthony, Stephen and Sonya.
2. Damian was remembered for his love of the outdoors, participation in cub-scouts, athletics and football. Damian loved climbing trees, being active and riding his bicycle with his friends.

## THE CORONIAL INVESTIGATION

3. Damian's death was reported to the coroner as it fell within the definition of a reportable death in the *Coroners Act 2008 (the Act)*. Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
4. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
5. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
6. Victoria Police assigned Senior Constable Bridget Bohlmann to be the Coronal Investigator for the investigation of Damian's death. The Coronal Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as family, the forensic pathologist, treating clinicians and investigating officers – and submitted a coronial brief of evidence. A statement was also obtained from Senior Sergeant Gregory Paul, formerly of the Police Search and Rescue Squad (SAR).
7. This finding draws on the totality of the coronial investigation into the death of Damian Peter McKenzie including evidence contained in the coronial brief. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for

narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.<sup>1</sup>

8. The coronial investigation of a suspected death differs significantly from most other coronial investigations which commence with the discovery of a deceased person's body or remains. The focus in those cases is on identification of the body or remains, a forensic pathologist's examination and advice to the coroner about the medical cause of death and, where possible, the circumstances in which the death occurred.
9. Absent a body or remains, the coronial investigation focuses on the last sighting of the person suspected to be deceased; any subsequent contact with family, friends or authorities; and any evidence of proof of life since the last sighting. In such cases, the coronial investigation must first endeavour to establish, on the balance of probabilities, whether the person suspected to be deceased – is deceased. Such proof of death often relies on the absence of evidence that the person is alive, such as: physical searches for the person; a lack of contact with known friends, family or colleagues; a lack of banking or like activities. In the modern era, the lack of an “*electronic footprint*” is usually evident with innumerable contemporary activities. It also considers individual attributes of the person suspected to be deceased, including their state of health.
10. In considering the issues associated with this finding, I have been mindful of Damian's human rights to dignity and wellbeing, as espoused in the *Charter of Human Rights and Responsibilities Act 2006*, in particular sections 8, 9 and 10.

## **MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE**

### **Circumstances of disappearance**

11. In early August 1975, Damian returned home from school and asked his parents and expressed interest in participating in an upcoming Young Australia League (YAL) camp which was operating at the end of August/start of September that year.<sup>2</sup> YAL is a not-for-profit organisation which began in 1905. YAL supports young Australians from scholarships and financial support to mentorship and social connection.

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<sup>1</sup> Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

<sup>2</sup> *Coronial Brief*, Statements of Marcia and Anthony McKenzie.

12. Damian's mother, Marcia, had also attended a YAL camp as a child, going to Brisbane, so agreed to the camp as the family were not in a position to go on holidays. The camp was to run for five days and was split into two different camps, one camp running from Monday, 26 August to 30 August 1974, and the other running from Monday 2 September to Friday 6 September 1974, both running through the September school holidays.<sup>3</sup>
13. Damian went on the second camp with his two school friends, both also 10 years old, Chris Malden and Glen Murphitt. The base camp was located beside the Acheron River in Taggerty, the participants lived in dormitory style accommodation, being a large room filled with bunk beds.<sup>4</sup>
14. From the base camp Damian and other participants were transported to varying locations to participate in various activities. The group had a diverse itinerary which mainly comprised of an array of outdoor activities. One activity was a visit to Steavenson Falls in Marysville, where participants traversed a 700-metre-long winding track to the top of the falls to take in the surrounding vistas. Steavenson Falls is a 122-meter-high waterfall which encompasses five cascades with the final drop being 21 meters high. The falls serves as drinking water for Marysville therefore swimming is not permitted. In 1972 flood lights were added to the falls and paths which are powered by hydroelectric power supplied by a turbine at the base of the falls.<sup>5</sup>
15. On 4 September 1974, Damian visited Steavenson Falls with a large group of YAL participants. Chris states that he believed the group leader performed regular head counts when everyone was on the bus. Damian travelled up to the falls with the group on the night of the 2 September to see the falls as they were usually illuminated by flood lights at night. The lights were reportedly not working that night so the group reattended on the 4<sup>th</sup> of September. The terrain at the falls was reported to be rough bushland comprising thick shrubbery, large trees, rocky paths and cliff face drop-offs that were both precipitous and proximate.<sup>6</sup>
16. Chris reported that at around 11:30am whilst walking the track leading to the top of the falls, Damian was walking behind him and moved off to the side of the track, either onto another track or onto some side steps to go to the toilet. Chris couldn't recall if Damian had said he

