



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

Inquest: Inquest into the suspected death of missing person Nikolce Veljanovski

Hearing dates: 23 November 2017

Date of findings: 28 November 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, Royal National Park

File number: 2015/349287

Representation: Mr A Creagh, Coronial Advocate Assisting the Coroner

Mr J Harrowell (for Mrs S Veljanovska and the family of Nikolce Veljanovski)

Findings: Pursuant to section 81(1) of the *Coroners Act 2009*, I find, on the balance of probabilities, that Nikolce Veljanovski is now deceased. Mr Veljanovski died either on, or sometime after, 11 June 2014. However, the available evidence does not allow for any finding to be made as to where Mr Veljanovski died, or the cause and manner of his death.

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Introduction

1. Nikolce Veljanovski was last seen alive on 11 June 2014. Nick (as he was known) was 28 years old at the time. Although Nick was facing a number of challenges in his life he had the support of a loving family and partner. In the almost 3 and a half years that have passed since Nick was last seen, his family, friends, and former partner, have been forced to endure the pain and distress of living with much uncertainty about what happened to Nick.

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. 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. Nick's suspected death was reported to the Coroner's Court in October 2015. 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.

Nick'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 Nick. 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 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.
6. 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. It is therefore important to recognise the life of that person in some small, but hopefully meaningful, way.
7. Nick was the eldest son of Sylvia Veljanovska and Dragi Veljanovski. He had a younger brother, Jim. The family lived together at a home in Bankstown.

8. Nick's mother describes him as a caring person, someone who was firm in his convictions, and a person who was not easily influenced by others. Nick enjoyed spending time with his family and friends, and was always polite and respectful to those around him.
9. Sometime in 2004 Nick started working at the Kmart in Bankstown. He met Amanda Wales and they began dating after about 6 months. This relationship continued up until the time that Nick went missing.
10. In around 2011 Nick began working in the accounting industry with a company in the Sydney CBD. He stayed at this job for about 18 months before leaving to join a new company based at Olympic Park.
11. The picture that emerges from the evidence is that Nick was much loved by his family and shared a close bond with them. Nick's relationship with Ms Wales had reached the point where, a few months before he went missing, he told his mother that he had bought an engagement ring. At the time Nick went missing he was a young man with a promising future very much ahead of him.

What happened in the months before Nick went missing?

12. In the period between about December 2013 until June 2014 Nick and Ms Wales had been arguing frequently about financial issues. These issues arose after Ms Wales noticed that Nick appeared to have a lack of money and after she discovered that Nick had withdrawn money from her bank account without her permission.¹ One example of this occurred on about 17 May 2014 when Ms Wales noticed that \$1,965 had been transferred from her account to Nick's account without her knowledge. When Ms Wales later confronted Nick about the transfer he told Ms Wales that he used the money to pay for his car to be serviced. Ms Wales later asked Nick if he had a receipt for the service but Nick told her that he didn't have one. At the time, Ms Wales simply assumed that Nick had used the money as he had indicated.
13. On 18 May 2014 Nick withdrew \$50 from Ms Wales' account and on 20 May 2014 asked to borrow a further \$215 from Ms Wales. Nick told her that some of the money, in 3 different amounts, was to pay off a phone bill, and the remainder of the money was to pay for a trip to the Hunter Valley that they were planning for the end of the month. Although Ms Wales queried in her mind why Nick would need to pay off a number of different phone bills, she again did not think more about the issue at the time.
14. As Nick did not repay what he withdrew, this led to arguments between himself and Ms Wales. Despite these arguments, it appears that the relationship between Nick and Ms Wales remained a positive and healthy one.²

What happened in the days before Nick went missing?

15. During Nick's relationship with Ms Wales it was his usual practice to spend most nights of the week with Ms Wales at her home in Bankstown where she lived with her parents and sister.

¹ Exhibit 1, tab T, page 3.

² Ibid.

However Nick always returned to sleep at his home. When Nick wasn't spending time with Ms Wales he would usually socialise with friends.

16. On Friday, 6 June 2014 Nick took the day off from work. It appears that the weekend was uneventful and Nick did not go to work on Monday 9 June 2014 as it was a public holiday. On Tuesday 10 June 2014 Nick did not go to work at all.
17. That night, Nick arrived home at 11:30am. He spoke to his mother very briefly and then told her he was going to bed. This was the last time that Mrs Veljanovska saw her son.

What happened on 11 June 2014?

