



New South Wales

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

Inquest: Inquest into the suspected death of missing person Ram Khadka

Hearing dates: 19 & 20 May 2026, 2 June 2026

Date of Findings: 30 June 2026

Place of Findings: Coroner's Court of New South Wales, Lidcombe

Findings of: Judge Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – whether missing person now deceased, date and place of death, cause and manner of death, New South Wales Police Force Missing Person Standard Operating Procedures, adequacy of investigation, exhausting all avenues of enquiry, CCTV canvassing

File number: 2022/00232963

Representation: Mr T Hammond, Counsel Assisting, instructed by Ms M Katawazi (Department of Communities and Justice Legal)

Mr N Newton for Detective Senior Constable S Swar instructed by Ms S Ryan (Crown Solicitor's Office)

Findings: Ram Khadka, who was reported as a missing person to the NSWPF on 12 September 2018, is now deceased.

Mr Khadka died on, or sometime after, 10 September 2018.

The available evidence does not allow for any finding to be made as to the place, cause or manner of Mr Khadka's death.

Recommendation pursuant to section 81(2)(b) Coroners Act 2009 I recommend that the transcript of the proceedings and the findings of the *Inquest into the suspected death of missing person Ram Khadka* be provided to the Chief Executive Officer of the Law Enforcement Conduct Commission to consider the adequacy of the conduct of Detective Senior Constable Sudeep Swar as the Officer-in-Charge of the New South Wales Police Force investigation into the report of Ram Khadka as a missing person.

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1. Introduction

- 1.1 At around 4:30pm on 10 September 2018, Ram Chandra Khadka, a husband and father of three sons, left his home in Rockdale. Mr Khadka took only his bank card with him and left his mobile phone, car keys and other personal belongings behind. He did not mention to his family where he was going or when he intended to return.
- 1.2 At around 5:40pm, Mr Khadka was captured by a CCTV camera to enter a bottle shop in Bondi Beach where he bought some alcohol. After leaving the shop, Mr Khadka was captured by a CCTV camera walking north on Campbell Parade, Bondi Beach. This is the last confirmed sighting of Mr Khadka.
- 1.3 On the evening of 12 September 2018, Mr Khadka's family reported him as a missing person to the New South Wales Police Force (**NSWPF**). Over the next several days, various searches were performed and enquiries made to locate Mr Khadka and any evidence of his whereabouts. These enquiries identified two transactions that provided critical information about Mr Khadka's last movements.
- 1.4 Further enquiries by the NSWPF did not uncover information as to Mr Khadka's whereabouts. To date, no reliable evidence has been found indicating that Mr Khadka is still alive.

2. Why was an inquest held?

- 2.1 As Mr Khadka was not found, the NSWPF submitted a *P79B – Report of Suspected Death to the Coroner (P79B)* in July 2022 indicating that the NSWPF suspected that Mr Khadka is 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 to 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 the various enquiries and search efforts that have been undertaken, Mr Khadka has not been found and the NSWPF investigation has not found any sign of him since 10 September 2018. 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. In addition, an inquest was required in order to more closely examine the adequacy of the NSWPF response to Mr Khadka being reported as missing and the subsequent efforts made to locate him.
- 2.4 In this context it should be recognised at the outset that the operation of the *Coroners Act 2009 (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

¹ *Coroners Act 2009*, section 27.

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.

3. Mr Khadka's life

- 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 Mr Khadka's life in a meaningful way.
- 3.2 Mr Khadka was born in Nepal in 1972. He met his wife, Shova, in 1989 and they later married in 1991. Together they had three sons, Rabin, Roshan and Res.
- 3.3 Mr Khadka spent much time away from home working in order to support his family. He trained and worked in Dubai as a chef for almost 15 years and regularly sent money back to his family in Nepal.
- 3.4 In 2008, Mr Khadka was granted a skilled migrant visa. He and his family moved to Australia and established a new life in the Rockdale area of Sydney. Mr and Mrs Khadka found employment in the restaurant industry. In 2011, they purchased a unit together in Chatswood. In the same year, they bought a seafood business in Marrickville and also started a restaurant business. In 2012, Mr and Mrs Khadka bought a unit in Ramsgate.
- 3.5 In 2013, Mr Khadka applied for Australian citizenship but his application was declined on character grounds. In 2015, Mr and Mrs Khadka sold their business and Mr Khadka started his own pest control business whilst also working in a restaurant. Mrs Khadka also began working at a restaurant in Sans Soucci.
- 3.6 In 2016, Mr and Mrs Khadka sold their unit in Ramsgate and purchased a home in Bestic Street, Rockdale. They remained working at their jobs but in mid-2018 decided to open a restaurant in Rockdale.
- 3.7 Mr Khadka was a very hard worker. His wife describes him as someone who took great responsibility in looking after his family and supporting them financially.
- 3.8 There is no doubt that Mr Khadka is greatly missed by his family and loved ones, and that the uncertainty that has surrounded Mr Khadka going missing has only compounded the grief and loss that they have tragically experienced.

4. Mr Khadka's medical history

- 4.1 According to his wife, Mr Khadka regularly drank to excess after moving to Australia. He consumed alcohol daily and this had an adverse impact upon his behaviour and relationship with his family. Mr

Khadka reportedly told his wife that he could not sleep without drinking. Mr Khadka would go out around once per fortnight, leaving home in the afternoon or evening and returning the next morning.

- 4.2 Mr Khadka reportedly became angry whenever his family, friends and medical practitioners told him to reduce his alcohol intake. On one occasion, Mr Khadka told his wife that he could leave his family but that he would not stop drinking alcohol.
- 4.3 In around 2009 or 2010, Mr Khadka consumed an excessive amount of alcohol, vomited and passed out at home requiring an ambulance to be called. However, Mr Khadka was not taken to hospital.
- 4.4 In December 2011, Mr Khadka was charged with an alcohol-related domestic violence offence. He was subsequently convicted, fined and placed on a good behaviour bond. It was the non-disclosure of these criminal proceedings which resulted in Mr Khadka's citizenship application being refused on character grounds.
- 4.5 Mr Khadka had a history of type II diabetes which was managed with daily medication and insulin.
- 4.6 In June 2016, Mr Khadka consulted a general practitioner (**GP**) in relation to wrist and shoulder pain and stiffness. Over the next several months, Mr Khadka saw a GP in relation to a number of minor ailments as well as pain in both of his knees. However, none of Mr Khadka's medical conditions prevented him from working.
- 4.7 In 2018, Mr Khadka complained of insomnia but denied depressive symptoms. In May 2018, Mr Khadka saw a GP following a workplace accident in which he sustained injuries to his hands which required surgery. Mr Khadka was commenced on amitriptyline (antidepressant medication used off label for insomnia) for insomnia and mildly depressed mood.
- 4.8 On 28 August 2018, Mr Khadka saw a GP regarding a WorkCover referral. Mr Khadka reported continued shoulder pain and insomnia. He required further therapy for his hand injury and was referred to a specialist. Mr Khadka's prescription of amitriptyline was also increased to 10 mg and he was prescribed meloxicam (a non-steroidal anti-inflammatory drug) for pain relief.

5. Mr Khadka's social history

- 5.1 In 2016, Mr Khadka travelled overseas causing his existing visa to lapse. However, Mr Khadka was granted a temporary border visa for one month upon his return to Australia. Mr Khadka subsequently took no steps to extend this visa meaning that on 23 October 2016 he became an unlawful non-citizen.
- 5.2 In 2016, Mr Khadka was involved in a motor vehicle collision and convicted of a drink driving offence. A suspended sentence was imposed, Mr Khadka's drivers' licence was cancelled for nine months, and an interlock device was fitted to Mr Khadka's car.
- 5.3 On 5 September 2018, Mr Khadka was allegedly involved in a motor vehicle accident when he reversed into another car and left the scene without exchanging details with the other driver.

