



**CORONERS COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the suspected deaths of missing persons Nelson CHAN and Joshua CHAN
<b>Hearing dates:</b>	8 April 2026
<b>Date of findings:</b>	8 April 2026
<b>Place of findings:</b>	Coroners Court of New South Wales, Lidcombe
<b>Findings of:</b>	Judge Kasey Pearce, Deputy State Coroner
<b>Catchwords:</b>	CORONIAL LAW – whether missing persons now deceased – rock fishing – Storm Bay, Kiama
<b>File number:</b>	2025/00069939 & 2025/00069959
<b>Representation:</b>	Mr S Chahrouk, Coronial Advocate Assisting the Coroner Ms T Berberian instructed by K Murray of Dentons Australia Limited
<b>Findings:</b>	<p>On the available evidence I find that Nelson Chan, who was reported as a missing person on 20 August 2024 is now deceased.</p> <p>Nelson Chan died on 19 or 20 August 2024 in the ocean waters in the vicinity of Storm Bay, near Kiama, NSW 2533.</p> <p>The available evidence and the absence of any postmortem examination do not allow for any finding to be made as to either the cause or manner of Nelson Chan’s death.</p> <p>On the available evidence I find that Joshua Chan, who was reported as a missing person on 20 August 2024 is now deceased.</p> <p>Joshua Chan died on 19 or 20 August 2024 in the ocean waters in the vicinity of Storm Bay, near Kiama, NSW 2533</p> <p>The available evidence and the absence of any postmortem examination do not allow for any finding to be made as to either the cause or manner of Joshua Chan’s death.</p>

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## 1 Introduction

- 1.1 Nelson Chan and his son, Joshua Chan, were last seen on the afternoon of 19 August 2024 after they left their family home to go fishing. When they did not return, Clarissa Chan, Nelson's wife, and Joshua's mother, contacted police.
- 1.2 Nelson's car was found parked near one of his favourite fishing spots. Despite an extensive search, neither Nelson nor Joshua were able to be located. Neither has been found to date. Nelson and Joshua were 47 and 17 years old respectively at the time they went missing.
- 1.3 In making these findings, I acknowledge the profound impact the disappearance of Nelson and Joshua has had and will continue to have on their friends and family, particularly on Clarissa, and on Nelson's son and Joshua's brother, Jacob. I extend my sympathies for their loss.

## 2 Why was an inquest held?

- 2.1 Under the *Coroners Act 2009* ("the Act") a coroner is responsible for investigating all reportable deaths or suspected deaths.
- 2.2 After all existing lines of enquiry to locate Nelson and Joshua had been exhausted, the New South Wales Police Force (**NSWPF**) submitted a report to the Coroner in February 2025 advising that it was suspected that they were 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.
- 2.3 If a coroner forms the view that a missing person has died then the coroner is obliged to make findings to answer questions about the identity of the person who died, when and where they died, and the cause and the manner of their death. 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. In Nelson and Joshua's cases, the missing person investigation conducted by the NSWPF has been unable to reveal precisely what happened to them after they were last seen alive on the

afternoon of 19 August 2024. 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 The material gathered during the coronial investigation was tendered at the commencement of the inquest in the form of a one-volume brief of evidence. Apart from the NSWPF Officer-in-Charge (**OIC**) of the investigation, Detective Senior Sergeant Steven Davies, none of the witnesses who provided statements were required to give evidence.

### **3 Nelson and Joshua's lives**

- 3.1 While any inquest inevitably focuses on the circumstances of the death of a person, it is important to recognise and acknowledge the life of the person the subject of the inquest in a brief and hopefully meaningful way, to appreciate what their life, and their loss, means to those who knew and loved them.
- 3.2 Nelson was born in Papua New Guinea of Chinese descent. He later immigrated to Australia. In November 2005 he married Clarissa. Together they had two sons, Joshua and Jacob. At the time Nelson and Joshua disappeared, the family lived together in Liverpool, New South Wales.
- 3.3 Nelson was employed as a full-time storeman at poker machine maker, Aristocrat, in Greystanes, a position he had held for approximately twenty years. Statements from family members and colleagues describe him as reliable, physically active, and generally risk-averse in his everyday life. He was not a smoker or drinker and was not known to engage in any reckless behaviour.
- 3.4 Nelson was passionate about fishing. He had been fishing since the age of five and would fish weekly usually in and around the southern coastal areas of NSW: Wattamolla Beach in the Royal National Park, Gerringong, Windang and Storm Bay in Kiama. He would go to Storm Bay for squid. Nelson was an average swimmer. According to his wife, although he had a life jacket vest and other inflatable life jackets, he never wore them.
- 3.5 Joshua was a Year 12 student at the time of his disappearance. He was a high achiever academically and had just completed his trial HSC exams. He lived with his parents and his younger brother, Jacob.