18. On the morning of 11 June 2014, Nick's mother woke up at about 7:00am. She saw that Nick's bedroom door was open and assumed that he had already left for work. Mrs Veljanovska called Nick's mobile number at 7:51am but there was no answer. Mrs Veljanovska received a call from Nick's mobile number at 8:47am and 10:27am but she missed the call each time.
19. At this time Nick was driving Ms Wales' car, a blue Honda Jazz. This is because Nick's own car, a black Holden Commodore, required repair work and as a result Nick had not driven it for several months.
20. After leaving home, Nick drove to Ms Wales' house, arriving at about 9:00am. By this time Ms Wales had already left to go to work. As Nick was driving Ms Wales' car that day, Ms Wales went with her sister to work. Nick spoke to Ms Wales' father briefly and mentioned that he was looking for his wallet. Nick left Ms Wales' house a short time later.
21. Unfortunately, exactly what occurred between Nick leaving home and about 12:15pm on 11 June 2014 is largely unclear. As noted above, Nick did not go to work. At about 11:00am Nick went to the 7-Eleven convenience store in Yagoona and made a purchase for \$1.15. Nick later drove to Beachcomber Avenue in Bundeena. At the end of this road is a boom gate which leads to a council road within the Royal National Park. Nick arrived at the end of Beachcomber Avenue and was seen by a local resident at about 12:15pm to park in a small car park car **(the Beachcomber car park)** just beyond the boom gate.
22. After exiting his car, Nick began walking along the council road, which is not usually open to the public. After a short time he encountered Tim Clatworthy, a National Parks and Wildlife Service (NPWS) field officer based at the Royal National Park.³ Mr Clatworthy was working at a depot at the end of the council road and asked Nick if he was looking for a location. Nick told Mr Clatworthy that he was looking for the Coast Track. This is a coastal walking track within the Royal National Park that stretches from Bundeena to Otley. Mr Clatworthy gave Nick directions to the Jibbon track, which is a walking track that extends north-east from the Beachcomber car park north to Jibbon Head. Although there are no dedicated walking tracks maintained by the NPWS which reach the cliffs along the coast line, it is possible to access the cliffs using "fisherman tracks".⁴
23. During the day Ms Wales did not hear from Nick which was not unusual as Nick was often busy. At 3:50pm Ms Wales rang Nick on his mobile phone and asked him if he could pick her up from

³ Exhibit 1, tab M, page 1.

⁴ Ibid.

work. Nick said that he was too far away and told Ms Wales to ask her mother to pick her up. When Ms Wales said that her mother was busy and asked Nick what he meant by saying he was too far away, Nick replied, *"Don't push me today. You don't know where I am"*.⁵ Ms Wales asked Nick where he was, noticing that he didn't sound like his usual self and that he sounded upset. Nick told Ms Wales not to worry and that he should not have made the comment. As Ms Wales was at work and having difficulty hearing Nick she hung up, went to a quieter area, and called Nick back.

24. During this second call Ms Wales again asked Nick where he was. Nick replied, *"I'm at the National Park. I'm sitting on a cliff"*. When Ms Wales asked Nick what he meant, Nick responded, *"See you don't care where I am"*.⁶ Nick went on to tell Ms Wales that he been at his location for *"a while"* after leaving work about 4 hours earlier. Ms Wales repeatedly questioned Nick about why he had left work and why he would go to the Royal National Park but Nick did not respond. Eventually Ms Wales told Nick that she was going to call Nick's parents and ended the call.
25. Ms Wales returned to work and after about 5 minutes she noticed that she had missed a call from Nick at 3:59pm. Ms Wales also saw that Nick had sent her a text message at the same time. The message read, *"Don't ignore me"*. There was a second text message sent by Nick at 4:01pm which read, *"I'm jumping if you don't answer me"*.⁷ There was also a second missed call from Nick at 4:07pm. No voicemail messages were left during either of the two calls.
26. Ms Wales left work at around 4:00pm and began walking home. She called Nick and again asked if he would be picking her up or if she would have to walk home. Nick again told her that he was too far away. Ms Wales asked Nick, *"Are you really there or are you just saying this stuff to hurt me?"*.⁸ This question was prompted by the fact that, according to Ms Wales, Nick had previously said things to her, which he didn't mean, out of anger.
27. Nick told Ms Wales to wait and hung up. Ms Wales called back immediately to ask why Nick had done that. Nick asked her if she had received a photo and told her to wait as it would be arriving soon. Moments later Ms Wales received a text message from Nick which contained a photo. The photo showed the bottom of a pair of legs and some shoes dangling over what appeared to be a cliff with the ocean, rocks and foliage below. Ms Wales recognised Nick's black tracksuit pants and it appeared to Ms Wales that Nick was wearing his brother's white shoes.
28. Ms Wales asked Nick why he was there and asked, *"Is your head in a bad way?"*. Nick replied that it was and when Ms Wales asked what was wrong Nick told her that it didn't matter and that she didn't care. Ms Wales told Nick that if she didn't care she wouldn't be speaking to him and asked whether money was the issue. When Nick answered yes, Ms Wales asked whether he had lost it all by gambling. Again, Nick answered yes.⁹ Ms Wales asked Nick how we could do such a thing as the money was their life savings. She began to get upset at Nick and repeatedly said to him, *"How could you?"*.
29. Nick told Ms Wales that he would see her soon and when Ms Wales asked what he meant by soon he replied, *"I'm walking to the car so however long it takes me to get home"*.¹⁰ Ms Wales

