



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the suspected death of Sun Peng**

TITLE OF COURT: Coroners Court

JURISDICTION: CAIRNS

FILE NO(s): 2014/1176

DELIVERED ON: 10 April 2015

DELIVERED AT: Cairns

HEARING DATE(s): 29 March 2014 and 31 March 2014

FINDINGS OF: Jane Bentley, Coroner

CATCHWORDS: Coroners: inquest, missing person, Weipa, *Great Talent*

REPRESENTATION:

Counsel Assisting: Ms Stephanie Williams

Wendong Sun: Mr Joshua Trevino instructed by O'Reilly Stevens Lawyers

Sinotrans Ship Management Ltd: Mr Michael Dalton instructed by Brian White & Associates

Introduction

Section 45 of the *Coroners Act 2003* provides that when an inquest is held the coroner's written findings must be given to the family of the person in relation to whom the inquest has been held, each of the persons or organisations granted leave to appear at the inquest and to officials with responsibility over any areas the subject of recommendations. These are my findings in relation to the suspected death of Sun Peng. They will be distributed in accordance with the requirements of the Act and posted on the web site of the Office of the State Coroner.

These findings and comments:

1. confirm the identity of the missing person, whether he is deceased and, if so, the time, place and medical cause of his death, as far as can be ascertained; and,
2. consider whether the actions or omissions of any third party contributed to his death.

Summary

Mr Peng was born on 22 November 1985. He was a Chinese National. At the time of his disappearance Mr Peng was a crew member on board the vessel, *Great Talent*.

Master Vessel *Great Talent* is a Hong Kong registered vessel which is owned by Great Talent Shipping Ltd and managed by Sinotrans Ship Management Ltd.

Great Talent sailed out of the port of Long Pow on 10 January 2014 headed to the port of Weipa where it was to be loaded with bauxite which was to be transported to Gladstone. It had 22 Chinese National crew members on board. The Master of the vessel was Wang Chuanwen.

On 23 March 2014 *Great Talent* was anchored at Albatross Bay in anchorage area C, approximately twelve nautical miles west of the port of Weipa on Cape York Peninsula. The vessel had been at anchorage for several days since arriving on 16 March 2014. It was awaiting collection of its cargo before continuing to Gladstone.

At about 8am on 23 March crew members noticed significant amounts of blood at a number of locations on the ship. A trail of blood ended on the side rails of the main deck.

A head count revealed that Mr Peng was not on board the ship. A full search of the vessel was conducted by the crew and it was confirmed that Mr Peng was not on board. He has not been seen since. He resided in cabin 19.

The investigation

The Master of the ship advised Queensland Police Service that Mr Peng was missing from the ship.

Search and Rescue Operation

A Search and Rescue operation was commenced. The rescue helicopter out of Weipa was on scene at 1pm and the rescue helicopter out of Horn Island on scene at 1.40pm on 23 March 2014. Weipa VMR vessel was tasked to perform an expanding ring search out from *Great Talent*. That search commenced at 11.40am.

Search conditions were favourable. The search was completed at 5.20pm. No person was found in the waters around *Great Talent*.

The police vessel, using fixed sounding equipment, conducted another search of the area around *Great Talent* on 24 March 2014. It was noted that the ocean floor was hard packed and of level topography. Nothing of interest was found. Search helicopters again searched an area of 336.6 square nautical miles but nothing was located. Weipa Fisheries vessel and Weipa VMR vessel conducted another search and nothing was located.

At 6.30pm on 24 March 2014 searchers were advised by an expert in survival time frames that the time had expired for survival of Peng in the water. This advice was based on blood lost, local weather conditions, water temperature and the presence of marine predators in the area (the area is inhabited by large crocodiles and numerous large sharks).

On 25 March 2014 all searches resumed but it was decided by the end of that day that all search areas had been exhausted and the search should be suspended pending any further information obtained by investigators.

Police Investigations

Police officers from Weipa CIB boarded *Great Talent* at approximately 11am on 23 March 2014. A Crime Scene was declared and police took control of the vessel.

All crew, except for the Master and a bridge watch officer, were held in the A Deck mess area.

