



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

**Inquest:** Inquest into the suspected death of missing person Ning Dong

**Hearing dates:** 20 January 2017, 25 January 2018

**Date of findings:** 25 January 2018

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

**Findings of:** Magistrate Derek Lee, Deputy State Coroner

**Catchwords:** CORONIAL LAW – missing person, whether now deceased, cause and manner of death, place of death

**File number:** 2015/41180

**Representation:** Ms S Ferguson, Coronial Advocate Assisting the Coroner

**Findings:** I find, on the balance of probabilities, that Ning Dong is now deceased. Mr Dong died sometime after 10 December 2000. However, the available evidence does not allow for any finding to be made as to where Mr Dong died, or the cause and manner of his death.

## Table of Contents

Introduction.....	1
Why was an inquest held? .....	1
Mr Dong's life .....	1
What happened on 10 December 2000? .....	2
When was Mr Dong reported as missing?.....	2
What did the police initially do?.....	3
What happened at the inquest?.....	4
What did the police investigation reveal? .....	4
(a) Financial evidence .....	4
(b) Tax records.....	5
(c) Mobile phone records.....	5
(d) Family.....	5
(e) English language lessons .....	7
(f) Signs of life checks.....	7
(g) Immigration records.....	7
(h) Rumours.....	7
(i) Media releases.....	8
Is Mr Dong still alive? If not, what was the cause and manner of his death?.....	8
Findings.....	10
Identity .....	10
Date of death.....	10
Place of death.....	10
Cause of death .....	10
Manner of death.....	11
Epilogue.....	11

## **Introduction**

1. Mr Ning Dong arrived in Australia in 1996. Four years later, following a typical evening at work, Mr Dong went missing and has not been seen or heard from since. In the 17 years that have passed since Mr Dong's went missing a police investigation has, unfortunately, been able to gather only very little information about what might have happened to Mr Dong.

## **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.
3. On 30 December 2010, one of Mr Dong's friends and one of his employers reported him as missing to Burwood police station. 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 missing 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. Mr Dong's suspected death was later reported to the Coroner's Court. Since that report, further investigation was conducted by both the police and the Court in an attempt to answer the above questions. Sections 27(1)(c) and 27(1)(d) of the *Coroners Act 2009* provide that where these questions cannot be answered, an inquest must be held.
5. In Mr Dong's case, the information gathered by the police has been unable to shed much light on exactly what happened to him. For this reason, an inquest was required to be held.

## **Mr Dong's life**

6. Before going on to set out the findings from the inquest, and the reasons for them, it is important at this point to say something briefly about Mr Dong. In inquests involving non-missing person cases where it is known that a person has in fact died, it is often the case that a great deal of evidence is gathered about the last moments of that person's life. However, that evidence rarely tells us much about the person who died, their life, and the way in which their death has impacted their family and friends.
7. In missing person cases this becomes even more important because, unlike cases where the evidence clearly establishes 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. It is

therefore important to recognise the life of that person in some small, but hopefully meaningful, way.

8. Mr Dong arrived in Australia from China on 20 November 1996. On 20 December 1996 Mr Dong lodged an application for a protection visa. This application was refused on 11 June 1997 and Mr Dong lodged an appeal on 10 July 1997 for the refusal to be reviewed. On 25 September 1998 the Refugee Review Tribunal affirmed the decision not to grant a protection visa. However on 25 May 2000 Mr Dong was subsequently granted a bridging visa which was due to expire on 17 April 2001. The circumstances which gave rise to the grant of the bridging visa are unclear on the available evidence.
9. Unfortunately, very little is known about Mr Dong's life in Australia. Much of this is because for the four years that Mr Dong lived in Australia he kept largely to himself. Those that knew him, such as his employers and persons who shared a house with him, describe him as a hard-working person, who spent much of his time working at his two jobs.
10. Even less is known about Mr Dong's life in China before he came to Australia. Language, cultural and geographic barriers have all frustrated attempts to gather more information about Mr Dong's personal history. However, the limited information that has been gathered has revealed that Mr Dong was the son of Dong Shiyan and Li Ruxue. Mr Dong had an older sister, Dong Jie, and also a son from a former relationship. Following the end of the relationship Mr Dong's son went to live with Mr Dong's sister. Despite the distance between them Mr Dong kept in regular contact with his son, and also his mother, and would often call them.
11. At the time that Mr Dong went missing he was working two jobs as a cook, 7 days a week. His first job was at a Donut King store in Burwood, where he worked from 5:00am to 8:30am each day. Mr Dong's other job was at the Good Luck Chinese Restaurant (**the restaurant**) at 182 Liverpool Road, Enfield where he worked from 4:30pm to 10:30pm.