⁵ Exhibit 1, tab T, page 5.

⁶ Exhibit 1, tab T, pages 5-6.

⁷ Exhibit 1, tab T, page 6.

⁸ *bid.*

⁹ Exhibit 1, tab T, pages 6-7.

¹⁰ Exhibit 1, tab T, page 7.

relied, *"I can't believe you did this. How can I be with you? You're losing me* (referring to their relationship)".¹¹ By this time Ms Wales had almost arrived home and due to poor mobile phone reception in the area where she lived (which was a common occurrence for Ms Wales), she lost the signal on her phone and the call was terminated.

30. Ms Wales waited for Nick to call back which is what he would normally do when a call ended because of poor signal reception. Ms Wales arrived home within 2 minutes and attempted to call Nick back but the call went immediately to Nick's voicemail. Ms Wales estimates that she called Nick over 200 times with each call going to voicemail.¹² Ms Wales did not leave any messages as she knew that Nick's phone did not have a message bank service.
31. Ms Wales decided not to call Mrs Veljanovska so as not to worry her. Instead Ms Wales drove her mother's car to Nick's house to wait for him. Whilst she was waiting she saw Nick's best friend, Tim Kulevski, and told him what had happened. Mr Kulevski told Ms Wales to go home and that he would go for a drive to look for Nick. Ms Wales decided that she could not simply wait at home and called her friend, Louise Khalil. Ms Khalil arrived at Ms Wales' house a short time later with Ms Khalil's husband and sister. Together, the group drove around the local area in an attempt to locate Nick. At some later stage Mr Kulevski told Ms Wales that he had driven through the Royal National Park but could not see anything because it was too dark.
32. Mrs Veljanovska returned home from work at about 6:30pm. Mrs Veljanovska and her husband tried calling Nick at around 8:30pm but there was no answer. They went to bed some time later, assuming that Nick was out with Ms Wales or with his friends.
33. Ms Wales returned home at about 9:30pm. About an hour later Ms Khalil called Ms Wales and made the decision to call the police.
34. Police officers from Bankstown police station went to Ms Wales' house at about 11:00pm and Ms Wales reported Nick as missing. At around midnight police went to Mrs Veljanovska's home and informed her of the missing person report. After receiving a call from Nick's brother, Ms Wales later went to Mrs Veljanovska's home at about 1:00am on 12 June 2014. Ms Wales told Nick's parents that she had confronted Nick about some financial issues related to his gambling. Ms Wales also said that she believed that Nick needed counselling but that Nick had said he could work things out himself.¹³

What investigation was conducted after Nick was reported missing?

35. The initial police investigation concentrated on making enquiries with a number of local hospitals to see if Nick had been admitted as patient. Information regarding the fact that Nick had been reported missing was disseminated to all police state-wide via an email with an attached photo of Nick and a radio broadcast. A request was made for all police to be alert for any sighting of, or information about, Nick. A description and registration details of Ms Wales' Honda Jazz was also broadcast on police radio. All of these enquiries returned nil results.

¹¹ Ibid.

¹² Exhibit 1, tab T, page 7.

¹³ Exhibit 1, tab S, page 4.