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<sup>3</sup> Ibid

<sup>4</sup> *Coronial Brief*, Reports of (retired) Senior Sergeants John McCaskill and Valentine Smith.

<sup>5</sup> Ibid.

<sup>6</sup> *Coronial Brief*, Statement of Geoff Symons and Glen Murfitt.

was going to the toilet or not, but he remembers other YAL participants saying this. Chris remembered clearly that Damian was wearing a distinctive purple jumper.

17. The weather was dark, cold and sleety so Chris couldn't see exactly where Damian went. Chris waited for Damian but he was taking a while, so he moved to the bottom of the falls thinking Damian might have left without him. Chris met with a group of other children from the YAL camp before getting on the bus. There was mention that Damian may have ran up the track, Chris responded "*Yeah, hmm, well he didn't, I yelled out and I thought he's left me behind, so I just sort of then went out and did my own thing with my camera and stuff, taking photos and talking to some of the other kids*".<sup>7</sup>
18. As the group participants got on the bus to leave the falls, Chris noticed Damian wasn't next to him but thought he might've been in another seat on the bus. A head count was performed by the YAL supervisors where they identified one child was missing. Chris alerted the supervisors that Damian wasn't there. Chris and Charlie got off the bus and commenced a short search for Damian, calling out his name. When Damian didn't respond, Chris wasn't initially worried, stating that Damian was a bit of a clown and liked to play hide and seek and practical jokes, Chris thought he may have been hiding to hold the bus up as a joke.<sup>8</sup>
19. YAL adult chaperons present were notified of Damian's disappearance and undertook an initial search of the area before contacting police. Police were contacted at around 3:00 pm and arrived around 4:00 pm to coordinate search efforts for Damian.<sup>9</sup>
20. Senior Sergeant John McCaskill (retired) led a search undertaken for Damian and this involved up to 300 searchers drawn from and including Victoria Police personnel, including members' of the Search and Rescue Squad, Dog Squad, Airwing, Federation of Victorian Walking Clubs Search and Rescue Section, St Johns Ambulance, Civil Defence (now known as the SES), Forestry Commission of Victoria (**DEECA**), Red Cross, local volunteers and local Cobden residents who travelled to Marysville to assist the search efforts.

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<sup>7</sup> *Coronial Brief*, Reports of (retired) Senior Sergeants John McCaskill and Valentine Smith.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Coronial Brief*, Reports of (retired) Senior Sergeants John McCaskill.

## MISSING PERSONS INVESTIGATION

### *The initial search*

21. Senior Constable Raymond Mathieson from Alexandra Police was the first police member on scene at Steavenson Falls on 4 September 1974. Senior Constable Mathieson stated that his recollection was that the boys said that they were playing 'Hide and Seek' when Damian went missing. They were, "...playing games, running off to hide and seek" and that "the other kids were playing with him, hide and seek... There was no indication that someone had grabbed him, or anything."<sup>10</sup>
22. Damian's parents were notified of Damian's disappearance on 4 September 1974 at approximately 4:00 pm, they headed up to Marysville, stopping at Geelong Police Station and D24 (Melbourne CBD) along the way to get updates. Damian's parents stayed with local Marysville Sergeant Owen Egan for the night and reattended the search area at about 6:00 am the next morning (5 September).
23. Searchers reported that the established track at the falls petered out and then there were seemingly random small tracks beyond where the track up to the falls ended.
24. The search for Damian covered an area of approximately 31 square kilometres with searchers faced with difficult terrain, almost impenetrable scrub and difficult weather conditions, including snow at times. The official search for Damian concluded on the 8 September 1974, with those in charge of the search holding out little hope for Damian's survival.
25. In March 1975, the falls were stopped by damming the river upstream and Police Search and Rescue were able to dive in the bottom of the falls, but did not locate anything.
26. The area of Damian's disappearance was also heavily impacted by the Black Saturday Bush fires in 2009, although no unidentified bodies were reported in the search area after the fires. After the fires, the owner of a local sawmill sent out a number of employees who thoroughly searched mine shafts in the area but did not locate anything of value.
27. Senior Sergeant McCaskill confirmed the following details when interviewed by Senior Sergeant Smith:

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<sup>10</sup> *Coronial Brief*, Reports of (retired) Senior Sergeants John McCaskill and Valentine Smith.

- a) He said that the line search was not done as best as it could have been, “It wasn’t always done correctly but then what can be expected from [volunteer] people who don’t have to be there”;
- b) He said that some searchers didn’t do what a more experienced professionals could do, but it was understandable as they were volunteers;
- c) He also said that there were no skin-divers used, but there was some search of the rock face and the pools. He said much of this was done later in his own time;
- d) He said that dogs were not used as it was too wet and the whole search area had been contaminated by lots of people. The weather was too inclement for helicopters to be used;
- e) In relation to the extent of the search conducted he said, “Modern technology may have made a difference, with thermal imaging, but even so the conditions were no good, the weather was so bad”; and
- f) In relation to the terrain, he said that you could not see what was under the canopy and scrub, you could not appreciate how rocky it actually was;
- g) Senior Sergeant McCaskill finally remarked that: <sup>11</sup>

The area covered intensely was a large area owing to the nature of the terrain, this area was covered with the intention of perhaps being able to find the boy if he was injured or perhaps able to call back in some way, most probable areas were selected for this saturation. Although some areas were crossed several times, it would not be unreasonable for the boy if he was deceased at the time, to be laying within inches of searchers and go undetected.

### ***Proof of life checks***

- 28. Police investigators conducted enquiries with the Australian Births Deaths and Marriages and the Department of Home Affairs which yielded no results.

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<sup>11</sup> *Coronial Brief*, Appendices D, F, G and I.

29. On 19 November 2024, a familial DNA sample was taken from Damian's full sibling, Stephen. Thus far, no match has been made with this sample across any of the available DNA databases.
30. The Department of Home Affairs provided further information to the Court confirming that there were no records of Damian leaving the country or applying for a passport.

### ***Search challenges***

31. Senior Sergeant Gregory Paul formerly of the SAR provided me with further information about the nature of the terrain and vegetation of the area in which Damian disappeared.<sup>12</sup> The Marysville area and surrounding bushland features subsoil that is composed of red clay and becomes very slippery when it is wet, often bogging vehicles or contributing to collisions. The red slippery clay is often at the surface along established walking or vehicle tracks in the area, causing hazard on steeper sections.
32. The relevant terrain is also generally steep and thickly vegetated in or near the many gullies and spurs within the Steavenson River valley, upstream from Marysville. Within the valley and gullies, there is very little direct sunlight (early September) especially on southern aspects of the terrain. There are near vertical rockfaces, and small cliffs scattered across the area, including very close to the Steavenson falls.
33. Senior Sergeant Paul also noted that Steavenson falls creates mist in its vicinity, which amplifies when there is a large volume of water flowing. The climate in Marysville is often cold with regular precipitation, especially from late autumn to early spring. For these reasons, the gullies and south facing aspects in the area remain wet and damp both during the day and night throughout the colder months, especially near the Steavenson falls.
34. The terrain also contains tall dense eucalyptus tree canopies that filter light with an understory of vegetation that is particularly thick, dominated by tree-ferns of various sizes, combined with many other species of plants that restrict movement and significantly obscures visibility for any person standing.
35. The reported conditions during the search for Damian also confirm that snow was present and after the time snow melts, layers of scrub can add additional layers making difficult passage through. There was also historically a lot of log harvesting activity in the relevant area, and in

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<sup>12</sup> *Coronial Brief*, Statement of Senior Sergeant Gregory Paul.

some places there were large piles of residual debris which made it difficult to get through or over in 1974.

