



New South Wales

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

Inquest: Inquest into the suspected death of missing person Paul Barning

Hearing dates: 14 October 2025

Date of Findings: 14 October 2025

Place of Findings: Coroner's Court of New South Wales, 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, game fishing, trace line, search and rescue efforts

File number: 2025/100423

Representation: Ms K Mackay, Coronial Advocate Assisting the Coroner

Findings: Paul Barning, who was reported as a missing person to the New South Wales Police Force on 23 February 2025, is now deceased.

Mr Barning died on 23 February 2025 in the waters of the Pacific Ocean, approximately 27 nautical miles east of Newcastle.

The available evidence does not allow for any finding to be made as to the cause of Mr Barning's death.

Mr Barning died as a result of misadventure when he was suddenly and unexpectedly pulled into the water whilst managing a trace line when taking part in a game fishing competition.

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1. Introduction

- 1.1 On 23 February 2025, Paul Barning, a keen and experienced fisherman, was competing in a game fishing tournament off the coast near Newcastle. He was on board a boat with three other crew members when they caught a large Mako shark. When attempting to haul the catch on board, Paul was pulled overboard whilst holding on to a trace line. Paul went underwater and despite attempts to locate him he could not be found. A mayday signal was broadcast and other boats competing in the fishing tournament, as well as New South Wales Police Force (**NSWPF**) boats, joined the search for Paul.
- 1.2 Over the next two days an extensive marine and aerial search and rescue effort was mounted using multiple boats and helicopters. Despite these efforts, no sign of Paul was found. It was later determined that Paul's prospects of survival were remote and the search effort was later suspended.

2. Why was an inquest held?

- 2.1 Following the suspension of the search effort, the NSWPF submitted a report to the Coroner on 12 March 2025 that it was suspected that Paul 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.
- 2.2 If a Coroner concludes that a missing person has died then the Coroner is required make findings, if possible, to determine 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 a Coroner is unable to answer these questions then an inquest must be held.¹
- 2.3 Despite an extensive search and rescue operation, Paul has not been found and the NSWPF investigation has not found any sign of him since 23 February 2025. It has therefore not been possible to answer all of the questions that a Coroner is required to answer. Therefore, it is 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. 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. Paul's background and personal circumstances

- 3.1 Inquests and the coronial process are as much about life as they are about death. A coronial system exists because we, as a community, recognise the fragility of human life and value enormously the preciousness of it. Understanding the impact that the death of a person has had on those closest to that person only comes from knowing something of that person's life. It is hoped that what is set out briefly below acknowledges Paul's life in a meaningful way.
- 3.2 Paul was born in Marrickville, Sydney in 1966. He was married to his wife, Leonie, and they had a daughter together.
- 3.3 Paul ran his own construction business and was known to follow an active and healthy lifestyle. He was a strong swimmer and had also previously competed in a water skiing race.
- 3.4 Paul was also a keen and experienced game fisherman. He was a life member of the Port Hacking Game Fishing Club (**PHGFC**) and had competed in numerous game fishing tournaments winning many awards and trophies.
- 3.5 By all accounts, Mr Barning was a beloved husband and father, a genuine and respected friend and a skilled fisherman. There is no doubt that he is greatly missed, and that the sudden and unexpected circumstances in which he went missing has only added to the grief and trauma that his family, loved ones and friends have experienced since 23 February 2025.

4. Background to the events of 23 February 2025

- 4.1 Game fishing involves taking a boat out to sea on the continental shelf, approximately 17 nautical miles from the shore. The intention is to catch larger fish in deeper waters. The game fishing season typically runs from September to June of the following year.
- 4.2 Paul owned a boat named *Dark Horse*, a 6.8 metre Bertram Caribbean runabout with a half cabin and 200-horsepower outboard motor. He had previously used this boat to compete in game fishing tournaments conducted by the New South Wales Game Fishing Association (**NSWGFA**).
- 4.3 Paul was friends with Bradley Elphinstone who he had known for about 26 years. They began fishing together through the PHGFC in 2006. Paul and Bradley had previously been game fishing with Reece Elphinstone (Bradley's son) and Ryan Hope on several occasions. The men enjoyed fishing together and worked well as a crew.
- 4.4 On Friday, 21 February 2025, Paul, Bradley and Ryan took part in the NSWGFA Interclub State Championships tournament at Port Stephens. The tournament was set to run over the weekend. Reece joined the other three men on Saturday, 22 February 2025.
- 4.5 Points in the tournament are awarded based on the size of a catch, with more points awarded for bigger fish. According to Bradley, the men were aiming to catch the biggest shark that they could. Most other boats involved in the tournament were fishing for marlin.

