



CORONERS COURT OF NEW SOUTH WALES

Inquest:	Inquest into the disappearance and presumed death of James Richard Dang
Hearing dates:	7 December 2023
Date of judgment:	14 December 2023
Place of judgment:	Coroners Court of NSW, Lidcombe
Judgment of:	Deputy State Coroner, Magistrate David O'Neil
Catchwords:	CORONIAL LAW – Missing person, search,
File number:	2023/122609
Representation:	Coronial Advocate assisting: (Sgt) Tim O'Donnell

Findings

Identity: The person who died was James Richard Dang

Time of death: Mr Dang died on or about 25 January 2023

Place of death: Unascertained

Cause of death: Unascertained

Manner of death: Unascertained

Introduction

- 1 Mr James Richard Dang (James) left his home on the afternoon of the 25th of January 2023. He was reported missing the following day. Despite search efforts and investigation by Police Mr Dang was never found. No one has seen or heard from him since the date of his disappearance.

The role of the Coroner and the scope of the inquest

- 2 The role of the Coroner in a case such as this is to make findings firstly as to whether the missing person is actually dead and only if that can be established, to make further findings as to the date and place of death and the manner and cause of death.¹
- 3 The decision about whether a person is dead is considered a threshold question in a missing person case.² The decision is to be made on the balance of probabilities guided by the test determined in the High Court of Australia in the case of *Briginshaw v Briginshaw*³ which requires that the level of satisfaction required to conclude that death has more likely than not occurred should take into account the seriousness of such a finding. At common law, there is a presumption in favour of a continuance of life,⁴ however, it is not a rigid presumption, and the circumstances of any given case must be carefully examined before a finding of death can be made.
- 4 In addition to deciding these questions at the conclusion of proceedings, the Coroner may, if appropriate, make recommendations in relation to matters arising directly from the evidence if they have the capacity to improve public health and safety in the future.⁵

The evidence

¹ s81, *Coroners Act 2009* (NSW).

² Dillon H and Hadley M "The Australasian Coroner's Manual", Federation Press 2005 at p.15.

³ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

⁴ *Axon v Axon* (1937) 59 CLR 395.

⁵ s82, *Coroners Act 2009* (NSW).

- 5 The inquest took place on 7 December 2023. A brief of evidence was tendered and became exhibit one in the proceedings. The brief included the statement of the officer in charge, Detective Senior Constable Adrian Ram, statements from various other police officers, statements from Mr Dang's wife Nina, his mother Ms Druse and statements from medical practitioners who had been providing medical service to James prior to his death.
- 6 In addition to the statements there were extensive records relating to the search conducted for James together with documentation relating to enquiries made with banks, telephone companies and various government agencies.
- 7 All of the evidence within the brief of evidence has been taken into account in coming to the findings set out below.

Mr Dang's background

- 8 James was born on the 18th of January 1987 at Ryde Hospital to his father Francis Dang and mother Christine. He had an older brother, Jason, who passed away in 1998.
- 9 James reportedly had a normal, happy childhood. He did well in school and went on to study medicine at University.
- 10 In June 2010, James' General Practitioner, Dr Gordon Howard, referred James to a psychiatrist after he expressed suicidal ideation following a relationship breakdown. He was prescribed medication for anxiety and depression symptoms, and initially referred to psychiatrist Dr Michael Williamson. He changed psychiatrists to Dr Ben Teoh, and eventually Dr Steven Yeates some years later.
- 11 In October 2011, James met Nina Dang, who had just moved to Sydney from the Ukraine. They began a relationship and Nina moved in with James soon after. They married on the 5th of August 2012 and had their first child together, James Dang Junior, on the 15th of January 2013. James finished studying and began working as a doctor only a few days after their son was born. James chose to specialise in Psychiatry.
- 12 James and Nina planned on having more children, so decided to take out a loan to rebuild the family home. They began renting in Carlingford while the house

was undergoing renovations. Their second child, Veronica, was born on the 10th of December 2014 and they moved back into the rebuilt family home a year later. They welcomed their third child, Jason, on the 8th of September 2016.

