



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

Inquest:	Inquest into the disappearance and suspected death of Thangarajah Sithamparapillai
Hearing dates:	15 June 2017
Date of findings:	16 June 2017
Place of findings:	State Coroners Court, Glebe
Findings of:	Magistrate Russell
Catchwords:	CORONIAL LAW – missing person
File number:	2016/146324
Representation:	Advocate Assisting Sgt Samantha Ferguson
Non publication order:	
S61 Certificates issued:	
Findings:	The <i>Coroners Act</i> 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 death. These are the findings of an inquest into the suspected death of Thangarajah Sithamparapillai also known as Rajah Thangarajah
Recommendations:	

Mr Thangarajah Sithamparapillai was last seen by his daughter at about 8 to 8:30pm on Thursday, 8 October 2015. He was lying in bed and his daughter assumed that he was unwell. The next day, Friday, 9 October 2015, his daughter noticed that he was not in his bedroom and that his car was gone. His wife was in Sri Lanka having left Australia on 1 October on receiving a telephone call informing her that her mother had died there.

Mr Sithamparapillai spoke to his wife each evening by telephone while she was in Sri Lanka but on 9 October she received no telephone call. A number of relatives tried to contact Mr Sithamparapillai on that day, including one who had arrived that morning from the Gold Coast with plans to meet up with him, all without success.

Sometime after 11pm his daughter, Kayathri Thangarajah, found Mr Sithamparapillai's car in the Grant Reserve car park on Neptune Street Coogee. The car was locked. In the early hours of 10 October police officers searched the nearby park lands and waterfront and a police helicopter searched from South Coogee to Gordons Bay along the waterfront. Mr Sithamparapillai was not found and has not been found since.

Police, suspecting that Mr Sithamparapillai was dead, reported his suspected death to a coroner. That suspicion has been investigated and the purpose of this inquest is to attempt to determine whether Mr Sithamparapillai has died and, if so, the date and place of his death and the manner and cause of his death.

Background

Mr Sithamparapillai was born in Sri Lanka on 29 April 1953. In February 1995 he arrived in Australia as an immigrant with his wife, Sivaneswary Thangarajah, son, Kurupan and daughter, Kayathri. Mr Sithamparapillai, his wife and daughter were, at the time of his disappearance, living together at Eastlakes. They were a close and loving family.

Mr Sithamparapillai was an accountant and in the years before November 2014 worked for a group called Rendezvous Hotels. When that group was taken over Mr Sithamparapillai lost his job. He was not able to find suitable employment after that time. He had, in the days leading up to his disappearance, confided in his cousin that he had applied for a job but had been told that there was only one position and 425 applicants. He seemed to his cousin, Manamohan Kidnapillai, to be a little upset by that.

Mr Sithamparapillai's mental state in the weeks leading up to his disappearance

On 28 September Mr Sithamparapillai saw his general practitioner, Dr Viswanathan Krishnan. He told Dr Krishnan about the loss of his job and that he was feeling very depressed and suicidal. Dr Krishnan recommended that he present to the Mental Health Unit at the Prince of Wales Hospital or see a member of the Mental Health

Crisis Team but Mr Sithamparapillai told him that he would prefer to see a private psychiatrist. Dr Krishnan referred him to Dr Mark Ryan.

Mr Sithamparapillai saw Dr Ryan on 29 September. Mr Sithamparapillai told Dr Ryan that he had begun to worry that he would not find work again. He told Dr Ryan that in the months before seeing him he was experiencing an increase in his psychological distress comprised of increased worry about his predicament in being unemployed and about past difficulties in his life. He told Dr Ryan about the recent unsuccessful job application which Dr Ryan saw as a precipitant of the recent escalation of his distress. He was experiencing some sleep disturbance and some fleeting thoughts about self harm. He told Dr Ryan that he could easily distract himself from his feelings and thoughts by being active through the day. He told Dr Ryan that he did not disclose his worry or distress to his family.

He agreed to have regular contact with Dr Ryan and took an appointment the following week. He agreed to rationalise his medications switching from Prothiaden to Efexor (both antidepressants) and, for a short time, to take a small dose of night time sedation and engage in a range of self regulation strategies to attenuate his distress. He was not actively suicidal at the time of the assessment and had not elaborated a plan of self harm.

History of depression

Mr Sithamparapillai had some history of psychological distress or depression dating from 1994 when he was working in Dubai. He was prescribed medication at that time and in March 2004 he told Dr Sharpe, consultant neurologist, that that medication had been changed to Prothiaden. It is not clear when Prothiaden was first prescribed. He told Dr Sharpe that he had taken between 25 and 75 mg a night since it was prescribed. Mr Sithamparapillai told Dr Sharpe that the six months prior to March 2004 had been particularly bad with regard to his depression. He told Dr Sharpe of the stress he was experiencing in selling a property belonging to his extended family in Sri Lanka. Dr Sharpe suggested that he take the larger dose of Prothiaden (75mg) on a more regular basis, particularly if he was going through a stressful period. Mr Sithamparapillai told Dr Ryan in September 2015 that he had been taking 75 mg of Prothiaden for many years.

