



New South Wales

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

Inquest: Inquest into the suspected death of missing person KHL

Hearing dates: 30 January 2025

Date of findings: 30 January 2025

Place of findings: Coroner's Court of New South Wales at Lidcombe

Findings of: Magistrate Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – whether missing person now deceased, date and place of death, cause and manner of death, rock fishing, Eagle Rock, Royal National Park

File number: 2023/35700

Representation: Mr S Chahrouk, Coronial Advocate Assisting the Coroner

Findings: On the available evidence I find that KHL, who was reported as a missing person on 12 August 2023, is now deceased.

Mr KHL died on 11 or 12 August 2023 in the ocean waters in the vicinity of Eagle Rock, Royal National Park near Garie NSW 2232.

The available evidence and the absence of any postmortem examination does not allow for any finding to be made as to either the cause or manner of Mr KHL's death.

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1. Introduction

- 1.1 Mr KHL was a keen rock fisherman who regularly went fishing at coastal locations within the Royal National Park. On 11 August 2023, Mr KHL left home to go fishing in the vicinity of Eagle Rock within Royal National Park. When Mr KHL could not be contacted, and when he did not return home the next day, his family became concerned and began to look for him. Mr KHL's car was found parked near one of his frequent fishing spots but there was no sign of Mr KHL.
- 1.2 The police were notified and over the next several days extensive search efforts were mounted, using a variety of police, emergency and volunteer resources, in an attempt to find Mr KHL. Despite these efforts, Mr KHL has not been found to date.

2. Why was an inquest held?

- 2.1 After all existing lines of enquiry to locate Mr KHL had been exhausted, the New South Wales Police Force (**NSWPF**) submitted a report to the Coroner in December 2023 that it was suspected that Mr KHL was deceased. When the case of a missing person, who is suspected to have died, is reported to a Coroner, the Coroner must determine from the available evidence whether that person has in fact died. In such cases there will often be very little information, despite extensive enquiries, about what happened to the person after they were last seen alive.
- 2.2 If a Coroner forms the view that a missing person has died then the Coroner has an obligation to make findings in order to answer questions about the identity of the person who died, when and where they died, and what the cause and the manner of their death was. The manner of a person's death means the circumstances in which that person died. If the coroner is unable to answer these questions then an inquest must be held.¹
- 2.3 In Mr KHL's case, the missing person investigation conducted by the NSWPF has been unable to reveal precisely what happened to Mr KHL after he was last seen alive on 11 August 2023. As it has not been possible to answer the questions that a Coroner is required to answer, it became mandatory for an inquest to be held.
- 2.4 In this context it should be recognised at the outset that the operation of the Act, and the coronial process in general, represents an intrusion by the State into what is usually one of the most traumatic events in the lives of family members who have reported a loved one as missing. At such times, it is reasonably expected that families will wish to attempt to cope with the consequences of such a traumatic event in private.
- 2.5 The sense of loss experienced by family members does not diminish significantly over time. Therefore, it should be acknowledged that both the coronial process and an inquest by their very nature unfortunately compel a family to re-live distressing memories and to do so in a public forum.

¹ *Coroners Act 2009*, section 27.

3. Mr KHL's life

- 3.1 As will be discussed later in these findings, all of the evidence gathered to date suggests, tragically, that Mr KHL is now deceased. Inquests into the deaths of persons, even those persons who are missing and suspected of being deceased, by their very nature only tend to focus on the last moments of a person's life, or the last moments when they were seen alive. These moments are sometimes measured in weeks or months, but more often they are measured in hours and days. As a consequence, often there is very little known about the (usually) years of life that preceded these final moments. Therefore, it is appropriate at this stage to recognise Mr KHL's life in a brief, but hopefully meaningful, way.
- 3.2 Mr KHL was born in South Korea in 1952 and grew up in a coastal area. From a young age he had a love of the ocean. He married his wife, Mrs BSL, in 1983 and they had two daughters together. In 1988, Mr KHL moved to Australia and was joined by his wife and daughters a year later. Mr KHL retired in 2016. He was a keen fisherman and would go rock fishing at least twice per week. His favourite fishing spots were at Harrington and Eagle Rock in the Royal National Park.
- 3.3 There can be no doubt that the loss and pain experienced by Mr KHL's family is immeasurable. His separation from his family in such sudden, unexpected and tragic circumstances is truly heartbreaking.