#### **What happened on 10 December 2000?**

12. Sunday 10 December 2000 was a typical day at work for Mr Dong. His employer at the restaurant, Mr Ke Zheng (David) Zhao, did not notice anything unusual about Mr Dong. After finishing work Mr Zhao gave Mr Dong a lift to Burwood station, dropping him off at about 10:45pm. This was a regular practice as Mr Dong would then walk the short distance from the station to his home in Deane Street, Burwood. After dropping Mr Dong off, Mr Zhao saw him walk in the direction of Deane Street. This was the last time that anybody saw Mr Dong alive.

#### **When was Mr Dong reported as missing?**

13. Mr Dong did not show up for work at either Donut King or the restaurant the following day, 11 December 2000. Mr Dong's employer at Donut King, Michael Li, tried to call Mr Dong's mobile phone but it was switched off. When Mr Li tried to call Mr Dong at home there was no answer. Mr Li called Mr Zhao to see if he knew where Mr Dong was but Mr Zhao had not heard from him. Mr Dong also did not turn up for his shift at the restaurant in the afternoon.
14. It was very unusual for Mr Dong to not show up at for work without notice. Both Mr Li and Mr Zhao later told police that this was out of character for Mr Dong. In 13 months of employment at

Donut King Mr Dong had only missed one day of work and on that occasion he had called Mr Li to tell him that he was sick.<sup>1</sup>

15. Despite this unusual occurrence, it appears that neither Mr Li nor Mr Zhao suspected anything was amiss at the time. This is largely due to the fact that, in Mr Zhao's case, many of the restaurant employees were casually employed and there was a high turnover of staff.
16. At the time that Mr Dong went missing he was living in a shared 2-bedroom unit at 15 Deane Street, Burwood. Mr Dong was sharing the unit with Hong Xu and her 4 year old daughter, and a friend, Meng Liang Shen. Ms Xu and her daughter shared one bedroom whilst Mr Dong and Mr Shen shared the other bedroom.
17. On 12 December 2000 Mr Shen called Ms Xu and told her that he had not seen Mr Dong for two days. At the time Ms Xu was in China, having earlier left Australia on 6 November 2000. Mr Shen also told Ms Xu that he planned to move out of the unit. Despite the timing of this, there is no evidence to suggest that Mr Shen's decision to move out and Mr Dong going missing are in any way connected.
18. As a result of what she had been told, Ms Xu returned to Australia, arriving back on 14 December 2000. By this time it appears that Mr Shen had moved out of the unit. Upon her return, Ms Xu discovered that Mr Dong's personal belongings, such as his clothing and shoes, were still in his room. Ms Xu later told the police that Mr Dong did not own any furniture and described him as someone who was "*very economical with his money*" and who did not own many things.<sup>2</sup>
19. Ms Xu took Mr Dong's belongings and placed them in storage in her garage. At the time she also did not think anything was amiss, probably due to the fact that Mr Dong rarely spent any time at home other than to sleep.
20. On 30 December 2000, one of Mr Dong's friends, Jenny Liu, called Mr Zhao out of concern that she had not seen or heard from Mr Dong. Mr Zhao shared her concerns and made arrangements with Ms Liu to notify the police. Later that day Ms Liu and Mr Zhao went to Burwood police station and reported Mr Dong as missing.

