



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

Inquest:	Inquest into the disappearance and suspected death of KH
Hearing dates:	11 February 2016
Date of findings:	18 February 2016
Place of findings:	NSW State Coroners Court
Findings of:	State Coroner Michael Barnes
Catchwords:	CORONIAL LAW – Cause and manner of death, suspected death; intentionally self-inflicted; cruise ship.
File number:	2015/00010169
Representation:	Senior Sgt Sasha Harding, Advocate Assisting the Coroner.

Findings:	<p>The identity of the deceased The person who died was KH*</p> <p>Date of death KH died on 24 November 2014</p> <p>Place of death He died in the Tasman Sea, at latitude 34 27.13S and longitude 154 44.03E.</p> <p>Cause of death The precise medical cause of death cannot be ascertained.</p> <p>Manner of death KH died as a result of his deliberately leaping from a cruise ship at sea with the intention of ending his own life.</p>
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**Due to the manner of death, the names of the deceased and all family members and friends have been redacted.*

The Coroners Act in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the suspected death. These are the findings of an inquest into the suspected death of KH.

Introduction

On the evening of 24 November 2014, after dinner, KH and his wife went to the cabin of the cruise ship on which they had been passengers on for 12 days. Mrs KH went into the bathroom to shower. When she emerged five to ten minutes later, her husband was not in the cabin. A search of the ship failed to locate him. Review of CCTV showed that soon after KH and his wife returned to their cabin, a figure climbed over the railing of the balcony attached to the cabin and dropped into the sea. KH has not been seen since.

Because KH's body has never been recovered and because the evidence about his cause of death is uncertain, an inquest is mandatory.

The evidence

Social history

KH, was born in Germany on the 3 February 1930. He migrated to Australia in 1954. He worked for a number of years in Tasmania before moving to Perth. There he met and married VK. They had two children, a son E and a daughter, F. E was born when the family was living in Port Hedland. By the time F was born in 1968, they had moved to Sydney.

KH and VK divorced in 1976. KH subsequently formed a relationship with EC. They married in 1978. EC's children M, N and A lived with them in Caringbah whilst KH's biological children remained with their mother V.

During his working years he was self-employed as a car mechanic. He sold the business and he and EC moved to Port Macquarie until ill health forced him to return to Sydney in 2002.

KH's family described him as a meticulous person who enjoyed food and travel but as he grew older became increasingly concerned about ageing and becoming a burden on his family.

Background to suspected death

KH and EC were invited by friends Mr and Mrs JB to travel on a cruise with them. Although KH displayed initial reluctance, he eventually agreed and on the 12 November 2014 the two couples boarded the Sun Princess ship for a two week cruise. KH and EC stayed in cabin R303.

KH displayed all outward signs of enjoying himself on the cruise. On 24 November, the last night of the cruise, the group had dinner together. KH appeared to be in good spirits and while some alcohol was consumed, nobody was particularly intoxicated. The group returned to their respective cabins after dinner. Around 7:50pm, Mr and Mrs JB bid goodnight to KH and EC outside their cabin.

At around 8:40pm, EC mentioned to KH that she was going to have a shower in the bathroom attached to their cabin. When she came out of the bathroom, EC noticed that KH was not in the cabin and that he had left his entry key on the table. After some time, EC assumed that KH had gone to Mr and Mrs JB's cabin, so she went and knocked on their door to enquire about KH. There was no response. She speculated they may have gone for another drink together. EC returned to her room and continued to wait for KH to return, growing increasingly anxious and worried as time passed.

KH is reported missing

About 12:49 am EC attended the passenger services desk and reported that she had not seen KH for several hours. She completed a missing persons report with Night Manager Beryl Kieninhans.

Mr Kieninhans printed several pictures of KH and called the duty security and night accommodation team together. Mr Kieninhans briefed them on KH's disappearance and instructed them to commence a search of all public areas and open decks. KH could not be found.

A number of broadcasts over the public address system were made for KH to contact the reception desk. They produced no response.

The security officer arranged for the security team to review the CCTV in order to search for KH. At 04:26am, a recording was seen of a person climbing over the balcony of the first cabin on deck 12 forward, cabin R303 and falling into the sea at 20:40:07 local time.

The Captain and Staff Captain were notified.

Attempted recovery

At 04:38 the operation of the missing person routine ceased and the routine for a man overboard was implemented.

The Maritime Rescue Coordination Centre (MRCC) Australia was informed and given the position at 2040 on 24 November 2014 as 34 27.13S 154 44.03E and a search and rescue mission was commenced.

The search was coordinated by the Australian Maritime Safety Authority (AMSA). The vessel immediately altered course returning to the location where KH had fallen overboard. AMSA tasked a search aircraft to the location covering 200 square nautical miles.

The searches were unsuccessful and were terminated by AMSA at 10:30 hours (AEDT) 25 November 2014. The Marine Area Command then assumed co-ordination of the now recovery operation.

The decision to terminate was made taking into account the prevailing conditions being 30 knot winds, 2 to 3 metre seas combined with the time frame of over 12 hours since KH had entered the water. A survival expert, Dr Paul Luckin, advised that it would have been highly unlikely that KH would have survived the fall having

regard to his age, the weather conditions, the height from which he fell and the speed the vessel was travelling at the time - approximately 23 knots.