- 4.6 The men used the *Dark Horse* which was equipped with about eight fishing rods with different line classes. A line class is a fishing line grading which indicates the breaking strain of the line. The *Dark Horse* crew were generally using a 15 kilogram line class. The crew were also using bait and burley to attract sharks and fish, as well as gaffs (large hooks) and ropes to secure any catches.
- 4.7 On 21 February 2025, the crew went out to sea but did not catch anything.
- 4.8 On Saturday, 22 February 2025, the crew hooked a small fish at around lunchtime but it later got off the line. Shortly afterwards, the crew hooked a bigger shark. After attempting for four or five hours to bring the catch in, the 15 kilogram line that was being used broke. The shark was approximately one hundred metres from the boat at the time.

5. Events of 23 February 2025

- 5.1 At around 6:30am on Sunday, 23 February 2025, Paul and other members of the *Dark Horse* crew left Little Beach boat ramp, located between Nelson Bay and Shoal Bay. The four men on board each had a particular role. Bradley was driving the boat, Ryan was managing the fishing rods, Reece was a general crewmember providing assistance where needed, and Paul was managing the trace line.
- 5.2 A trace is wire line of approximately 9 metres affixed to a fishing line with a spring-loaded hook or clip. The trace runs from the hook at the end of the line to prevent a fish from biting or breaking the line once it has been caught. the event of a catch, Paul's role was to take hold of the trace line when the catch was close to the boat to assist in hauling the catch onto the boat. The role is a physical one which requires a person to use their entire body weight to pull back whilst holding the trace line which can result in a person lying in a supine position on the deck with their feet against the side wall of the boat to gain leverage. Meanwhile, other crewmembers use gaffs to secure the catch.
- 5.3 Paul was wearing reinforced gloves to prevent injury and assist in maintaining a grip on the trace line. Bradley had previously seen Paul pull big game fish into the boat more than 20 times and considered that he had always been physically capable of this task.
- 5.4 The *Dark Horse* made its way out onto the continental shelf, approximately 17 nautical miles east of Port Stephens. At this point, the boat was just drifting with the engine off, whilst baits were attached to balloon floats in the water, together with burley, to attract fish. Although there were life vests on board the *Dark Horse*, none of the crew were wearing one.
- 5.5 At around 12:40pm, Ryan notified the crew that he had caught a large Mako shark weighing approximately 200 to 250 kilograms and measuring two to three metres. Ryan put on a harness and rod holder to assist with reeling in the catch. The rest of the crew took up positions on the deck to assist with bringing the catch on board. Ryan stood at the rear starboard quarter of the boat with Paul standing to his left. Reece stood to Paul's left and slightly behind him to assist with hauling the catch. Bradley remained at the helm at the front starboard side of the boat.
- 5.6 Bradley started the engine and began following the shark as Ryan commenced reeling it in towards the boat. At this time, the boat was travelling at around 2 knots. A short time later, Ryan saw that the shark was just below the water's surface and that the trace, which was 15 metres from the hook end

of the line, had reached the surface. Ryan stepped back to give Paul room to move forward to handle the trace line. Reece also moved closer to Paul, ready to assist him. Paul took hold of the trace line and wrapped it around each hand at least once, with the trace passing over the back of each hand and in between his thumb and forefinger in order to secure his grip on it. As Paul pulled the trace into the boat, he released the hand closest to his body and moved it above the other hand on the line in a similar manner to pulling on a rope in a tug-of-war game.

- 5.7 Paul and Ryan continued pulling on the line to haul the shark on board. However, the shark moved quickly into deeper water pulling the line away from Paul and Ryan. As Paul's hands were entwined in the trace line, he was heard to yell words to the effect of, "Oh no", as he was pulled to the edge of the boat, causing his legs to impact the one metre high side wall of the boat. This impact caused him to flip approximately 180° over the side of the boat and be pulled into the water whilst still holding the trace line.
- 5.8 Bradley immediately placed the boat into neutral and he, together with Reece and Ryan, began looking for Paul. The shark remained attached to the fishing line. Ryan began reeling the shark back in believing that Paul may still be attached to the trace line. After approximately 10 minutes, the shark was pulled close to the surface but there was no sign of Paul. As Paul was not attached to the line, it was cut to let the shark go. The crewmembers continued searching the immediate area for approximately 5 to 10 minutes. The weather at the time was fair with about a 10 knot north-easterly breeze. It was sunny and visibility was good. Despite this, the crewmembers were unable to find any signs of Paul.
- 5.9 At around 1:15pm, Bradley activated a "man overboard" function on an on-board GPS tracking device causing it to create a waypoint at the location where Paul was last seen when he entered the water (**GPS Waypoint**). At the time, the *Dark Horse* was located approximately 27 nautical miles offshore south-east of Newcastle.
- 5.10 At around 1:35pm, Bradley made a mayday broadcast on a marine radio alerting the fishing tournament organisers to what had occurred. Approximately two minutes later, the tournament organisers notified Marine Rescue at Port Stephens which triggered a search and rescue response involving the NSWPF Marine Area Command (**MAC**). The tournament was cancelled and a broadcast was made over marine radio for boats competing in the tournament to assist with the search for Paul.
- 5.11 At this time, there was about a one metre swell with 18 knot wind in a north-easterly direction, and the current moving at around 1.5 knots in a southerly direction. These conditions together with the pull of the shark had caused the *Dark Horse* to drift away from the GPS Waypoint. Bradley therefore drove the boat back to the GPS Waypoint.