4. Background to the events of 11 August 2023.

Medical history

- 4.1 Mr KHL had a medical history of hypertension, a heart murmur, osteoarthritis and sensorineural hearing loss. He received medical treatment and took medication for these conditions.
- 4.2 In 2020, Mr KHL was diagnosed with hypertrophic cardiomyopathy. He underwent genetic testing without any further follow up. Mr KHL was also advised to have a primary prevention defibrillator implanted in view of a significant degree of scarring involving his left ventricle. However, Mr KHL did not proceed with the defibrillator implantation at that time.
- 4.3 On 25 April 2023, Mr KHL presented to hospital with chest pain and palpitations. He was found to be in rapid unstable atrial fibrillation and was treated with medication and admitted to the coronary care unit for further investigation and monitoring. A coronary angiogram was performed which revealed minor coronary artery disease. Mr KHL was started on new medications and remained pain free on the ward. On 28 April 2023, Mr KHL was discharged with instructions to follow up with his cardiologist.
- 4.4 Mr KHL was last reviewed by his cardiologist on 18 July 2023 and found to be stable and compliant with his medical treatment, and reported no significant symptoms. However, Mr KHL's cardiologist explained to him that he was at risk of sudden cardiac death due to his underlying hypertrophic cardiomyopathy. Following discussions, Mr KHL expressed a desire to explore the option of primary prevention defibrillation implantation. Accordingly, Mr KHL's cardiologist made a referral for him to see another specialist.

Fishing activities

- 4.5 Mr KHL was known to be a keen fisherman. His usual routine was to either leave early in the morning and return home at dinnertime or leave at night and return home the following morning. Mr KHL would sometimes go fishing with friends, but most of the time he fished alone.
- 4.6 HCH had known Mr KHL for about 36 years as a good friend and they had fished together on many occasions. Mr HCH described the following usual practices followed by Mr KHL when going fishing:
- (a) Mr KHL typically parked near the start of the Curra Moors trail in the Royal National Park and then walked to fishing spots in and around Eagle Rock;
 - (b) Up until 2020, Mr KHL and Mr HCH previously fished from the rocks almost directly below Eagle Rock;
 - (c) More recently, Mr KHL and Mr HCH fished at a spot about 200 to 300 metres west of Eagle Rock. They accessed this spot by climbing down the cliff with the help of knotted rope which had been installed by Mr KHL and fixed to an anchor point, being a hollow steel pipe embedded into the rock face. When the rope was not in use, Mr KHL removed it from the anchor point and left it hidden nearby;
 - (d) Mr KHL visited the fishing spot regularly, with Mr HCH describing Mr KHL as treating fishing “*like his exercise*”; and
 - (e) Although Mr KHL owned a personal flotation device (also known as a lifejacket), he only wore it around half the time he went fishing because bringing it made it more difficult to climb down the rope.

Swimming ability

- 4.7 Mr KHL was described by one of his daughters to have average swimming ability. Despite Mr KHL’s love of the ocean, his daughter cannot ever recall him seeing swim in the ocean when the family went to the beach together.

5. Events of 11 and 12 August 2023

- 5.1 At around 7:00am on 11 August, Mr KHL had breakfast with his wife at home before she left at around 7:30am to go to a golf competition.
- 5.2 Mrs BSL returned home at around 3:30pm and found that her husband was not at home. Mr KHL had not mentioned earlier that morning that he was intending to go out. At around 6:00pm, Mrs BSL rang her husband’s mobile phone but there was no answer. Mrs BSL did not become concerned at this stage as her husband was known to not always answer his phone. Mr KHL’s younger daughter also tried calling Mr KHL at around 6:00pm, again without success. She also did

not become concerned at this stage as in her experience, mobile phone reception within the Royal National Park was unreliable. Mrs BSL later went to bed.

- 5.3 Mr KHL still had not returned home by the morning of the next day, 12 August 2023. Mrs BSL called her husband a couple of times but the calls did not go through. Mrs BSL called one of her daughters to report that Mr KHL had left home and not returned. Mrs BSL again made a number of further calls to her husband's phone but these also did not go through, which made her concerned for her husband's welfare. At around lunchtime, Mrs BSL called both of her daughters and reported that Mr KHL still had not returned home.
- 5.4 At around 6:30pm, Mr KHL's younger daughter drove to the car park at Wattamolla to look for her father's car but could not find it. At the same time, Mrs BSL was also driving to the Royal National Park with Mr HCH to look for Mr KHL. Mrs BSL spoke to her daughter on the phone and told her that Mr KHL typically parked his car at Curra Moors as vehicular access to the location was not closed at night.
- 5.5 Mr KHL's younger daughter drove to Curra Moors and found her father's car parked there. She informed her mother who told her about the trail that Mr KHL typically took to reach Eagle Rock. Mr KHL's younger daughter followed the trail for about 40 minutes when she reached a fork in the trail. Unsure of which way to go, Mr KHL's younger daughter called her sister and asked her to call the police.
- 5.6 Mr KHL's older daughter subsequently called Triple Zero and reported that her father had gone fishing the previous day, had not been heard from since, and that his car had been found at Curra Moors car park.

