



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

Inquest: Inquest into the suspected death of missing person Benjamin Stephens

Hearing dates: 12 July 2017

Date of findings: 12 July 2017

Place of findings: NSW State Coroner's Court, Glebe

Findings of: Magistrate Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – missing person, whether now deceased, cause and manner of death

File numbers: 2016/231302 & 2016/251876

Representation: Ms B Lorenc, Coronial Advocate Assisting the Coroner

Findings: I find that Benjamin Stephens is now deceased. Mr Stephens died sometime after 18 March 2004 in the Blaxlands Creek area south of Coutts Crossing NSW. However, the available evidence does not allow for any finding to be made as to the cause and manner of Mr Stephens' death.

Table of Contents

Introduction.....	1
Why was an inquest held?	1
Ben's life.....	1
What do we know about Ben's medical history before he went missing?	2
What do we know about the last 3 months before Ben went missing?	3
What happened on 18 March 2004?	4
What investigation was conducted after Ben was reported missing?	5
Has Ben been seen since 18 March 2004?	6
The discovery on 19 August 2016.....	7
Is Ben now deceased?.....	7
Where and when did Ben die?	7
What was the cause and manner of Ben's death?	9
Findings.....	9
Identity.....	9
Date of death.....	9
Place of death.....	10
Cause of death	10
Manner of death.....	10
Epilogue.....	10

Introduction

1. Benjamin Stephens was last seen alive on the afternoon of 18 March 2004 at his family's rural property near Coutts Crossing, about 25km south of Grafton. Ben (as he was known to his family and friends) was 23 years old when he was last seen. That night he was reported as missing to the local police and a search to locate Ben began, and continued over a number of years that followed. Regrettably, this search produced little information about where Ben had gone and what had happened to him. However on 19 August 2016 a chance discovery uncovered a crucial piece of evidence in the search for Ben.

Why was an inquest held?

2. Approximately 38,000 missing person reports are made to the police each year in Australia. Of those persons reported missing most are, thankfully, eventually located and reunited with their family and friends. However, the tragic reality is that the families and friends of approximately 2,000 missing persons never experience such comfort. For them, many unanswered questions remain about the fate of their loved one and it is not often the case that the subsequent police and coronial investigation is able to provide answers to most of these questions. Persons that remain missing for more than 3 months are regarded as long-term missing persons. In such cases it is sometimes suspected, for various reasons, that the missing person has died.
3. When the police suspect that a missing person may have died, that suspected death becomes reportable to a Coroner. Once such a report has been made a Coroner then has an obligation to conduct an investigation in order to answer a number of questions. The primary question which a Coroner seeks to answer is whether the person is, in fact, deceased. If the Coroner reaches that conclusion then the Coroner must also seek to answer questions about where and when the person died, and what was the cause and manner of their death. The manner of a person's death means the circumstances surrounding their death and the events leading up to it. If any of these questions cannot be answered then a Coroner must hold an inquest.
4. Ben's suspected death was first reported to a Coroner in Grafton in 2006. At that time the Coroner concluded that there was insufficient evidence to conclude whether Ben was in fact deceased. The Coroner referred the matter back to the police to investigate further. Following these further enquiries, Ben's suspected death was again reported to the NSW State Coroner's Court at Glebe in May 2015. Since that report, further investigation was conducted by both the police and the Court in an attempt to answer the above questions. At the conclusion of that investigation an inquest was held. These are the findings following that inquest.

Ben's life

5. By their very nature inquests are often focused on the final moments of a person's life. Those final moments (whether they be over a period of minutes, hours or, sometimes, days) often tell us very little about the days and years that preceded them. That is, those that take part in an inquest, other than the family and friends of the person who has died or gone missing, often know very little about that person and their life. It is therefore both important and appropriate to briefly say something at this point about Ben and what he meant to those who were closest to him.

6. Ben was the second child of Ellyne and Peter Stephens. He had an older brother, Phillip, and two younger sisters, Ashley and Lauren. Ben grew up in the Clarence River region of northern NSW. He later moved to Armidale before returning to the Grafton region where he met his girlfriend, Alicia Clark, in December 2002.
7. Ben had a very close relationship with his parents and siblings. After his parents separated in November 2001 Ben visited and spoke to both of them regularly. Ben's sister, Lauren, says that she hardly ever fought or argued with Ben and that they had good relationship growing up together. Ben loved his siblings and always took a great interest in their lives and what they were up to.
8. Ellyne describes Ben as being an outgoing and gregarious person who could talk at length about anything. Ben's friendly and affable nature meant that he was well-liked and had many friends.
9. In the 13 years that have passed since Ben went missing it is distressing to know how much uncertainty Ben's family have had to experience, and how much grief and pain they have felt having Ben absent from their lives.