6. Search efforts to locate Paul

- 6.1 The MAC commenced a search and rescue operation involving NSWPF vessels, approximately 40 civilian vessels from the tournament, and helicopters from the NSWPF Aviation Command (known as **PolAir**) and other civilian organisations. Using drift modelling software and calculations, the search efforts focused on an area between the GPS Waypoint and Lake Macquarie which represented

the highest probability of detection. The search pattern was progressively expanded over three hour increments.

- 6.2 At around 6:48pm, the NSWPF contacted Dr Paul Luckin, a specialist anaesthetist and expert in search and rescue and survivability. Dr Luckin is frequently consulted in search and rescue operations to provide an opinion regarding the timeframe for survival of persons who are missing. Dr Luckin was briefed with all relevant information regarding the circumstances in which Paul went missing. Search and rescue efforts continued until around 7:48pm, shortly after sunset.
- 6.3 At around 6:00am the next day, 24 February 2025, further drift modelling calculations were performed which identified that due to sea conditions, the search area had expanded considerably to 1500 square nautical miles. This covered a distance from approximately Newcastle to Terrigal. Various MAC vessels and helicopters were used to search throughout the day. In addition, the Australian Maritime Safety Authority arranged for a message to be broadcast to all vessels in the vicinity of the search area seeking volunteers to assist with the search and rescue efforts.
- 6.4 Also on this morning, Detective Senior Constable Julia Murray from the MAC was allocated as the officer in charge of the investigation into Paul having gone missing.
- 6.5 At around 2:00pm, Dr Luckin provided his opinion to the NSWPF that after being pulled overboard rapidly and without warning it was unlikely that Paul had time to take a breath. Dr Luckin considered it extremely unlikely that Paul “*survived for any appreciable period*” and expressed the view that Paul “*died by drowning within the first minutes of entering the water*”. Dr Luckin noted the real possibility of shark predation but considered it to be an unknown.
- 6.6 Dr Luckin also expressed the view that in the unlikely event that Paul survived, and was not found, there was an “*extremely small chance that he could survive for some hours*”. Dr Luckin considered that there was no possibility of Paul surviving beyond 12:00pm on 24 February 2025, by which time he would have been in the water for some 22.5 hours.
- 6.7 At around 3:15pm, further drift modelling calculations were performed which identified and expanded search area between around the south of Jervis Bay to the north of Botany Bay. Due to the size of this area, the search and rescue efforts were concluded to allow planning for further searching the next day. In addition, requests were made for additional search resources to be despatched to the area.
- 6.8 At around 6:00am on 25 February 2025, further drift modelling calculations were performed which returned similar results regarding the search area as had been identified the previous day. Again, MAC and PolAir resources employed search patterns based on the highest areas of probability whilst also conducting a sweep of the entire search area.
- 6.9 By 12:54pm, PolAir resources had completed a second sweep of the entire search area. Given that by this time, the timeframe for survival based on the opinion provided by Dr Luckin had been exceeded by around 24 hours, consideration was given to suspending the search and rescue efforts.

6.10 At 1:00pm on 25 February 2025, the search and rescue operation was formally suspended by the MAC Commander.

6.11 Over the course of the following several weeks, Detective Senior Constable Murray obtain statements from the crewmembers on board the *Dark Horse*, as well as Paul's family. On 12 March 2025, Detective Senior Constable Murray submitted a *P79B – Report of Suspected Death to the Coroner* form (**P79B**) to the NSW Coroner's Court.