Upon instructions from the Captain, the Customer Service Director and the Security officer had a meeting with EC. They informed her that they had evidence to demonstrate that KH had gone overboard. EC stated that she suspected as much, as he had in the previous months stated that he was in fear of growing old and becoming dependent on other people.

Police investigation

At 06:15am on Wednesday the 26 November 2014, the Sun Princess berthed at White Bay Cruise terminal Sydney. Detective Senior Constable Terry King and other detectives boarded the vessel and commenced an investigation.

They inspected the cabin in which KH had last been seen and spoke to those on board who had contact with him in the last few hours he was known to be alive. They spoke to relatives and friends of the missing man and arranged for the Missing Persons' Unit to undertake the usual searches of government and financial institutions' records to detect any contact or transactions indicative of KH's continued existence. None were located.

Other evidence discovered during the investigation includes:-

- A number of sources indicate that KH had expressed concerns about ageing and that he was surprised that he had made it to the age of 70. He had had conversations with various family members about suicide generally and in particular about jumping off the side of a cruise ship.
- EC stated that about 12 months prior to his disappearance, KH told her that he informed his doctor that he was thinking about jumping off a bridge. In months recent to his disappearance, she recalls KH stating, *"Don't worry; you won't have to put up with me for much longer"*. She noticed that KH was finding it difficult to accept the ageing process.
- Mr JB was present with KH on the night of his disappearance and recalls that he appeared to be in good spirits. However he recalls KH had mentioned the subject of suicide some four and a half years prior indicating *"the possibility of doing away from (sic) himself by jumping off Seacliff bridge"*.
- F described her father as a 'hedonist' and enjoyed travelling, restaurants and meeting people. Conversely, he hated being sick, thought it a weakness and that "getting old is shit". She stated that he would not and could not accept "ageing" as his fate. Although her father and EC had a lot of friends, through natural attrition, their circle was diminishing as friends died. Her father commented to her that he was going to more funerals than social functions. F believes this had an effect on her father and he started *"facing his own mortality, talking about mortality, his own death and how he wanted to die"*. She stated her father had begun to broadcast his intentions not only to her but to his friends stating, *'Me and Gunter are going to Berlin to sit on a park bench*

in the middle of winter and freeze to death". He also mentioned going on a cruise and jumping off the boat.

- After his disappearance, an envelope addressed to F was found in KH's study. F believes the contents are an explanation to her as to why he ended his life. It stated, *"I never was suicidal in my life but I learnt in 1944-1945 when people died for hours or days or months that I would not die like this. I talked to Dr Saunders about this issue and he said no. I talked to a good friend about it (2 years ago) and he had the right idea. In style- big ship. No pain"*
- KH's son E stated that in 2000 his father expressed surprise to have turned 70 and he told his son that he was not looking forward to getting old and losing his physical capabilities. A short time later, KH suffered a stroke. EC and he sold the farm and moved back to Sydney. KH had close relationships with his friends, yet the group was getting old, sick and were dying. KH stated that attending hospitals and funerals had an immense psychological and emotional impact on his father. KH indicated that he did not want to attend doctors, have operations and stay in hospitals. In 2012, KH told his son privately that he wanted to commit suicide, and although at the time did not believe it to be imminent, E believed his intentions to be genuine.
- E's mother (KH's first wife) told him his father had visited her about one week before he went on the cruise. That was unusual. They had had little contact in recent years. She said he apologised for things that had occurred in the past and hoped that they would stay friends.
- Records from the ship's cabin locks shows that KH's cruise card was last used to enter his cabin at 20:10 on 24 November 2014 and the card was later located on the table in his cabin.
- CCTV footage taken from the Pacific Sun Ship also shows a person jumping overboard at approximately 20:40 hours on 24 November 2014. While the identity of the person is not able to be ascertained from the footage, it is clear that the person in question has jumped over the railing and has not been pushed.

Conclusions

Although his body was not recovered, the evidence enables me to find that KH is dead. His death resulted from his leaping from the balcony of his cruise ship cabin on the evening of 24 November 2014. This was an ending he had contemplated for some time. I am satisfied that he intended to end his life when he jumped. He was unaccepting of his ageing and concomitant increasing incapacity. I conclude he died immediately or very soon thereafter as a result of the fall. I am unable to say whether he died from the impact of the fall or drowned soon after hitting the ocean. No other person was involved in causing the death.

I accept that the ship's officers and crew did all that was possible to respond to the incident. I conclude that by the time they were alerted to KH being missing he was almost certainly dead.

I do not consider anything could reasonably be changed about the way the ship is operated or configured that would reduce the likelihood of similar deaths occurring in the future.

Findings required by s81(1)

As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it.

The identity of the deceased

The person who died was KH.

Date of death

KH died on 24 November 2014

Place of death

He died in the Tasman Sea, at latitude 34 27.13S and longitude 154 44.03E.

Cause of death

The precise medical cause of death cannot be ascertained.

Manner of death

KH died as a result of his deliberately leaping from a cruise ship at sea with the intention of ending his own life.

I close this inquest.

Michael Barnes
State Coroner, NSW
18 February 2016