

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2008 0399

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: CHEW HAN ENG

Delivered On: 23 July 2013

Delivered At: Level 11, 222 Exhibition Street
Melbourne 3000

Hearing Dates: 23 July 2013

Findings of: JUDGE IAN L GRAY, STATE CORONER

Police Coronial Support Unit Leading Senior Constable John Kennedy

I, JUDGE IAN L GRAY, State Coroner having investigated the death of CHEW HAN ENG

AND having held an inquest in relation to this death on 23 July 2013

at MELBOURNE

find that the identity of the deceased was CHEW HAN ENG

born on 12 May 1975

and the death occurred 26 January 2008

at 65 Upper River Road, Cheshunt, Victoria

from:

1 (a) STAB INJURY TO THE CHEST

in the following circumstances:

Background

1. On Saturday 26 January 2008, Homicide Squad investigators were called to attend an address situated at 65 Upper King Valley Road, Cheshunt, Victoria. The property was named the Politini Winery.
2. The winery accommodated migrant workers, most of whom were Malaysian nationals, who worked as fruit pickers in the surrounding area. The majority were illegal immigrants in Australia, due to the fact they held an expired visa or because they obtained employment whilst on a tourist visa.
3. A dispute between the supervisor of the workers, Khoo Chun Kwang and worker King Poh Hii has led Mr Kwang and other workers to confront Mr Hii in his house. These other workers included Chong Lee Kok, and the deceased Chew Han Eng. Upon entering Mr Hii's home, a fight ensued, with the deceased, Mr Kwang and Mr Kok attacking Mr Hii. During the fight, Mr Hii has taken possession of a knife and stabbed his three attackers. This action subsequently resulted in the death of Mr Eng.
4. Chew Han Eng was born on 12 May 1975 in Malaysia. He was raised in the State of Kedah by his father Tang Heng Eng and mother Leok Moy Por. Both parents still live in Kedah, Malaysia.
5. Mr Eng was one of six brothers and two sisters. Two of his brothers are also deceased, with the remainder of the family living in Malaysia. He never married and had no children.

6. Mr Eng was educated in Malaysia at a Chinese school called Hwa Min. He finished primary school and then began his working life. He had several jobs, including working for a builder operating an excavator.
7. In mid 2007 he came to Australia and subsequently found work as a fruit picker.
8. The last member of his family to see him alive was his brother Chew Peng Eng. This was on Thursday 24 January 2008. Mr Eng visited his brother who was holidaying in Melbourne. Mr Eng told his brother he had work picking fruit about three hours drive from Melbourne.

Circumstances

9. Khoo Chun Kwang is also known by the name 'Foo'. He was born on 20 July 1977. Mr Kwang organised and supervised the Malaysian farm labourers who worked in the Cheshunt area. He drove a van which picked up and dropped off workers from their accommodation to their place of work and return each day. He received commission from each worker's wage for doing this and information suggested he held this role for at least two years.
10. Mr Kwang had been involved in a recent dispute with worker King Poh Hii. Mr Hii is also know by the name 'old Michael'. He was born on 11 July 1949. Mr Hii resided in an accommodation house at the Politini Winery.
11. On the evening of Friday 25 January 2008, Mr Hii returned to Wangaratta by train from Melbourne. He had been to Melbourne with his wife and a male named Lee Kok Kuan to renew their tourist visas. Mr Hii had paid Mr Kwang to pick them up from the train station and convey them back to their Politini Winery accommodation. Mr Kwang failed to show and failed to answer Mr Hii's telephone calls. Mr Hii became increasingly angry and after a few hours of waiting, Mr Hii had Mr Kuan telephone the local police and inform them that Mr Kwang and others were illegal immigrants. Mr Kwang subsequently became aware of this.
12. At the end of the day's work on Saturday 26 January 2008, Mr Kwang gathered the workers into his van and as usual was to drop them off at various accommodation locations. Their first stop was the Politini Winery where some of the workers resided. They arrived between 6.30pm and 7.00pm. There were approximately eleven workers in the van at the time.
13. Upon arrival, Mr Kwang, Chong Lee Kok, Chew Han Eng and others attended Mr Hii's house and entered. Mr Kok is also known by the name 'Lee'. He was born on 20 June 1972.
14. Mr Kwang was angry and it is possible that he, Mr Kok and Mr Eng were in possession of iron bars when they entered Mr Hii's house.

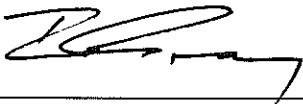
15. Once inside, an argument between Mr Kwang and Mr Hii ensued. This escalated and Mr Kwang, Mr Kok and Mr Eng commenced assaulting Mr Hii. The assault may have included them hitting Mr Hii with the iron bars. During the assault Mr Hii took possession of a knife and stabbed his attackers.
16. All three emerged from the house and collapsed. Mr Eng died at the scene and the other two were conveyed to the Alfred Hospital. Mr Hii subsequently ran into bushland behind the property and was located 20 hours later.
17. The majority of workers left the scene, panicked because of their illegal status. On the morning of 27 January 2008 they presented themselves at the Whitfield Police Station, in country Victoria and provided witness statements.
18. Police attended, examined and recorded the crime scene. Exhibits located included a bloodstained metal bar, a bloodstained metal tube and a metal bar.
19. An autopsy was performed on Mr Eng on 28 January 2008 by Forensic Pathologist, Dr Michael Burke. This revealed that Mr Eng had been stabbed a number of times, specifically to the chest, back and arm.
20. Dr Burke established that the cause of death was as a result of a stab wound Mr Eng suffered to the left hand side of his chest. This has resulted in haemopneumothorax with significant blood loss.
21. Mr Hii was examined by Dr Ian Edward at the Emergency Department of North East Health Wangaratta, at approximately 4.00pm on 27 January 2008.
22. He was found to have suffered bruising and swelling to his forehead above the right eye, a graze, bruising and soreness on his right wrist, a graze on his left upper chest and tenderness to his right scapula area.
23. Dr Edward found all injuries consistent with Mr Hii suffering blunt trauma.
24. Mr Kok was examined by Dr Oliver Clowry at the Alfred Hospital at approximately 11.00am on 27 January 2008.
25. He was found to have suffered a stab wound to the left side of his chest and a stab wound to his left bicep.
26. Mr Kwang was examined by Dr Wendy Brown at the Alfred Hospital at approximately 11.00pm on 26 January 2008.

27. He was found to have suffered a stab wound to his chest which penetrated his diaphragm, liver, stomach, colon and bowel. He had two stab wounds to his right elbow and a laceration to his right thigh.
28. Dr Brown found all injuries were consistent with Mr Kwang being stabbed multiple times.
29. I note that a legal opinion was obtained by the Director of Public Prosecutions, dated 5 February 2009. A decision was made not to charge King Poh Hii. I accept the analysis of the Office of Public Prosecutions as to the issue of self defence.
30. I find on the balance of probabilities that Mr Eng died from a stab wound to the chest inflicted during the fight at the Politini Winery, Cheshunt, Victoria on 26 January 2008. I find that the stab wounds appear to have been inflicted by King Poh Hii acting in self defence after being attacked by Mr Eng and two other men and I note that King Poh Hii was not charged.

I direct that a copy of this finding be provided to the following:

Mr Chew Peng Eng

Signature:



JUDGE IAN L GRAY
STATE CORONER

Date: 20/8/2013