36. On 12 June 2014 Nick's brother and uncle went for a drive to the Royal National Park to look for Nick. At around 7:23am they discovered Nick's car parked in the Beachcomber car park and notified Ms Wales.
37. The police conducted enquiries in relation to Nick's mobile phone. They discovered that it was unconnected to any mobile network. By using triangulation of mobile cell towers, the police discovered that the last activity on Nick's phone occurred at 4:18pm on 11 June 2014 when he attempted to call Ms Wales.¹⁴ This attempted call was registered by a mobile tower located in Bridges Street, Kurnell.¹⁵ This tower is approximately 10 kilometres from the Beachcomber Avenue car park.
38. On 14 June 2014 police from Sutherland Local Area Command were notified of the concern for Nick's welfare. Arrangements were made for an extensive land and air search of the Royal National Park area where Nick was last seen.¹⁶ At around 7:00am Chief Inspector Chris Hill from Sutherland Local Area Command, who was in charge of the search, established a command post near the Beachcomber car park. Senior Constable Kathy Pade, a Land Search Coordinator from the Rescue and Bomb Disposal Unit (**the Rescue unit**), had been deployed to assist with coordinating the search efforts. A duty officer from the Royal National Park, with experience and knowledge of the locations within the Park, also assisted the search. Local police officers, and other police officers from different units who had been deployed to assist, conducted the search. Using statistical data from the National Land Search Operations Manual and information about Nick, Senior Constable Pade determined the initial probable search area to be a 3 kilometre radius from the command post.¹⁷
39. Enquiries were made with the police Marine Command to determine if they could assist the search. It was decided that the search would best be conducted by PolAir (the NSW police aerial unit) as the photo which Nick sent to Ms Wales provided limited information as to where it was taken, there was no suggestion that Nick had jumped or fallen into the water, and the search area included more than 10 kilometres of coastline.¹⁸
40. As a result police officers from PolAir were deployed to conduct an aerial search by helicopter. They searched the walking tracks within the targeted search area, the coastline down to Wollongong, and also patrolled 500 metres out to sea in an attempt to locate Nick and identify the location where the photo sent to Ms Wales was taken.
41. The land search concentrated on bushland and walking tracks within a 3 kilometre radius of the command post. The search involved at least 24 police officers searching on foot as well as using trail bikes to patrol the fire trails within the Royal National Park. Police also conducted a search of Bundeena township, including a canvass of homes and businesses in the area. As it had been determined that Nick's mobile phone had last connected with a mobile phone tower in Kurnell, the police also searched the Cronulla area and canvassed the ferry service that operates between Bundeena and Cronulla.
42. Further attempts were made to triangulate a signal from Nick's mobile phone. However, this could not be done as no signal could be detected from the phone.

¹⁴ Exhibit 1, tab B, statement of Detective Sergeant Byrne-Hickman dated 6.9.16, page 9.

¹⁵ Exhibit 1, tab F, page 2.

¹⁶ Exhibit 1, tab F, page 3.

¹⁷ Exhibit 1, tab G, page 4.

¹⁸ Exhibit 1, tab F, page 5.

43. By about 3:15pm the search effort had, unfortunately, largely returned nil results. One of the few significant findings was the location of a number of extinguished cigarette butts and cigarette papers in fresh condition on a cliff edge off the Coast Track. The cigarette butts matched the same brand of cigarettes that Nick reportedly smoked.¹⁹ After consulting with the Commanders from Sutherland and Bankstown Local Area Commands, and providing advice to Nick's family, Chief Inspector Hill decided at 3:30pm to close the command post and call off the search for that day.
44. The following day, on 13 June 2014, police conducted a further canvass of the Bundeena township, and made further enquiries with the operator of the Cronulla to Bundeena ferry operator. A decision was made to not conduct any further searches of the bushland in the Royal National Park due to the inaccessible nature of the area, the risk of injury to persons involved in the search, and the unlikelihood that the search would yield a positive result.²⁰ Instead a further aerial search was conducted by PolAir of the coastline between Jibbon Head and Marley beach, as well as 3 kilometres out to sea.
45. Between 18 June 2014 and 12 August 2015 a number of further physical searches were conducted by the police. These searches are set out below:
- (a) On 18 June 2014 a further search of Bundeena township and a nearby camping ground was conducted.
 - (b) On 20 June 2014 police from the Rescue Unit and Pol Air searched the cliffs and coastal area near Jibbon Beach.
 - (c) On 24 June 2014 a bushwalker reported a foul smell at a location on the Coast Track near a landmark known as The Water Run. Police officers searched the area with the assistance of cadaver detection dogs. The carcass of a deceased wallaby was found but there was no evidence of any deceased person in the area.²¹
 - (d) On 30 July 2014 a number of divers from the police Marine Command searched the underwater area surrounding Jibbon Head in both northerly and southerly directions.
 - (e) On 13 September 2014 an extensive land search was conducted of the Jibbon Head area and walking trails by police and 57 personnel from the State Emergency Service.
 - (f) On 12 August 2015 a search was conducted in Bundeena using a cadaver dog and an all-terrain vehicle.
46. Regrettably all of the above search efforts failed to yield any further information regarding what happened to Nick on, and after, 11 June 2014.
47. 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). These

¹⁹ Exhibit 1, tab G, Annexure F.

