



STATE CORONER'S COURT OF NEW SOUTH WALES

Inquest:	Inquest into the death of James Leslie Stocks
Hearing dates:	1 March-3 March 2016 at Lightning Ridge Local Court
Date of findings:	30 March 2016
Place of findings:	State Coroners Court, Glebe
Findings of:	Magistrate Harriet Grahame, Deputy State Coroner
Catchwords:	Coronial law-manner of death
File number:	2013/70901
Representation:	Durand Welsh – Coronial Law Advocate – Advocate assisting the Coroner Mr C Magee instructed by Ms Gavin, Department of Industry, Skills and Regional Development. Mr J Townsend of Nelson Keane & Hemingway, Lawyers for Mr Graham McKneil
Findings:	<p style="text-align: center;">Identity of the deceased</p> <p style="text-align: center;">The identity of the deceased is James Leslie Stocks</p> <p style="text-align: center;">Date of death</p> <p style="text-align: center;">James died between approximately 8pm on 6 March 2013 and 9.27am on 7 March 2013.</p> <p style="text-align: center;">Place of death</p> <p style="text-align: center;">James died in or near a mine shaft on Mineral Claim</p>

	<p>number 32904, Canfells Opal Field, Lightning Ridge, NSW</p> <p>Cause of death</p> <p>James died as a result of chest injuries. He also had a significant scalp injury.</p> <p>Manner of death</p> <p>The manner of his death remains unknown.</p>
Recommendations:	<p>There are no recommendations in this matter.</p>

These findings have been written without the benefit of a transcript.

IN THE STATE CORONER'S COURT
GLEBE
NSW
SECTION 81 CORONERS ACT 2009

REASONS FOR DECISION

1. This inquest concerns the death of James Leslie Stocks

Introduction

2. James Stocks was born on 4 October 1966. For about seven years prior to his death he had been living on the Lightning Ridge Opal fields with his partner Joelle Rebillet. He kept in fortnightly telephone contact with his sister Debbie Stocks and socialized with a small group of friends and associates around the Ridge. He loved motorbikes and enjoyed music.
3. On the morning of 7 March 2013, James was found at the bottom of an unused mine shaft in the Canfells area by two friends, Graham McKneil and Brian McMaster. Emergency services were called and when James was brought to the surface, his death was confirmed. The area was secured as a possible crime scene and a thorough police investigation commenced. The Department of Trade and Investment, Regional Infrastructure and Services (The Department, as it then was) also conducted their own wide ranging investigation.¹
4. James's death was sudden and unexpected. His last movements are extremely difficult to establish with any certainty. Unfortunately, all those

¹Detailed Investigation Report. –Deceased body of James Leslie Stocks found at the bottom of a shaft on Mineral Claim 32904 at Lightning Ridge on 7 March 2013. (January 2014)

known to be present with James the evening before his death were, to varying degrees, affected by alcohol and/or by cannabis. Their accounts are unreliable and have shifted somewhat over time. It is extremely difficult to know how much of this variation reflects a true inability to remember the detail of what actually occurred and how much is an unwillingness to assist the court.

5. Since James's death there have been many stories circulating around Lightning Ridge about how he died and who may be responsible. At the end of the day, the criminal investigation was inconclusive but suspicions remain and rumours continue to circulate.²

The role of the Coroner and scope of the inquest

6. An inquest is intended to be an independent examination of all the available evidence in relation to the circumstances of a person's death. The Coroner is to make findings as to the identity of the nominated person and in relation to the date and time of death. The Coroner is also to address issues concerning the manner and cause of the person's death.³
7. In this case, while James's identity and the time and place of his death can be easily established, the inquest was called to specifically examine the outstanding questions relating to the manner and cause of his death.
8. In addition, the Coroner may make recommendations in relation to matters that have the capacity to improve public health and safety.⁴ For this reason the issue of mine shaft security has been closely examined.

Issues to be investigated

9. An issues list was circulated prior to the inquest, raising the following questions

² See for example the evidence of Brian McMaster 2/3/16

³ Section 81 *Coroners Act 2009* (NSW)

⁴ Section 82 *Coroners Act 2009* (NSW)

- Was the mine shaft cover in place on the evening of 6 March 2013?
- If the mine shaft was not in place, how did it come to be removed from the shaft and when did this occur?
- What were the circumstances of James leaving the residence located on the camp of Graham McKneil?
- How did James come to be at the bottom of the mine shaft?
- Are there any recommendations in relation to mine shaft safety that may prevent injury or death in the future?