Police obtained Crime Scene Warrants and Forensic Procedure Orders.

In the early morning of 24 March 2015 lighting was projected on both the port and starboard sides of the vessel. The area under the lights on both sides revealed sharks of various types and sizes in the water around the vessel. The sharks were too numerous to count.

Mandarin interpreters boarded the vessel at approximately 6.45am on 24 March 2014.

Police obtained statements from the crew.

It was ascertained that on the night of 22 March 2014 Mr Peng had been drinking alcohol with five other crew members – Zhenhui Zheng, Yongmin

Shen, Hai Tao Miao, Li Hanwen and Sun Wendong - in cabin 8 which was the cabin of Mr Hanwen. By the end of the night only Mr Hanwen, Mr Wendong and Mr Peng were left in the room.

Police interviewed the five persons who had been present in the cabin of Mr Hanwen.

Interview with Mr Hanwen

Li Hanwen told police that Mr Peng was fishing on the evening of 22 March 2014 and he brought a fish to Mr Hanwen's room.

Mr Hanwen said that at about 11pm Mr Miao, Mr Peng and Mr Chen were all in Mr Hanwen's room and they were drinking alcohol. At about 1am Mr Wendong and Mr Zheng arrived at the room. They had been drinking elsewhere. They continued drinking with the others. Mr Zheng left at about 2am. Mr Hanwen went to bed at about 3.30am. Mr Wendong and Mr Peng were still present and drinking. They were both drunk. He heard them start to speak more loudly and then to yell at each other. He saw Mr Wendong smash a glass on the table. Mr Peng then picked up a bowl and smashed it on the table. In doing so he cut his hand. Mr Hanwen attempted to stop the bleeding – firstly with a tissue and then with a sock. He got blood on his t-shirt. He then ran to the medical cabinet but couldn't open it and then went onto the bridge to see Huang Yi, the medical officer. Mr Yi had left the bridge so he went to his room and knocked on the door but there was no answer.

Mr Hanwen returned to his room where he saw Mr Wendong trying to stop the bleeding from Mr Peng's hand. Mr Wendong was covered in blood by that time. Mr Hanwen wrapped a cloth around Mr Peng's hand which appeared to stem the bleeding. Mr Hanwen said that Mr Peng left his room at about 4.10am and shortly after that Mr Wendong also left the room.

Mr Hanwen said that cleaned up his room and found Mr Peng's shirt and the key to his cabin. He went to Mr Peng's room to return his shirt but he was not there so he put the shirt in the sink and the keys on the bed. He saw that the room was messy and there was blood on the wall.

Mr Hanwen said that he then returned to his cabin, mopped the floor, cleaned up, had a shower and went to bed. He was awoken at 8am by the Chief Engineer, Qiang Zhang, who asked him why there was blood in the engine room. Mr Hanwen said that he then ran to Mr Peng's room and saw that he was not there and his bed remained untouched. A search then commenced.

Mr Hanwen told police that no assault took place in his room. He said there was pushing and shoving with no threats made but when Mr Peng and Mr Wendong broke the glasses he realised that they were getting quite serious.

On 28 March 2014 Mr Hanwen was interviewed again by police and asked why he denied to the Chief Engineer on the morning of 23 March 2014 that he had any knowledge of any person being injured. He said that he was reluctant to

tell him that the men had been drinking in his room. He repeated that Mr Peng was the first to leave his room and Mr Wendong left about one minute later.

Interview with Mr Wendong

Police interviewed Sun Wendong on 24 March 2014. He told police that on the evening of 22 March 2014 he was drinking with various people before going to Mr Hanwen's room with Zhenhui Zheng. Mr Zheng only stayed a short time before leaving. Mr Hanwen was not drinking. Mr Wendong said that he stayed in the room and was drinking wine with Mr Peng. He was pretty drunk at that time – about 7 on a scale of 10.

Mr Wendong said that Mr Peng started to rub Mr Wendong's head. This annoyed Mr Wendong and he slammed his drinking glass down on the table, breaking it. He went to leave the room but Mr Peng held him back, refused to let him leave the room and asked him for cigarettes. Mr Wendong told him he had no cigarettes and Mr Peng became angry and picked up a bowl containing wine and smashed it on the table. As he did so he cut his hand which started to bleed profusely. Mr Wendong and Mr Hanwen tried to stop the bleeding and Mr Hanwen left the room to get a bandage.

