



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

Inquest:	Inquest into the suspected deaths of Yue Ping Wang and Jilin Du
Hearing dates:	29 May 2018
Date of findings:	29 May 2018
Place of findings:	State Coroner's Court, Glebe
Findings of:	Magistrate Paula Russell Deputy State Coroner
Catchwords:	CORONIAL LAW – missing persons, findings as to death, manner and cause of death
File number:	2017/53728 and 2017/53760
Representation:	Advocate Assisting Sgt Christine Xanthos
Non publication order:	
S61 Certificates issued:	
Findings:	I find that Yue Ping Wang and Jilin Du died in the ocean near Black Rock, Steamers Beach, Jervis Bay on either 21 or 22 January 2017. I am satisfied that the deaths were the result of misadventure but I am unable to determine the cause of the deaths of Mr Wang or Mr Du.
Recommendations:	

Mr Yue Ping Wang worked as a plasterer for Pelenoy Constructions alongside his friend, Robert Repka, who worked as a carpenter for that company. On Saturday, 21 January 2017, Mr Wang and Mr Repka were working together on a unit at 31 Bay Road, Taren Point. They finished their work for the day between 2.30 and 3pm.

Mr Wang was due to return to work the following Monday, 23 January 2017. When Mr Wang did not come to work on that Monday, Mr Repka, made many attempts to phone him, then, and over the following three days. All of those calls went straight to Mr Wang's message bank. On Wednesday 25 January, Mr Repka reported to the police at Miranda Police Station that Mr Wang was missing.

Mr Jilin Du was a Chinese national, who, in January 2017, was unlawfully in Australia. He lived at 30A Helen Street, Sefton, New South Wales. On 19 January 2017, his landlord, Jack Ji, saw him preparing his fishing gear at his home in Sefton. Investigating police officers have been unable to find any person who saw Mr Du after that time.

Mr Du was a member of a fishing group which communicated using the Chinese social media site, WeChat. Mr Du posted on that site that he was going fishing on 21 January 2017 at Steamers Beach, Booderee National Park, Jervis Bay and that he would return on 22 January.

Mr Wang was known to go fishing with Mr Du and had, on occasions, told Mr Repka that he liked to go fishing at Jervis Bay. On 20 January 2017 he told Henare Tane, who was also working at the Taren Point unit, that he was going fishing over the weekend at Jervis Bay.

On 26 January 2017 Clare Si, a member of the Mr Du's WeChat fishing group, attended Day Street Police Station, Sydney, to report that Mr Du was missing.

On 27 January 2017 police officers went to Mr Du's address at 30A Helen Street, Sefton. There they located Mr Wang's vehicle with the registered number CWN63Q. Mr Du's vehicle, registered number CED50BE, was located in a car park near Steamers Beach, Jervis Bay. A search by land and air of the area was conducted with fishing equipment and other property belonging to Mr Du and Mr Wang being located near Black Rock on a peninsula south of Steamers Beach.

On 14 February 2017 police, suspecting that Mr Wang and Mr Du were dead, reported their suspected deaths to a coroner. Those suspicions have been investigated and the purpose of this inquest is to attempt to determine whether Mr Wang and Mr Du have died and, if so, the date and place of their deaths and the manner and cause of their deaths.

Background

Mr Wang

Mr Wang was the only son of parents still living in China. He and his wife moved to Australia from China in about the year 2000. They lived with Mr Wang's uncle, Lian Suo Li, for about a year before finding their own accommodation.

Mr Wang's wife died in about 2007 and, since that time, Mr Wang lived by himself at 80 William Street, Granville.

He had gone back to China for a holiday in October or November 2016.

Mr Repka described Mr Wang, whom he and others called Danny, as a very good plasterer and worker.

Mr Repka knew that Wang liked fishing and that Jervis Bay and Newcastle were places at which he liked to fish. Mr Wang told Mr Repka that he sleeps on the site where he fishes and fishes in the early morning. Mr Repka did not know whether Mr Wang could swim.

Mr Du

Mr Du had, at the time of his disappearance, been married to Yuru Shen for eight years. She lives in Anhui, China. He has a daughter from an earlier marriage, Shiyu Du, who lives in Beijing, China.

Mr Du came to Australia in November 2012 and, about a month after arriving, told his wife that he would not return to China. He told her that he liked living in Australia and had found a job working Monday to Friday so that he could go fishing on the weekends. He remained in Australia when his visa expired and, at the time of his disappearance, was illegally in the country.

From about September 2016, Mr Du rented the premises at 30A Helen Street, Sefton from Mr Jack Ji. It appears that Mr Du worked as a painter, for cash payment, but Mr Ji did not know for whom he worked. Police investigators have not been able to determine where Mr Du worked.