In late 2014/early 2015, on a visit to Sri Lanka with his wife, Mr Sithamparapillai was prescribed Efexor (an antidepressant) and Risperidone (an antipsychotic) which he took for about a month.

Mr Sithamparapillai told Dr Ryan that he had grown up in poverty in Sri Lanka. He told Dr Ryan that a sister had had depression and that two of his brothers had committed suicide years ago.

The weeks and days leading up to Mr Sithamparapillai's disappearance

Mr Sithamparapillai's wife, Sivaneswary Thangarajah, had a close relationship with her husband. They spent time together. She was not, however, aware of the extent of his distress over being unable to get a job. Mr Sithamparapillai had hidden that from her.

Before she went to Sri Lanka they would go for walks with each other at least four times a week. On some days Mr Sithamparapillai would walk twice a day, once in the morning on his own and then again with his wife in the evening.

On Saturday, 3 October 2015 Kayathri Thangarajah went for a walk with her father from Coogee to Clovelly and back. She drove to the beach and parked on Neptune Street. She noticed her father was not as fit as she thought he would be. He was struggling with the hills and the stairs. On their walk her father told her that he would like to go swimming as the weather was getting warm. He said something like 'now that it's warmer it's a good idea to come here for a swim to make the day go quicker'. Mr Sithamparapillai could swim but was not a strong swimmer and whenever the family went to the beach they would usually stay at the ocean pool or in the shallows of the ocean. Mr Sithamparapillai also told his daughter that he liked the idea of walking at Coogee.

On Monday, 5 October Kayathri noticed that her father's swimming costume and towel were hanging on the clothesline. This made her think that he had gone for a swim at Coogee previous day and, indeed, it does appear that Mr Sithamparapillai was swimming in that week. He told his relative, Mangalam Kanapathpillai, that he went for a swim at Coogee on Tuesday, 6 October.

On Wednesday 7 October he and his daughter had intended to go to Coogee again for a walk but he was not feeling well and they did not go.

On 9 October, the day her father disappeared, he left his wallet, mobile phone, reading glasses and gold chain on his dresser. It was his habit when going for a walk or for a swim to leave those items at home. It appears that he had taken his driver's licence. It was his habit to take his driver's licence with him and his keys when he was going for a walk or for a swim. Ms Thangarajah later noticed that a towel was missing.

Efforts to find Mr Sithamparapillai in the days following his disappearance

On the morning of 10 October Kayathri contacted family members who walked between Coogee and Maroubra and Coogee and Bondi speaking to lifeguards, beach cleaners and people in the area. This elicited no information about Mr Sithamparapillai.

On that same morning police officers conducted a foot patrol of the Coogee beachfront and the cliff area and spoke to lifeguards and provided them with photographs of Mr Sithamparapillai. The Randwick City Council lifeguard log book notes that lifeguards were on duty from 7am to 7pm on Friday, 9 October 2015. The logbook records no rescues conducted and nothing untoward on that day.

On 11 October police issued a media release using the name Rajah Thangarajah, describing Mr Sithamparapillai and seeking information from the public to help them locate him. The police disseminated that information and request over Facebook. Thangarajah Sithamparapillai was Mr Sithamparapillai's birth name. It is the name on his driver's licence and passport. He was, it seems, widely known by the name Rajah

Thangarajah. His daughter refers to him in her statement by that name and says that is the name he used for work purposes.

There was one response to the Facebook request in the name of Noah Havard dated 11 October at 9:22pm which said 'saw him at South Bronte near the fish and chip shop at lunchtime today'. That information was investigated by the police. On 12 October Constable Jason Buddle went to that fish and chip shop. Those who spoke to him there told him that they had not seen Mr Sithamparapillai and didn't recognise him.

Noah Havard, who was about 15 at the time, was contacted in October 2016. He provided police officers with a description of a man of large build and said he had seen him talking on a mobile phone. The description did not match Mr Sithamparapillai who was of a thin build. It is unlikely that Mr Sithamparapillai would have been using a mobile phone on that day. He had left his mobile phone at home. It is unlikely that Noah Havard saw Mr Sithamparapillai on that day.

On 27 October 2015 Detective Senior Constable Laine Martyr, who had been appointed Officer in Charge of the investigation, attempted to investigate a report made to Crime Stoppers on 20 October, a report apparently made in response to the police media or Facebook release, that an elderly male who looked Indian was seen on about the same day Mr Sithamparapillai disappeared lying on a paddock at Yarra Bay either sleeping or just enjoying the sun. Detective Senior Constable Martyr attempted to phone the person, the source of that report, without success. The report itself is vague and is not an assertion of a sighting of Mr Sithamparapillai.