²⁰ Exhibit 1, tab F, pages 7-8.

²¹ Exhibit 1, tab F, page 9.

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.

48. In Nick's case, the signs of life checks were conducted in June 2014, April 2015, June 2016, August 2017 and September 2017. The checks included enquiries made with interstate and territorial missing person agencies, as well as interstate police records databases. They also included enquiries with the Department of Immigration which indicated that Nick had not departed Australia under his own name.
49. The police also issued a number of media releases in an attempt to gather further information from the public regarding Nick and the circumstances surrounding when and how he went missing. These releases were issued in June 2014, July 2014, August 2014, June 2015, and June 2016 using local newspapers, social media sites, and features during National Missing Persons Week.
50. In addition to the enquiries and searches conducted by the police, Nick's own family engaged the services of a private investigator.
51. Regrettably, all of the investigation conducted failed to yield any further information about what might have happened to Nick following the afternoon of 11 June 2014.

Has Nick been sighted since he went missing?

52. As a result of the information that was disseminated to the general public, the police received a number of reports²² from members of the community in relation to possible sightings of Nick. reports are summarised below:
 - (a) On 11 July 2016 a person reported that a couple of days earlier they saw a male person at Central train station who appeared to be homeless, and who appeared to match Nick's description. Local police were despatched to patrol the area but could not locate anyone matching Nick's description.
 - (b) On 10 September 2016 another person reported that in around June 2016 they had seen a person believed to be Nick riding a bicycle over the Duck River Bridge on the M4 motorway at the Junction Street east intersection. Due to the time that had elapsed since Nick went missing and the date of the report, the police did not make any enquiries with any of the construction workers who were working on the bridge at the time.
 - (c) On 12 October 2016 another person went to Campbelltown police station and told police that she had had a dream relating to a missing person. The person said that she had seen a picture of someone with orange hair and blue eyes and that when she later searched the internet for images of people with these characteristics she saw a photo of Nick. The person also told police that she associated Hilltop Cottage at the Royal National Park with her dream. The police contacted the Royal National Park and learned that Hilltop Cottage is used

²² Exhibit 1, tab C, statement of Detective Sergeant Byrne-Hickman dated 21.2.17, pages 2-5.

for holiday accommodation. Enquiries revealed that Nick had never made any booking at Hilltop Cottage.

- (d) On 21 November 2016 a person reported a possible sighting of Nick on a road in a remote location in Gunyah, Victoria. The caller provided police with GPS coordinates of the location. However, when police investigated the coordinates they discovered that they related to a location in the USA. Local police near Gunyah were told of the report and advised to stay alert for the possibility that Nick may have been sighted in that area.
- (e) On 12 June 2017 a person reported sighting someone matching Nick's description in the Nelson Bay area on 2 or 3 June 2017. The reported sighting occurred in the vicinity of a building society. Police contacted the building society in order to obtain, and review, their CCTV footage. The review did not identify anyone matching Nick's description.
- (f) On 11 August 2017 a person reported someone matching Nick's description at a private hotel in Ashfield. The police spoke to staff at the hotel and showed them a photo of Nick. The hotel staff confirmed that no person had stayed in the hotel under Nick's name and that they had not seen anyone matching Nick's description.

Financial issues

- 53. As already noted above, Nick and Ms Wales had previously argued about Nick's financial situation and about how he had withdrawn money from her account with her permission. After Nick was reported missing, the police investigation discovered further information about Nick's financial situation.
- 54. It became clear from this investigation that during a period from at least April 2012 Nick had been experiencing financial difficulties. From this time up until the time that he went missing, Nick had accumulated debts totalling more than \$38,000 to a number of financial institutions and lending agencies.²³ He had also been in default in relation to payment of his car loan and car insurance which had resulted in cancellation of his insurance and default warning notices being sent to him. It was also discovered that each year between 2012 and 2014 Nick had been issued with enforcement orders by the Office of State Revenue for outstanding debts totalling over \$6,000.²⁴
- 55. It was also discovered that during this period time Nick had been borrowing money from friends and family members. Nick had borrowed \$1,500 from his cousin, Chris Veleski, which had not been repaid. Nick had also previously borrowed money from a work colleague on more than one occasion, including an amount of \$700 which he was due to repay on 6 June 2014. However Nick did not attend work that day and the money was not repaid. On the night of 10 June 2014, before Nick went missing, he contacted Mr Kulevski and asked to borrow \$800. Nick told Mr Kulevski that the money was to fix his car, although Mr Kulevski did not believe that this was true.²⁵ On occasions Nick had also asked to borrow money from his brother, Jim. Despite this, Ms Wales said that Nick never told her that he owed anybody any money, nor had she ever seen Nick borrow any money from anyone.²⁶

²³ Exhibit 1, tab B, statement of Detective Sergeant Byrne-Hickman dated 6.9.16, page 10.