6. Events of 10 September 2018

- 6.1 On 10 September 2018, Mr and Mrs Khadka prepared for the opening of their new restaurant in the Rockdale that evening. At around 2:00pm, Mr Khadka told his wife that he had a headache and needed to return home. Mr Khadka asked Roshan to take him to a doctor at Bay Healthcare in Rockdale, indicating that he felt dizzy.
- 6.2 At around 3:50pm, Roshan dropped off his father at Bay Healthcare where he waited for over 40 minutes. However, Mr Khadka later called Roshan and asked to be picked up without seeing a doctor. Roshan picked up his father and drove him back home to Bestic Street.
- 6.3 At around 5:00pm, Mr Khadka left home wearing a sleeveless grey puffer jacket, striped orange and black T-shirt and long dark trousers. Whilst Mr Khadka had his bank card with him, he left his wallet, phone and car keys at home.
- 6.4 Mr Khadka made his way to Bondi Beach. At 5:41pm, Mr Khadka was captured by a CCTV camera to enter the BWS bottle shop (**BWS**) at 184 Campbell Parade, Bondi Beach. He bought two cans of beer and a bottle of red wine. After leaving the BWS, a CCTV camera captured Mr Khadka at 5:47 PM walking north along Campbell Parade carrying his alcohol.

7. Missing person report and initial search efforts

- 7.1 On 12 September 2018, Mrs Khadka arranged for Rabin to contact Hurstville police station and report Mr Khadka as a missing person. Constable Ian Teather attended Mr Khadka's home that evening to take the missing person report. Rabin reported that his father was feeling stressed due to the opening of the new restaurant. Later that evening, an aircraft from the NSWPF Aviation Command (known as PolAir) conducted a search for Mr Khadka.
- 7.2 On 13 September 2018, Constable Teather completed a *Missing Person Aid* form in which it was recorded that Mr Khadka was at low risk of self-harm or harm from others, but at medium risk of a serious or life-threatening medical incident. Overall, the risk to Mr Khadka was assessed as medium.
- 7.3 On the same day, NSWPF officers and State Emergency Service (**SES**) volunteers searched Rockdale and the surrounding areas. A PolAir helicopter was also used as part of the search. Enquiries were also made at Canterbury Hospital and St George Sutherland Hospital to ascertain whether Mr Khadka had presented there.
- 7.4 On 15 September 2018, the NSWPF issued a media release containing photos of Mr Khadka and seeking information from the public regarding Mr Khadka's whereabouts.

8. What issues did the inquest consider?

- 8.1 In preparation for the inquest a list of issues was circulated amongst the sufficiently interested parties, identifying the scope of the inquest and the issues to be considered. That list identified the following issues for consideration:

- (1) Whether Mr Khadka is now deceased and if so whether any findings can be made regarding the cause and manner of his death, and the date and place of his death.
- (2) Whether the investigation into the report of Mr Khadka as a missing person was undertaken in accordance with NSWPF standard operating procedures in place at the time, including with respect to:
 - (a) risk assessment procedures;
 - (b) the lines of enquiry pursued;
 - (c) the gathering of evidence;
 - (d) the search strategies undertaken including areas identified for searching/canvassing, the search methods implemented, and allocated resourcing; and
 - (e) review processes once the matter became a long-term missing person investigation.

8.2 The evidence received during the inquest indicated that an appropriate risk assessment was performed after Mr Khadka was reported as a missing person. Therefore, this issue is not considered below. Instead, the focus of the inquest and these findings concern issues 2(b) to 2(d) regarding the adequacy of the NSWPF investigation.

9. Is Mr Khadka now deceased?

- 9.1 The fundamental question which an inquest into the suspected death of a missing person seeks to answer is whether that person is now deceased. A finding that a missing person is deceased is a finding of great significance and gravity. It carries with it an enormous emotional toll for the relatives of the missing person and has 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
- 9.2 Mr Khadka was last known to be alive when captured by a CCTV camera walking north on Campbell Parade in Bondi Beach after leaving the BWS on the afternoon of 10 September 2018. Since that time:
- (a) Mr Khadka has not made any contact with his family or any persons known to him;
 - (b) Despite various land, air and water searches being conducted, Mr Khadka's body and remains have not been found and positively identified, and no physical evidence indicating that Mr Khadka is still alive has been found;
 - (c) Mr Khadka has not accessed or operated any financial account in his name; and
 - (d) Mr Khadka has not departed Australia using travel documents in his own name.

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

9.3 The available evidence also establishes the following:

- (a) Although Mr Khadka had previously left home in the afternoon or evening of one day he always returned home during the morning of the following day, and had never been absent from home for more than two days;
- (b) At the time that Mr Khadka left home he had only his bank card with him and left all his other personal belongings behind, taking nothing with him that would have provided sustenance or protection from the elements;
- (c) Mr Khadka was known to regularly use several social media platforms in order to stay in touch with friends and family in Nepal and communicate with other friends in Australia. Since 10 September 2018, Mr Khadka has been inactive on these social media platforms;
- (d) Mr Khadka was known to regularly use his mobile phone to access his social media platforms and send messages to his wife. However, on 10 September 2018, Mr Khadka left his mobile phone at home for no apparent reason;
- (e) Enquiries with interstate law enforcement agencies have not identified any evidence that Mr Khadka is still alive;
- (f) Enquiries with NSW and interstate government organisations that Mr Khadka might reasonably expect to interact with as part of the daily activities of life have not revealed any evidence that Mr Khadka is still alive;
- (g) there is no plausible explanation why Mr Khadka has not been seen or found since 10 September 2018; and
- (h) there is no plausible explanation why Mr Khadka would not attempt to find or make contact with his relatives since 10 September 2018.

9.4 **Conclusions:** In the almost eight years since Mr Khadka was last seen alive, no reliable evidence has been found as to his whereabouts or indicating that he is still alive. Although Mr Khadka had previously left home overnight only to return the following morning, there is no plausible explanation why Mr Khadka left home suddenly and unexpectedly on 10 September 2018 and did not return. Having regard to the matters set out above, the conclusion which must be reached is that, regrettably, Mr Khadka is now deceased.

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

10.1 Having concluded that Mr Khadka is now deceased, the questions that now arise, as part of the functions of the coronial jurisdiction, are whether the available evidence allows for any finding to be made as to where and when Mr Khadka died, and the cause and manner of his death. There are several matters relevant to consideration of these questions.