What do we know about Ben's medical history before he went missing?

10. After Ben and Alicia met at a party in December 2002 they started dating shortly afterwards. At the time Ben was living in Armidale but he later moved back to Grafton in January 2003 to live with Ellyne. About 5 months later Ben and Alicia moved into a unit in Grafton together. They lived there for about a year until January 2004. At that time they could no longer afford their rent and so Alicia moved back to her parents' house and Ben moved into a room at a hotel in Grafton.
11. In about October 2003 Alicia noticed that Ben was becoming paranoid and withdrawn. She found that Ben was constantly anxious and he told her that there were people listening in the walls. Ellyne also noticed that Ben was becoming increasingly depressed and experiencing feelings of paranoia towards certain people. On one occasion Ellyne recalls that Ben remarked if anything should happen to him that she (Ellyne) should sell his car to pay for his funeral.¹
12. From the time that they started dating Alicia and Ben had smoked cannabis regularly and "very heavily".² Considering the possibility that the changes in Ben's behaviour may have been related to his cannabis use, and concerned about Ben's welfare in general, Alicia and Ellyne took Ben to see a local GP, Dr Abdalla Hakam. At this first appointment Ben became so paranoid that he could not remain and left in the middle of the appointment. Dr Hakam later gave Alicia a prescription for Ben for anti-depressant medication.
13. Ben later started taking the medication and stopped using cannabis. After several weeks Alicia noticed that Ben was not showing any signs of improvement and they returned to see Dr Hakam. Ben continued to believe that his house was "bugged" and that there were people that were after him. Dr Hakam formed the view that Ben was suffering from psychotic episodes and referred him to the Clarence Valley Mental Health Service (CVMHS) in Grafton.

¹ Exhibit 1, statement of Ellyne Stephens, para 5.

² Exhibit 1, statement of Alicia Clark, para 4.

14. According to medical records³, Ben first presented to the CVMHS on 10 November 2003 showing signs of possible depression and cannabis withdrawal. Ben's anti-depressant medication was continued and he was referred back to Dr Hakam for follow-up.
15. However, Ben's condition did not improve and he returned to the CVMHS on 19 November 2003 when it was noted that he presented with possible delusional/psychotic symptoms. Arrangements were made for a full mental health assessment which was conducted the next day. From the assessment it appeared that Ben was showing signs of depression with accompanying psychotic features and so he was referred to see Dr Graham George, a psychiatrist with the CVMHS.
16. Dr George diagnosed Ben as suffering from depression and prescribed him antipsychotic medication (Seroquel). Later, in December 2003, Ben returned to see Dr George who diagnosed Ben as suffering from schizophrenia. Dr George prescribed Fluanxol (antipsychotic medication used to treat schizophrenia) which was to be given to Ben via injection as he had not always been compliant with his oral medication.
17. This was the last time that Ben had any contact with the CVMHS. Ben's file was later closed by the CVMHS on 17 February 2004 after they had been unable to locate or contact Ben.
18. The last time that Ben had any contact with a health practitioner was on 15 March 2004 (3 days before he went missing) when he saw Dr Hakam. At that time, Dr Hakam continued Ben's prescription for Seroquel and Ben's diagnosis of schizophrenia remained unchanged.

What do we know about the last 3 months before Ben went missing?