- 3.6 Joshua was an average swimmer. He would occasionally go fishing with his father. Like him, he was not known to wear a life jacket.
- 3.7 Neither Nelson nor Joshua were reported to suffer from any mental illness, nor were there indications of distress or unusual behaviour prior to their disappearance.

#### **4 Events of Monday 19 August 2024**

- 4.1 On the morning of 19 August 2024, Nelson and Joshua spent time together, including Nelson giving Joshua a driving lesson and playing football. They discussed plans to go fishing later that day.
- 4.2 At approximately 3:00pm, Clarissa observed Nelson and Joshua via the family's home security camera while she was at work. During this live feed, both appeared calm and in good spirits. Clarissa observed that they were carrying takeaway food. Nelson informed Clarissa that he and Joshua were going fishing after lunch. This was the last confirmed visual sighting of Nelson and Joshua.
- 4.3 Later that afternoon, Nelson and Joshua travelled in Nelson's vehicle, a Hyundai Tucson with NSW registration YIL65W. It was usual for Nelson to return from fishing by midnight if he left in the afternoon. Nelson was due at work at 7:30am on 20 August.
- 4.4 At 5:26pm Joshua spoke by telephone with Jacob. During this conversation, Joshua said that he and his father were already fishing. This was the last known communication with Joshua.
- 4.5 At 9:04pm Clarissa called Joshua on his mobile phone. She wanted to speak to him about dinner; however, he did not answer. Clarissa then attempted to call Nelson's phone, however it did not ring and immediately went to voicemail. Clarissa asked Jacob if he knew where Nelson and Joshua went fishing and, Jacob replied that he did not know but said they may have gone to Wattamolla at the Royal National Park. Clarissa decided to leave some food for Nelson and Joshua in case they were hungry when they returned.
- 4.6 At about 11:03pm, when they had not returned, Clarissa tried calling Nelson and Joshua again. Nelson's phone immediately went to voicemail, and Joshua did not answer. Clarissa tried calling again multiple times, without success, until 11:20pm.

## **5 Events of Tuesday 20 August 2024**

- 5.1 Clarissa continued to call Nelson and Joshua into the early hours of the following day. She attempted to reach them by phone at 1:23am, 1:49am, and 2:02am. Clarissa also sent them text messages.
- 5.2 At 2:07am Clarissa contacted triple zero to report that Nelson and Joshua had not returned home from fishing. She informed the triple zero operator that maybe they were in the National Park, and they have been locked out. Clarissa informed the operator that they would usually fish at Wattamolla in the Royal National Park or at Kiama.
- 5.3 Police attended the Chan home at approximately 3:00am to take the missing person reports.
- 5.4 Police initiated a phone triangulation on Nelson and Joshua's mobile phones, which detected the last mobile phone ping in the Kiama area.
- 5.5 At 4:29am Police attended Kiama Harbour and located Nelson's Hyundai Tucson parked 15 metres north of the Kiama showground northern entry gate, adjacent to Storm Bay.
- 5.6 At 4:38am, Police located a fishing rod and mobile phone on a cliff edge at Storm Bay, adjacent to the Kiama showground. Clarissa later identified the fishing rod by a picture of a squid on the handle as belonging to Joshua.
- 5.7 Police also spoke to a witness, Matthew Black, who advised that he had observed two individuals walking toward the lower cliff area at Storm Bay, Kiama at about 5:30pm the previous evening. Mr Black described the individuals as wearing dark clothing. He believed they were going fishing. Mr Black did not know Nelson or Joshua personally and was unable to positively identify the individuals he saw as being Nelson and Joshua.
- 5.8 At 4:48am, Police requested air assistance, however, there was no Police helicopter on duty. An ambulance helicopter was then requested; however, it was unable to fly at night. A 13-surf drone was then requested.

## **6 Search and rescue operation**

### ***20 August 2024***

- 6.1 Extensive land and marine searches were conducted by NSWPF, Marine Area Command, State Emergency Service (**SES**), and other emergency services. Police divers attended the location and reported that the surge was pulling off rocks into a drop-off with strong southeast currents, which would likely have submerged and dragged a person off in the current.
- 6.2 Later that day, Dr Luckin, an expert in outdoor survivability, was consulted by Police. Based on environmental conditions, time elapsed, water temperature, lack of flotation, darkness, and lack of inherent natural insulation and buoyancy, in Dr Luckin's opinion, Nelson and Joshua could not have survived beyond the afternoon of 20 August.
- 6.3 In view of this, search operations were suspended at 3:00pm that afternoon.