7. Further NSWPF investigation

7.1 As part of the NSWPF investigation, Detective Senior Constable Murray spoke to Grahame Williams, former president of the NSWGFA and life member of several game fishing associations. Mr Williams has 47 years experience in game fishing and had previously been game fishing with Paul on three occasions.

7.2 Mr Williams provided a demonstration of two methods to use a trace line whilst game fishing which he called a "*wrap method*" and a "*gentle way*". The latter involves placing one hand at a time, with the palm facing down, over the top of the trace and then gripping it to pull it in. Mr Williams had previously seen Paul use the "*gentle way*" whilst managing a trace.

7.3 The "*wrap method*" involves wrapping the trace around the dominant hand in order to obtain greater leverage when pulling a catch onto a boat. There is a correct way to use the "*wrap method*" which allows for the hands to become free if the trace is pulled in the opposite direction, and an incorrect way which causes the hand to become caught if this occurs.

7.4 Detective Senior Constable Murray identified a number of publicly available videos on the internet demonstrating the correct way of using the "*wrap method*". The NSWPF investigations also revealed that even persons experienced in game fishing and managing a trace can use the "*wrap method*" incorrectly which creates a risk of a hand becoming caught in the trace if it is pulled in the opposite direction.

8. Is Paul 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 Having regard to the clear eyewitness accounts of Bradley, Reece and Ryan on 23 February 2025, and the comprehensive search and rescue effort which did not locate Paul or yield any results indicating that he is still alive, the conclusion that must be reached is that Paul is now deceased.

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

9. What was the cause and manner of Paul's death?

- 9.1 As Paul has not been found, no post-mortem examination to determine a precise cause of death has been performed. The circumstances in which Paul was pulled overboard and entered the water on 23 February 2025 raises the possibility of drowning as the cause of death, as Dr Luckin noted. However, drowning is a medical diagnosis of exclusion. In other words, a post-mortem examination is required to be performed in order to exclude any other possible natural or non-natural cause of death before a forensic pathologist is able to express the opinion that a deceased person, having been immersed in water, died from drowning.
- 9.2 Notwithstanding, in some circumstances, a conclusion may be reached on the balance of probabilities that a deceased person died from drowning. However, in Paul's case it is not known whether marine animal predation caused or contributed to his death. This was also recognised by Dr Luckin given the circumstances in which Paul was pulled into the water with a large Mako shark in close proximity to the *Dark Horse* at the time. Further, the crew of the *Dark Horse*, had been using baits and burley earlier in the day to attract sharks.
- 9.3 Therefore, in the absence of Paul being found and a post-mortem examination being performed, it is not possible to reach a conclusion as to the cause of Paul's death.
- 9.4 As to the manner of death, it is clear from the eyewitness accounts that the circumstances in which Paul was pulled overboard was sudden and unexpected. Whilst Paul was an experienced fisherman and had managed a trace multiple times without incident, the NSWPF investigation indicates that even persons highly experienced in game fishing are at risk of having a hand caught in a trace line if it is pulled with force in the opposite direction.
- 9.5 As the circumstances in which Paul was pulled overboard occurred without warning and with no way to prevent this once he began being pulled towards the side of the boat, Paul died as a result of misadventure.

10. Findings pursuant to section 81(1) of the Act

- 10.1 Before turning to the findings that I am required to make, I would like to acknowledge, and express my gratitude to Ms Karissa Mackay, Coronial Advocate, for her excellent assistance, both before and during the inquest. Ms Mackay's work ensured that the inquest progressed as efficiently and expeditiously as possible to assist Paul's family.
- 10.2 I also thank Detective Senior Constable Murray for conducting a thorough and high quality investigation which assisted the inquest greatly.
- 10.3 The findings I make under section 81(1) of the Act are:
- 10.4 Paul Barning, who was reported to a missing person to the New South Wales Police Force on 23 February 2025, is now deceased.

Identity

The person who died was Paul Barning.

Date of death

Mr Barning died on 23 February 2025.

Place of death

Mr Barning died in the waters of the Pacific Ocean, approximately 27 nautical miles east of Newcastle.

Cause of death

The available evidence does not allow for any finding to be made as to the cause of Mr Barning's death.

Manner of death

Mr Barning died as a result of misadventure when he was suddenly and unexpectedly pulled into the water whilst managing a trace line when taking part in a game fishing competition.

11. Epilogue

11.1 On behalf of the Coroners Court of New South Wales, I offer my sincere and respectful condolences, to Paul's wife and daughter, his family and loved ones, and his friends and colleagues for their tragic loss.

11.2 I close this inquest.

Magistrate Derek Lee
Deputy State Coroner
14 October 2025
Coroners Court of New South Wales