



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the disappearance and suspected death of Luxing Li
Hearing date:	3 April 2019
Date of findings:	3 April 2019
Place of findings:	NSW Coroner Court - Lidcombe
Findings of:	Magistrate Elizabeth Ryan, Deputy State Coroner
Catchwords:	CORONIAL LAW – missing person – the Skillion, Central Coast NSW – can death be established - can time, place, cause and manner of death be determined.
File number:	2018/71225
Representation:	Advocate Assisting the Coroner: Sgt T O'Donnell.
Findings:	<p>Identity The person who died is Luxing Li.</p> <p>Date of death Luxing Li died on or soon after 18 October 2017.</p> <p>Place of death Luxing Li died in or close by the waters of the Skillion, Terrigal NSW.</p> <p>Manner of death The manner of Luxing Li's death is unknown.</p> <p>Cause of death The cause of Luxing Li's death is unknown.</p>

Section 81(1) of the *Coroners Act 2009* (NSW) 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 disappearance and suspected death of Luxing Li.

The Inquest

1. An inquest is different to other types of hearings. It is neither criminal nor civil in nature. It does not determine whether a person is guilty of an offence and does not make determinations and orders that are binding on parties.
2. A Coroner is required to confirm that a particular death occurred and make findings as to the identity of the person who died, the date and place of death, and the cause and manner of the death. Sometimes the evidence is not sufficient to answer all these questions.
3. In addition under section 82 of the Act a Coroner may make recommendations that are necessary or desirable in relation to any matter connected with the death, including health and safety.

Introduction

4. Luxing Li, also known as Kevin Li, was 28 years old when he disappeared on the night of 18 October 2017.
5. Mr Li was born in China on 29 April 1989. When he was sixteen he moved to Australia to live in Randwick with his mother Yiling and her husband Bruce Nicholls. Luxing Li was very good at basketball and his mother described him as easy going and gentle in nature. When he finished school he commenced studying landscape architecture but changed to accounting after a year.
6. At the time of his disappearance Mr Li was working as an assistant accountant at Guide Dogs NSW/ACT, where he was well regarded. He was also continuing his accountancy studies. His mother believed his job at Guide Dogs suited him as he loved helping people and working with animals.
7. Mr Li met his wife Kerry Zhou approximately eight years ago. They married each other in Switzerland in January 2017 in a small and intimate ceremony. Together they bought an apartment in Killara in 2015, the mortgage for which they were paying with their joint salaries. They shared the apartment with their dog and cat.
8. Ms Zhou described Mr Li as a gentle and humorous person who loved animals. As a couple they enjoyed travelling and watching movies. They also had a close group of friends whom they saw regularly. Mr Li continued to play basketball and other team sports. He was physically fit and did not use illegal drugs; nor did he drink much alcohol.

9. Both Mr Li's mother and his wife told police that to their knowledge he had never suffered mental health problems. It was noted that in the weeks leading up to his disappearance he had been taking an increased number of leave days from work. However his medical records do not indicate any signs or symptoms of mental ill health. His GP Dr Catherine Li stated he had a history of muscular skeletal issues and allergies.
10. As regards his financial situation, Ms Zhou told police Mr Li had a HECS debt and they were paying their mortgage; however she did not consider they were under undue financial strain. Mr Li had no known gambling habits or other debts.
11. Ms Zhou attended the inquest, as did Mr Li's mother and his step father. It was evident that they loved Mr Li very much and have been left grieving and confused by his disappearance.

