
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : SARAH HELEN LINTON, DEPUTY STATE CORONER
HEARD : 25 JANUARY 2022
DELIVERED : 9 FEBRUARY 2022
FILE NO/S : CORC 1654 of 2019
DECEASED : YANG, FUH JINN

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Senior Constable C Robertson assisted the Coroner.

Case(s) referred to in decision(s):

Nil

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Sarah Helen Linton, Deputy State Coroner, having investigated the disappearance of **Fuh Jinn YANG** with an inquest held at the **Perth Coroner's Court, Court 85, CLC Building, 501 Hay Street, Perth** on 25 January 2022, find that the death of **Fuh Jinn YANG** has been established beyond all reasonable doubt and that the identity of the deceased person was **Fuh Jinn YANG** and that death occurred on **4 August 1984** in the waters of the **Indian Ocean approximately 23 kilometres west of Broome, Lat 17-56 S, Long 122-07**, as a result of drowning in the following circumstances:*

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INTRODUCTION

1. Fuh Jinn Yang was born on 29 July 1958 in Taiwan and was of Taiwanese nationality. Mr Yan was single and worked as a fisherman. He was working on the Taiwanese fishing vessel 'Hung Chun 5' (the vessel) at the time of his disappearance in the Indian Ocean off Broome, Western Australia, on 5 August 1984.¹
2. On the basis of the information provided by the WA Police in relation to Mr Yang's disappearance, I determined that pursuant to s 23 of the *Coroners Act 1996* (WA), there was reasonable cause to suspect that he had died and his death was a reportable death. I therefore made a direction that a coroner hold an inquest into the circumstances of the suspected death.²
3. I held an inquest at the Perth Coroner's Court on 25 January 2020. The inquest consisted of the tendering of documentary evidence compiled during the police investigation conducted into Mr Yang's disappearance, as well as hearing evidence from one police witness.

MR YANG'S DISAPPEARANCE

4. The vessel on which Mr Yang was employed left Taiwan on 21 July 1984 and arrived at the outer anchorage of Broome, Western Australia during the afternoon of Friday, 3 August 1984. It was anchored approximately 12 kilometres west of Broome.³
5. Shortly after the vessel's arrival, three crew members, including Wan Chi Yang (who I shall refer to as Mr Wan Chi Yang to distinguish him from Mr Fuh Jinn Yang, who is the subject of this inquest), began drinking wine. They were drinking in a downstairs cabin and continued to drink until approximately 5.00 am on Saturday, 4 August 1984. At this time, the men were very intoxicated and they fell asleep.⁴
6. It is unclear what occurred next, but it seems that Mr Wan Chi Yang somehow made his way outside the cabin and fell into the water. At approximately 11.00 am, shortly after the departure of an attending Australian Department of Fisheries boat, Mr Yang saw Mr Wan Chi Yang lying on his back in the water, having apparently fallen overboard from the deck. Mr Yang threw him a life ring, but Mr Wan Chi Yang was unable to grab it. Mr Yang then dived into the water, wearing a life ring attached to the vessel by a rope, in order to try to rescue Mr Wan Chi Yang.⁵
7. Mr Yang swam over to Mr Wan Chi Yang and tried to place the loose life ring over him, but was unable to do so. The life ring, and Mr Wan Chi Yang, began to drift away. Mr Yang was unable to reach him as he drifted, due to the rope attached to his life ring being too short. Mr Yang made the brave decision to take off his life ring so

¹ Exhibit 1, Tab 3.

² Section 23 *Coroners Act* Direction of Deputy State Coroner Vicker dated 19 March 2019.

³ Exhibit 1, Tab 3.

⁴ Exhibit 1, Tab 3.

⁵ Exhibit 1, Tab 3.

that he could swim further and reach Mr Wan Chi Yang. Mr Yang swam with the loose life ring over to Mr Wan Chi Yang.⁶

8. At this time, another crew member dived into the water and took hold of the life ring that Mr Yang had just relinquished, which was still attached to the vessel by rope. The crew member then tried to reach both men, but they were too far away for him to reach them while still holding on to the life ring. Therefore, this crew member returned to the vessel, while other crew members used binoculars to try to keep sight of Mr Yang and Mr Wan Chi Yang, who remained floating together, but the crew members eventually lost sight of them.⁷
9. The Captain of the vessel, Captain Ren Guey Jang, later advised police that he did not take up anchor and search for the men because the tide was running the wrong way and he believed the water would be too shallow and rocky to safely manoeuvre the boat.⁸
10. The vessel's radio operator radioed Broome Radio and stated that their ship was anchored off Broome and two men were in the water who required help. He asked for a rescue boat to be sent. The message was received by Overseas Tele-Communications (OTC) Broome at 12.40 pm but, as the radio operator's first language was not English, there was some difficulty deciphering the message initially. Eventually the request for help was understood and the OTC staff began to try to identify the correct position of the vessel in order to send help.⁹