### **What did the police initially do?**

21. After receiving the missing person report, the police made a number of immediate enquiries to see if any information could be gathered as to Mr Dong's whereabouts.<sup>3</sup> Checks with the Department of Immigration and Multicultural Affairs (as it was then known) revealed that Mr Dong had not left the country. Enquiries with booking records kept by CountryLink confirmed that Mr Dong had not travelled interstate by train. Mr Dong had also not been seen in an emergency department of local hospitals and no person matching his name or description had been reported to the morgues at Glebe or Westmead.
22. After locating some information which indicated that Mr Dong had previously visited a number of casinos prior to going missing, the police contacted these venues to find out whether they had any record of Mr Dong's attendance after he went missing. Enquiries with Star City in Sydney,

---

<sup>1</sup> Exhibit 1, tab 16.

<sup>2</sup> Exhibit 1, tab 7.

<sup>3</sup> Exhibit 1, tab 8.

Crown Casino in Melbourne, and Jupiter's Casino in the Gold Coast did not produce any information as to Mr Dong's whereabouts.

### **What happened at the inquest?**

23. An inquest into Mr Dong's suspected death began on 20 January 2017. During the inquest the brief of evidence, representing the material gathered by police in the course of their investigation, was tendered. The officer-in-charge of the investigation was called to give evidence.
24. During questions posed to the officer-in-charge it became apparent, in my view, that an incomplete and unsatisfactory investigation had been conducted into certain aspects of the circumstances in which Mr Dong went missing. It appeared to me that specific lines of enquiry, primarily relating to financial records, immigration records, and Mr Dong's known friends and associates, had not been fully investigated. On this basis the inquest was adjourned so that these lines of enquiry could be followed. The inquest later resumed on 25 January 2018.

### **What did the police investigation reveal?**

25. Over the subsequent months and years the police investigated several aspects of Mr Dong's life in an attempt to uncover some clue as to what may have happened to him. The investigation is summarised below:

#### ***(a) Financial evidence***

26. Mr Dong was paid his wages of \$500 in cash from the restaurant on the day he went missing. Mr Dong was also due to collect his wages of \$240 from Donut King on 13 December but, as is apparent, he never collected this money.
27. Mr Dong had an account with the Commonwealth Bank. At the time Mr Dong went missing there was a balance of \$719.19 in the account. On 29 January 2001 amounts of \$500 and \$200 were withdrawn from the account in two separate transactions at a Westpac ATM in Cabramatta. The transactions were conducted using Mr Dong's bank card and personal identification number (PIN) although the identity of the person, or persons, who made the withdrawal has not been able to be established.
28. Information provided by Mr Zhao suggested that Mr Dong also had a safety deposit box kept with the Bank of China branch in Haymarket. Mr Zhao believed that Mr Dong kept a key to this box with him. However, enquiries revealed that Mr Dong did not have any such safety deposit box.<sup>4</sup>
29. A record made in November 2001 by one of the original police officers involved in the investigation revealed that on 19 November 2001 the Consulate-General of China in Sydney had received certain information from Mr Dong's mother. The information related to Mr Dong's mother forming the suspicion that a person named Lang Shuo Zhang, using a false name, had opened a Bank of China account in the name of Mr Dong.

---

<sup>4</sup> Exhibit 1, tab 22.