Mr Wendong said that Mr Peng was waving his hand around and blood was going everywhere. Mr Wendong said that he was wearing green and yellow shorts which he subsequently washed.

Mr Hanwen returned to the room without a bandage so they wrapped Mr Peng's hand in a cloth. Mr Peng then left the room and Mr Hanwen told Mr Wendong to leave also, which he did.

Mr Wendong said that he went back to his own room and had a cigarette and then went to the bridge and spoke to Mr Yi about having an argument with Mr Peng. He then went back to his cabin and had a shower. After his shower he phoned the bridge and told Mr Yi everything was okay.

Mr Wendong denied assaulting Mr Peng. Police saw that he had a scratch on his chin. He said that he could not recall how he got that injury.

Interview with Mr Shen

Yongmin Shen told police that early in the morning of 22 March 2012 he was playing cards with Mr Peng, Juichong Wang and Qiang Zhang. He went to his room for a period of time and then returned to the main deck and fished from the port side of the vessel with Mr Peng, Mr Hanwen and Shil Luo Zhong. They fished until about 9.40pm. At about 10.15pm he saw Mr Peng cooking fish in the galley. He and Mr Peng went to Mr Hanwen's room with some cooked fish. When they got there, Mr Hanwen and Hai Tao Miao were present.

Mr Shen stayed in Mr Hanwen's room, drinking wine, until about 11.15pm when he went to his cabin and went to sleep. He awoke during the night and heard a noise like a door slamming but didn't get up to investigate.

Interview with Mr Miao

Hai Tao Miao told police that at about 9pm Mr Peng came to his room and he gave Mr Peng a cask of wine. They both then went to Mr Hanwen's room. They then went to get some cooked fish and he, Mr Peng and Mr Shen all returned to Mr Hanwen's room where they drank wine. He said that Mr Hanwen was not drinking.

Mr Shen left at between 11 and 11.20pm and Mr Peng started to drink beer. Mr Peng became angry with Mr Hanwen as Mr Hanwen didn't want to drink. Mr Miao drank a beer and left the room about midnight. He went back to his room and went to bed at about 1am.

Mr Miao told police that at 3.58am he heard the voices of Mr Wendong and Mr Peng. Mr Wendong said, 'You have been drinking too much.'

Mr Peng replied, 'Yeah, I am drunk.'

Mr Miao then heard a door slam.

When Mr Miao awoke on the morning of 23 March 2014 he saw footprints on the floor outside his door and then saws droplets of blood in the engine room. He cleaned up the blood in the engine room. He found a sandal in the engine room and located the other sandal of the pair in the control room.

Interview with Mr Zheng

Zhenhui Zheng told police that on the evening of 22 March he went to the room of Ming Cao Huang with Mr Peng. Mr Wendong was there as well and he smelt like he had been drinking alcohol.

At about 1.20am he and Mr Peng left Mr Huang's room. They heard laughing from Mr Hanwen's room and went into there. Mr Hanwen poured Mr Peng some wine. Mr Zheng left the room at about 2am and went to sleep.

Statement of Mr Wang

Master Chuanwen Wang told police that he was on the bridge at about 8am on 23 March when he was told by Jiu Wang, the second engineer, that blood was found on the vessel. He made enquiries with a number of persons, including Xi Ming Yi, the Chief Officer, and Yi Huang, the second officer, who said they didn't know anything. He ordered a head count and was informed that Mr Peng was missing. He then ordered a coordinated search of the vessel. When the search was completed and Mr Peng not found, he called the police.

Master Wang later had a conversation with Mr Hanwen who told him that Mr Peng had cut his hand on some glass. He said that later when he went to Mr Peng's room to return his shirt he wasn't there so he left the shirt in Mr Peng's room.

Statement of Mr Yi

Xi Ming Yi told police that he arrived on the bridge for his watch at 4am on 23 March 2014. At 4.05am Mr Hanwen opened the door and asked from the medical officer, Mr Yi. He looked pale and sick.