### ***Subsequent search activity***

- 6.4 Further searches were conducted over the following days by water police, helicopters, divers, SES, Marine Rescue, and Surf Life Saving NSW. Despite extensive searching across coastal and offshore areas over three days, neither Nelson nor Joshua were located. Additional aerial searches were conducted on 29 August 2024.

## **7 Subsequent police enquiries**

- 7.1 Subsequent examination of Joshua's mobile phone revealed a photograph taken at 5:24pm on 19 August 2024, with associated GPS data placing the phone at Storm Bay.
- 7.2 Police spoke with Cameron Webb, a Pastor from Kiama Anglican Church. He had observed a couple of fisherman on the rocks within Storm Bay between 5:45pm and 6:00pm on 19 August 2024. He identified them as wearing dark clothing with no obvious life jackets. There were no other people around. There was no way of confirming that the people Mr Webb saw were Nelson and Joshua.

## **8 Sign of life checks**

8.1 Following suspension of active search operations, police conducted extensive enquiries, including:

- physical and CCTV canvasses
- examination of mobile phone records and data
- financial transaction analysis
- immigration and border movement checks
- Centrelink and Medicare enquiries
- checks with interstate police services
- ongoing monitoring of unidentified remains databases
- regular checks of unidentified deceased remains within the missing persons database

8.2 These searches are commonly known as ‘sign of life checks.’ The results from these searches disclosed no new communications, no new financial activity, or official records that would indicate that either Nelson or Joshua were alive following their disappearance.

8.3 The OIC has also obtained fingerprint and dental records for Nelson and Joshua. 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 Nelson and Joshua.

## **9 Are Nelson and Joshua now deceased?**

9.1 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, 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 such a finding can be made.

9.2 In considering the question of whether Nelson and Joshua are 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 they 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 either Nelson or Joshua is still alive.

(b) The physical evidence found at one of the locations where Nelson was known to regularly go fishing (Nelson's parked car, the discovery of Joshua's fishing rod and his mobile phone), indicates that Nelson and Joshua went fishing together on 19 August 2024 in the vicinity of Storm Bay but did not leave the location.

(c) Nelson and Joshua were part of a close immediate family. Nelson was employed and clearly respected by those he worked with. Joshua was a high achiever academically and had just completed his trial HSC exams. There is no plausible explanation why Nelson and Joshua would not maintain contact with friends and family after 19 August 2024.

(d) The sightings of two men on the rocks at Storm Bay, if indeed these men were Nelson and Joshua raises the possibility that they unintentionally entered the water while fishing on 19 August 2024.

(e) It is most likely that neither Nelson nor Joshua was wearing any personal flotation device on 19 August 2024.

(f) The opinion expressed by Dr Luckin was that if Nelson and Joshua entered the water it is unlikely that they would have survived past 4:00pm on 20 August 2024 given the weather and tidal conditions at the time.

9.3 Having regard to the matters set out above, the conclusion that must, sadly, be reached is that, on the balance of probabilities, both Nelson and Joshua are now deceased.

## **10 When and where did Nelson and Joshua die?**

10.1 Having concluded that Nelson and Joshua are now deceased, the questions that now arise, as part of the coroner's functions, is whether the available evidence allows for any finding to be made as to where and when they died, and the cause and manner of their deaths. Given the evidence referred to above, it is most likely that Nelson and Joshua entered the water unintentionally in the vicinity of Storm Bay. Whether Nelson and Joshua were already injured or incapacitated at the time they entered the water is not known. However, given the evidence regarding Nelson and Joshua's possible period of survivability it is most likely that they died in the ocean waters in the vicinity of Storm Bay. It is most likely that Nelson and Joshua died sometime on either 19 or 20 August 2024.

## **11 What was the cause and manner of Nelson and Joshua's deaths?**

11.1 The police investigation did not identify any evidence considered to be suspicious regarding the circumstances in which Nelson and Joshua went missing. Similarly, there is no evidence that any third party had any involvement in Nelson and Joshua going missing. Therefore, the possibility that Nelson and Joshua died because of the actions of another person can reasonably be excluded.