The Evidence

10. The inquest ran over three days and heard oral evidence from the current officer in charge of the police investigation, all of those present with James on the day before his death, neighbours, James's sister and Ms Janet Town, the Senior Mine Safety Officer stationed in Lightning Ridge. A significant amount of documentary evidence was tendered including medical and expert reports, photographs, witness statements and various Governmental documents and educational training packages. A view of the mine shaft where James was found and of the nearby camps was also conducted on the first day of proceedings. The mine shaft cover was produced and tendered.

Background

11. Lightning Ridge is an opal mining town. The area surrounding the town itself is dotted with small mineral claims, mostly operated by individuals. Many miners live close by their claims in a range of accommodation including houses, simple huts, caravans, buses and tents. At the time of his death James Stocks was living with his partner Joelle Rebillet in a camp on the Canfells Opal field. While the mineral claim was registered to Joelle, there is no evidence that either James or Joelle actually did any mining there.

12. Underground mining is the most common method employed in the opal fields of Lightning Ridge. It is an inherently dangerous pursuit. The process

involves drilling a shaft into the opal bearing levels of claystone, which may be up to 30 metres deep. Horizontal “drives” are then dug by hand or using power tools and the earth is brought to the surface by the use of hoists, winches or in larger operations with a “blower”.⁵ There it is inspected and processed.

13. When not in use, these shafts must be adequately covered or they present a significant risk to those living or working nearby and to native animals and stock. The covering of shaft holes is a very basic requirement of mine safety and is always discussed in the Department’s compulsory course, the Lightning Ridge Opal Miners Safety Awareness Course, which is designed for all Mineral Claim holders. It is also explored in the Mine Operator’s Workshop, which the Department conducts for all mine operators.⁶ In recent years, Mine Safety Officers have noticed an increasing level of compliance with mine shaft cover requirements.⁷

14. There is considerable variation in the types of shaft covers used in Lightning Ridge.⁸ At its most basic, an adequate cover needs only to be able to prevent a person or animal from accidentally falling into the shaft. It needs to be strong and able to take some weight, it needs to be pinned down or at the very least heavy enough not to be knocked off easily or lifted off by an inquisitive child.

Was the mine shaft cover in place on the evening of 6 March 2013?

15. The shaft where James was found was located within the Lightning Ridge Mineral Claims District, on a claim registered to Ms Priscilla Hutchinson, (Mineral Claim 32904). Ms Hutchinson had no actual involvement in mining the claim and was the claimant in name only. She nominated her father

⁵ Exhibit 4, Statement of Janet Town, paragraph 10

⁶ Exhibit 4, Statement of Janet Town, paragraph 20 onwards

⁷ See discussion of compliance operations in Statement of Janet Town, paragraph 10 and her oral evidence 2/3/16

⁸ See Exhibit 4, Statement of Janet Town, annexure “I” for minimum standard document.

Gerard Hutchinson as the mine operator. Gerard Hutchinson, who in reality controlled the claim, had other claims and a residence nearby. He allowed Graham McKneil to reside on this particular claim. Mr McKneil had no right to mine the claim.

16. The shaft where James was found was located right at the edge of the claim. Mr Hutchinson had engaged a contractor to drill the shaft approximately six months prior to James's death. It was his eventual intention to dig a drive between this new shaft and an old pre-existing shaft at the other end of the claim. The shaft was around 1 metre in diameter and approximately 13.6 metres deep. Mr Hutchinson had made a concrete collar around the top of the shaft. The collar, which I have seen, extends around 10 centimetres above ground level. Once the collar was formed, Mr Hutchinson placed a steel cover over the shaft⁹. The cover was attached to a heavy length of pipe.

17. The cover, which I have inspected, appears heavy and reasonably sturdy. It is made of mesh and measures 1.62 metres by 1.52 metres with spacing between the wires of 0.2 metres by 0.2 metres. The gauge of the mesh is 0.007 metres and the diameter of the supporting pipe is 0.06 metres. The style of the concrete collar meant that it would have been difficult to pin the cover down, as is recommended. However, Mine Safety Officer Janet Town concluded the weight of the cover was about 14.6 kg and judged that while it was not technically compliant with best practice, the cover was nevertheless too heavy to be pushed off accidentally. Ms Town gave strong, reliable evidence and appeared completely committed to improving mine safety in the area. I accept her evidence in this respect.