***(b) Tax records***

30. According to records held by the Australian Taxation Office (ATO), Mr Dong had completed an income tax return for the 2000 financial year with a claim for a tax refund of \$3,434. The return recorded Mr Dong's postal address to be c/- Chris Koulinas & Associates, PO Box 854 Campsie 2194. In the return Mr Dong's occupation was listed as being a cleaner for two businesses: Berkley Challenge Commercial in Melbourne and Lao Zhao Products Pty Ltd at 182 Liverpool Road, Enfield.
31. Subsequent investigation revealed that Mr Koulinos had never met Mr Dong and that his taxation business held no records for Mr Dong. Mr Koulinos indicated that it was possible that his business may have at some stage applied for a tax file number on Mr Dong's behalf although no tax return was ever lodged by the business on Mr Dong's behalf.<sup>5</sup> Enquiries also revealed that Berkley Challenge Commercial had no record of Mr Dong ever being employed by that business and the address provided on the return for Lao Zhao Products was the same address as for the Good Luck Chinese Restaurant. Although the processing of the tax return resulted in a credit of \$3,434 in favour of Mr Dong which had been issued by way of a cheque, the police investigation was unable to uncover any evidence that this cheque was ever presented by Mr Dong or any person on his behalf.

***(c) Mobile phone records***

32. Call charge records for Mr Dong's mobile phone revealed that on 10 December 2000 he received a series of calls in the morning and night. Between 6:44am and 10:18am Mr Dong's mobile received 6 calls from the same number, with 4 of the calls answered. All of the calls came from the same number registered to a person named Teng Song who was known to be one of Mr Dong's close friends as the two came from the same town in China and had worked together.<sup>6</sup>
33. Two further calls (which were answered) were made to Mr Dong's mobile phone at 10:12pm on 10 December 2000 from a number registered to a person named Sheung Lee.<sup>7</sup> The second of these calls is the last record of Mr Dong answering a call on his mobile phone. Multiple calls were made to Mr Dong's mobile number on 11 December 2000 and in the days subsequent. However, none of these calls were ever answered.
34. It appears that shortly after being dropped off Mr Dong called another restaurant employee named "David" who was a friend of his and who he often travelled to work with. When the call was unanswered Mr Dong left a message. David attempted to call Mr Dong back a short time later but that call was also not answered.

***(d) Family***

35. As noted above Mr Dong had a son in China. After Mr Dong was reported missing, information obtained from Mr Dong's family in China revealed that Mr Dong had not contacted his son for several weeks, which was very unusual.

---

<sup>5</sup> Exhibit 1, tab 30.

<sup>6</sup> Exhibit 1, tab 7.

<sup>7</sup> Exhibit 1, tab 16.

36. In Mr Dong's 1999 financial year tax return a person by the name of Meng Ying (date of birth: 23 December 1991) was listed as a dependent. Police investigators believe that Meng Ying is Mr Dong's son. Police enquiries revealed that the Department of Immigration and Border Protection (as it was then known) held no records of any persons named Meng Ying and Jie Dong (Mr Dong's sister) ever lawfully entering Australia.
37. Sometime in 2002 Mr Tie Shen, the president of the Tianjin Chinese Association in Australia, travelled to China to attend a conference. Whilst there he met Mr Dong's parents who asked told him that Mr Dong had been reported missing. Mr Dong's parents reportedly told Mr Shen that they were aware that Mr Dong had received a call at about 11:00pm on 10 December 2000 from an unidentified person who asked Mr Dong to go to Ashfield. The police investigation was unable to determine the circumstances in which this information was provided to Mr Dong's parents or ascertain its reliability.
38. Mr Dong's parents also asked Mr Shen to hold power of attorney for Mr Dong in Australia. Mr Shen agreed and, upon his return to Australia, he received an envelope from Mr Dong's mother containing some documents relating to Mr Dong. Mr Shen later provided the envelope and its contents to the police but they did not assist in determining Mr Dong's whereabouts. The police also gave consideration to analysing the envelope in an attempt to obtain a familial DNA profile for possible future comparison purposes to assist with the investigation. However, it was determined that it was unlikely that any analysis would prove to be successful in obtaining a suitable DNA profile. After initially maintaining contact with Mr Dong's family, Mr Shen had no further contact with them after 2003.
39. Mr Dong's family in China were kept updated regarding the progress of the investigation. In 2004 Mr Dong's family advised that they had still not heard from Mr Dong since he went missing.<sup>8</sup> In around 2015, when the investigation was reviewed, an attempt was made, through local authorities in China, to contact Mr Dong's mother to determine whether any new information had come to light. Unfortunately, local authorities were unable to provide any details to locate and contact Mr Dong's mother.
40. In August 2017 police sent a number of enquiries via Interpol to law enforcement authorities in China regarding Mr Dong's family. The responses to these enquiries revealed that there was no record of Mr Dong's lawful re-entry to China and no evidence of any contact between Mr Dong and any member of his family after 12 December 2000.
41. However information provided by authorities in China revealed that on 29 December 2000 Ms Xiaoran Zhang (who was identified as one of Mr Dong's friends in Australia) contacted Mr Dong's sister to advise her that Mr Dong was missing and unable to be contacted. Investigating police regarded this information as unusual and made further enquiries regarding Ms Zhang. These enquiries revealed that Ms Zhang arrived in Australia on 10 December 2000, the day that Mr Dong went missing. It was subsequently discovered that Ms Zhang left Australia for Hong Kong sometime in 2004. Investigating police made contact with Ms Zhang in March 2017 in an attempt to speak with her. These attempts have, to date, been unsuccessful.