36. Senior Sergeant Paul reported observations of fallen trees and vegetation layers above actual ground level which tended to be deeper near the base of gullies and thinner near the top of the spurs.<sup>13</sup> In some areas, the vegetation layer can be several metres above the actual ground level. The observed exception to the thick covering of vegetation is exposed rocks and cliffs near the falls. It is possible that a person slipping or falling through decomposing vegetation could land on a lower layer or the ground and easily be obscured from view.
37. For a person either injured or lost in a cold climate (prevailing conditions reported by SAR during the search for Damian), trying to keep warm would typically involve sheltering underneath layers of vegetation to get insulation from the cold. Sheltering in such a manner may provide some relief but it would still be cold, wet and uncomfortable. Sheltering in this manner would also hide the person from view, and may also filter sounds of searchers calling or whistles. Senior Sergeant Paul was of the opinion that an unresponsive person obscured by layers of organic material and dense understory of vegetation would have a very low probability of detection even with good search coverage.<sup>14</sup>
38. Senior Sergeant Paul noted that the possibility of a body being swept downstream was also considered by searchers and despite descriptions of the water flow being very strong during the time of the 1974 search, he believed that it would be unlikely for a body to be swept very far downstream due to the many fallen logs and snags across the narrow Steavenson river. The logs and snags would effectively become strainers for items being swept downstream and whilst it is possible a body could remain unseen if stuck in a deeper pool, a body snagged in such a strainer would likely become visible as water levels receded.<sup>15</sup>
39. Whilst with the benefit of hindsight, I can now see that there were limitations on these searchers and coordinators in 1974 as they did not have the same resourcing and capabilities that are now routinely used in modern missing person searches in bushland including, real time information of location search teams, GPS navigation systems, accurate track-log recording, superior imaging options such as thermal cameras, wild life cameras, helicopters, drones and fixed wing aircraft specifically equipped to conduct specialised search and rescue,

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

these limitations were explicable in these circumstances, and I find that the search was conducted earnestly and conscientiously.

## **FINDINGS AND CONCLUSION**

1. I am satisfied that Damian is deceased. Further, I am satisfied that there are no further avenues of investigation reasonably open at this stage to elicit further evidence about the cause and circumstances of his death.
2. The evidence does not enable me to be satisfied as to the exact circumstances or cause of Damian's death. I am satisfied that at some stage during his hike long the track leading to the top of the Steavenson Falls, he has left the track upon which he was walking, whereupon he has become lost or injured and passed away from exposure to the elements. There is no evidence to support a finding that any third party was involved in Damian's death. Given the weather conditions, it is likely that Damian would have been deceased by 14 September 1974.
3. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:
  - a) the identity of the deceased was Damian Peter McKenzie, born 28 April 1964;
  - b) the death occurred sometime between 4 September 1974 and 14 September 1974 at the Steavenson Falls, Marysville, Victoria, 3779, from unascertained causes; and
  - c) the death occurred in the circumstances described above.
4. I commend the efforts of Victoria Police, each of the other agencies and the hundreds of volunteers involved in the search for Damian in 1974 and in the following years. It is acknowledged that the fact that Damian has not been found is very distressing for his family and they have not had an opportunity to have greater clarity in relation to the exact circumstances of his passing.

I convey my sincere condolences to Damian's family for their loss.

Pursuant to section 73(1B) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

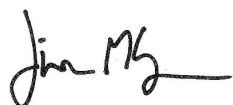
Pursuant to section 49(2) of the Act, I direct the Registrar of Births, Deaths and Marriages to record Damian's death, and note his cause of death as "*1(a) Unascertained*".

I direct that a copy of this finding be provided to the following:

Stephen McKenzie, Senior Next of Kin

Senior Constable Bridget Bohlmann, Coronial Investigator

Signature:



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Coroner Simon McGregor

Date: 22 May 2026

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NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.

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