About 30 minutes later Mr Yi received a phone call from Mr Wendong who said that he wanted to come up and talk to him. Mr Wendong came onto the bridge a short time later. He was wearing dark coloured shorts and a pair of thongs. Mr Wendong had blood on his bare chest, body and face. Mr Wendong said that he had a fight with Mr Peng. They had been drinking together and Mr Wendong said some bad things about Mr Peng's boss and they argued over cigarettes. Mr Wendong said that they both smashed bottles but Mr Peng was not brave enough to fight him.

Mr Yi told police that he asked Mr Wendong whether he had stabbed Mr Peng. Mr Wendong said that he did. He said the blood on his body was from Mr Peng. He said he had stabbed Mr Peng in the arms. Mr Wendong said that only Mr Hanwen was present during the fight.

Mr Yi told police that Mr Wendong then became upset about the lack of cigarettes on board the ship and the fact that he thought he would lose his job because of fighting with Mr Peng.

Mr Wendong picked up a Stanley knife and threatened to kill the Master. Mr Yi blocked him at the door and attempted to grab the knife. Mr Wendong grabbed Mr Yi and threatened to, "Flip him to the ground."

Mr Wendong then threw the knife onto the ground and, picking up a pair of scissors, slashed at the sofa, stating that he is afraid of losing his job.

Mr Wendong then asked Mr Yi not to report the matter to the Master and left. He phoned Mr Yi about 20 minutes later and said not to worry, he was going to sleep.

Mr Yi finished his shift at 8am. At 8.10am he received a call from the Master asking whether there was a fight last night. Mr Yi told him there wasn't and the Master told him Mr Peng was missing.

Mr Yi told police that he lied to the Master because he was afraid as Mr Wendong was physically violent towards him earlier that morning and he had threatened to kill the Master. Mr Yi did not want to escalate the situation so he said nothing until interviewed by the police.

Statement of Mr Zhang

Qiang Zhang told police that he last saw Mr Peng at about 7.30pm when he stopped playing cards with Mr Peng, Mr Shen and Jiuchang Wang and left them to go and watch a movie.

At about 7.50am on 23 March 2014 Mr Zhang saw Mr Miao mopping up a large quantity of blood in the control room. He asked Mr Hanwen if anyone had been

injured and Mr Hanwen said that he didn't know. Mr Shen and Mr Wang also stated that they were unaware of anyone being injured.

Mr Zhang then ordered a search of the vessel and it was found that Mr Peng was not in his room and there was a shirt with blood on it in his sink.

Mr Zhang asked Mr Hanwen where Mr Peng was. Mr Hanwen replied that he was drinking with Mr Peng the night before and he cut his hand with a glass. Mr Zhang asked Mr Hanwen why he lied to him previously. Mr Hanwen did not reply.

Mr Zhang followed the trail of blood out of the engine room and found blood on the side rails on the port side near cargo bay 7. He then attended the bridge and told the Master to phone the police.

Mr Zhang again questioned Mr Hanwen who said that Mr Peng smashed a glass with his hand in his room. Mr Zhang attended Mr Hanwen's room and saw smashed white china in the rubbish bin and an empty wine carton.

Mr Hanwen told Mr Zhang that he went to Mr Peng's room later to return his shirt but he was not there so he left the shirt there.

Statement of Mr Li

Juntong Li's cabin is near Mr Wendong's. He told police that at 3.53am he heard the sound of a bowl or glass breaking and then heard Mr Peng scream, 'Fuck'.

He went back to sleep and was awoken later that morning to assist in the search.

Statement of Mr Wang

Juichang Wang told police that about 3.50am on 23 March 2014 he heard the sound of breaking glass or an object being dropped. He heard two persons arguing. He got up and went to the toilet and heard the argument continuing. It then stopped. He said that he had heard Mr Peng and Mr Wendong arguing on a previous occasion.

Police spoke to the remaining crew members but obtained no relevant information.

Forensic Examinations

Extensive forensic examinations were conducted on the vessel.