6. Search efforts to locate Mr KHL

12 August 2023

- 6.1 NSWPF officers arrived at the car park of the Curra Moors trail at around 7:00pm. Mr KHL's vehicle was searched with nothing significant found. Due to minimal light and the significant area between the car park and the coastline which required searching, assistance was sought from the NSWPF Aviation Command (known as PolAir). In the meantime, NSWPF general duties officers commenced a basic ground search of the Curra Moors trail.
- 6.2 At 7:42pm, a NSWPF helicopter arrived at the scene and began an aerial sweep of the location using an infrared camera. No relevant heat signatures were identified. The aerial search concluded at 8:12pm with nothing of interest found.
- 6.3 At 8:51pm, the NSWPF Marine Command searched the coastline surrounding the area with nothing significant found.
- 6.4 NSWPF attempted to perform a triangulation to identify the location of Mr KHL's mobile phone. However, this could not be done as it was discovered that Mr KHL's phone was not active.

6.5 At 9:31pm, NSWPF officers commenced searching The Coast Walking Track to Eagle Rock by foot, and also searched the Curra Moors fire trail by vehicle. Again, nothing of interest was found.

13 August 2023

6.6 At around 8:00am on 13 August 2023, the search efforts for Mr KHL resumed with NSWPF officers joined by personnel from the State Emergency Service (**SES**) and Surf Life Saving NSW. The search efforts focused on the bush and scrubland surrounding, and the waters below the cliff face near, Mr KHL's last known location. SES volunteers conducted a land search of relevant areas of the Curra Moors trail and The Coast Walking Track and found the following items:

(a) a rope which had been secured to the top of a cliff face near Eagle Rock and extended about 100 metres down to the bottom of the cliff; and

(b) two fishing rods, a black New Balance shoe, packets of unopened Nurofen tablets, and some batteries.

6.7 NSWPF officers later showed the fishing rods and shoe to Mr KHL's younger daughter who immediately recognised the items as belonging to Mr KHL. Mr HCH was also shown the fishing rods and confirmed that they belonged to Mr KHL. Mr HCH informed NSWPF officers that he also recognised the rope that Mr KHL had installed and advised that Mr KHL would always withdraw the rope and hide it when leaving, in accordance with his usual practice.

6.8 Meanwhile the NSWPF Marine Command and Surf Life Saving NSW searched the coastal waters in the vicinity where Mr KHL was last known to be, as well as extending the search north and south of the area.

6.9 At some point, NSWPF officers contacted Dr Paul Luckin, an expert in survivability in the context of search and rescue operations. Dr Luckin indicated that given the weather and tidal conditions at the time, Mr KHL's survivability in the water would be around four hours.

6.10 The coordinated search effort continued until around 3:00pm and consisted of the following:

(a) Air assets, including a Westpac rescue helicopter and drone, searched the shoreline, cliff faces and ledges surrounding the area where Mr KHL was last known to be alive;

(b) NSWPF officers and SES personnel conducted foot and vehicle patrols of all access trails from where Mr KHL's vehicle had been found; and

(c) SES personnel used a helicopter to conduct an aerial search of the cliffs of two other locations nearby known to be used by fishermen.

14 August 2023

6.11 NSWPF Marine Command divers searched the area of where Mr KHL was likely to have fallen into the ocean. Vessels and jet skis were also used to search the area. Meanwhile, a helicopter was used to conduct an aerial search of the area from Botany Bay Heads South to Garie Beach.

15 August 2023

6.12 At around 9:00am on 15 August 2023, Botany Bay Water Police conducted a marine search of the area from Kurnell to Garie beach. It was noted that there were rough and choppy water conditions, a swell approximately two metres high, and winds of approximately 15 to 20 knots. Due to the unsuitable conditions, the NSWPF Marine Command were unable to search close the coastline for safety reasons. No sign of Mr KHL was identified.