Mr Du spoke to Mr Ji about his interest in rock fishing and the fact that he liked to go fishing at Jervis Bay and Mr Ji observed quite a bit of fishing gear in Mr Du's room.

Efforts to find Mr Wang and Mr Du in the days following their disappearance

On 28 January a full-scale marine and aerial search was commenced. It was focused on the area immediately around Black Rock, Steamers Beach. Vessels from Marine Rescue, Ulladulla, Jervis Bay and Sussex Inlet and two jet skis were used to search the immediate area and surrounds of Steamers Beach, the surrounding cliffs and approximately one nautical mile out to sea. A rescue helicopter was used to search the cliff lines from Beecroft Head in the north to Wreck Bay in the south, the surrounding bushland and several nautical miles out to sea. Police divers searched offshore, adjacent to Black Rock, for approximately 50m including inlets and caves.

On 29 January the search was broadened to encompass an area from Bendalong in the south to Crocodile Head in the north and three nautical miles out to sea.

On 30 January the search encompassed the inshore waters of Jervis Bay and the coast from Moruya to the entrance of Jervis Bay. The search was conducted using track spacings of 500m.

On 31 January PolAir made numerous sweeps of the coastline from Point Perpendicular in the north to Moruya in the south. Expert advice with respect to the chances of survival was sought and the search was then suspended. It was determined that there was, at that stage, only a very slim chance of finding Mr Wang or Mr Du alive or of recovering their bodies.

Apart from the property found on 27 January 2017, the extensive search found no trace of Mr Wang or Mr Du.

Wind and sea conditions 21 January 2017

Black Rock at Steamers Beach is a south facing rock platform on the southern headland of Jervis Bay. The swell on Saturday, 21 January 2017, at Jervis Bay, was from the south at approximately 2m with winds gusting up to 70kph.

The 21 [and 22] January 2017 moon was waning gibbous with tides tending to the neap, where the difference between the low and high water mark is at its smallest.

Enquiries since January 2017

On 19 October 2017 a request was made to all Missing Persons Units throughout Australia for information from general police mainframe computers, road authorities, registers of births, deaths and marriages, state electoral rolls, government housing records, records of utilities and records of corrective services authorities.

No data on Mr Wang or Mr Du was held by any of those organisations.

Mr Wang's mother travelled to Australia in late 2017. She provided a DNA sample which is stored at the New South Wales Missing Persons Unit. No unidentified bodies have been linked to Mr Wang through that DNA sample or otherwise or to Mr Du.

Mr Wang

Centrelink advised, in late 2017, that it does not hold records of Mr Wang.

The Department of Immigration and Border Protection advised, at that time, that it had no records of movements in or out of Australia by Mr Wang since he was reported missing.

Enquiries of the Australia and New Zealand Banking Corporation (ANZ), Commonwealth Bank of Australia (CBA) and St George Bank revealed no records of Mr Wang having bank accounts with those institutions. Mr Wang had an account with National Australia Bank (NAB). That account was closed in August 2013.

Mr Wang held three accounts with Westpac Banking Corporation (Westpac), a credit card account, a savings account and a home loan account. Advice received from Westpac, in late 2017, was that the credit card account was used on a regular basis until 21 January 2017 and thereafter only fees and automatic deductions were charged against the account. Westpac advised that, as of this morning, the only action recorded on the home loan account was interest, direct deposits and payments by authority. The savings account had not been accessed since 11 October 2016

As at the end of 2017 no Medicare benefits had been claimed by Mr Wang since his disappearance and neither had the Pharmaceutical Benefits Scheme been accessed on his behalf.

Mr Du

Centrelink advised, in late 2017, that it does not hold any records of Mr Du.

The Department of Immigration and Border Protection advised, at that time, that it had no records of movements in or out of Australia by Mr Du since he was reported missing.

There are no records of Mr Du having a bank account with ANZ or NAB. Mr Du had a bank account with Westpac on which there have been no transactions since 21 October 2016. He had a CBA account. As at the end of 2007 last transaction recorded on that account was a deposit made on 19 January 2017. He had a St George Bank account. The last transaction on that account was on 12 December 2016.

Are Mr Wang and Mr Du dead?

Contact with friends and family

Mr Wang was a reliable and very good worker. The fact that he did not return to work on Monday, 23 January 2017, as expected, was unusual and concerning enough to cause Mr Repka, to make numerous attempts to call him and, on the third day, to report him as being missing.

Mr Li last saw Mr Wang on 15 January 2017 when Mr Wang had dinner at Mr Li's home. Following Mr Wang's disappearance Mr Wang's mother and father in China told Mr Li that they have not heard from Mr Wang and Mr Wang's mother travelled to Australia, in late 2017, to finalise his affairs.