- 10.2 First, Mr Khadka had a relatively limited medical history with no significant underlying condition that may have suddenly and unexpectedly manifested and caused his death. Although Mr Khadka's type II diabetes appeared to be well-controlled, he was known to drink to excess regularly and such heavy alcohol consumption carries with it adverse health effects. The possibility of Mr Khadka dying from a sudden medical episode cannot be entirely excluded. However, it can reasonably be expected that if Mr Khadka had collapsed suddenly such an event is likely to have occurred at a location and in circumstances where he could be found. Therefore, there is limited evidence that Mr Khadka died of natural causes.
- 10.3 Second, an entry on the NSWPF Computerised Operational Policing System (**COPS**) system regarding Mr Khadka's missing person investigation records that on 2 October 2018, information was received from a Local Member of Parliament who had been contacted by a family member of Mr Khadka raising the possibility of foul play in relation to Mr Khadka going missing. The COPS record regarding this report indicates that further steps were taken to attend Mr Khadka's home to identify whether any belongings were missing and to interview friends, relatives and associates of Mr Khadka.
- 10.4 Notwithstanding, both Rabin and Roshan gave evidence that they had no recollection of the report apparently made to the Local MP, with Rabin indicating his belief that it may have been instigated by a family friend. In addition, the former NSWPF officer-in-charge (**OIC**) of the missing person investigation gave evidence that it appeared the apparent report was "*more of a language barrier than anything to do with the [sic] foul play*". In any event, the NSWPF investigation did not identify any evidence to suggest that Mr Khadka went missing or died in suspicious circumstances or that any person was involved in either respect. Therefore, there is no evidence to suggest that the manner of Mr Khadka's death was homicide.
- 10.5 Third, there is no clear evidence that Mr Khadka might have died as a result of an accident or mishap. However, the possibility of such an event occurring cannot be entirely excluded. Mr Khadka was last seen in the Bondi Beach area. He was known to enjoy spending time near the ocean. On 10 September 2018, Mr Khadka had purchased a quantity of alcohol and was known to drink to excess. The possibility of intoxication at a location near the ocean with high cliffs and potentially hazardous surf conditions creates a degree of risk at a general level without being more specific. Therefore, the possibility of misadventure as the manner of Mr Khadka's death remains open.
- 10.6 Fourth, the NSWPF investigation raised the possibility that Mr Khadka intentionally caused his own death. This was a view expressed by both the former and current OIC of the missing person investigation. There are a number of matters relevant to this possibility:
- (a) Although Mr Khadka had borrowed \$10,000 from a friend shortly before he went missing, the reason and the circumstances of this loan are not known. Mr Khadka's solicitor told NSWPF investigators that he considered that Mr Khadka was in a strong financial position despite Mr Khadka having to sell his former businesses. Further, in 2017, Mr Khadka placed a large deposit on an investment property in Melbourne which was bought off the plan and not due for completion until 2020. Notwithstanding, there is no evidence that Mr Khadka was experiencing any financial stress in relation to this transaction. In addition, although Mr Khadka had applied

for a loan with a financial institution, no actual loan was taken out. Lastly, at the time that Mr Khadka went missing, his business account was \$13,000 in credit.

- (b) Although Mr Khadka had previously complained of insomnia and had been prescribed amitriptyline which is also used to treat depression, Mr Khadka had not displayed any symptoms consistent with depression. Indeed, he denied any depressive symptoms to his GP.
- (c) On 5 September 2018, Mr Khadka was involved in motor vehicle collision and left the scene without exchanging his details with the other driver. The NSWPF attempted to issue a form of demand on Mr Khadka to identify who was driving the vehicle at the time but this was not attempted until 28 September 2018 after Mr Khadka had been reported missing. Although the incident appears to be relatively minor in nature, it is possible that Mr Khadka may have been concerned with either the loss of his licence, given his previous driving history, or that he may become known to the authorities and his status as an unlawful non-citizen discovered. However, there is no evidence that Mr Khadka was so concerned about the incident itself or its potential consequences that he was contemplating self-harm.
- (d) Although Mr Khadka had previously experienced relationship difficulties with his wife as a result of his alcohol consumption, Mrs Khadka told the NSWPF that her husband's alcohol consumption had actually reduced in the immediate period preceding when he went missing. As a consequence of this, Rabin considered that his parents' relationship was improving. There is therefore no evidence that Mr Khadka was considering self-harm as a result of any relationship issues.
- (e) There is evidence that Mr Khadka was planning for the future. On the day he went missing, Mr Khadka was making preparations with his wife to open a new business. They had done so previously on several occasions and a number of purchases had been made to prepare for this new venture. In addition, Mr Khadka and his wife had purchased an investment property in Melbourne.
- (f) Although Mr Khadka was last seen alive in Bondi Beach and the area is an ocean side location with many cliffs, there is no evidence to indicate that Mr Khadka travelled to that location for the purpose of harming himself. Whilst it might be considered that alcohol consumption can lead to depressive thoughts or suicidal ideation, Mr Khadka had previously left home on other occasions and consumed alcohol without there being any evidence of related suicidal ideation or threats of self-harm.
- (g) Both Rabin and Roshan gave evidence that they had never seen or heard anything to suggest that their father was contemplating ending his life, and that they had never heard of their father express any thoughts of suicidal ideation or intent. Further, Roshan gave evidence that on 10 September 2018 his father seemed to be his usual self and that he did not notice anything different about his behaviour. Roshan gave evidence that after arriving home on 10 September 2018, his father went to his room and then left a short time later without saying anything but that this type of behaviour was not unusual for his father.

10.7 Having regard to the matters set out above, there is no reliable or cogent evidence to indicate that Mr Khadka intentionally caused his own death.

10.8 **Conclusions:** The available evidence has not been able to reliably establish the manner of Mr Khadka's death. The possibility of natural causes, intentional self-harm and homicide all appear to be low with the possibility of misadventure perhaps being more likely. However, there is simply not enough known about Mr Khadka's movements after leaving the BWS on 10 September 2018 and what may have happened to him to reach any reliable conclusion as to the manner of Mr Khadka's death.

10.9 Similarly, as Mr Khadka has not been found, a post-mortem examination has obviously not been performed to determine a precise cause of his death. Although unlikely, it remains a possibility that Mr Khadka may have died of natural causes from a sudden and unexpected medical episode. As Mr Khadka had purchased alcohol and was known to consume it to excess, he was at risk of sustaining an alcohol-related injury which may have been independently fatal or from which Mr Khadka could not recover, self-rescue or seek assistance. Overall, no reliable conclusion can be reached as to the cause of Mr Khadka's death.

11. What was the date and place of Mr Khadka's death?

11.1 The available evidence establishes that Mr Khadka was last known to be alive in the Bondi Beach area on 10 September 2018. Whether Mr Khadka remained in the area or travelled elsewhere is not known. The available evidence indicates that Bondi Beach was not an area that Mr Khadka was known to frequent and it is unclear why he decided to travel to that area on that day. The possibility therefore remains open that Mr Khadka may have left Bondi Beach at some stage and travelled to a different area that he was also not known to frequent.

11.2 Similarly, when last captured on CCTV footage, Mr Khadka did not appear to be suffering from any physical ailment or medical condition. Apart from the fact that Mr Khadka had travelled to a location he was not known to frequent for no apparent reason, he otherwise appeared to be well. It is therefore possible that if, for example, Mr Khadka had died as a result of misadventure or natural causes, such an event may have occurred days after 10 September 2018 or even later. There is therefore no reliable evidence as to when Mr Khadka died.

11.3 **Conclusions:** There is simply not enough evidence available to determine precisely when and where Mr Khadka died. As to the time of death, the available evidence only allows for a conclusion to be reached that Mr Khadka died on or sometime after 10 September 2018.

12. Adequacy of the NSWPF investigation into the report of Mr Khadka as a missing person

12.1 At the inquest, consideration of this issue focused entirely on the actions of Detective Senior Constable Sudeep Swar³, the initial NSWPF OIC of the investigation.

Officer-in-charge status

12.2 In 1996, Detective Senior Constable Swar moved to Australia to study a business course. His first language is Nepali. After working various jobs, including in debt collection, Detective Senior Constable Swar joined the NSWPF. In May 2009, Detective Senior Constable Swar attested as a Constable. In 2012, he joined the Proactive Crime Team within the former Hurstville Local Area Command. In 2017, Detective Senior Constable Swar transitioned to criminal investigation duties.