18. There was ample evidence that everyone who lived nearby was aware of the shaft. Some may have seen it dug, others walked past it on a regular basis. The slightly unusual high collar made it particularly noticeable. When I inspected the area I was in no doubt at all that James would have been aware of its position. There is no evidence that anybody had ever seen the shaft

⁹ The shaft was inspected during the view conducted on 1 March 2016. The cover was inspected at Court and a photograph taken. See exhibit 2.

uncovered. Mr Hutchinson said that whenever he visited Mr McKneil he checked the hole and its cover as he walked past.¹⁰ Another neighbour, Mr Peter McLeod claims to have seen that the cover was in place when he went past to go shopping on 6 March 2013.¹¹

19. Mr McKneil had no reason to remove the cover, as he was not involved with mining that shaft. Mr Hutchinson had not yet commenced work down in the shaft so there was no ladder or equipment below. There had been no activity or lucky finds to attract the attention of “ratters” or thieves. There was really no reason or anything to be gained for anyone to come quite close to Mr McKneil’s camp and remove the shaft cover or leave it open. It was Mr Hutchinson’s evidence that seeing a shaft without a cover was something that would always attract attention, like seeing an open gate in the country. I accept that if the cover had been off for any length of time someone would have been likely to notice it.

20. Having considered all the evidence, I am satisfied that the shaft was usually covered and that its weight and construction meant that it could not have been removed accidentally or without someone’s knowledge.

If the mine shaft was not in place, how did it come to be removed from the shaft and when did this occur?

21. Unfortunately, there is no direct evidence touching on how the shaft cover was removed. It appears likely that it was in place on the afternoon and early evening of 6 March 2013 when James, Joelle Rebillet and Brian McMaster went to Graham McKneil’s camp to drink and have a barbeque.

22. Mr McLeod was a neighbour who lived about halfway between Mr McKneil and James and Joelle. He gave evidence that he often saw James cut through his property to visit Mr McKneil. Mr McLeod gave evidence that he remembered seeing the cover on the shaft during the afternoon of 6 March 2013, but that around 5-5.30am on 7 March 2013 he heard “wire mesh hit

¹⁰ Statement of Gerard Hutchinson Exhibit 1, Tab 42 paragraph 13

¹¹ Statement of Peter McLeod Exhibit 1, Tab44, paragraph 10

the ground” then a “thump”.¹² In court he stated that the sound came from the location of the shaft and that it was such a distinctive sound that he could not be mistaken. While it is certainly possible that on a quiet night sound could travel from the shaft to Mr McLeod’s camp, it is difficult to place too much weight on his account. The statement he gave to police on this issue was first made some three months after the events and in circumstances that certainly create some doubt. Mr McLeod told the Court that although he had spoken briefly to police on the day of the incident, he did not tell anyone about what he had heard for about three months. It was not until he was informed that James’s family were going to sue Priscilla Hutchinson that he made a decision to go to the police.

23. Mr McKneil gave various accounts of the position of the cover in the early hours of 7 March 2013. While there are discrepancies, each version reflected a disturbance of the cover. According to Mr McKneil it was either partially removed or had been removed completely by persons unknown when he first noticed it on 7 March 2013.

24. I am of the view that it is likely that the shaft cover was removed shortly before James went into the shaft, beyond that it is difficult to say.

What were the circumstances of James Stocks leaving the residence located on the camp of Graham McKneil?

25. Mr McKneil, Mr McMaster and Joelle Rebillet each gave evidence in relation to what occurred on the evening of 6 March 2013. Mr Gary Morgan also gave evidence about having seen James that day, and as has already been referred to, Mr Peter McLeod gave evidence about hearing noises later that night. Nevertheless, there is still considerable doubt in relation to what actually occurred that evening and in relation to the exact circumstances that led James to leave Mr McKneil’s camp that evening.

¹² Peter McLeod, Evidence at Inquest 1/3/16 and Statement, Exhibit 1, Tab 44, paragraph 11

26. I do not intend to go through this evidence in any detail, suffice to say there were a large number of discrepancies and different versions given. In my view, given the general unreliability of the evidence, there is little utility in such a task. However, it appears clear that at some stage in the evening, James, Joelle Rebillet and Mr McMaster went to Mr McKneil's camp to drink and socialise. Earlier in the afternoon, James and possibly Joelle had been at Mr McMaster's camp. James may have had a disagreement with Mr Morgan, who was not seen by the others again that evening. However, when they arrived at Mr McKneil's camp they were, on all accounts, in good moods and ready to enjoy an evening of eating and drinking. A large quantity of alcohol was consumed, cannabis was smoked and conversations took place. At one point, Joelle and Mr McKneil, at least, were enjoying the music of the Rolling Stones. There is no clear time frame that can be confirmed but it is likely to have been early evening when they arrived and settled in.