The events of 18 October 2017

12. On 16 and 17 October 2017 Mr Li took leave from his workplace, telling his manager his cat was unwell and needed taking to the vet. His wife has since confirmed that this was not correct. On 17 October Ms Zhou decided to take the day off work too, and they had lunch together then went home and watched television.
13. On 18 October Mr Li went back to work, learning at some point during the day that for the third time he had failed one of his units in accounting. He still had two more units to complete. At about 4.30pm he spoke with his wife on the phone for about eight minutes. During the first half of the call she expressed her annoyance at his failing the subject and jeopardising their planned trip to Austria in December. She said that in the second half of the conversation they discussed future plans for his study.
14. Shortly after 7pm Ms Zhou asked Mr Li by text when he was coming home, to which he texted 'Now'. He was seen to leave work at about that time.
15. However by 9pm Mr Li had not arrived home and his wife became concerned. She had earlier noted that according to his phone he was at Macquarie University library. When she next checked, his phone showed the location of Ourimbah on the Central Coast. (This was confirmed weeks later by the arrival of a Penalty Notice notifying that Mr Li's car had been detected exceeding the speed limit at 8.57pm on 18 October. The location was Ourimbah on the M1 Pacific Motorway).
16. At this point Ms Zhou rang police, then continued to send text messages to Mr Li's phone. He did not reply. However at about 9.45pm she received a text from him as follows: '*Sorry babe, sorry about letting you down. This is the last time*'. The location of the phone was the southern end of the Haven, a coastal parkland in the Central Coast region of NSW near the town of Terrigal. Police

arrived at Ms Zhou's apartment in Killara at about the same time and she gave them details of her husband and his movements.

17. With the above information as to the location of Mr Li's phone, local police commenced searching the land area surrounding the Skillion. This is a steep cliff within the Haven parkland, with a fenced lookout at the top facing the Pacific Ocean. It is a popular tourist place but is also known as a site for suicides. The cliff face stands about 40 metres above a rock shelf, which becomes inundated at high tide. That night the tide was due to be full at 10.40pm.
18. The last information as to the location of Mr Li's phone came soon after, with signals showing it was located in the area of the Skillion, about 50 metres out to water. There were no further signals.
19. Police located Mr Li's car at 10.53pm in the nearby car park. It was locked and unoccupied. Although it was dark they continued their foot patrols to the top of the Skillion and down onto the rock platform, but found nothing relating to Mr Li.
20. When Mr Li's wife, mother and step father arrived at the scene a few hours later police were able to gain access to Mr Li's car with Ms Zhou's spare key. On the dash board Mr Li had left a written note headed '*List of things to do this year*'. It contained no references to harming himself but did include the item 'pass exams'.
21. At daylight the next day an extensive search commenced using foot patrols, a Polair Helicopter, a police boat and volunteer marine vessels. Nothing was found. The air and water search continued the next day, still with no result. At the time of Mr Li's disappearance there were no CCTV cameras located in the area around the Skillion.
22. No trace of Mr Li or his belongings has ever been found. The evidence indicates that the search operation coordinated by NSW Police was comprehensive and professional. No issues have been raised as to its adequacy.
23. Five months after Mr Li's disappearance Ms Zhou provided police with a second statement. She had been reflecting on her life with Mr Li and asking herself whether he had been feeling more pressure than he showed. She described herself as more assertive and '*driven*' in her studies and career than her husband, and thought perhaps he had been stressed without her knowledge. She wondered whether this had contributed to his disappearance.

Can Mr Li's death be established?

24. It is sometimes the case that inquests into missing persons are not able to establish whether or not the person has died. This uncertainty only adds to the distress families feel at the absence of their loved one.
25. In Mr Li's case however, the evidence does establish on the balance of probabilities that he has died. It is important for his family to know this, but of course it does not lessen the sorrow they feel at his loss.
26. Although Mr Li's body has not been found there is strong evidence he has died. His family, friends and work colleagues have not seen or heard from him since the evening of 18 October 2017. It is unlikely that a man with a strong attachment to his wife and parents, as Mr Li appeared to have, would not have had any contact with them had he been alive to do so.
27. Mr Li has not been seen at work or by any of his colleagues since 18 October. In addition there is no record of him using a financial or phone service after 18 October, or accessing his bank accounts. Checks with the Department of Immigration have established there has been no activity on either his Australian or Chinese passport. The most recent search of these databases was in March 2019. In addition there have not been any reported sightings of Mr Li.
28. For these reasons the evidence is sufficient to find that Mr Li has died.

When and where did Mr Li die?