19. It appears that in the period between about December 2003 and February 2004 Ben's condition improved somewhat. Ben had stopped using cannabis and at around this time, on the advice of his doctors, he also took about a month off from work. Alicia noticed that whilst Ben was still not his usual self, his level of paranoia had decreased. Ellyne also noticed that during this period Ben's mood appeared brighter. However, Ben continued to tell Ellyne that he thought someone was after him and that this person "*was going to take him out*".⁴
20. At some point Ben told Ellyne that he had stopped taking his medication. Ben told Peter that he did not like what he described as the debilitating effects of the medication. Although Ellyne advised Ben to keep taking his medication she believes that he never did.
21. Ben later returned to work. Peter noticed that Ben appeared to be well and that he was not showing any signs of being mentally unstable. Ben would often visit Peter to ask for help fixing his car, or just call Peter for a chat. Peter was aware that Ben had also just re-registered his car and, according to Peter, everything appeared to be going well for Ben.
22. However in early March 2004 Alicia became aware that Ben's level of paranoia was rising, although it was less severe than it had been previously. At this time Ellyne also noticed that Ben had become distant, uncommunicative and dismissive. This was very unusual as Ben had always been an outgoing and sociable person. Despite Ellyne's attempts to get Ben to be less distant he

³ Exhibit 1, tab 15.

⁴ Exhibit 1, statement of Ellyne Stephens, para 6.

would instead become more and more withdrawn to the point where he stopped visiting Ellyne. Again this was unusual as Ben typically used to visit his mother regularly.

23. Although Peter was also concerned about the change in Ben's behaviour he (Peter) saw no signs that Ben was contemplating self-harm or displaying any negative thoughts towards himself. Peter believes that Ben may have run into an old acquaintance and started using cannabis again around this time.⁵
24. During the evening of 17 March 2004 Ben and Alicia visited Peter at his home. Peter noticed that Ben was displaying signs of what he described as a psychotic episode. Ben appeared to be suffering from extreme paranoia and believed that people were after him.

What happened on 18 March 2004?

25. Although Ben and Alicia had moved out of their unit in Grafton Alicia spent most nights at Ben's room at the hotel. After visiting Peter, Alicia spent the night at Ben's place on 17 March 2004. She woke up the next morning and went to work at about 8:15am. Ben was still in bed at the time. Alicia returned to Ben's place at about 11:30am to check that he had taken his medication. Alicia stayed for about 50 minutes during which time she and Ben chatted and Alicia found that, despite Ben's behaviour the previous evening, nothing appeared to be out of the ordinary. When Alicia left to return to work Ben kissed her and told her that he loved her, which he did all the time.
26. Sometime later that day Ben left his home and met up with Phillip. Together they went to Ellyne's house and found Lauren there. Lauren was at home from school that day because she was unwell. Lauren noticed that Ben was quiet and was not talking much. Ben and Phillip remained at the house for about 45 minutes before leaving so that Ben could drive Phillip into town.
27. At about 12:00pm Ellyne was on her way home from Grafton when she noticed Ben sitting in his parked car at the store in Coutts Crossing. Phillip was inside the store at the time. When Ellyne went to speak to Ben she found that he was very quiet and withdrawn and that he would not make eye contact with her. Ellyne asked Ben if anything was wrong or if anything was troubling him and found that he answered her questions in a dismissive manner. Ben only told Ellyne that he was going back to her house to do some washing. Ellyne described Ben as having an "*underlying anger*".⁶
28. Ellyne told Ben that she would see him at home. At this time Phillip came out of the store and asked Ellyne if she could take him back to Grafton. Ellyne agreed and they left Ben to return to Grafton.
29. Ben returned to Ellyne's house a short time later. Lauren was still at home and she believes that Ben put a load of washing into the washing machine. Shortly afterwards Lauren was sitting in the living room when she noticed Ben walking towards the front door. They exchanged glances and Lauren said that it seemed as if Ben was "*looking straight through [her]*".⁷ Ben walked out

⁵ Exhibit 1, statement of Peter Stephens, para 9.

⁶ Exhibit 1, statement of Ellyne Stephens, para 9.

⁷ Exhibit 1, statement of Lauren Stephens, para 6.

the door and Lauren did not hear him drive off or hear any other car. This was the last confirmed time that anyone saw Ben alive.