27. Some of the accounts suggest that later there was a disagreement between James and Joelle Rebillet, who were known to fight from time-to-time. In any event, there is some convergence in the accounts that around 8pm James left. He was asked to leave by Joelle or perhaps Mr McKneil and he wandered off into the darkness, apparently taking his usual path back to the camp he usually shared with Joelle nearby. She remained at Mr McKneil's and slept either in his bed or on the sofa. Mr McMaster slept either in a caravan outside or on the sofa and Mr McNeil slept either on the sofa or in his own bed. What is clear is that they were all still at Mr McKneil's camp when they woke the following morning.

28. Accounts certainly vary in relation to how James was discovered in the shaft. Joelle originally told police that she had asked Mr McMaster to take her home on the morning of 7 March when James did not answer his phone, as expected. When they could not find him, she returned to Mr McKneil's camp.¹³ She noticed the dogs around the shaft and Mr McKneil got a mirror and looked down the hole. Mr McMaster originally told police that he and Mr

¹³ Exhibit 1, Tab 13 ERISP Joelle Rebillet @ question 9 onwards

McKneil were outside when Mr McKneil saw the shaft uncovered and a broken glass nearby. Mr McKneil got a mirror and discovered James was in the shaft.¹⁴ Mr McKneil originally told police that he noticed the cover was not on when he went to feed Mr Hutchinson's dogs. He replaced the cover. Later he thought he should check the shaft and he got a mirror. Mr McMaster joined him at this time and they saw James in the shaft¹⁵. In oral evidence their accounts shifted again. It is impossible to be certain exactly how James's body was discovered. All we know for sure is that an emergency call was placed by Brian McMaster at 9.27am on 7 March 2013, reporting what had been found.¹⁶

How did Mr Stocks come to be at the bottom of the mine shaft?

29. The available evidence indicates that it is extremely unlikely that Mr Stocks fell accidentally into the shaft. Given that I accept it was usually covered and that it was too heavy and cumbersome to be knocked off accidentally, it is likely that the cover was removed intentionally shortly before James's death.
30. Various theories were examined by the investigating team in relation to this issue. It was generally accepted that if James stumbled off, intoxicated into the darkness from Mr McKneil's camp, he would not have been able to knock the cover off completely, even if he fell on top of it and disturbed it to some degree. Equally it appears extremely unlikely that James himself would have tried to remove the heavy cover that night. There was certainly no need to remove it if he wanted to urinate in the hole. Nor was there any other clear reason to touch it.
31. Consideration was given to the possibility that James lifted the almost 15 kg cover and leapt to his own death. However, there is nothing to suggest that he had ever been suicidal or expressed thoughts of self-harm. While it appears that there had been some kind of fight or disagreement that evening at Mr McKneil's camp, there is nothing to suggest it was anything out of the

¹⁴ Exhibit 1, Tab 7 ERISP of Brian McMaster @ question 138 onwards

¹⁵ Exhibit 1, Tab 11 ERISP of Graham McKneil @ question 37

¹⁶ Exhibit 1, Tab 3 '000" call

ordinary or enough to cause James any significant despair. On all accounts he regularly fought with Joelle.¹⁷ For this reason I am of the view that suicide is most unlikely.

32. It is important to note that the medical evidence does not provide any clear assistance in relation to whether or not James was still alive at the time he entered the shaft.
33. As is obvious, given the circumstances of his retrieval, James's body could not be examined in the exact position it was found. Once SES workers had pulled him from the shaft, there had been considerable movement and disturbance. His jeans were partly down exposing his genital area, but it is impossible to know if that occurred on his recovery or whether his pants were down before he entered the shaft.
34. An autopsy was conducted by Dr Jane Vuletic on 12 March 2013 at Newcastle Department of Forensic Medicine. She recorded his injuries as "consistent with having arisen in a fall"¹⁸ He had serious chest injuries including multiple rib fractures, a flail segment and a haemopneumothorax. Dr Vuletic was of the view these injuries were serious enough to have caused respiratory distress and respiratory failure if left untreated. She recorded chest injuries as the cause of his death.
35. There was also a significant scalp injury, but it is impossible to know if this injury was caused in the fall or if James had also been injured in some way before he fell. It is always possible that he may have been rendered unconscious by the head injury, whenever it occurred. Mr Stocks also had a significant level of alcohol in his blood (0.209 g/100ml) and even if this level was elevated to some degree by post mortem decomposition, it is most likely that he was well affected by alcohol at the time of his death. Toxicological results also indicated the presence of benzodiazepines and cannabis. While

¹⁷ See evidence of Debbie Stocks, Grahame McKneil, Brian McMaster and Detective Senior Constable Katrina McSwan

¹⁸ Autopsy Report for the Coroner – Dr Jane Vuletic, Exhibit 1

Mr Stocks had evidence of ischaemic heart disease, there is nothing to suggest an acute event such as a recent heart attack.