---

<sup>8</sup> Exhibit 1, tab 22.

### ***(e) English language lessons***

42. About two months before Mr Dong went missing he told Ms Xu that he was receiving free English lessons from an unidentified person.<sup>9</sup> Ms Xu did not know any other details about the lessons other than that Mr Dong would usually appear tidier and “*dressed up*” prior to the lessons. After finishing work at Donut King, Mr Dong would return home to drop off his things and then leave again, not returning until about 4:00pm in order to get ready for his night shift at the restaurant. Ms Xu said that Mr Dong told her that he was attending English lessons during the day and she also recalls seeing Mr Dong reading English study books at home.
43. Information gathered during the course of the investigation revealed that Mr Dong had expressed a desire to be able to open his own restaurant one day.

### ***(f) Signs of life checks***

44. Apart from the physical searches detailed above, other enquiries were made by police. These enquiries were directed, as part of standard police procedure in missing person cases, to government organisations (such as Centrelink, Medicare and the Registry of Births, Deaths, and Marriages) and non-government organisations (such as private financial institutions). Enquiries were also made with interstate and territorial law enforcement agencies. These enquiries are commonly referred to as signs of life checks. These enquiries are made because it is presumed that in modern society, it would be rare for a member of the community to not have some degree of interaction with such organisations as a matter of daily life by, for example, opening or accessing a bank account, or making a claim to Medicare. If such an interaction occurs then there is usually a record kept by the organisation about it.
45. Signs of life checks conducted by the police in 2001 and again in 2017 did not reveal any records for Mr Dong after 12 December 2000.

### ***(g) Immigration records***

46. In his application for a protection visa Mr Dong submitted a supporting letter in which he asserted, amongst other things, that he was previously a member of an underground Christian church in China and that he feared religious persecution upon his return to China because of these past associations. As noted above, Mr Dong’s application was initially refused and then, on Mr Dong’s further application, subject to review by the Refugee Review Tribunal.
47. In affirming the decision to not grant Mr Dong a protection visa the Tribunal noted that Mr Dong had declined an invitation to provide further evidence, and give oral evidence before the Tribunal, in support of his review application. The Tribunal ultimately concluded that it “*would be entitled to draw adverse inferences about the genuineness of [Mr Dong’s] fear and stated claims*”.<sup>10</sup>

### ***(h) Rumours***

48. In the initial period after Mr Dong was reported missing, Ms Zhang and Mr Chiu Fan Cheung, a couple who knew Mr Dong when they all lived in China, approached Burwood police and notified

---

<sup>9</sup> Exhibit 1, tab 7.