12.3 Detective Senior Constable Swar gave evidence that prior to September 2018, he had been officer in charge of “*probably five or 10*” missing persons investigations, all of which were resolved within one or two days. Detective Senior Constable Swar gave evidence that the investigation into the report of Mr Khadka as a missing person was the first “*lengthy investigation*” that he was involved in.

12.4 Detective Senior Constable Swar gave evidence that on 13 September 2018, the job in relation to the report of Mr Khadka being a missing person was assigned to both him and Detective Senior Constable Simon Abbott. However, Detective Senior Constable Swar gave evidence that he agreed to be the OIC of the missing person investigation as he saw it a “*perfect opportunity*” to “*build a bridge between the [Nepalese] community and the police*”.

12.5 Detective Senior Constable Swar remained as the OIC of the missing person investigation until February 2021 when he transferred from St George Local Area Command (**LAC**) to State Crime Command. Upon his transfer, Detective Senior Constable Andrew James became the OIC of the investigation.

Policy Framework

12.6 As at September 2018, the NSWPF *Missing Person Standard Operating Procedures*, Version 3, first published in 2013 (**Missing Person SOP**) provided clear directions to NSWPF officers at each stage of a missing person investigation. The Missing Person SOP relevantly provided the following:

Ultimately, how police respond could make a difference between life and death.

Given that [missing person] cases are often highly emotional and potentially serious incidents, it is vital that police have the knowledge and skills to deal with the matter in an appropriate and professional manner.

[...]

Police must ensure that reports are taken seriously, risks are assessed, investigations commenced and continued [...]

³ For clarity and convenience, the ranks of the New South Wales Police Force officers as at February 2016 have been used in these findings. No disrespect is of course intended to any officer who now holds a different rank.

These SOPs reflect the responsibilities of NSWPF officers when dealing with [missing persons] as well as explaining the assistance which can be provided by the NSWPF Missing Persons Unit.

These [SOPs] establish the minimum standards for NSWPF officers in their day-to-day management of [missing person] matters.

- 12.7 The Missing Person SOP also described several key roles in managing missing person matters. Relevantly, the Missing Person SOP provided:

3.2 Investigating Officer

The officer taking the [missing person] report is deemed the Investigating Officer (or Officer in Charge – OIC) and is responsible for exhausting all avenues of inquiry until the [missing person] is located or the investigating role is transferred to, and accepted by, another LAC or specialist unit by way of Case Management.

3.3 Supervisor

The Supervisor ensures that the Investigating Officer takes all the relevant information and pursues the investigation appropriately.

- 12.8 For a missing person investigation, the Missing Person SOP relevantly provided that one of the responsibilities of the Investigating Officer is to “*conduct enquiries and keep comprehensive records, including dates and times*”.
- 12.9 Detective Senior Constable Swar gave evidence that prior to 2018 he had never received any training in relation to the Missing Person SOP and that it had never been brought to his attention. Detective Senior Constable Swar also gave evidence that during the entirety of Mr Khadka’s missing person investigation he never had reference to the Missing Person SOP.
- 12.10 Similarly, Detective Senior Constable James gave evidence that when he took over as OIC of Mr Khadka’s missing person investigation in February 2021 he was unfamiliar with the Missing Person SOP and had not at that time received any training in relation to missing person investigations.

Grand Hotel

- 12.11 Financial records indicate that on 10 September 2018, a \$100 cash withdrawal was made from an ATM at the Grand Hotel in Rockdale using Mr Khadka’s bank card. Roshan gave evidence that no other person had access to the card used for that transaction other than his father and that it was therefore most likely that the transaction was made by Mr Khadka. On 13 September 2018, Detective Senior Constable Swar recorded the following COPS entry regarding apparent enquiries made regarding this transaction:

Attended nearby local licensed premises that [missing person] is suspected to frequent including Banksia Hotel, Grand Hotel and St George Tavern. Nil result.

- 12.12 Although the above entry indicates that NSWPF officers attended the Grand Hotel, Detective Senior Constable Swar gave evidence that he could not recall which NSWPF officer(s) made the enquiry at the Grand Hotel or the nature of enquiry.

12.13 Counsel for Detective Senior Constable Swar submitted that it was “*relatively common for there to be a division of responsibility*” between NSWPF officers and that it is unclear whether Detective Senior Constable Swar or Detective Senior Constable Abbott was responsible for making enquiries with the Grand Hotel. However, as the OIC it was Detective Senior Constable Swar’s responsibility to ensure that important lines of enquiry were pursued and to make himself aware of the results of such enquiries. Further, Detective Senior Constable Swar recorded the COPS entry regarding this enquiry without any detail other than it produced, collectively with other similar enquiries, “*nil result*”.

12.14 **Conclusions:** It is most likely that Mr Khadka attended the Grand Hotel on 10 September 2018 and withdrew a sum of cash. The reason for this is unclear. However, the withdrawal represented one of the final actions taken by Mr Khadka on the day that he was last known to be alive. It was therefore an important line of enquiry for the missing person investigation to pursue.

12.15 Although a NSWPF officer, or officers, attended the Grand Hotel, no record appears to have been made of the nature of any enquiry conducted there. Detective Senior Constable Swar, as the OIC, was unable to recall the details of the enquiry. It is unclear whether any attempt was made to obtain a statement from any staff member at the Grand Hotel or to conduct a canvass for any CCTV footage that might have captured Mr Khadka’s attendance.

12.16 There was therefore a failure by Detective Senior Constable Swar to properly document this line of enquiry and a missed opportunity to fully explore whether the enquiry might have elicited more information about Mr Khadka’s actions on the day that he went missing. It does not appear that Detective Senior Constable Swar kept a comprehensive record of this enquiry in accordance with the Missing Person SOP. Although Detective Senior Constable Swar was unfamiliar with that document at the time, clear documentation of lines of enquiry is not unique to a missing person investigation but rather a fundamental aspect of police work.

7-Eleven

12.17 Roshan gave evidence that his father regularly attended a 7-Eleven near the family home at the corner of Bestic Street and West Botany Street to “*fuel up*” and to “*buy something urgent*”. Detective Senior Constable Swar gave evidence that after receiving this information from Mr Khadka’s family, arrangements were made for a NSWPF officer to review CCTV footage from the store on 9, 10 and 11 September 2018.

12.18 Detective Senior Constable Swar gave evidence that although this footage comprised approximately 72 hours it was reviewed by a single NSWPF officer focusing on “*targeted times*” using “*fast forwarding*” with the footage watched at “*double, triple, four times, eight times*” speed. However, when asked about the detail of this review, Detective Senior Constable Swar was unable to identify the NSWPF officer who reviewed the footage, how much time was spent reviewing it, or whether there were any “*targeted times*” concerning a transaction involving Mr Khadka.

12.19 Detective Senior Constable Swar agreed in evidence that Mr Khadka regularly attended the 7-Eleven and that staff who worked at the store might know or recognise him. Despite this, Detective Senior Constable Swar gave evidence that he could not recall ever speaking to a staff member or showing any staff member a photo of Mr Khadka to obtain information about whether they had interacted with Mr Khadka or any idea as to his whereabouts.

12.20 Counsel for Detective Senior Constable Swar similarly submitted that based on an apparent division of responsibility between Detective Senior Constable Swar and Detective Senior Constable Abbott, it is unclear who was responsible for following up the line of enquiry regarding the 7-Eleven. It was also submitted that Detective Senior Constable Swar attended the 7-Eleven on 13 and 16 September 2018 and that his enquiries “*did not reveal anything of any interest in terms of the investigation*”. However, it is doubtful that this submission can be accepted given Detective Senior Constable Swar’s acknowledgement that he made no enquiry of any 7-Eleven staff member and his unclear description of how approximately 72 hours of CCTV footage from the store was thoroughly reviewed.