POLICE CO-ORDINATED MARINE SEARCH AND RESCUE

11. Local police officers First Class Constable Litherland and Constable Jenal were approached at about 1.15 pm and asked by the Broome Port Pilot, Mr James Craig Kennedy, whether there they had heard of a report two men had fallen overboard from a Taiwanese fishing vessel anchored off Gantheaume Point in Broome.¹⁰
12. Mr Kennedy was the agent for all the Taiwanese vessels that came to port and he had taken out a Department of Fisheries officer to the vessel that morning. Mr Kennedy had been at home around 1.00 pm having lunch when he had been contacted and asked if he had any Taiwanese vessels in the area, due to the report the OTC had received. Mr Kennedy had begun his own investigations and gone out to Gantheaume Point and seen the vessel at anchor, but was still uncertain what had happened. The local police were unaware of the incident until receiving that information from Mr Kennedy. The two police officers immediately went to Gantheaume Point, before heading to the Broome Police Station to report the information to the Officer in Charge. They were told to go and speak to Mr Kennedy and obtain more details.¹¹

⁶ Exhibit 1, Tab 3.

⁷ Exhibit 1, Tab 3.

⁸ Exhibit 1, Tab 7.

⁹ Exhibit 1, Tabs 3 and 7.

¹⁰ Exhibit 1, Tabs 7 and 8.

¹¹ Exhibit 1, Tabs 7, 8 and 14.

13. Constables Litherland and Jenal attempted to contact Mr Kennedy, but were told he had decided to go out on his boat, 'Sealife' to the vessel to ascertain if there was anything wrong. The two police officers were told to return Gantheaume Point and search the water with binoculars, while another police officer, Sergeant Jackson, was recalled to duty to search along Cable Beach.¹²
14. At 2.25 pm, Mr John Rodgers from Coastwatch in Broome was contacted to ascertain if there were any Coastwatch planes currently in the air. He stated that there was one available, and was requested by police to have it on standby until confirmation was received that the report about two men were missing overboard was correct.¹³
15. Police officers began to make inquiries, and eventually made contact with a person from OTC at about 2.50 pm. That person confirmed they had received some radio distress messages around 12.40 pm to that effect. The OTC had not notified police immediately as they were endeavouring to decipher the messages and identify where the vessel was located. They had only just ascertained its position.¹⁴
16. At 2.45 pm, the Senior Search and Rescue Office of Coastwatch in Canberra was contacted and advised of the situation and location of the vessel. Mr Rodgers from the local Coastwatch advised the Coastwatch plan should be in the area of the vessel by 4.00 pm. It was later confirmed that it had arrived by 4.05 pm.¹⁵
17. At 3.05 pm, the Department of Transport in Derby was contacted and advised of the details of the incident and requested to broadcast a 'lookout' message to all planes coming into the Broome airspace.¹⁶
18. At 3.10 pm, a staff member from OTC contacted the Broome Police Station and advised that Mr Kennedy was onboard 'Sealife' and had come alongside Mr Yang's vessel and confirmed that there were two men lost overboard. Mr Kennedy collected four crew members with binoculars and they began an immediate search of the area in his boat.¹⁷
19. At 3.30 pm, a local fisherman, Robert Nash, was requested to have himself and his boat on standby in case they were required for a sea search. At 3.50 pm, Mr Nash was asked to go out to the vessel in his own boat with a police officer onboard, and assist with a search of the water. Mr Nash waited for a time, but the police officer did not arrive quickly, so he decided to head off and start searching alone due to the wind and tide directions.¹⁸
20. A short time after he started searching, Mr Nash saw an object in the water about 350 metres away. He observed what appeared to be a person's head and shoulders in

¹² Exhibit 1, Tabs 7 and 8.

¹³ Exhibit 1, Tab 7.

¹⁴ Exhibit 1, Tabs 7 and 8.

¹⁵ Exhibit 1, Tab 7.

¹⁶ Exhibit 1, Tab 7.

¹⁷ Exhibit 1, Tabs 7, 8 and 14.