30. Ellyne and Phillip later arrived back at Ellyne's house at about 2:00pm. Ellyne noticed that Ben's car was parked at the side of the house which she found to be unusual as Ben always parked at the front of the house. When she went inside Ellyne asked Lauren where Ben was. Lauren told her that Ben had come home, showered, changed his clothes, eaten a large meal, and then left. Thinking that Ben had just left to go for a walk Ellyne was unconcerned at that time.
31. At around 5:30pm Alicia returned to Ben's hotel room and found that he was not there. Alicia went to find one of Ben's friends, Dean Babbington, who had not seen Ben either. Together they went to Ellyne's house where they discovered that Ben was also not there. Alicia asked Ellyne where Ben was and told her that Ben was supposed to have met her in Grafton that day. At this point Ellyne became worried because it was unusual for Ben not to do something which he had planned, or had said, that he would do. Ellyne went to check the washing machine and found that Ben's clothes were still in the machine. Ellyne went outside and also discovered that Ben's car was locked and that his work bag was inside. After breaking a small window to gain access to the car Ellyne found that Ben's wallet, asthma inhaler, and work equipment were all still in his bag.
32. Ellyne, Alicia and Ben's siblings immediately became concerned. They searched the surrounding bushland for Ben but were unable to locate him. Alicia, Lauren and Dean later drove to Peter's house to see if he had seen Ben. After arriving there and learning that Peter had not seen Ben Peter's partner called the police to report Ben as missing.

What investigation was conducted after Ben was reported missing?

33. Local police went to Ellyne's house the next morning on 19 March 2004. They conducted a search of Ellyne's property which is an 8 acre property bound by Blaxlands Creek to the south and west. Police also searched the neighbouring properties as well as the nearby Skinners Swamp Travelling Stock Reserve which is known as a popular swimming and recreational area which Ben, and other local residents, used to frequent.
34. From that point the police broadened their search by checking whether Ben had accessed his credit union account. They discovered that Ben had withdrawn \$280.00 from his account on 17 March 2004, leaving a balance of less than \$10.00. The police also spoke to Ben's friends in an attempt to obtain further information and conducted searches of a number of government agency databases. None of these searches produced any information as to Ben's whereabouts.
35. On 21 January 2005 a familial DNA sample was taken from Ellyne so that it could be kept for future comparison.
36. In early 2006, prior to the inquest that year, the police Missing Persons Unit conducted further checks for any signs that Ben was still alive. Searches on databases kept by the Department of Immigration and Multicultural Affairs, Centrelink, Medicare, electoral commissions, and police services in other states produced no information about Ben or any indication that he was still alive. Enquiries were also made with a number of financial institutions which produced no records that Ben held any accounts with them. Ben's original credit account had, by this time, been closed due to inactivity.

37. Following the report made to the Coroner in Grafton in 2006 regarding Ben's suspected death, the Coroner reached the conclusion that there was insufficient evidence to conclude whether Ben was deceased. The Grafton Coroner therefore took the view that an inquest should not be held at that stage. Part of the reasoning for this conclusion was because of two reported sightings of Ben in late 2004, which will be discussed shortly. As a result, the Coroner recommended that a full land search be conducted of the area where Ben was last seen alive.
38. After making preparations during 2012 to identify the areas to be searched, a full land search of Ellyne's property and the areas surrounding it was conducted by police in November 2013. The search was conducted by two police officers who were qualified land search coordinators with training from the police Search and Rescue unit. The land search did not reveal any further information regarding what might have happened to Ben.
39. In August 2014 the police Missing Persons Unit conducted another signs of life check with various government agencies and financial institutions. Again, this search did not uncover any further information about Ben or any indication that he was still alive.

Has Ben been seen since 18 March 2004?

40. Since Ben went missing there have been 3 reported incidents which suggested that he was still alive at the time of the incidents.
41. Firstly, at about 6:00am on 20 March 2004 Phillip woke up Ellyne and told her that he thought that he heard Ben inside the house, coughing. After looking inside the house and outside they found no signs of Ben. Ellyne went to Ben's car which was still accessible due to the broken window. Ellyne looked in the car and noticed that two of Ben's inhalers had been taken from his bag.
42. Secondly, on 31 August 2004 Ben was reportedly sighted by Peter Hay, a former work colleague of Ben's father and who had known Ben since 1989. Mr Hay told police that he saw a person who looked like Ben standing by the side of the road as he was driving from Bangalow into Lismore. Mr Hay thought the person looked familiar and drove past again, recognising him as Ben. Mr Hay described Ben as having shoulder-length hair and a goatee-style beard, and formed the impression that Ben was hitchhiking in an easterly direction. After attempting without success to contact Ellyne on a few occasions to tell her about his sighting, Mr Hay ran into Ellyne at the Grafton post office on 3 June 2005 and told her that he had seen Ben.
43. Thirdly, sometime during the summer of 2004 Ben was reportedly sighted by Danny Lee Frisken, who was a friend of one of Ben's cousins. Mr Frisken had previously worked with Ben for a short time and last saw him in 2000. Mr Frisken told the police that he was at a service station in Beresfield filling up his car when he saw a sedan parked in front of the shop at the service station. Mr Frisken saw Ben sitting in the front passenger seat, and he describes Ben as having shoulder-length hair. Two other male persons, one in the driver's seat and one in the rear passenger seat, whom Mr Frisken did not recognise were also in the car. Mr Frisken went to approach Ben to say hello but noticed that Ben started to slide down in his seat and put his hand up to cover his face. Mr Frisken got the impression that Ben did not want Mr Frisken to see him. After paying for his petrol Mr Frisken left the shop and noticed that the sedan was gone. Mr Frisken called Ben's cousin that afternoon, or the next day, and told him that he had seen Ben.