27 August 2023

6.13 At around 12:00pm on 27 August 2023, a member of the public found a backpack washed ashore in the middle of Little Garie beach, partly buried in the sand. When searched, the backpack was found to contain a wallet within which was a driver's licence and other personal cards in the name of Mr KHL, Mr KHL's mobile phone, and other personal items. Each of these items was later shown to members of Mr KHL's family who identified them as belonging to Mr KHL.

30 August 2023

6.14 Between 11:00am and 2:00pm on 30 August 2023, NSWPF officers conducted a further search in favourable weather conditions of the coastal area from Jibbon South to Stanwell Park. Again, no sign of Mr KHL was identified.

7. Signs of life checks

7.1 In addition to the above physical searches, investigating police conducted a number of documentary and electronic searches which are commonly known as "signs of life checks". These checks involve enquiries being made with financial institutions, government organisations, and law enforcement agencies to identify whether there are any records indicating that a missing person has had some interaction with these organisations and institutions. The results from these enquiries established the following:

- (a) No transactions were made involving Mr KHL's known bank account between 11 August 2023 and 18 August 2023, and there were no suspicious withdrawals in the period preceding 11 August 2023;
- (b) Examination of Mr KHL's mobile phone records indicate that no calls were made from Mr KHL's phone between 11 and 18 August 2023, and the phone did not access any internet data on 11 and 12 August 2023;

- (c) A check has been conducted with the Department of Home Affairs and Australian Border Force which confirmed that no person using Mr KHL's name has travelled overseas; and
- (d) Enquiries have been made with law enforcement mainframes, transport authorities, State Electoral Rolls, Registries of Births, Deaths and Marriages, government housing agencies, utilities and services providers, corrective services authorities, and Missing Persons Units in other States and Territories, and which have confirmed that there are no records in relation to Mr KHL.

7.2 It should also be noted that investigating NSWPF officers have obtained a DNA sample from Mr KHL's toothbrush, and a DNA sample from Mr KHL's older daughter. These samples have been stored and may be used for comparison purposes in the event that any unidentified human remains are found which are believed to be those of Mr KHL.

8. Is Mr KHL now deceased?

8.1 The first finding that a Coroner must make following an inquest into the suspected death of a missing person is whether that person is now deceased. A finding that a person is deceased is a finding of great significance and gravity, not only for the family members of that person and the emotional burden that such a finding will invariably bring, but also because such a finding carries with it important legal and administrative consequences. Such a finding is made on the balance of probabilities, but there must be clear, cogent and exact evidence that a missing person has died before it can be made.²

8.2 In considering the question of whether Mr KHL is now deceased, regard must be had to the results, or lack of results, from the NSWPF investigation, together with other information relevant to the circumstances in which Mr KHL went missing. A consideration of all the available evidence establishes the following:

- (a) Despite extensive and comprehensive physical, documentary and electronic searches no evidence has been identified indicating that Mr KHL is still alive;
- (b) The physical evidence found at the location where Mr KHL was known to regularly go fishing (Mr KHL's parked car, the discovery of his fishing rods, and the rope used to access Mr KHL's known fishing location which had not been withdrawn and put away) indicates that Mr KHL went fishing on 11 August 2023 in the vicinity of Eagle Rock but did not leave the location;
- (c) Mr KHL had a significant underlying medical condition which could cause sudden cardiac death. It is noted that although Mr KHL had previously been advised to consider implantation of a defibrillator, and had expressed a desire to do so, this had not occurred by 11 August 2023;
- (d) By all accounts, Mr KHL had a close connection with his wife, daughters, and friends. There is no plausible explanation why Mr KHL would not maintain contact them after 11 August 2023;

² *Briginshaw v Briginshaw* (1938) 60 CLR 336.

- (e) The discovery of Mr KHL's backpack containing his personal items on 27 August 2023 at a location close to Eagle Rock raises the possibility that Mr KHL unintentionally entered the water whilst fishing on 11 August 2023;
- (f) It is most likely that Mr KHL was not wearing any personal flotation device on 11 August 2023; and
- (g) The opinion expressed by Dr Luckin is that if Mr KHL entered the water it is likely that he would have survived for at most four hours given the weather and tidal conditions at the time.

8.3 Having regard to the matters set out above, the conclusion that must, sadly, be reached is that, on the balance of probabilities, Mr KHL is now deceased.

9. When and where did Mr KHL die?

9.1 Having concluded that Mr KHL is now deceased, the questions that now arise, as part of the functions of the coronial jurisdiction, is whether the available evidence allows for any finding to be made as to where and when Mr KHL died, and the cause and manner of his death.