²⁴ Ibid.

²⁵ Exhibit 1, tab B, statement of Detective Sergeant Byrne-Hickman dated 6.9.16, page 12.

²⁶ Exhibit 1, tab T, page 9.

56. Apart from borrowing money from friends and family, Nick also made requests to his employer for advances on his salary. These requests were made in April 2012, January 2013 and September 2013. The monies were deposited into a bank account which was different to Nick's usual account and (as at September 2016) was no longer active.²⁷ Police also learned that in about December 2013 Nick asked his employer for 6 months of advance pay and said that this was because his father had become unemployed and the money was needed for mortgage repayments.²⁸
57. Exactly how Nick came to accumulate so much debt is not precisely clear. However, the available evidence indicates that it was probably due to Nick's gambling habits. During the inquest Ms Wales said that when she first started dating Nick it was not uncommon for him to spend \$20 on poker machines on occasion when they went out socialising. Over time, however, Ms Wales noticed that Nick began to gamble more frequently to the extent that friends would often tell her that they had seen Nick gambling at a pub or club, which she otherwise would not have been aware of. Mr Kulevski also told the police that he was aware that Nick previously had a gambling problem but believed that he had addressed it and that he no longer gambled excessively. In contrast it appears that Nick's parents were unaware that Nick had issues with gambling, and Nick's direct work supervisor told police that he had no knowledge of Nick having a gambling problem.
58. The police also subsequently discovered that Nick had created a document which indicated that he had a term deposit account with ING Bank in an amount of over \$78,000. Enquiries with ING revealed that Nick had no such account and the document was therefore fraudulent.
59. At the time Nick went missing he had a balance of \$4,030 in his bank account. By July 2014 the balance had been reduced to zero due to a number of direct debit transactions. The account was later closed on 12 November 2014.

60. **CONCLUSION:** All of the above indicates that Nick was struggling to manage his financial situation. He had accumulated a significant amount of debt and was finding it difficult to repay them to the point where he had been sent enforcement orders. It appears that Nick had resorted to borrowing money from family, friends and work colleagues, and seeking pay advances, in order to meet his financial commitments. It also appears that even those closest to Nick were unaware of the extent of his financial problems. Ms Wales did not know that Nick had been borrowing money from other people and suspected that Nick may not have been entirely forthright when explaining why he had withdrawn money from her account without telling her. Nick's parents seem have been unaware that he had had issues with gambling and did not know about his sizeable debt.

Is Nick now deceased?

61. 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

²⁷ Exhibit 1, tab B, statement of Detective Sergeant Byrne-Hickman dated 6.9.16, page 11.

²⁸ Exhibit 1, tab B, statement of Detective Sergeant Byrne-Hickman dated 6.9.16, page 12.

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.²⁹

62. 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. 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 members of the community are expected to 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?
63. The fact that Nick has not contacted either his family or Ms Wales since 11 June 2014 is difficult to logically explain. Nick had a close relationship with his parents, brother and extended family, all of whom loved him very much. Equally, he had been in a long-term relationship with Ms Wales for almost 10 years. Despite Nick's financial problems, and the arguments that this created, his relationship with Ms Wales was a strong and loving one by all accounts. Indeed, Ms Wales said in evidence during the inquest that she and Nick had previously talked about marriage and starting a family. A few months before he went missing Nick had told his mother that he had bought an engagement ring and planned to ask Ms Wales to marry him.
64. The nature of the evidence regarding Nick's financial difficulties may provide an explanation for why there has been no contact with Nick's family and Ms Wales. One theory postulated by the investigating police is that Nick may have been seeking to avoid detection as he was unable to repay his financial debts and might have been concerned about the possible consequences for failing to do so.³⁰ That is, Nick may have either feigned his own death, or somehow gone into hiding in order to avoid having to repay the debts.
65. It is clear that Nick's financial difficulties were clearly troubling him. He told Ms Wales on 11 June 2014 that his head was "*in a bad way*" and that he had lost all his money by gambling. It is unclear exactly how much money Nick was referring to. What is clear is that the loss itself had a detrimental effect on Nick's state of mind.
66. However, even accepting this to be case, the possibility that Nick simply went into hiding to avoid liability for his debts seems unlikely in my view for several reasons. Firstly, by buying an engagement ring for Ms Wales, Nick was clearly planning for the future. Secondly, even if Nick was in extreme financial difficulty, one might expect that he would explain this to Ms Wales and his family and ask for their assistance, rather than simply severing all ties with them without warning. Thirdly, there is no evidence that Nick had made any plans, or taken any preparatory steps, to somehow go into hiding from 11 June 2014. Finally, logic and common sense suggests that it would be extremely difficult, if not impossible, for someone to not show up on any signs of life checks for almost 3 and a half years. This is particularly so in circumstances where Nick left

²⁹ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

³⁰ Exhibit 1, tab F, page 7.