- 13 James started working at the Royal Prince Alfred Hospital about a year and a half before his disappearance. His work there was difficult for him and very demanding and he started seeing a therapist regularly. He found therapy useful and continued seeing his therapist on an ongoing basis multiple times a week.
- 14 On or around the 26th of December 2022, James was doing a lot of housework and moving heavy items when he suffered a back injury. He developed back pain with shooting pain developing down his leg that made it hard for him to walk. A couple of weeks later, the pain was getting worse, so he attended the Sydney Adventist Hospital Emergency Department. He received spinal injection steroids to reduce inflammation and was discharged home.
- 15 Dr Gordan Howard, James' GP, provided a statement which detailed his care and treatment of James. Dr Howard mentioned that James put pressure on himself to study medicine because of the qualifying marks he received, and often expressed regret that he didn't study Engineering instead, as this was more aligned with his passion. He often expressed regret and concern over his ability to cope with patients and frequent concerns regarding perceived medicolegal risks. James had not expressed any suicidal ideation to Dr Howard in the period leading up to his disappearance.
- 16 Dr Howard indicated that James was using Lyrica and Endone for pain management of his back. After two weeks his pain remained significant, and he was prescribed Oxycodone. James was given a medical certificate to remain off work until the 22nd of January 2023.
- 17 A statement was provided by Dr Yeates, James' psychiatrist, who had been treating James since 2021. At the time of his disappearance, James was having up to four therapy sessions a week. The last session he had was on the 24th of January 2023, the day before his disappearance. Dr Yeates said that James initially saw him for difficulties in his current job and wanting to augment his treatment for depression. Doctor was using psychotherapy to explore the roots of his depression. James spoke of thoughts of suicide, but only in an historical sense in reference to personal relationships and issues he had with a previous partner over 10 years ago. In the week of his disappearance James denied suicidal ideation. He also revealed details about his older brother's death in an accident which Dr Yeates described as a 'salient event in James' life.

- 18 The session on the 24th of January was spent discussing his feeling about his back injury, and it was clear to his therapist that he was still in a lot of pain.
- 19 James' diagnosis was, treatment resistant major depression in partial remission, avoidant personality traits and ongoing emotional sequelae of issues in his development, such as his brother's death.
- 20 The evidence reveals that James did not discuss his mental health problems or indeed diagnosis with family members.

The circumstances of James' disappearance

- 21 On the 24th of January 2023, James and Nina saw a neurosurgeon at Westmead Private Hospital named Dr Li. Dr Li suggested James' back be operated on as there was inflammation around a disc in his back causing pressure on a nerve. The surgery was booked for the 30th of January 2023. He was reportedly excited about this upcoming surgery.
- 22 When they arrived home, James and Nina discussed James going to see his GP, and he said he would do it the next day. James informed Dr Howard of the surgery and scheduled an appointment for the 25th. Later that night, James was described as being in a good mood and he attended his therapy session online. At that time, James four sessions a week were online due to his back pain.
- 23 On the morning of the 25th of January 2023, Nina woke up in bed and James was next to her already awake and he looked sad. Nina asked him what was wrong, and he said, "there are some work issues, I have received an email and there are some work issues". Nina didn't notice anything else unusual about the day. When James left the house at about 3:30pm that afternoon, he seemed sad but nothing unusual. He hugged Nina and walked to the garage. James left the house in their Silver Hyundai Tucson Station Wagon registered under Nina's name.
- 24 Dr Howard received a call from James stating that his car had broken down and he was unable to attend his 3:45pm appointment. James failed to attend his therapy session at 5:15pm.
- 25 Nina knew James had his therapy appointment and needed to go to the chemist so she wasn't worried when he didn't come home for a few hours. However, she became worried later that night when he still wasn't home and not picking up his phone.

- 26 The next morning, James still wasn't home so Nina called James Druce, her mother-in-law's husband, to come and mind the children while she attended Eastwood Police Station to report James missing.

The investigation following James' disappearance

- 27 A missing person's report was taken at the front counter of Eastwood Police Station by Constable Samuel Reeve, who began a police investigation and circulated details of James and his vehicle throughout the police system.
- 28 Police established the last time James' phone was active was around 3:43pm on the 25th of January in the vicinity of North Ryde Golf Course, a few streets away from where James lived. His vehicle E-Tag was last registered at 3:57pm on the same day travelling southbound on the Military Road exit ramp at Mosman.
- 29 On the 28th of January, police located James' vehicle in the carpark of Scenic Route, North Head, in Manly. The vehicle was locked and had a parking ticket on it for the 26th of January. The car was towed back to the holding yard and police found James' mobile phone inside, which had been switched off.
- 30 Over the following days large scale land searches were conducted extending out from the point where James' car had been found. The land searches were complemented by Marine Command Water patrols covering areas from North Head to Dee Why including the Quarantine Head to Freshwater areas. In addition, Polair searched land and sea along the coastline and from North Head back to Scenic Drive. Subsequently there was a "below cliff line" search on 23 March which included a cadaver dog.
- 31 Police seized numerous electronic devices belonging to James, including his laptop and phones but were unable to gain access. Efforts were made by police to establish what communication James may have received from his employer on or about the morning of his disappearance, however, no email communication from his employer was ever found.
- 32 Police conducted all required "sign of life" checks, with no evidence of any activity by James since his disappearance on the 25th of January.