<sup>10</sup> Exhibit 2, tab 42.

them of an article which had appeared in a Chinese language newspaper article. The article concerned a person who had been imprisoned in China for kidnapping. Mr Cheung told the police that he had heard from employees of the restaurant that the person referred to in the newspaper article was involved in kidnapping Mr Dong.

49. The police investigation determined that what Mr Cheung had been told amounted to no more than rumours and no connection between Mr Dong and the person mentioned in the article could be identified.
50. In February 2017 investigating police made contact with Mr Cheung through one of his relatives who still resided in Australia. Mr Cheung indicated that in the intervening years he had no further information regarding Mr Dong. Mr Cheung also expressed the view that he did not believe that Mr Dong was associated with any unlawful activity; to Mr Cheung's knowledge, Mr Dong spent most of his time working and sent the money that he earned to his family in China.
51. The police investigation revealed that Mr Herman Chang, an accountant, prepared and lodged a tax return for Mr Dong for the 1999 financial year. Mr Chang recalls that he also provided assistance to another man who was connected to Mr Dong and described as Mr Dong's godfather. Mr Chang told police that sometime in 1999 Mr Dong attended his office. Mr Chang said that Mr Dong appeared agitated, accused him of overcharging Mr Dong's godfather for accounting services, demanded repayment of \$500, and smashed his hand on Mr Chang's table. Several weeks later Mr Chang received a call from Mr Dong's godfather who reportedly told him not to deal with Mr Dong any further as Mr Dong had lost \$900,000 by gambling at a Casino. Mr Dong's godfather also said that Mr Dong was living in Australia as he could not be in China anymore, but provided no further details about this. After this phone call Mr Chang had no further dealings with Mr Dong. Mr Chang also told police that at some stage he was told that Mr Dong had incurred a debt of \$100,000 to a business associate.
52. The police investigation has been unable to locate any evidence to corroborate the account provided by Mr Chang.

***(i) Media releases***

53. A police media release containing information about what was known about Mr Dong and the circumstances of him going missing was issued on 16 October 2006. At about the same time a photo of Mr Dong, together with information similar to the media release, was also published in Chinese language newspapers. The media release and newspaper articles invited persons who had information that might assist the investigation to come forward. Unfortunately, despite the public calls for assistance, the investigation was not advanced.

**Is Mr Dong still alive? If not, what was the cause and manner of his death?**

54. Just over 17 years have now passed since Mr Dong went missing on the night of 10 December 2000. The mere passage of time, without there being evidence of signs of life, suggests on its own that Mr Dong is now deceased. The suddenness of Mr Dong's going missing, and the fact that his family (especially his son, mother, and sister) in China have not heard from him since that night also support a finding that Mr Dong is deceased.

55. I have considered the possibility that Mr Dong is not deceased and that he may have orchestrated the circumstances surrounding when he went missing. This possibility is one investigative theory which arises due to three factors: Mr Dong taking English language lessons in the two months prior to when he went missing; the pending expiry of his bridging visa; and Mr Dong's expressed desire to open his own restaurant. It is thought that Mr Dong may have been motivated to go missing in order to avoid potential immigration detention and removal from Australia at the expiry of his visa.

56. However, I am of the view that the available evidence does not support a conclusion, on the balance of probabilities, that this occurred for the following reasons:

- (a) It has been established that Mr Dong had few material possessions. If he was in fact planning to "go underground" and assume a new identity then one would expect he would gather what few possessions he did have before he did so.
- (b) Embarking upon such a path would be a costly endeavour, especially as Mr Dong had left his only known sources of income. Three days after Mr Dong went missing he was due to collect his wages of \$240 from Donut King. Given that Mr Dong had a modest amount of just over \$700 in his bank account at the time he went missing his Donut King wages represented more than a third of his known savings. Again, if Mr Dong had planned to go missing, one would expect him to be financially prepared.