Ms Wales' car parked at the Royal National Park, did not access his bank account with a balance of over \$4,000 at any time after 11 June 2014, and did not have other means to support himself.

67. It has also been hypothesised that, by creating the fraudulent ING account document, Nick may have been fearful of being exposed to some sort of potential criminal liability.³¹ The police suspected at the time that went missing that the ING document had been created by Nick to assist with obtaining more loans. This possibility may have, in turn, led Nick to go into hiding, out of fear of criminal prosecution.
68. I also consider this theory to be implausible for the reasons explained above. In addition, there is no evidence that any law enforcement agency had become aware of the fraudulent ING document prior to Nick going missing which means that the possibility of any criminal prosecution action was not even in consideration. Secondly, and more importantly, Nick's reason for creating the ING document became apparent during the inquest. In evidence Ms Wales explained that Nick had previously shown her the document as a way to account for all the money he had withdrawn from her account. That is, Nick told Ms Wales that he was saving the money for their future. However, Ms Wales became suspicious about the legitimacy of account because Nick only ever showed her a photocopy rather than the original document. In these circumstances the possibility that Nick was fearful of being held criminally responsible for the creation of the fraudulent document is even less likely.
69. During the inquest Mr Harrowell, who appeared for Nick's mother and family, suggested to the police officer-in-charge, Detective Sergeant Tanya Byrne-Hickman, that police divers from the Marine Command should have been used in the search for Nick much earlier than 30 July 2014 when they were eventually deployed. It should be noted that Detective Sergeant Byrne-Hickman was not in charge of the initial search for Nick on 14 June 2014 and therefore had no decision-making role regarding what search methods were utilised. This meant that, in hindsight, she could offer no explanation of the reasoning process regarding the timing of when the police divers were deployed other than to indicate that the issue was raised with the Marine Command and that tidal conditions may have been a factor that was considered.
70. Although the evidence on this issue is not clear enough to allow for any firm conclusion to be reached, it appears that the extensive area to be searched (approximately 10 kilometres of coastline) resulted in a decision that it would be preferable to conduct the search from the air, rather than on, and in, the water.³² Of course, it is impossible to know whether an alternative, or additional, search method would have led to the discovery of relevant evidence.

71. **CONCLUSION:** Having regard to Nick's close relationships with his family and Ms Wales it seems implausible that he would willingly sever all contact with them abruptly and without explanation. Furthermore, the fact that Nick was making plans for his future life with Ms Wales, and had taken steps to put these plans into action, only increases this implausibility. Whilst Nick was certainly experiencing financial difficulties, and these difficulties were clearly troubling him, it seems improbable that they would prompt Nick to taking the extreme step of ending all contact with his family and Ms Wales. There is no evidence that Nick had made any plans or any preparation to cease all contact with the people who loved him most in order to avoid his financial liabilities. There is also no evidence to indicate that Nick would be able to support

³¹ Exhibit 1, tab B, statement of Detective Sergeant Byrne-Hickman dated 6.9.16, page 11.

³² Exhibit 1, tab F, page 5.

himself and maintain a life, presumably under a different identity, since 11 June 2014 in order to not appear on any signs of life check. In circumstances where there is no logical explanation for why Nick's family and Ms Wales have not heard from him, and where all signs of life checks have returned negative results, I conclude that it is more probable than not that Nick is now deceased.

What was the manner of Nick's death?