- 33 James had accounts with the Commonwealth, ANZ and Westpac Banks and an American Express card. Upon checking there was no suspicious activity on any account after James' disappearance.
- 34 Inquiries were made of Hospitals throughout Sydney, of the Casino which James had occasionally attended, and of the Mental Health Service at which he worked. All those inquires raised nothing suspicious in relation to James' disappearance.
- 35 Interpol were fully informed of the circumstances and have not reported anything suspicious to the OIC.

Is it possible to say whether and if so when, where or in what circumstances Mr Dang died?

- 36 I am able to make a finding based on all of the available evidence that Mr Dang is deceased. Whilst his body has not been located, I am satisfied that the evidence, including the lack of sightings, lack of activity in relation to phone and financial records and lack of contact with any family member or friend, lead to the conclusion that Mr Dang is deceased.
- 37 I am satisfied that if alive Mr Dang would have been in touch with his family and friends in Australia.
- 38 The total inactivity on Mr Dang's phone and bank accounts from 25 January onwards suggests he died shortly after leaving his car.
- 39 There were a number of matters troubling James as at the time of his disappearance. Firstly, he was due to return to work and it is clear that he found his work difficult and demanding. Secondly, he was in significant pain from his recent back injury. Thirdly, something had arisen in relation to his return to work which troubled him. Whilst the investigation had not found any email from James' employer which referred to any specific work issue, it is clear on the evidence that James was observed to be happy on the 24th of January but appeared sad on the morning of the 25th of January when he said to his wife "there are some work issues, I have received an email and there are some work issues".

- 40 It is clear on the evidence that the director of the North Shore Ryde Mental Health Service, James' employer, was aware that James had a diagnosed mental health condition for which he was receiving treatment. Given James' privacy in relation to his mental health diagnosis it is likely his employer's knowledge of the diagnosis, complicated James' work situation.
- 41 Whilst it has not been possible to establish what work issue it was that was troubling James on the morning of 25 January the fact is his mood had changed significantly from the day before. Tragically such is the nature of mental health conditions that depression can strike without warning.
- 42 Whilst James had not expressed any suicidal ideations to his psychiatrist in the treatment sessions leading up to the 25th of January, James was exploring deeply disturbing issues from his past, experiencing significant pain and confronting upcoming surgery during that period. Against that background it seems likely that James' concerns about his planned return to work tipped him into a depressive state on the 25th of January.
- 43 Whilst I am satisfied James was in a depressive state when he cancelled his GP appointment on the 25th of January it is not possible to know where it was James walked to and what led to his death after leaving his motor vehicle at North Head. I therefore am unable to determine the place, manner or cause of Mr Dang's death and I return an open finding in relation to those matters.

Is there a need for recommendations?

- 44 There is no need for any recommendations to be made. On the evidence before me the Police took most thorough steps to find Mr Dang and there is nothing relating to their efforts which leads to a need for any recommendation as to systemic improvement.

Findings pursuant to s81 Coroners Act 2009 (NSW)

Identity: The person who died was James Richard Dang

Time of death: Mr Dang died on or about 25 January 2023

Place of death: Unascertained

Cause of death: Unascertained

Manner of death: Unascertained

Conclusion

- 45 I acknowledge and express my gratitude to the Coronial Advocate assisting the Coroner, Mr Tim O'Donnell, for his assistance both before and during the inquest. I also thank the Officer-in-Charge of the investigation, Detective Senior Constable Adrian Ram, for his work in the Police and Coronial investigation.
- 46 On behalf of the Coroners Court of New South Wales, I offer my sincere and respectful condolences to the family and friends of Mr Dang.
- 47 I close this inquest.

Magistrate David O'Neil
Deputy State Coroner
Coroners Court NSW
14 December 2023