12.21 **Conclusions:** Mr Khadka was known to regularly attend the 7-Eleven near his home and therefore may have done so around the time that he went missing. In apparent recognition of this, Detective Senior Constable Swar made arrangements for CCTV footage from the 7-Eleven over three days to be obtained and reviewed. However, Detective Senior Constable Swar’s inability to describe with any detail how the CCTV footage was actually reviewed provides no confidence that the review was performed thoroughly and that no opportunity was missed to identify information relevant to the missing person investigation.

12.22 Further, despite apparently recognising the possibility that Mr Khadka had attended the 7-Eleven at around the time that he went missing, Detective Senior Constable Swar took no steps to speak to any staff member who may have seen or interacted with Mr Khadka during this period. This represented another missed opportunity to close off a legitimate line of enquiry.

GM Cabs

12.23 On the afternoon of 13 September 2018, Mr Khadka’s family told the NSWPF that they had identified a transaction made by Mr Khadka with GM Cabs on 10 September 2018. Detective Senior Constable Swar instructed Detective Senior Constable Alex Simes to contact GM Cabs. At 5:40pm on 13 September 2018, Detective Senior Constable Simes sent an email to GM Cabs asking if they could locate any records regarding the 10 September 2018 transaction including the “*pick up address and a drop off address*”. Detective Senior Constable Swar gave evidence that he later provided GM Cabs with the last four digits of Detective Senior Constable Swar’s bank card in order to assist with this search.

12.24 At 10:19am on 14 September 2018, an employee of GM Gabs sent an email to Detective Sergeant Jamie Mohamed, Detective Senior Constable Swar’s supervisor, advising that the 10 September 2018 transaction could not be located “*on the system*” and asked to “*grab a copy of the charge from the statement*”. Detective Senior Constable Swar gave evidence that he did not respond to this request, that he did not ask any other NSWPF officer to do so, and that he was unaware of any NSWPF officer ever responding to the request.

12.25 Detective Senior Constable Swar also gave evidence that he did not pursue this line of enquiry any further. This was because his *“focus was shifted to Bondi”*, meaning that by this stage Detective Senior Constable Swar was aware of the fact that Mr Khadka had attended the BWS on 10 September 2018. In addition, Detective Senior Constable Swar gave evidence that he did not make any enquiry with GM Cabs himself about which drivers were rostered to work on 10 September 2018.

12.26 Notwithstanding the above, Detective Senior Constable Swar agreed in evidence that obtaining information from any person who had last interacted with Mr Khadka would have been important information to the missing person investigation. Detective Senior Constable Swar also agreed that obtaining such information was fundamental police work.

12.27 It was again submitted on behalf of Detective Senior Constable Swar that there was likely a division of responsibilities in the missing person investigation and that Detective Sergeant Mohammed *“had taken the lead”* regarding the enquiry with GM Cabs. However, Counsel for Detective Senior Constable Swar acknowledged that it *“may well [have been] the case”* that the better course was for Detective Senior Constable Swar to contact GM Cabs directly in order to pursue this line of enquiry.

12.28 **Conclusions:** The identification of a transaction made by Mr Khadka on 10 September 2018 with GM Cabs was a critical piece of information for the missing person investigation. It represented an opportunity to identify and speak to one of the last persons that Mr Khadka interacted with and to obtain potential information regarding Mr Khadka’s final movements. Whilst Detective Senior Constable Swar assumed that the transaction represented Mr Khadka taking a taxi to Bondi Beach, Detective Senior Constable Swar acknowledged in evidence that because the time of the transaction was never ascertained, it may represent Mr Khadka taking a taxi to another location after he attended the BWS.

12.29 Detective Senior Constable Swar became aware of the GM Cabs transaction on the afternoon of 13 September 2018. By that time, information regarding Mr Khadka’s attendance at the BWS was still not yet known. The GM Cabs transaction therefore represented the last sign of life and last known location for Mr Khadka at the time. Despite the importance of this information, Detective Senior Constable Swar made no attempt to ever contact GM Cabs directly himself. Instead, he tasked Detective Senior Constable Simes with making the initial enquiry.

12.30 The extent of Detective Sergeant Mohamed’s involvement in this line of enquiry, beyond receiving an email from GM Cabs, is unclear. Regardless, the Missing Person SOP makes clear that it was Detective Senior Constable Swar’s responsibility to exhaust all avenues of enquiry. There is no evidence that Detective Senior Constable Swar did so. For example, Detective Senior Constable Swar did not ever request a roster from GM Cabs to identify which drivers had been working on 10 September 2018. Detective Senior Constable Swar conceded in evidence that he did not need the Missing Person SOP to stipulate the importance, as a matter of policing, of identifying a witness to a critical event.

12.31 Instead, Detective Senior Constable Swar acknowledged in evidence that he could not recall whether he or any other NSWPF officer responded to the request from GM Cabs for further information. Had a response been provided, it might have assisted in identifying the transaction involving Mr Khadka and the taxi driver who last interacted with him. Again, this represented a missed opportunity to pursue an important line of enquiry to its fullest extent.

BWS Bondi

12.32 On the morning of 14 September 2018, Mrs Khadka contacted Detective Senior Constable Swar and advised that the family had identified that Mr Khadka had made a transaction at the BWS on 10 September 2018 (**BWS Transaction**). Detective Senior Constable Swar was not on duty at the time and he asked Detective Senior Constable Joshua Murphy from Bondi Detectives to investigate the BWS Transaction.

12.33 Detective Senior Constable Swar gave evidence that he informed a supervisor “*at some point*” about the BWS Transaction. It appears that this resulted in an Intelligence Alert being created and sent to various Police Area Commands. The Intelligence Alert describe the circumstances in which Mr Khadka went missing, the BWS Transaction and requested that if any NSWPF officer became aware of the whereabouts of Mr Khadka to contact Detective Senior Constable Swar or St George Detectives. The Intelligence Alert was authored by an intelligence officer from St George Police Area Command (**PAC**), reviewed by the St George PAC Crime Coordinator, Senior Sergeant Shane Gemmell, and approved by Detective Sergeant Mohamed.

12.34 At 10:35am on 14 September 2018, Detective Senior Constable Murphy sent Detective Senior Constable Swar an email attaching a copy of the receipt for the BWS Transaction and indicated that he could review the CCTV footage after 11:00am that day.

12.35 Detective Senior Constable Swar commenced his shift at 4:20pm on 14 September 2018. He gave evidence that he could not recall whether Detective Senior Constable Murphy had told him if he had reviewed the CCTV footage after 11:00am as he had indicated. Notwithstanding, Detective Senior Constable Swar gave evidence that he asked Detective Senior Constable Jacob Vasalo to attend the BWS and obtain the CCTV footage for Detective Senior Constable Swar from 10 September 2018.

12.36 This was not done because at 2:44am on 15 September 2018, Detective Senior Constable Swar sent Detective Senior Constable Murphy an email asking him to “*secure the CCTV footage from BWS*”.

12.37 At 6:39am on 15 September 2018, Detective Senior Constable Murphy sent an email to Detective Senior Constable Swar indicating that he would attend the BWS at 10:00am that day.

12.38 At 1:48pm on 15 September 2018, the BWS Manager sent an email to Detective Senior Constable Swar attaching stills from the CCTV footage showing Mr Khadka at the BWS on 10 September 2018. Detective Senior Constable Swar gave evidence that he could not recall whether he viewed the stills at the time.