29. The questions of when and where Mr Li died are closely related. There were no witnesses to his death and his body has not been found, meaning that it cannot be examined. It is thus not possible to be certain about the time and place of his death. Nevertheless an examination of the evidence does enable answers to be given on the balance of probabilities.
30. It is likely Mr Li died on the night of 18 October 2017 or very soon afterwards. Although there are no known sightings of him after 7pm on 18 October, it can be inferred from his phone records that he was still alive up until 9.45pm that night. Thereafter as noted, no trace of him has been found.
31. Furthermore it is likely that Mr Li died in or close by the waters of the Skillion. This is the location at which he was last known to be present, evidenced by his phone location and the finding of his car. No one has reported seeing him or hearing of him at any other place since that night.
32. It is unlikely Mr Li's death occurred on land. If it had it is almost certain his body would have been found within a short time after the search commenced. There were extensive searches of the rock shelf and shoreline in the hours and days following his disappearance. The land areas surrounding the Skillion are mainly grassland and are not densely vegetated.

33. It is more likely that by some means Mr Li's body entered the water during the night of 18 October. The difficulties with determining what caused this to occur, and whether he was alive when this occurred, are addressed below.

What was the cause and manner of Mr Li's death?

34. Unfortunately the evidence does not enable a firm finding to be made as to the cause of Mr Li's death, or its circumstances. Assuming he entered the waters around the Skillion no one witnessed the event that caused this to happen, and his body has not been able to be examined.

35. It is possible that Mr Li died as a direct result of drowning. However other possibilities as to the direct cause of his death cannot be excluded. His immersion in the water may have been preceded by a sudden and unexpected event on land which caused his death. This may have been a natural event such as a heart attack, or an injury as a result of a fall. It could have occurred at the top of the Skillion causing him to fall to the rock shelf below, or it could have occurred on the rock shelf itself. Such an event in either location could have directly caused his death, or incapacitated him to such an extent that he was unable to avoid being washed into the sea and drowning.

36. Unfortunately it is not possible to establish to the necessary standard that one rather than another of these possibilities was the cause of Mr Li's death. It must therefore remain unknown.

37. As to the circumstances in which Mr Li died, the evidence is also unclear. There is some evidence that Mr Li's death was the result of a deliberate act to end his life. This is supported by the content of his final text to his wife, which indicates he was in a low state of mind.

38. On the other hand Mr Li had no history of depression or mental illness, and no one was aware of any previous occasion when he had attempted to harm himself. The possibility cannot be excluded that he died as a result of circumstances over which he had no control.

39. For these reasons the evidence does not enable a finding as to the manner of Mr Li's death. I should add that there is no evidence that his death resulted from the violent act of another person.

40. At the inquest the court heard that since Mr Li died CCTV cameras have been installed at the top of the Skillion and at its base, which are monitored at Gosford Police Station. In addition the height of the fence at the top of the Skillion has been increased. These measures have been taken with the aim of reducing the number of suicide deaths at this location.

41. For the sake of Mr Li's wife, mother and step father I regret that this inquest has not been able to answer many of their questions about what happened to him. It is possible that his body may be found in the future. Police will take

steps to obtain a sample of Mr Li's DNA from his belongings, which will assist with identification.

42. Mr Li's wife, and his mother and step father have lost a beloved husband and son, and will feel his loss for the rest of their lives. I hope they will accept the sincere sympathy of us all at the Coroners Court.

43. I thank those who have assisted this inquest, including Coronial Advocate Sergeant Tim O'Donnell, and the Officer in Charge Detective Senior Constable Ruth Castelli.

Findings required by s81(1) of the Coroners Act 2009

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.

Identity

The person who died was Luxing Li, also known as Kevin Li.

Date of death

Luxing Li died on or soon after the night of 18 October 2017.

Place of death

Luxing Li died in or close by the waters of the Skillion, Terrigal NSW.

Cause of death

The cause of Luxing Li's death is unknown.

Manner of death

The manner of Luxing Li's death is unknown.

I close this inquest.

E Ryan

Deputy State Coroner
Lidcombe

3 April 2019