There has been no other response to the media or Facebook release suggesting a sighting or suspected sighting of Mr Sithamparapillai.

On 12 October Kayathri Thangarajah provided Sgt Abbott with information about Mr Sithamparapillai's Opal transport card. It had not been used since 8 October 2015. Mr Sithamparapillai's bank accounts were jointly held with his wife. As at the 28 October 2015 there was no activity on those bank accounts initiated by Mr Sithamparapillai since his disappearance and there has been no unidentified use of those bank accounts and no use by Mr Sithamparapillai after that time.

About 16 October Sgt Abbott confirmed enquiries made by Mr Sithamparapillai's family with the Salibaba Hindu Association with which Mr Sithamparapillai had been heavily involved. That association had had no contact with Mr Sithamparapillai since the week prior to his disappearance.

On 22 October Constable Imogene Catterall contacted a number of hospitals in the area and major Sydney hospitals seeking information about persons fitting Mr Sithamparapillai's description. Mr Sithamparapillai was not identified through those enquiries.

As a result of enquiries made on 4 November 2015 Centrelink advised that Mr Sithamparapillai had not received any recent payments from the service and the Department of Immigration and Border Protection advised that Mr Sithamparapillai had returned to the country on 6 May 2015 and had not left since.

Further enquiries

Mr Sithamparapillai's disappearance was publicly highlighted again in Missing Persons Week which commenced on 31 July 2016.

On 11 November 2016 Senior Constable Nehme, an intelligence analyst, searched the police computer system for information with respect to Mr Sithamparapillai's New South Wales driver's licence, his car keys and a red UNSW bag. Senior Constable Nehme was unable to locate any reference to any of those items.

In March 2017 searches were made of indices in New South Wales, Victoria, Queensland, South Australia, ACT and Western Australia. There is no record of Mr Sithamparapillai under either name in any of those jurisdictions.

Is Mr Sithamparapillai dead?

Mr Sithamparapillai was a member of a very close and loving family. He had a good relationship with his wife. They spent time together and walked together. While she was overseas he spoke to her each night by telephone. He was clearly close to his daughter who spent time with him and was solicitous for him particularly when her mother was away. His wife has said that he was very proud of their children.

There is evidence that Mr Sithamparapillai sought to conceal the extent of his distress from his wife and daughter in the days and weeks leading up to his disappearance. It is very likely that he did that out of concern and love for them. It is most improbable that were Mr Sithamparapillai alive he would not have contacted his family.

Mr Sithamparapillai was a family man, strongly linked to his extended family and community and who had been a patient of the one general practitioner since he migrated from Sri Lanka in 1995. He was a religious man with strong links to the local Hindu community. There is no evidence that Mr Sithamparapillai has contacted any of those people with whom he had close links since 9 October 2015. The evidence is to the contrary.

Extensive police enquiries have revealed no evidence to suggest that Mr Sithamparapillai is living anywhere else in Australia and the evidence is that he has not left the country.

The evidence establishes on the balance of probabilities that Mr Sithamparapillai is dead and that he died on or about 9 October 2015.

The manner and cause of Mr Sithamparapillai's death

Mr Sithamparapillai was experiencing depression, psychological distress and worry in the weeks leading up to his disappearance. There was a family history of

depression and suicide and Mr Sithamparapillai was experiencing fleeting thoughts of self harm. It is possible, then, that Mr Sithamparapillai took his own life.

It is also possible that Mr Sithamparapillai, distracted by his psychological state, died by misadventure while swimming or that he slipped and fell into the water or that he fell into the water after suffering a medical event.

Mr Sithamparapillai was not a strong swimmer and, in the days leading up to his disappearance, was having difficulty, which is daughter thought unusual, in walking on hills and stairs. He took his swimming items with him and left behind items which it was his habit to leave behind when he went for a swim or a walk. His car was found parked near the beach at Coogee.

The evidence does not permit me to determine the manner of Mr Sithamparapillai's death or its cause. I am satisfied, however, that he died in or near the water at or near Coogee.

Findings required by s81(1) Coroners Act 1980

The identity of the deceased

The person who died was Thangarajah Sithamparapillai also known as Rajah Thangarajah

Date of death

Thangarajah Sithamparapillai died on or about 9 October 2015

Place of death

At or near Coogee, New South Wales

Cause of death

The cause of death is undetermined

Manner of death

The manner of death is undetermined

I thank Sgt Ferguson advocate assisting and the officer in charge Detective Senior Constable Laine Martyr for their assistance and close this inquest.

P. Russell
Magistrate
Coroner's Court
Glebe

Date 17 June 2017