11.2 There is also no evidence that either Nelson or Joshua suffered from any mental health concerns or conditions in the period immediately preceding 19 August 2024, or that either of them had previously ever voiced any thoughts of self-harm. Therefore, the possibility that Nelson or Joshua died because of their own intentional actions can also reasonably be excluded.

11.3 However, determination of the precise manner and cause of Nelson and Joshua's deaths is more problematic. Nelson and Joshua were pursuing a known hazardous activity at a location that carried with it inherent risks of injury and even death. Although Nelson was an experienced fisherman and had apparently 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 reports of persons undertaking rock fishing activities at different locations along the NSW coastline which has resulted in death. Given the circumstance in which Nelson and Joshua were fishing, it is plausible that the manner of their deaths is misadventure.

- 11.4 However, if Nelson and Joshua did enter the water unintentionally, by misadventure, they may have remained alive for a period of time before succumbing to the ocean and weather conditions, or even marine animal predation.
- 11.5 In the absence of Nelson and Joshua 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 their deaths.

## **12 The need for recommendations pursuant to s 82**

- 12.1 After these matters were reported to the coroner, enquiries were made with Kiama Municipal Council (**the Council**) regarding the status of Storm Bay as a declared high-risk rock fishing location under the *Rock Fishing Safety Act 2016*. Kiama Council advised that, at the time of Nelson and Joshua's disappearance, Storm Bay was not a declared high-risk rock fishing location and therefore there was no legislative requirement for life jackets to be worn.
- 12.2 However, the Council has advised that following the disappearances of Nelson and Joshua, they have commenced a review of rock fishing safety practices and have undertaken consultation with the community. The Council has resolved to request that the Minister for Local Government make a declaration under the *Rock Fishing Safety Act* that all rock platforms within the Kiama Local Government Area be declared high-risk rock fishing locations. The Council also resolved to lodge a motion with Local Government NSW that the *Rock Fishing Safety Act 2016* be reviewed to include all rock platforms in NSW as high-risk fishing locations under the *Rock Fishing Safety Act* and increase the maximum penalty under the Act. The Council is also seeking government funding for the consultation process and installation of safety signage.
- 12.3 The Council also outlined a range of broader rock fishing safety initiatives undertaken since August 2024, including working with Surf Lifesaving NSW to undertake 'Gone Fishing' workshops which focus on rock fishing safety and were hosted by the Council on 16 November 2025 and participating in a 14 month trial at Blowhole Point using remote surveillance and artificial intelligence to track rock shelf use and create alerts when someone falls or is washed into the ocean at the site.

2. Nothing in the evidence in this matter lends itself to the making of any recommendations pursuant to s 82 of the Act, particularly given the efforts the Council has already made to address the dangers associated with rock fishing in the Kiama Municipal Council area.

### **13 Findings required by s 81(1)**

13.1 I find that Nelson Chan and Joshua Chan, who were reported as missing persons to the NSWPF on 20 August 2024, are now deceased.

13.2 The findings I make under 81(1) of the Act are:

#### **The identity of the deceased**

The persons who died are Nelson Chan and Joshua Chan.

#### **Date of death**

Nelson Chan and Joshua Chan died between 19 August and 20 August 2024.

#### **Place of death**

Nelson Chan and Joshua Chan died in the ocean waters in the vicinity of Storm Bay, near Kiama, NSW, 2533

#### **Cause of death**

The available evidence and the absence of any postmortem examination do not allow for any finding to be made as to the cause of Nelson Chan and Joshua Chan's deaths.

#### **Manner of death**

The available evidence and the absence of any postmortem examination do not allow for any finding to be made as to the manner of Nelson Chan's and Joshua Chan's deaths.

### **14 Close of inquest**

14.1 I would like to express my gratitude to Sam Chahrouk, Coronial Advocate, for his assistance throughout the course of the coronial investigation and during the inquest.

14.2 I also acknowledge the assistance provided by Detective Senior Sergeant Steven Davies, the NSWPF OIC, in investigating Nelson and Joshua's disappearance and in compiling the initial briefs of evidence.

14.3 Families whose loved one is reported missing, but is not found, experience a grief, pain and uncertainty that is impossible to put into words. It is hoped that one day further information may come to light that may provide some measure of solace to Nelson and Joshua's family.

14.4 Once again on behalf of the Coroners Court, I offer my sincere and respectful condolences to Nelson and Joshua's family and to Clarissa and Jacob in particular.

14.5 I close this inquest.

A handwritten signature in black ink, appearing to read 'K Pearce', followed by a period.

**Judge Kasey Pearce**

**Deputy State Coroner**

**Coroner's Court of New South Wales**

**Date 8 April 2026**