I have taken into account that almost the entirety of Mr Dong's bank account was withdrawn approximately 6 weeks after he went missing. However, because the identity of the person, or persons, who withdrew this money is not known, the withdrawal is equally consistent with it having been made by Mr Dong (as part of his plan to go missing) as it is with an unknown third party somehow connected with an illegal endeavour associated with Mr Dong going missing. If the withdrawal had been made by Mr Dong, then again one would have expected it to have been made closer in time to when Mr Dong went missing given that by the time of the withdrawal six weeks had passed with Mr Dong having no belongings and no known means of supporting himself financially.

- (c) At one point in the investigation it was thought that Mr Dong's 1999/2000 tax return was fraudulent and was being lodged in an attempt to obtain funds in preparation for Mr Dong' going missing. Firstly, if this is so, then it only serves to emphasise the above points regarding the need for Mr Dong to prepare, financially, for going missing. Secondly, the investigation did not find any evidence which establishes that the credit cheque to Mr Dong in favour of \$3,434 was ever presented.
- (d) There is no evidence to support the suggestion that a bank account in a false name was opened by Lang Shuo Zhang for Mr Dong. There is also no evidence that Mr Dong had access to any other bank account, or indeed any other source of funds, other than his known Commonwealth bank account.
- (e) Mr Dong's actions in studying English are equally consistent with a desire to legally remain in Australia in the hope that his visa application would be granted, as they are with a desire to prepare for a life in Australia without the grant of such a visa.

- (f) I accept that Mr Dong may have wished to remain in Australia and avoid the possibility of immigration detention and removal if his bridging visa was not extended or did not result in more permanent immigration status. However, the finding made by the Refugee Review Tribunal casts doubt on the legitimacy of Mr Dong's application for a protection visa and his purported fears if returned to China.
- (g) The suddenness of Mr Dong going missing also appears to be inconsistent with the expected amount of preparation that would be required for someone to go missing in order to avoid detection and immigration removal.
- (h) Mr Dong's bridging visa was not due to expire for some 4 months. There is no evidence to indicate why, if Mr Dong intended to go missing, he chose to do so at a time that was so far in advance of when he would potentially be subject to immigration removal.
- (i) The fact that Mr Dong has had no known contact with his family is also inconsistent with him deliberately going missing. I have not overlooked the possibility that if Mr Dong had acted in the way that is theorised, that his family may have been complicit and may have denied having any contact with him in order assist with his endeavour. However there is no evidence that this in fact occurred.
- (j) There is no evidence to corroborate the accounts provided by Mr Chang that Mr Dong had incurred gambling losses of \$900,000 and incurred a debt of \$100,000 such that Mr Dong would be motivated to go missing in order to avoid financial liability. Indeed the evidence is to the contrary in the sense that it establishes that Mr Dong had a modest income and savings, and lived frugally.

57. Taking into account all of the above I conclude, on the balance of probabilities, that Mr Dong is now deceased.

58. Regrettably, the available evidence does not allow me to make any finding, even on the balance of probabilities, as to precisely when Mr Dong died, or what the cause and manner of his death was. Too little is known, despite police investigation over the years since Mr Dong went missing, to enable any such findings to be made.

## **Findings**

59. I now turn to the findings that I am required to make under section 81(1) of the Act:

### ***Identity***

The person who died was Ning Dong.

### ***Date of death***

Mr Dong died sometime after 10 December 2000.

### ***Place of death***

The available finding does not allow me to make a finding as to where Mr Dong died.

### ***Cause of death***

The available evidence does not allow me to make a finding as to the cause of Mr Dong's death.

### ***Manner of death***

The available evidence does not allow me to make any finding as to the manner of Mr Dong's death.

### **Epilogue**

60. The uncertainty associated with the circumstances in which Mr Dong went missing has no doubt caused a great deal of sorrow and anguish to his family, especially his son, mother and sister. I hope that in the future some evidence can be gathered to provide them with some information regarding what happened to Mr Dong.
  
61. I close this inquest.

Magistrate Derek Lee  
Deputy State Coroner  
25 January 2018  
NSW State Coroner's Court, Glebe