The officer in charge of the investigation, Senior Constable Gary Webster, spoke to Mr Li earlier this year about matters concerned with the disappearance of Mr Wang

and the upcoming inquest. Mr Li made no reference to contact by any member of Mr Wang's family with him.

Leading up to his disappearance, Mr Du was in contact with his wife nearly every day and, certainly, at least weekly. She had travelled to Australia to visit him a few times, the last time being in September 2016. She last spoke to him on 21 January 2017 at 3:20pm her local time.

Senior Constable Webster made contact with Clare Si earlier this year about matters concerned with the disappearance of Mr Du and the upcoming inquest. Ms Si made no reference to any contact had by family or friends with Mr Du.

Cars and fishing gear

It is clear that Mr Wang and Mr Du enjoyed fishing. The evidence of the location of their cars and property, including fishing gear, establishes that on a date, before 27 January 2017, Mr Wang and Mr Du were, together, fishing at Black Rock, Steamers Beach, Jervis Bay. I will return to the evidence as to that date.

That evidence also establishes that they did not leave that location with that property or in the car in which they came.

The extensive search of the surrounding area makes it very unlikely that either or both climbed out of the water along the coast.

No trace of Mr Wang or Mr Du

Extensive police enquiries have revealed no evidence to suggest that Mr Wang or Mr Du is living anywhere in Australia and the evidence is that neither has left the country.

The evidence establishes on the balance of probabilities that Mr Wang and Mr Du are dead.

Place of death

That evidence also establishes that they each lost their lives in the ocean near Black Rock, Steamers Beach, Jervis Bay.

The manner and cause of Mr Wang's and Mr Du's death

It is not clear whether Mr Wang and Mr Du were both washed off the rock on which they were fishing by a wave or whether one of them slipped, or was washed off, and the other went to his aid.

The disappearance of Mr Wang and Mr Du together while fishing makes it very unlikely, however, that either of them died from natural causes. The overwhelming likelihood is that they each died in the water either as a result of injuries sustained in being beaten against the rocks or from drowning.

The evidence does not permit me to determine whether Mr Wang or Mr Du were wearing life jackets at the time they were at Black Rock.

I am unable to determine the cause of Mr Wang's or Mr Du's death but am satisfied on the balance of probabilities that each died by misadventure.

Date of death

Mr Du noted on the WeChat social media site that he intended to go fishing at Steamers Beach on 21 January 2017. Mr Wang left work at Taren Point between 2.30pm and 3pm on 21 January 2017. The drive from there to Sefton and then on to the car park at Steamers Beach would not take less than about three hours and 40minutes. From that car park it is about a 45 minutes to an hour walk to Black Rock.

Mr Du's wife spoke to him on the phone on what would have been the early evening or 21 January Australian Eastern Daylight Saving Time. He made no mention of being at, or travelling to, Steamers Beach but that fact, of itself, does not mean that he was not at that location or travelling to it. Mr Du's social media post, taken together with Mr Wang's statements about sleeping at the fishing site, makes it likely that Mr Wang and Mr Du went to Steamers Beach on 21 January.

I am not able to determine whether Mr Wang and Mr Du commenced fishing, at Black Rock, on 21 January or on 22 January.

I am satisfied on the balance of probabilities that they entered the water sometime between evening of 21 January and the late afternoon of 22 January 2017.

Dr Paul Luckin, Captain in the Royal Australian Navy Health Services, Joint Health Command, Australian Defence Force and medical advisor to the Australian Maritime Safety Authority, who is an expert in hypothermia related matters, is of the opinion that survival time in the water at that location would have been less than 12 hours.

Dr Luckin said that Mr Wang's and Mr Du's deaths most probably occurred within a short period of their entering the water. It is not known whether Mr Wang and Mr Du had lifejackets. Dr Luckin's opinion was that, without lifejackets, even strong swimmers are likely to have been beaten against the rocks, with death resulting within a very short period. If either man had survived the initial few minutes and were washed away from the rocks, survival longer than 12 hours was unlikely because of hypothermia, exhaustion and dehydration.

I am satisfied on the balance of probabilities that Mr Wang and Mr Du died on either 21 or 22 of January 2017.

Findings required by s81(1) Coroners Act 1980

I find that Yue Ping Wang and Jilin Du died in the ocean near Black Rock, Steamers Beach, Jervis Bay on either 21 or 22 January 2017. I am satisfied that the deaths were the result of misadventure but I am unable to determine the cause of the deaths of Mr Wang or Mr Du.

I close this inquest.

Magistrate Paula Russell
Deputy State Coroner
Glebe

Date