The discovery on 19 August 2016

44. On the morning of 19 August 2016 Matthew Brown, a cattle station hand moving cattle on the Skinners Swamp Travelling Stock Reserve near Coutts Creek reported to local police that he had found what he believed to be a partial, but mostly intact, human skull on the property. Mr Brown formed the opinion that the skull had not been there for long as he noticed that there was no debris built up around the skull and no insects near it.
45. Police went to the scene later that morning. They saw that the skull had a bleached white appearance which was in stark contrast to the environment surrounding it, and which made it more visible to Mr Brown. The skull was located about halfway between a track and nearby river. The police took a number of photographs of the skull in situ, and of the surrounding area, before it was removed and taken to the mortuary at Grafton base hospital. No other items of interest were found in the surrounding area.
46. The skull was later transported to the Department of Forensic Medicine in Newcastle where it was examined on 23 August 2016 by pathologist, Dr Rexson Tse. The skull was also examined by a forensic anthropologist who concluded that it was consistent with a male Caucasoid between the ages of 21 to 40 years at the time of death.
47. A DNA sample was extracted from the skull. This sample was in turn sent to the Forensic and Analytical Science Service in Sydney where it was compared against the DNA sample taken from Ellyne. On 27 October 2016 comparison testing on both the sample from the skull and the sample from Ellyne was completed. The test results revealed that the DNA profile from the skull was approximately 52 million times more likely to have originated from a biological child of Ellyne than from another person unrelated to Ellyne.

Is Ben now deceased?

48. As noted at the outset, the primary question which a Coroner must answer in the case of a suspected death of long-term missing person is whether that person is deceased.
49. In most inquests the answer to this question is often arrived at by looking at how long a person has been missing and how long they have not been in contact with their family and not appeared on any records kept by government and private organisations. Usually a conclusion is reached that the missing person is deceased because there is no positive evidence that they are still alive. However, in Ben's case the DNA comparison evidence leads to the overwhelming conclusion that Ben is now deceased.

Where and when did Ben die?

50. The questions regarding where and when Ben died are related. It is clear that Ben's skull was discovered in Skinners Swamp Travelling Stock Reserve (the Reserve), an area which he was known to frequent and which was only a short distance (a direct line of about 1.4 kilometres according to GPS coordinates) from his mother's house. Although the local police conducted a preliminary search of the Reserve the day after Ben was reported missing it is obvious that no sign of Ben was discovered at this time. There are a number of reasons to explain this. Firstly, given the short time between Ben was last seen and the time of the search Ben may not have been deceased (or injured) at this time, particularly given the evidence of Mr Hay and Mr

Frisken and the fact that Ben's inhalers were noticed to be missing 2 days after he was last seen. Secondly, the Reserve is a large area with dense bushland in parts which makes searching the area difficult.