12.39 At 4:30pm on 15 September 2018, Detective Senior Constable Swar commenced his shift. Sometime after 6:30pm, Detective Senior Constable Swar attended the BWS where he viewed the CCTV footage

of Mr Khadka at the BWS on 10 September 2018. Detective Senior Constable Swar gave evidence that after viewing the CCTV footage he considered that “*the risk actually went low*” regarding Mr Khadka because “*he appeared fine at the time after reviewing the footage*”. Detective Senior Constable Swar explained that the footage gave him “*confidence*” because “*there was a sign of life*” and that Mr Khadka did not “*appear to be stressed*” which made Detective Senior Constable Swar “*more comfortable in terms of where the investigation was at the time*”.

12.40 Detective Senior Constable Swar also gave evidence that:

- (a) the CCTV footage could not be downloaded and given to him that night;
- (b) he did not take a statement from any BWS staff member;
- (c) he obtained the name of the staff member who had served Mr Khadka on 10 September 2018 but could not recall when the staff member was working next, whether he attempted to obtain contact details for the staff member, or whether he ever attempted to obtain a statement from the staff member;
- (d) a statement was never obtained from the staff member because “*the timing between the [Bondi] detectives and the staff member didn’t actually lined up [sic]*”; and
- (e) after 15 September 2018 he personally never attempted to obtain a statement from any BWS staff member or asked any other NSWPF officer to do so.

12.41 The actions taken by Detective Senior Constable Swar on 14 September 2018 regarding the BWS Transaction were not documented in a COPS entry or in his Duty Book. The actions taken by Detective Senior Constable Swar on 15 September 2018 were also not documented in a COPS entry. The entry in Detective Senior Constable Swar’s Duty Book regarding 15 September is limited to the following:

Attended 184 Campbell Street [sic], Bondi Beach – re CCTV footage for MP.

12.42 Counsel for Detective Senior Constable Swar submitted that it would be unfair to direct any criticism towards Detective Senior Constable Swar for not responding in a timely manner to the disclosure of the BWS Transaction. It was submitted that this is because Detective Senior Constable Swar reported the BWS Transaction to a supervisor which led to the Intelligence Alert being disseminated. It was also submitted and that it is only with the benefit of hindsight that Detective Senior Constable Swar recognised that he ought to have attended the BWS on 14 September 2018 in order to seek a statement from any relevant staff member. It was further submitted on behalf of Detective Senior Constable Swar that he was working within an “*institutional framework*” and that other more senior NSWPF officers did not suggest to Detective Senior Constable Swar any other steps that ought to have been taken such as arranging for a search for Mr Khadka.

12.43 Similar to the submissions made on behalf of the Detective Senior Constable Swar that a “*division of responsibilities*” existed within the missing person investigation, the submission about the absence of any direction or guidance from more senior NSWPF officers seeks to unduly deflect responsibility

away from Detective Senior Constable Swar as the OIC of the investigation. The Missing Person SOP makes clear that whilst more senior NSWPF officers have a supervisory role in a missing person investigation, that role is primarily concerned with ensuring that sufficient resources are available to the OIC to advance the investigation. The Missing Person SOP also makes clear that the OIC is responsible for exhausting all avenues of enquiry until a missing person is located.

12.44 **Conclusions:** The identification of the BWS Transaction resulted in an Intelligence Alert being appropriately disseminated on 14 September 2018. However, it appears that no direct investigation was undertaken by Detective Senior Constable Swar regarding the BWS Transaction apart from attempting to task other NSWPF officers with reviewing the CCTV footage of Mr Khadka's attendance at the BWS. This attendance represented the last confirmed sighting of Mr Khadka, the last known interaction Mr Khadka had with another person, and the last occasion when Mr Khadka was known to be alive. It was therefore a critical piece of information for the missing person investigation.

12.45 Despite this, Detective Senior Constable Swar did not attend the BWS until a day later on 15 September 2018. On that occasion, whilst Detective Senior Constable Swar was provided with the name of the staff member who served Mr Khadka, Detective Senior Constable Swar took no further steps to speak to that staff member or obtain a statement from any other staff member who was present when Mr Khadka attended the BWS on 10 September 2018.

12.46 Detective Senior Constable Swar gave evidence that after viewing the CCTV footage he considered that the risk to Mr Khadka had actually decreased and that he was comforted that the CCTV footage showed that Mr Khadka was alive and well. It is difficult to understand how Detective Senior Constable Swar could have drawn such comfort from viewing the CCTV footage given that at the time of viewing it was five days old. In that time, Mr Khadka had obviously not been found. Further, at the time of viewing it had been almost three days since Mr Khadka had been reported as missing, in circumstances where he had never previously been missing from home for a longer period than overnight.

12.47 The failure by Detective Senior Constable Swar to pursue the line of enquiry regarding the BWS Transaction until it had been exhausted represented another missed opportunity to potentially uncover information relevant to the missing person investigation. The last known interaction that Mr Khadka had with a BWS staff member could have potentially uncovered information about Mr Khadka's demeanour, state of mind, intentions and intended destination after leaving the BWS.

CCTV canvassing

12.48 Detective Senior Constable Swar gave evidence that during his attendance at the BWS on 15 September 2015, he looked at the outside of some premises along Campbell Parade near the BWS to identify whether any had CCTV cameras installed but did not locate any. Detective Senior Constable Swar also gave evidence that:

- (a) he did not actually enter any premises to speak with any person inside to make such an enquiry;
- (b) he could not recall how long he spent making these enquiries;

- (c) he could not recall how far up and down Campbell Parade he made any enquiries; and
- (d) he did not make any enquiries with Waverley Council whether it had any CCTV cameras installed on Campbell Parade.

12.49 As noted above already, Detective Senior Constable Swar did not document the nature of this CCTV canvass in any COPS entry or in his Duty Book.

12.50 In relation to the Campbell Parade canvass, Detective Senior Constable Swar gave evidence that he started walking north until he reached the North Bondi Surf Club. Detective Senior Constable Swar gave evidence that he did not perform any canvass along Campbell Parade south of the BWS. Upon reaching North Bondi Surf Club, Detective Senior Constable Swar identified a CCTV camera installed outside. He made enquiries and spoke to the manager, Glen Annear, regarding the availability of CCTV footage from 10 September 2018.

12.51 Despite being on duty on 23 and 26 September 2018, Detective Senior Constable Swar did not follow up with Mr Annear. It was not until 27 September 2018, that Detective Senior Constable Swar contacted Mr Annear again. Detective Senior Constable Swar gave evidence that he could not recall what was said during this conversation. Detective Senior Constable Swar gave evidence that on 2 October 2018, he was told by Mr Annear that nothing of interest have been identified from Mr Annear's review of the CCTV footage.

12.52 Detective Senior Constable Swar also gave evidence that on 21 September 2018 he spoke to Detective Senior Constable Peta Longue to seek advice regarding the best areas to canvass. According to Detective Senior Constable Swar, Detective Senior Constable Longue contacted a colleague from Bondi Detectives and mention was made of canvassing The Gap. Detective Senior Constable Swar gave evidence that prior to this conversation he was unaware of The Gap being known as a location frequently attended by persons contemplating or planning self-harm. Detective Senior Constable Swar subsequently arranged for CCTV footage from a location at The Gap to be reviewed by another NSWPF officer but only for the period between 6:00pm and 9:00pm on 10 September 2018.

12.53 Notwithstanding the above, on 22 September 2018, Detective Senior Constable Swar and another NSWPF officer (Detective Senior Constable Matthew Crookson) performed a canvass of some locations in Bondi Beach and the area between Bondi Beach and Watsons Bay. Detective Senior Constable Swar gave evidence that he was unable to explain why he performed the canvass on 22 September 2018 when the conversation that he had with Detective Senior Constable Longue the previous day was regarding The Gap.