72. In the coronial jurisdiction, the manner of a person's death means the circumstances in which that person died. Usually, determining the manner of a person's death involves determining whether the death was due to natural causes or some external unnatural factor. In Nick's case, there is no evidence that his death was due to natural causes. That is, there is no evidence that Nick was suffering from a medical condition which might have suddenly and expectedly caused his death. By all accounts, Nick was a young and healthy person.
73. However, two other possibilities arise. Firstly, did Nick die from misadventure? That is, whilst he was at the cliff ledge in the Royal National Park, could he have possibly accidentally fallen from the ledge to the rocks or ocean below? Secondly, did Nick intentionally cause his own death? In order words, did he intentionally jump, or intentionally cause himself to fall, from the ledge?
74. So far as the first possibility is concerned, the evidence is both unclear and confusing. The last thing that Nick said to Ms Wales on 11 June 2014 was that he was walking back to Ms Wales' car and that he would see her at home (although exactly whose home Nick meant, his or Ms Wales', is unclear). If this is accepted then it means that Nick had likely already left the cliff ledge area and was walking along a trail back to the Beachcomber car park. This obviously makes the possibility of an accidental fall less likely.
75. On the other hand, shortly after this last comment made by Nick, Ms Wales attempted to call him back on his phone numerous times. None of the calls connected and it seems that activity on Nick's mobile phone abruptly ended sometime after 4:18pm. One explanation for this might be that Nick had somehow fallen from the cliff ledge, and damaged his phone (either by impacting the rocks, or entering the water, below the ledge). However, the complicating factor is that the last registered activity on Nick's phone at 4:18pm on 11 June 2014 occurred within range of a mobile tower in Kurnell, some 10 kilometres away from the Beachcomber car park. This last piece of evidence is irreconcilable with the other evidence that I have just referred to above.
76. So far as the possibility of Nick ending his own life is concerned, some aspects of the events of 11 June 2014 are relevant. Firstly, Nick was clearly troubled and adversely affected by what he had told Ms Wales regarding the loss of all his money. Secondly, at one stage during his conversations with Ms Wales on 11 June 2014 Nick told her that he would jump from the cliff ledge, when he thought that Ms Wales was not responding to him.
77. It is well-established that it cannot be presumed that a person has intentionally ended their own life. Such a finding must be positively proven on the available evidence, and that evidence must be sufficiently clear, cogent, and exact before such a finding can be made.³³ In Nick's case, there is firstly no evidence that he had ever attempted, or even genuinely contemplated, self-harm at any time prior to 11 June 2014. Both Ms Wales and Nick's mother describe Nick as someone who was happy-go-lucky and always cheerful; they also both describe Nick as someone who was

³³ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

never depressed or sad. Secondly, Nick's comment to Ms Wales that he would jump from the cliff ledge must be looked at in context. In evidence during the inquest Ms Wales explained that in the past Nick had made similar comments during arguments with her. However Ms Wales went on to explain that Nick had no genuine intention to act on such comments, or carry through with them, and instead only made them to get her attention. Thirdly, even though Nick was troubled by his financial difficulties, other evidence establishes that he was looking to the future and had planned for it.

78. **CONCLUSION:** There is no clear, cogent or exact evidence that allows a conclusion to be reached that Nick intentionally ended his own life on 11 June 2014. Nick's last comment to Ms Wales, and the location of the last activity of his mobile are inconsistent with Nick taking such a course of action. The fact that all activity on Nick's mobile phone ceased suddenly, and the location of Ms Wales car still parked in the car park tend to suggest that Nick's death was due to some sudden and unforeseen misadventure, such as a fall from height. However, this probability cannot be reconciled with the location where the last mobile phone activity was registered. In all the circumstances, the available evidence does not allow for any finding to be made as to the manner of Nick's death.

Where and when did Nick die?

79. As already noted above, the majority of the evidence points to Nick last being alive in the Jibbon Head area of the Royal National Park in Bundeena. However, the evidence of Nick's last mobile phone activity being registered at a location in Kurnell does not sit comfortably with this. For this reason, it is not possible to make any finding in relation to where Nick died.
80. Equally, while the evidence establishes that Nick was last seen, and heard to be, alive on 11 June 2014, the evidence does not allow for any precise conclusion to be reached regarding the timing of Nick's death.

81. **CONCLUSION:** The available evidence does not allow for any finding to be made as to the location of Nick's death. Nick died either on, or sometime after, 11 June 2014.

Findings

82. 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 Nikolce Veljanovski.

Date of death

Nick died either on, or sometime after, 11 June 2014.

Place of death

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

Cause of death

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

Manner of death

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

Epilogue

83. 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 trauma, uncertainty and anguish that families of long-term missing persons, like Nick's, experience due to the many unanswered questions that they are confronted with.
84. An inquest into the suspected death of a missing person is a legal process in which conclusions are reached on the evidence that is available at the time and on the basis of whether that evidence allows for findings to be made on the balance of probabilities. The closing of an inquest can answer some questions that the family of a missing person may have but, regrettably, not all of them. On behalf of the Coroner's Court my hope is that Nick's family soon find the answers that they are seeking.
85. I close this inquest.

Magistrate Derek Lee
Deputy State Coroner
28 November 2017
NSW State Coroner's Court, Glebe