



CORONERS COURT OF NEW SOUTH WALES

Inquest:	Inquest into the disappearance and suspected death of Beilin Zhang
Hearing dates:	20 March 2023
Date of judgment:	28 March 2023
Place of judgment:	Coroners Court of NSW, Lidcombe
Judgment of:	Deputy State Coroner, Magistrate David O'Neil
Catchwords:	CORONIAL LAW missing person--no suspicious circumstances
File number:	2020/47284
Representation:	1) Advocate assisting: Mr Howard Mullen

Findings:

Identity: The person who died was Beilin Zhang.

Time of death: On or about 20 August 2018

Place of death: Unascertained

Cause of death: Unascertained

Manner of death: Unascertained

Introduction

- 1 On 24 August 2018, Mr Yanyi Zhang, who was in China, had been trying unsuccessfully to contact his daughter Beilin Zhang, who was living in Wollli Creek New South Wales. As a result, he contacted a business associate, with whom Beilin had been working for a period of time in 2016 and 2017 and sought assistance in helping locate her.
- 2 On 25 August 2018, Beilin was officially reported missing to Police. As a result of this, a long investigation took place. Beilin was never located.

The role of the Coroner and the scope of the Inquest

- 3 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
- 4 The decision about whether a person is dead is considered a threshold question in a missing person case.² Given the seriousness of the finding it is well established that the Court should apply the Briginshaw Standard.³ The proof of death must be clear, cogent and exact. 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.
- 5 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

- 6 The inquest took place on 20 March 2023.
- 7 A six-volume brief of evidence was tendered that included the statement of the officer in charge, Plain Clothes Senior Constable, Alexandra Burdett, statements from Ms Zhang's father and her flat mate at the time of her disappearance and extensive material relating to mobile devices, chat and other social media sites, e-tags, CCTV footage, medical records, opal card records, scientific material (DNA), academic records and financial records.

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).

Ms Zhang's background

- 8 Beilin Zhang was born on 6 November 1995, to parents Yanyi Zhang and Xiaohong SHI. She was an international student who first arrived in Australia on 3 October 2012. Her last arrival was on 2 March 2018. Beilin was on a student visa, which was due to be renewed on 22 March 2018, and immigration records reflect that she was onshore unlawfully.
- 9 At the time of her disappearance, Beilin was living at an address in Wolli Creek, with a flatmate.
- 10 During her time in Australia, Beilin was undertaking studies at Sydney University. She transferred between courses and was ultimately withdrawn due to academic exclusion in March 2018. Her transcripts reflect poor academic performance, with several subjects marked "absent fail". This means she either did not attend classes, exams or did not submit enough assignments.
- 11 Up until her disappearance, Beilin was not known to police. With regards to her Medical History, information was obtained which reflected that Beilin had suffered from clinical depression with increasingly severe symptoms from around 2016. In April 2018, Beilin was diagnosed with Ankylosing Spondylitis, which is a type of inflammatory arthritis that mainly affects the joint of the spine. She also had sought treatment in relation to an eating disorder in 2016.
- 12 Medical notes also reflect that Beilin had attempted self-harm in the past, and had refused to agree to a safety action plan and stated, "if I wanted to kill myself, I will."
- 13 Beilin was described as reclusive and rarely leaving home. Her friend Sindy Gao recalled Beilin showing her scars on her wrist and admitting to self-harm, and another friend Aria Fei recalled Beilin telling her she had depression.
- 14 Her flatmate at the time she went missing, tells police that Beilin hardly ever spoke, and that it was clear after about six months of residing together, her health was deteriorating.
- 15 Beilin did not disclose to her family that she was struggling at university, nor that her visa had lapsed.
- 16 In July 2015 Beilin had sold a property without the consent or knowledge of her father, who the property had originally been purchased on behalf of. The fund from the sale of this property, in the sum of about \$74,000 was slowly depleted.
- 17 At the time of her disappearance, police determined that Beilin was facing having to return to China, either by her own arrangements or by deportation. She had no family members in Australia and following the graduation of her friends she was left without a support system. Police uncovered a number of secrets that she kept from her family including her withdrawal from university, her expired visa, the sale of her father's property, as well as problems with both her physical and mental health.

The circumstances of Beilin's disappearance

- 18 Once the matter was reported to Police they soon established that Beilin's flat mate had last seen her on Friday 17 August 2018 and had subsequently noticed her keys were not in the usual spot within the apartment. A number of enquiries then took place.
- 19 During the investigation, it was discovered that Beilin had been travelling to Kiama, on a semi regular basis. Due to this, police sought information from NSW Transport and the activity that related to Beilin's Opal Card. It was discovered that there was what is referred to as a "a tap on" at Wollli Creek at 12:31am on 20 August 2018, with a "tap off" at 03:03am in Kiama. There was no further activity after this date. This indicates that a person using a card registered to Beilin had travelled from Wollli Creek to Kiama.
- 20 As a result, police obtained the CCTV from Kiama train station. Upon review, the footage showed a female matching the appearance of Beilin alighting from a train, walking out of Kiama Train Station, and turning right onto railway parade.
- 21 Police also established that Beilin's mobile records reflected that there was activation around Kiama Train Station following her last known CCTV movements.
- 22 Wollli Creek was the closest station to Beilin's residential address.
- 23 Police performed an extensive canvass of the Kiama area. Media releases were also conducted, these resulted in a number of reported sightings, however once investigated these were unfortunately found not to be Beilin.
- 24 Police believe that Beilin was the person depicted in the CCTV footage at Kiama train station, and that this was the last known sighting of her. There were no further sightings and no unidentified bodies have been located that match that of Beilin.
- 25 Upon completion of the police investigation, there was no evidence to suggest that Beilin had met with foul play. There has been no activity or movement in relation to bank accounts either in Australia or overseas.

Is it possible to say when, where or in what circumstances Ms Zhang died?

- 26 I am able to make a finding based on all of the available evidence that Ms Zhang is deceased. Whilst her body has not been located, I am satisfied that the evidence, including, past comments regarding suicide, the numerous matters she had concealed from her family together with the lack of sightings, lack of activity in relation to financial records and lack of contact with any other family member or friend, lead to the conclusion that Ms Zhang is deceased.

- 27 The investigation did not reveal any suspicious circumstances.
- 28 The evidence does not allow me to determine the place, manner or cause of Ms Zhang's death and I return an open finding in relation to those matters.

Is there a need for recommendations?

- 29 There is no need for any recommendations to be made. The police investigation was extensive and thoroughly pursued every line of enquiry.

Findings pursuant to s81 Coroners Act 2009 (NSW)

<i>Identity:</i>	The person who died was Beilin Zhang.
<i>Time of death:</i>	On or about 20 August 2018
<i>Place of death:</i>	Unascertained
<i>Cause of death:</i>	Unascertained
<i>Manner of death:</i>	Unascertained

Conclusion

- 30 I acknowledge and express my gratitude to the Coronial Advocate assisting the Coroner, Mr Howard Mullen, for his assistance both before and during the inquest. I also thank the Officer-in-Charge of the investigation, Plain Clothes Senior Constable Alexandra Burdett, for her work in the Police and Coronial investigation and compiling the extensive evidence for the inquest.
- 31 On behalf of the Coroners Court of New South Wales, I offer my sincere and respectful condolences to the family of Ms Zhang.
- 32 I close this inquest.



Magistrate David O'Neil
Deputy State Coroner
Coroners Court NSW
28 March 2023