On 23 March 2014 police found blood staining throughout the vessel on the upper deck, A deck, B deck, all four tiers within the engine room and on the main deck of the vessel. Police did not locate a large pooling of blood in any location. Blood trails were extensive and widely spread but there was no pooling indicative of a heavy bleed.

However, prior to police arriving the vessel was subjected to rain squalls which may have resulted in the loss of forensic evidence from the main deck. Also, Mr Maio had mopped up blood in the engine room.

DNA samples revealed that all blood was from the same person (believed to be Mr Peng). DNA on the broken crockery found in Mr Hanwen's room was also from the same person.

A blood smear within a hand print found on top of an oil tank in the engine room is consistent with an injury to the hand of the same person. Blood on the top rail of the vessel is from the same person.

Investigation findings

Police concluded that Mr Peng is deceased given the amount of time that he was missing from the ship and that he would be unable to survive at sea for that period.

Blood trails indicate that Mr Peng, once injured, moved from Mr Hanwen's room on B deck, down to A deck, then to the engine room, and then the main deck. Once on the main deck Mr Peng walked around the deck and then to section 6 of the port side railing. He made contact with the top rail. There is no further evidence of Mr Peng being on board the vessel after that contact.

The waters within the Gulf of Carpentaria and particularly in the area of the port of Weipa are known to hold large numbers of predatory sharks including bull, tiger and hammerhead sharks. Large numbers of sharks were observed schooling around the vessel on the morning of 24 March 2014.

Police concluded that had Mr Peng gone overboard it is likely that he would have been consumed by the sharks present in the water.

Police concluded that possible causes of Mr Peng's death include drowning, being eaten by sharks, or that he was killed by a person or persons on board the vessel and then his body disposed of overboard.

Mr Wendong and Mr Hanwen stated that Mr Peng cut his hand when he smashed a bowl. The forensic evidence is consistent with that version and consistent with Mr Peng moving around the vessel with an injury to his hand.

The inquest

Due to concerns that the ship was leaving Weipa on 1 April 2014 and that Mr Wendong was leaving the country on 30 March 2014, the inquest commenced on 29 March 2014. The State Coroner, pursuant to s 32(3)(b) *Coroners Act* 2003, dispensed with the requirement to publish a notice in relation to the inquest.

On 29 March 2014 Mr Trevino applied for an adjournment to allow him to take instructions from Mr Wendong. The inquest was adjourned until that afternoon when it was ascertained that Mr Wendong would not be leaving Australia until 1 April 2014. The inquest was further adjourned until midday on 31 March 2014.

The evidence

The only witness called at the inquest was Mr Wendong.

Mr Wendong gave evidence that at the time of the inquest he didn't recall the argument with Mr Peng because he was very drunk. He recalled speaking to the Chief Officer but didn't recall the details of what he said to him.

Mr Wendong said that the next morning the speakers on the deck were telling everyone to search for Mr Peng so he searched for him by looking around the deck and the bridge.

Mr Wendong denied stabbing Peng Sun and he denied throwing him overboard.

Conclusions

I agree with the conclusions reached by the investigating police officers. I find that Mr Peng is deceased. I am unable to ascertain how he died. I find that he cut his hand in the room of Mr Hanwen in the early hours of 23 March 2014. I am unable to ascertain whether he sustained any further injuries at the hand of Mr Wendong.

Mr Peng then moved around the vessel for some time, whilst bleeding from his injury or injuries, before going overboard from the top deck. He died between 3.45am and 4.15am on 24 March 2014. He died either on board *Great Talent* or in the ocean surrounding the vessel.

Comments and recommendations

The police officers and others involved in the search and rescue operation in regard to Mr Peng's disappearance did all that they could to find him or his body. It is clear that if Mr Peng was alive when he left the vessel, he would not have survived for any length of time in the water around the vessel, and, if he was not alive, his body would have been disposed of very quickly by the predatory marine life in the area.

Findings required by s. 45

Identity of the deceased –	Sun Peng
How he died –	Undetermined
Place of death –	On board the vessel <i>Great Talent</i> or in the ocean surrounding the vessel at Weipa
Date of death –	22 March 2014
Cause of death –	Undetermined but suspicious

I close the inquest.

Jane Bentley
Coroner
Cairns
10 April 2015