12.54 Detective Senior Constable Swar also gave evidence that he identified a convenience store "*at the top of the hill*" near North Bondi Surf Club which had a CCTV camera. Detective Senior Constable Swar gave evidence that he reviewed the CCTV footage but that "*it didn't capture the footpath*". Detective Senior Constable Swar gave evidence that he performed no other canvass in the Bondi Beach area following this.

12.55 In relation to the CCTV canvass of the area between Bondi Beach and Watsons Bay, Detective Senior Constable Swar gave evidence that over “*a few hours*” he did the following:

We would drive along and then as soon as we see a camera we will stop, we'll like, where there was a dense housing, we would stop, we would do a full patrol sorry, the foot canvass. If there's no CCTV footage we would get back into the car and just kept driving until we come to a next set of cameras, we'll stop there and we'll make the inquiries in relation to CCTV footage.

12.56 Detective Senior Constable Swar gave evidence that after identifying certain residential properties that appeared to have a CCTV camera installed it was discovered that there “*were a lot of dummy cameras*”, meaning that the cameras were only installed as a deterrent and did not in fact work or record any footage. Detective Senior Constable Swar also gave evidence that:

- (a) he could not recall what proportion of the cameras identified were “*dummy cameras*”;
- (b) he could not recall whether he spoke to any occupants at the residences;
- (c) he did not keep a record of the addresses that he checked;
- (d) he did not recall the names of any persons that he spoke to; and
- (e) he did not make any notes of his findings.

12.57 Detective Senior Constable Swar also gave evidence agreeing that it was important to record such information in order to eliminate any areas that had been canvassed so as not to duplicate work. In addition, Detective Senior Constable Swar agreed that the accurate recording of canvass information could have excluded a possible direction of travel for Mr Khadka after he left the BWS. Instead, the COPS entry for the canvass performed on 22 September 2018 recorded only the following:

Time: 0730 – 1300
Date: 22/9/2018
Re: Extensive Canvass around Bondi

On the above time and date investigators attended to St George Detectives attended the location and conducted an extensive canvass in the area where the MP was last seen. Police could see the MP last walking north along Campbell Parade, Bondi.

12.58 Counsel for Detective Senior Constable Swar submitted that whilst criticism might be made about the way in which Detective Senior Constable Swar performed the canvass on 22 September 2018, “*it would be unfair to criticise him for any lack of effort or diligence*”. The difficulty with such a submission is that Detective Senior Constable Swar’s evidence about the manner in which the canvass on 22 September 2018 was conducted is so lacking in detail that it is unclear whether it was performed diligently.

12.59 **Conclusions:** Each of the attempts made by Detective Senior Constable Swar to obtain CCTV footage that might have captured Mr Khadka's movements on or after 10 September 2018 was flawed. First, on 15 September 2018, the canvass performed by Detective Senior Constable Swar was limited to a cursory inspection of the exterior of unspecified premises in the immediate vicinity of the BWS.

12.60 Second, despite locating a CCTV camera at North Bondi Surf Club which may have captured Mr Khadka's movements, Detective Senior Constable Swar did not pursue this line of enquiry with any urgency. Seventeen days passed between when Detective Senior Constable Swar identified the CCTV camera and when Detective Senior Constable Swar was told by Mr Annear that the CCTV camera did not capture any footage of Mr Khadka. However, it is unclear whether a thorough review of the footage was performed given that Detective Senior Constable Swar permitted an untrained civilian in Mr Annear to perform the review.

12.61 Third, the canvass conducted on 22 September 2018 appeared to be entirely random, unplanned and unstructured. It appeared to be conducted in furtherance of a case theory developed the previous day when Detective Senior Constable Swar was told about the notoriety of The Gap, apparently for the first time. The canvass was conducted despite Watsons Bay being located approximately seven kilometres from where Mr Khadka was last seen alive, there being no confirmed evidence that Mr Khadka had expressed suicidal ideation or contemplated self-harm, there being no evidence regarding Mr Khadka's direction of travel (other than walking in a northerly direction along Campbell Parade) or intended movements after leaving the BWS, and a limited CCTV review of a location at The Gap identifying no sign of Mr Khadka between 6:00pm and 9:00pm on 10 September 2018. It might be argued that Detective Senior Constable Swar was relying upon the knowledge and advice from local NSWPF officers in this regard. However, Detective Senior Constable Swar was nonetheless required to bring his own independent judgement to any decision making to advance the missing person investigation given that as the OIC he ought to have been the NSWPF officer who was most familiar with all the evidence that had been gathered by the investigation to date.

12.62 Nevertheless, even if there was some utility in performing the canvass on 22 September 2018, Detective Senior Constable Swar's description of the way he which he performed it provides no confidence that it was done thoroughly. Despite several routes being available between Bondi Beach and Watsons Bay, the canvass was focused on the main road between the two locations in circumstances where Mr Khadka was last seen on Campbell Parade walking on foot.

12.63 In addition, the absence of any record of which properties were canvassed and the names of any occupants that Detective Senior Constable Swar spoke to makes it impossible to determine whether a thorough canvass was performed. Detective Senior Constable Swar again conceded in evidence that his unfamiliarity with the Missing Person SOP did not preclude proper and thorough documentation of the parameters, details and results of the canvass. The manner in which the canvass was performed therefore represented a missed opportunity to either rule in or rule out a possible direction of travel for Mr Khadka after he was last sighted on Campbell Parade.

Submission of P79B

12.64 On 6 March 2019, Detective Senior Constable Swar sent a letter to Mrs Khadka advising the following:

All avenues of investigations have been exhausted and no signs of life has been found for Mr Ram Khadka. Investigators are in a process of submitting documentation to the Coroner, for the Coroner to then formally consider whether an inquest should be held.

12.65 Detective Senior Constable Swar gave evidence that he believed he wrote the letter because Mrs Khadka *“had to produce something to the bank in terms of accessing an account and all other stuff”*. Detective Senior Constable Swar gave evidence that he could not recall *“exactly where the investigation was at the time”*. Detective Senior Constable Swar agreed that by the letter referring to submission of documentation and the possibility of an inquest, he contemplated that a P79B would soon need to be submitted and a brief of evidence prepared. However, Detective Senior Constable Swar initially gave evidence that he could not recall why no P79B was submitted at the time.

12.66 Later, Detective Senior Constable Swar gave evidence that prior to submitting a P79B he was seeking to confirm with Nepalese authorities whether Mr Khadka had actually travelled to Nepal. Detective Senior Constable Swar gave evidence that he first contacted the Nepalese Embassy in June 2019 and made several further enquiries regarding this question between August 2019 and November 2020, all of which resulted in an *“unsatisfactory response from the Nepalese embassy and no information was received”*.

12.67 Detective Senior Constable Swar gave evidence that he had no information that Mr Khadka had the means to depart Australia using a passport that was not in his own name and agreed that it would have been far easier to check with Australian immigration authorities as to whether Mr Khadka had departed Australia using a passport in his own name. Indeed, in December 2021, Detective Senior Constable James obtained information from the Department of Home Affairs that on 23 October 2016, Mr Khadka’s transit visa expired, that he had not lodged any further visa or citizenship application, and that he had remained unlawfully onshore from that date until 16 December 2021 (the day of the correspondence). Detective Senior Constable Swar gave evidence that he had made similar enquiries regarding Mr Khadka’s immigration status but could not recall when these enquiries were made.