9.2 Given the evidence referred to above, it is most likely that Mr KHL entered the water unintentionally in the vicinity of Eagle Rock. Whether Mr KHL was already incapacitated, either from a medical episode or as result of a fall or other misadventure, at the time he entered the water is not known. However, given the evidence regarding Mr KHL's possible period of survivability it is most likely that he died in the ocean waters in the vicinity of Eagle Rock.

9.3 As Mr KHL was known to go fishing overnight and the NSWPF investigation identified that there was no activity on Mr KHL's mobile phone by at least the evening of 12 August 2023, it is most likely that he died sometime on either 11 or 12 August 2023.

10. What was the cause and manner of Mr KHL's death?

10.1 The manner of a reportable death typically falls into a number of well-established categories: natural causes, misadventure, intentionally self-inflicted and, sometimes, homicide. The police investigation did not identify any evidence considered to be suspicious regarding the circumstances in which Mr KHL went missing. Similarly, there is no evidence that any third party had any involvement in Mr KHL going missing. Therefore, the possibility that Mr KHL died as a result of the actions of another person can reasonably be excluded.

10.2 There is also no evidence that Mr KHL suffered from any mental health concerns or conditions in the period immediately preceding 11 August 2023, or that he had previously ever voiced any thoughts of self-harm. Therefore, the possibility that Mr KHL died as a result of his own intentional actions can also be reasonably be excluded.

10.3 However, determination of the precise manner and cause of Mr KHL's death is more problematic. As noted above, Mr KHL had a significant underlying medical condition (hypertrophic

cardiomyopathy) which could cause cardiac death at any time, particularly in the absence of having a defibrillator implanted. It is also noted that Mr KHL had presented to hospital four months before he went missing and was found to have an abnormal heart rhythm. Therefore, there is compelling evidence that Mr KHL may have suffered a sudden and fatal cardiac event on 11 or 12 August 2023 and died of natural causes.

- 10.4 On the other hand, Mr KHL was pursuing a known hazardous activity at a location that carried with it inherent risks of injury and even death. Although Mr KHL had fished at the location many times previously without incident, this does not mean that these inherent risks were lessened or eliminated. The Coroner's Court has, sadly, received numerous previous reports of persons undertaking rock fishing activities at different locations along the NSW coastline which has resulted in death. Given the circumstance in which Mr KHL was fishing, there is also compelling evidence that that Mr KHL may have fallen or become incapacitated and entered the water accidentally. Therefore, it is plausible that the manner of Mr KHL's death is misadventure.
- 10.5 Finally, if Mr KHL did enter the water unintentionally, either as a result of experiencing a medical episode or by misadventure, he may have remained alive for a period of time before succumbing to the ocean and weather conditions, or even marine animal predation.
- 10.6 In the absence of Mr KHL being found, and a post-mortem examination being performed it is therefore not possible to reach a reliable conclusion as to the cause and manner of Mr KHL's death.

11. Findings

- 11.1 Before turning to the findings that I am required to make, I would like to express my gratitude to Sam Chahrouk, Coronial Advocate Assisting the Coroner, for his excellent assistance throughout the course of the coronial investigation and during the inquest.
- 11.2 I also acknowledge the assistance of Leading Senior Constable Nathan Waser, the NSWPF Officer-in-Charge, for his role in the investigation and for compiling the initial brief of evidence.
- 11.3 I find that KHL, who was reported as a missing person to the NSWPF on 12 August 2023, is now deceased.
- 11.4 The findings that I make under section 81(1) of the Act are:

Identity

The person who died was KHL.

Date of death

Mr KHL died on 11 or 12 August 2023.

Place of death

Mr KHL died in the ocean waters in the vicinity of Eagle Rock, Royal National Park near Garie NSW 2232.

Cause of death

The available evidence and the absence of any postmortem examination does not allow for any finding to be made as to the cause of Mr KHL's death.

Manner of death

The available evidence and the absence of any postmortem examination does not allow for any finding to be made as to the manner of Mr KHL's death.

12. Epilogue

- 12.1 On behalf of the Coroner's Court of New South Wales I extend my most sincere and respectful condolences to Mr KHL's family and in particular to his wife and daughters.
- 12.2 The unbearable anguish, uncertainty and loss that a family experience after a loved one is reported missing cannot be simply reduced to mere words. It is hoped that one day further information can be provided to Mr KHL's family to hopefully allow them to find some measure of solace from such a tragic event.
- 12.3 I close this inquest.

Magistrate Derek Lee
Deputy State Coroner
30 January 2025
Coroner's Court of New South Wales