36. There is no eye-witness evidence available to the Court in relation to exactly how James entered the shaft. Mr McLeod reported hearing “wire mesh hit the ground and then a thump” in the early hours of the morning of 7 March 2015. While I find this account somewhat unreliable, even if I were to accept it, it offers little assistance in establishing how James ended up in the shaft. It seems likely that he fell or was pushed into the shaft that morning shortly after the cover had been removed. Whether he was already injured, unconsciousness or unharmed at that time is unknown. While it is certainly possible he was murdered, no obvious defence wounds were noted on his body. There was another person’s DNA under his fingernails, but no obvious blood or scratching that might indicate a recent fight.¹⁹
37. Given the level of intoxication, some kind of careless or irrational act by James causing his own death, cannot be conclusively ruled out. While there is no obvious reason why he would be tampering with the cover, he was highly intoxicated and may not have been thinking rationally.
38. Opal mining camps can be dark and dangerous places. The Court heard that Mr Morgan was wandering drunkenly around the area at some point, also making his way home. Other unknown people may have been in the area. Certainly Joelle told some confused story of hearing an argument that night. However, her evidence was so unreliable that it is impossible to take it very seriously. Whether the argument she referred to took place that evening or earlier that afternoon or not at all is unclear.
39. At one point Police received information that Joelle may have been directly involved in James’s death, however the investigation led nowhere and may have been the result of confusion caused by her accent or intoxication.²⁰

¹⁹ See Statement of Detective Senior Constable Katrina McSwan, Exhibit 1, Tab 1 paragraph 68

²⁰ See Exhibit 1, Tab 34. Conversation between Debbie Stocks and Joelle Rebillet

Certainly when she gave oral evidence, there was nothing to suggest she was covering up or hiding information about James's death.

40. Both Mr McKneil and Mr McMaster told the court that they were aware that there had been various rumours in town that they were involved in James's death. Some suggesting that either gentleman had an illicit relationship with Joelle or for other reasons. Both denied any involvement in James's death. However, the fact remains that both were unimpressive witnesses, whose accounts contained discrepancies and were at times inherently implausible. Neither witness could be relied upon to establish the truth of what occurred.

41. An inquest was held, with the hope that further useful information may be obtained or that witnesses may finally choose to share reliable evidence that they had previously withheld. Unfortunately this did not occur. At the conclusion of all the evidence, while suspicions of foul play of some sort remained, other possibilities such as accident or suicide could not be categorically ruled out. The manner of James's death remains unknown.

Are there any recommendations in relation to mine shaft safety that may prevent injury or death in the future?

42. The Department conducted a comprehensive investigation into the death of James Stocks.²¹ The report produced is thorough and demonstrates the Department's firm commitment to continually improving mine safety in the Lightning Ridge area. While James's death may not have been accidental, the Department has nevertheless looked at that possibility and reviewed its own service delivery and training modules with that in mind.

43. The safety challenges inherently involved in this kind of opal mining are somewhat unique. Opal mining at Lightning Ridge is not undertaken by large

²¹ Detailed Investigation Report. –Deceased body of James Leslie Stocks found at the bottom of a shaft on Mineral Claim 32904 at Lightning Ridge on 7 March 2013. (January 2014)

See also the Departmental Response Document, "Department's submission to the Coroner in relation to recommendations arising from Detailed Investigation Report dated January 2014. (1 March 2016)

and well resourced companies, but rather takes place across a wide area, by individuals often operating on very small budgets in private locations. Some miners may not speak English, others may have limited literacy skills and few financial resources. The adequacy of the Department's face-to-face educational programs is therefore crucial as is the approachability and work practices of the local Mine Safety Officers who deliver training and education in the field. This court was impressed by the evidence given at the inquest, by Mine Safety Officer Janet Town and by her obvious commitment to the task at hand. It was clear from her evidence that shaft security is identified as an important safety issue and receives the ongoing attention of the Mine Safety Officers who work with her. It is very fortunate that James's death at the bottom of a mine shaft appears to be an isolated event and not part of identifiable pattern of shaft accidents.²²

44. The Department's report made four recommendations in relation to mine safety as a direct response to the review of James's death. I will deal briefly with each in turn.