12.68 Detective Senior Constable Swar also gave evidence that the last request for information made to the Embassy of Nepal was on 30 November 2020. Detective Senior Constable Swar agreed that given that he had made several enquiries with the Embassy and not received a response to date that it was possible that no meaningful response would be provided. Notwithstanding, Detective Senior Constable Swar gave evidence that he did not consider at the time that a P79B should be submitted.

12.69 The Missing Person SOP provided that if a person is missing and there are no signs of life after 12 months the matter should be placed before the Coroner. Detective Senior Constable Swar gave evidence that he was unaware of this requirement in the period between 2018 and 2020 and that he was *“in the mindset that [he] had to get all the inquiries completed before completing [the] P79B”*.

- 12.70 Counsel for Detective Senior Constable Swar submitted that if Mr Khadka had left his home on 10 September 2018 with the intention of not being found, then it is “*nevertheless more of a possibility*” that he “*returned back to Nepal under a different ID*”. It was also submitted on behalf of Detective Senior Constable Swar that, again, the enquiries that Detective Senior Constable Swar was making with the Nepalese Embassy “*were well known to his supervisors*” and approved.
- 12.71 As to the first submission, there is no evidence that Mr Khadka had the means, ability, knowledge, or intent to depart Australia using travel documents that were not in his own name. Further, it should be remembered that in essence Mr Khadka left home with nothing other than his bankcard, that he made no attempt to conceal his movements, and that there is no other transaction recorded after 10 September 2018 of any travel undertaken by Mr Khadka including, for example, to the airport.
- 12.72 There is, however, some support for the second submission. Detective Senior Constable James gave evidence that upon taking carriage of the missing person investigation in February 2021, it was explained to him that submission of a P79B was being deferred until a response had been received from the Nepalese Embassy. However, Detective Senior Constable James stated that in October 2021, a decision was made to proceed with submitting a P79B regardless given that the Embassy had provided no response despite numerous enquiries being made. This decision was made eight months after Detective Senior Constable James became the OIC.
- 12.73 In contrast, some 20 months elapsed between when Detective Senior Constable Swar first contacted the Nepalese Embassy in June 2019 and when Detective Senior Constable James took over as OIC in February 2021. No P79B was submitted by Detective Senior Constable Swar during this period despite it being almost two and a half years since Mr Khadka was reported missing, and almost three times as long as it took for the P79B to be submitted after Detective Senior Constable Swar relinquished his role as the OIC. Further, there is no evidence that Detective Senior Constable Swar was even contemplating submitting a P79B by the time he ceased being the OIC in February 2021.

12.74 **Conclusions:** Although by March 2019, Detective Senior Constable Swar considered that all avenues of enquiry in the missing person investigation relating to Mr Khadka had been exhausted, no P79B was ever submitted by Detective Senior Constable Swar. This is because Detective Senior Constable Swar was awaiting confirmation from authorities in Nepal that Mr Khadka had not travelled to that country. Detective Senior Constable Swar did not recognise that a similar enquiry could have been made with Australian immigration authorities that likely would have provided an almost immediate response.

12.75 It appears that Detective Senior Constable Swar’s supervisors were aware that a response from the Nepalese Embassy was outstanding. The inquest did not receive any evidence from any of these supervisors. It is therefore difficult to assess whether they were aware of how long the response had been outstanding and whether there was any reasonable likelihood of any response being obtained. The fact that a decision was made within eight months to submit the P79B after Detective Senior Constable James took over as OIC compared to the approximately 20 months that Detective Senior Constable Swar waited suggests that earlier consideration ought to have been given by Detective Senior Constable Swar to either submitting the P79B or making similar enquiries with Australian immigration authorities.

12.76 Further, the evidence suggests that there was no active attempt by Detective Senior Constable Swar to progress this final line of enquiry other than intermittently sending an email to the Nepalese Embassy. The evidence suggests that the missing person investigation effectively stagnated after March 2021 whilst Detective Senior Constable Swar passively waited for a reply from the Nepalese Embassy without giving appropriate consideration to whether it was likely to be forthcoming.

12.77 The delay in submitting the P79B also delayed the holding of an inquest which was a matter of importance to Mr Khadka's family. Even if the inquest was unable to answer the matters required by section 81 of the Act, it nonetheless may have provided Mr Khadka's family with greater clarity regarding the circumstances of Mr Khadka going missing. In addition, completion of the inquest would be an important step for Mr Khadka's family in managing Mr Khadka's affairs and finalising administrative processes that arise in every situation where a person goes missing. There can be little doubt that this delay has only added to the emotional burden and grief that Mr Khadka's family have collectively experienced.

Final conclusions

12.78 It is evident that the coronial investigation and inquest have identified numerous deficiencies in the conduct of the investigation into the report of Mr Khadka as a missing person, and in particular the actions taken and not taken by Detective Senior Constable Swar as the OIC. However, it is not possible to precisely assess the extent to which these shortcomings prevented critical evidence from being gathered that may have assisted with locating Mr Khadka or any sign of his whereabouts.

12.79 It is acknowledged that Detective Senior Constable Swar was asked many questions during his evidence about events which occurred up to almost eight years ago. He was not assisted by detailed contemporaneous investigation notes or records which might have been made at the time. It is also acknowledged that in 2018, Detective Senior Constable Swar had limited experience with conducting a missing person investigation where a person had been missing for more than two days and that he was unfamiliar with the Missing Person SOP.

12.80 However, the shortcomings which have been identified and set out above raise disquiet about the adequacy of the overall missing person investigation and Detective Senior Constable Swar's conduct of it as the OIC. Further, the inquest did not receive evidence from several NSWPF officers, some of whom acted in a supervisory capacity in relation to Detective Senior Constable Swar, regarding the degree of their involvement in the missing person investigation. It is considered that the Law Enforcement Conduct Commission is best placed to review and consider these issues. It is therefore desirable for the following recommendation to be made.

12.81 **Recommendation:** I recommend that the transcript of the proceedings and the findings of the *Inquest into the suspected death of missing person Ram Khadka* be provided to the Chief Executive Officer of the Law Enforcement Conduct Commission to consider the adequacy of the conduct of Detective Senior Constable Sudeep Swar as the Officer-in-Charge of the New South Wales Police Force investigation into the report of Ram Khadka as a missing person.

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

13.1 I gratefully acknowledge the significant contributions of Mr Tim Hammond, Counsel Assisting, and his instructing solicitor, Ms Mena Katawazi of the Department of Communities and Justice, to the coronial investigation and inquest process. The Assisting Team has ensured that a thorough investigation has been conducted and provided tremendous assistance at each stage of the coronial proceedings. I am extremely grateful for their meticulous and sensitive approach that they have shown throughout the coronial process.

13.2 I also thank Detective Senior Constable James for his efforts in conducting the NSWPF investigation and compiling the initial brief of evidence.

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

13.4 Ram Khadka, who was reported as a missing person to the NSWPF on 12 September 2018, is now deceased.

Identity

The person who died was Ram Khadka.

Date of death

Mr Khadka died on, or sometime after, 10 September 2018.

Place of death

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

Cause of death

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

Manner of death

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

12. Epilogue

14.1 On behalf of the Coroner's Court of New South Wales, I offer my sincere and respectful condolences, to Mr Khadka's family, loved ones, and friends for their most tragic loss.

14.2 The profound uncertainty and loss experienced by a family when a loved one goes missing cannot be adequately expressed in words. It is hoped that, in due course, further information may become available to enable Mr Khadka's family to obtain some measure of comfort and peace arising from this devastating event.

14.3 I close this inquest.

A handwritten signature in black ink, appearing to read 'Derek Lee', with a long horizontal flourish extending to the right.

Judge Derek Lee
Deputy State Coroner
30 June 2026
Coroner's Court of New South Wales