¹⁸ Exhibit 1, Tab 7.

the water. The person was hanging on to a life ring, and holding on to a body with their other hand. The body was submerged in the water. As he approached, Mr Nash saw the person release the body and raise their hand to wave at him. He let go of the submerged body. As Mr Nash got closer, the person holding the life ring slumped over it, completely exhausted. Mr Nash looked down and could see a body sinking downwards in the water with his hands raised above his head, approximately 7 to 8 metres below the water surface. Mr Nash attempted to gaff the rope around the life ring to pull it towards the boat, but the rope snapped. He eventually managed to throw a hook into the life ring itself and pull it alongside the boat, then pull the other person into the boat. Mr Nash looked in the water to see if he could retrieve the other body, but it had disappeared from view. Mr Nash then turned his attention to the person in the boat and tried to assist him to expel water from his body.¹⁹

21. Mr Nash tried to contact OTC and Mr Kennedy, then made three Mayday calls without receiving a response. Mr Kennedy had seen Mr Nash pull a person into his boat and then seen Mr Nash wave at him, so he immediately went over to him. Mr Kennedy's boat 'Sealife' came alongside Mr Nash's boat and the almost unconscious person was transferred to Mr Kennedy's boat. Mr Nash informed Mr Kennedy he had seen the other person go under the water. Mr Kennedy turned on his echo sounder to check the water depth. It showed the depth was about 80 metres deep, which was too deep for Mr Nash to attempt to free dive to try to recover the body. Mr Kennedy took the man they had rescued to shore.²⁰
22. Mr Nash dropped some buoys to mark the area, then returned to shore and collected a police officer, before returning out to the same area to again try to search for the other missing person.²¹
23. At 4.10 pm, the Department of Aviation, Derby, contacted the Broome Police Station and advised that one of the men had been located by Mr Nash and was now on board "Sealife" and was being taken to shore. They requested that an ambulance meet the rescue craft at the Broome Wharf so that the rescued person could be taken to hospital for treatment. It was eventually established that the survivor was Mr Wan Chi Yang, who had first fallen overboard. He had been located approximately 3 kilometres off the Broome Wharf. Mr Wan Chi Yang was brought to shore and taken by ambulance to hospital, where he was found to be in a serious but stable condition.²²
24. Further information was provided by Constable Cowper at about 4.30 pm. He advised that the search party had recovered Mr Wan Chi Yang unconscious in the water. Mr Yang had also been seen in the water, but had sunk below the surface before he could be retrieved from the water, and he did not reappear. He disappeared in water of a depth of approximately 80 metres. The searchers had placed a marker buoy in the water at the location where Mr Yang was last seen, to assist the other searchers.²³

¹⁹ Exhibit 1, Tab 13.

²⁰ Exhibit 1, Tabs 13 and 14.

²¹ Exhibit 1, Tab 13.

²² Exhibit 1, Tab 7.

²³ Exhibit 1, Tab 7.

25. The search for Mr Yang continued until 5.30 pm, when it was ceased due to bad light and poor visibility. The search was recommenced at 9.00 am on Sunday, 5 August 1984, without any sign of Mr Yang being found. Over the following weeks, searches of the land areas were conducted in case Mr Yang's body washed ashore, but there were no sightings.²⁴
26. Mr Wan Chi Yang eventually made a full recovery. Once recovered, he advised police that he was very intoxicated on the day and had no recollection of how he came to be in the water, or anything about the rescue attempt by Mr Yang, other than the life ring being thrown to him initially. He said he was unable to swim over to the life ring at the time as his legs wouldn't move. The next thing he remembered was waking up in hospital.²⁵
27. The initial police investigation concluded that Mr Yang had drowned but his body had never surfaced. There were no suspicious circumstances in relation to his disappearance and suspected death. It was confirmed that Mr Yang's family had been advised, via Interpol, on 19 September 1984.²⁶

RECENT POLICE REVIEW

28. There have been no further sightings of Mr Yang since he was last seen by Mr Nash submerged in the water at Broome. A recent review by WA Police found all evidence points to Mr Yang dying in the ocean on 4 August 1984 after bravely jumping into the water to try to rescue his colleague. Mr Yang was successful in his rescue attempt, but tragically lost his own life in the process.

CONCLUSION

29. I am satisfied beyond reasonable doubt that Mr Yang is deceased and that he died on 4 August 1984 as a result of drowning. Based upon the known circumstances, I find that the death occurred by way of accident.

S H Linton
Deputy State Coroner

²⁴ Exhibit 1, Tab 7.

²⁵ Exhibit 1, Tabs 7 and 12.

²⁶ Exhibit 1, Tabs 7 and 10.

I certify that the preceding paragraph(s) comprise the reasons for decision of the Coroner's Court of Western Australia.

MZ
Judicial Support Officer

9 FEBRUARY 2022