45. **Recommendation 1 – The Chief Inspector review the Departmental guidelines pertaining to shaft security and the prevention of falls at mineral claims with respect to their adequacy and appropriateness. In particular that review should consider the adequacy of fencing and guarding in Lightning Ridge.** A review of the relevant guidelines took place and concluded that they are generally adequate to meet the needs of the opal mining industry. The importance of industry training was noted and the inquest heard how the issue of shaft safety is addressed in both the Mine Safety Awareness Course, (directed at all Mineral Claim holders) and the Mine Operator's Workshop (attended by all Opal Claim Mine Operators). Ms Town explained how the issue of shaft security is managed in these courses and I am of the view, having heard her evidence, that the issues would be well understood by participants. The Court was also confident that it would be reinforced during any mine inspections that took place.

²² The inquest received brief information about the very limited number of other mine shaft deaths in recent years.

46. **Recommendation 2 –The Chief Inspector consider the availability of the Departmental guidelines concerning shaft security and the prevention of falls on mineral claims. In particular, access to that material on the Department’s website.** There is some material already available on the website and the Department will consider publishing material from the Safety Awareness Course once it has been reviewed. I accept the Departmental view that the most effective means of communicating this information is face-to-face contact with Mine Safety Officers either in the office or in the field.
47. **Recommendation 3 – The Chief Inspector consider a review of educational courses conducted by the Department for mineral claim holders and operators to ensure that critical concepts such as the importance of risk identification and a systematic approach to safety management are understood. The review should also consider the frequency with which such training should be updated or maintained.** The Department is currently considering the issue of imposing a requirement for Mineral Claim Holders and Mine Operators to attend refresher safety courses. In the meantime, Ms Town made it clear in her oral evidence that any person is welcome to re-attend should they consider they need to review elements of the course. I am also confident that Mine Safety Officers are generally available for ongoing consultation in relation to safety issues.
48. **Recommendation 4 – The Chief Inspector institute an audit program of all mineral claims in Lightning Ridge focussing upon shaft security and mine safety management plans.** The Mine Safety Team average 40 claim inspections per month, which include a focus on shaft security. Since James’s death, the Department has also conducted two targeted compliance operations in the area. The operations included personnel from the Department’s Mine Safety Inspectorate, Environmental Sustainability Unit and the Regulatory Audit and Investigation Unit. Over two days almost 200 claims were inspected. Shaft safety and security were target issues and

Departmental staff were available to discuss any issues that were identified. A further compliance operation is to be conducted in July 2016.

49. As well as this, Ms Town advised the Court that Mine Safety Officers were available during working hours to respond to calls from members of the public in relation to reports of unsafe or unsecured shafts around the local area.

50. I am satisfied with the Department's response to the potential issues raised by James's death and am confident, having listened carefully to Senior Mine Safety Officer Ms Town's evidence, that there are no outstanding issues in relation to mine safety that need to be addressed by this inquest.

Conclusion

51. Having considered all the evidence, I am unable to establish to the requisite standard the manner of James's death. I think it unlikely to have been a simple accident, but that possibility cannot be ruled out conclusively. There is a real possibility that James was injured or harmed by a person or persons who remain at large, but there is not sufficient evidence to refer a known person to the Director of Public Prosecutions. Unfortunately, the manner of James's death remains an open question.

Findings required by section 81 (1) Coroners Act 2009 NSW

As a result of considering all the documentary evidence and the oral evidence heard at inquest, I am able to make the following findings.

Identity of the deceased

The identity of the deceased is James Leslie Stocks

Date of death

James died between around 8 pm on 6 March 2013 and 9.27am on 7 March 2013.

Place of death

James died in or near a mine shaft on Mineral Clam 32904, Canfells Opal Field, Lightning Ridge, NSW

Cause of death

James died as a result of chest injuries. He also had a significant scalp injury.

Manner of death

The manner of his death remains unknown.

Recommendations

I decline to make any recommendations. I am well satisfied that all relevant issues in relation to mine safety have been adequately considered by the Department of Industry.

Finally, I offer my sincere condolences to James's family and friends. It must be extremely difficult to accept that even after considerable investigation, the exact manner of James's death remains unknown.

I close this inquest

Harriet Grahame

Deputy State Coroner

30 March 2016