51. Although a land search was conducted in 2013 of the area surrounding Ellyne's property, the parameters of the search extended only to a point about 400 metres from the location where Ben's skull was discovered. Again, given the area of land to be searched and the resources available to the police, the search had to be limited to areas which the police assessed as most likely to yield a positive result.
52. The fact that Ben's skull was found in the Reserve immediately suggests that he died in the vicinity of this area. However, this is complicated by several issues. Firstly, it appeared to Mr Brown that Ben's skull had not been at the location where it was found for very long. If it is the case that Ben's skull had been moved by some means from one location to the location where it was found, there is no evidence to establish how this process occurred or when it occurred. Secondly, according to both Mr Hay and Mr Frisken Ben was seen a long distance from the Blaxlands Creek area, initially near the Byron Bay area in August 2004 and later in the Newcastle area in late 2004.
53. The reported sightings of Ben are difficult to reconcile with the other evidence. On the one hand I acknowledge that Mr Hay's and Mr Frisken's accounts are both consistent in the sense that they say that when they saw Ben he had shoulder-length hair at the time (which he did not have at the time he went missing). I also acknowledge that in their statements to the police both Mr Hay and Mr Frisken said that they were certain that the person that they saw was Ben. Mr Frisken and Mr Hay did not give evidence at the inquest. Given the passage of time, some 13 years between the reported sightings and the time of the inquest, it is highly unlikely that their memory of the sightings would have improved.
54. On the other hand, there is no evidence to suggest that Ben had any reason to travel to the Newcastle and Byron Bay areas. At the time he went missing, Ben left behind all of his personal belongings. Although he had withdrawn some money the day before, it was only a small amount of money. Ben had also left his car behind at Ellyne's house and there is no public transport from her house to a nearby more populated area such as Grafton. There is therefore no evidence to establish how it might have been possible for Ben to travel to the areas where he was reportedly sighted by Mr Hay and Mr Frisken, nor any evidence to establish any reason for him doing so. If Ben had died somewhere outside of the Blaxlands Creek area, there is also no evidence to explain how or why his remains would have been returned to the area to be discovered by Mr Brown many years later.
55. Of course, the possibility remains open that Ben may in fact have travelled to these areas, and then returned to the Blaxlands Creek area sometime after he was seen by Mr Frisken. It is also possible that after doing so Ben may have somehow died in a manner unknown. However, given the areas where Ben's skull was located being in relatively close proximity to Ellyne's house, and the evidence establishing that Ben left the house on foot with the intention of going for a walk in the bushland surrounding her property, I conclude that it is more probable that Ben died in the Blaxlands Creek area shortly after he was last seen on 18 March 2004.

What was the cause and manner of Ben's death?

56. Regrettably, the available evidence does not allow for any finding to be made as to the cause or manner of Ben's death. The forensic examination being limited to Ben's skull only meant that it was not possible to identify any anatomical cause of death. Although Ben appeared to be in good physical health at the time he went missing, in the absence of an autopsy, it is not possible to exclude the cause of his death being related to some natural disease process. Also, it is not possible to conclude whether Ben might have suffered some injury, or have been exposed to the natural elements for too long, which contributed to his death in some way.
57. Similarly, a finding about the manner of Ben's death cannot be made based on the available evidence. This is because, again, a number of possibilities exist. It is clear that in the months leading up to 18 March 2004 Ben was mentally unwell and grappling with a number of issues associated with his mental health. There is no evidence that Ben had ever contemplated self-harm; according to his father, Ben had never displayed any such tendencies.
58. It is evident that Ben was experiencing intense feelings of paranoia, that he was becoming increasingly withdrawn, and that he had been non-compliant with his prescribed medication. In such circumstances, it is possible that Ben's mental health issues may have led to a situation where Ben was incapable of looking after his own physical health. This situation in turn may have contributed to Ben's death in some way, for example if he became disorientated or unaware of his surroundings after leaving his mother's house. There is also the possibility that Ben may have, by misadventure, suffered some sort of injury that was either fatal, or which incapacitated him in a way that it contributed to his death. Although Ben had made comment to Ellyne about selling his car in order to pay for a funeral, and had made numerous comments of his fears that an unidentified person or persons were targeting him in some way, these comments appear to be solely attributable to the decline in Ben's mental health. There is no evidence to suggest that Ben died in suspicious circumstances or that any third party was involved in his death.
59. Of course all of these possibilities are mere speculation. But that only serves to emphasise that, unfortunately, there is insufficient evidence upon which a logical and reasoned conclusion can be reached regarding the manner of Ben's death.

Findings

60. Before turning to the findings that I am required to make, I would like to acknowledge and thank Ms Bronwyn Lorenc, Coronial Advocate, for her assistance both before, and during, the inquest. I would also like to thank, and express my appreciation for, the efforts of the police officers who have been involved in the years since 2004 in the search for Ben, and for further information about the circumstances in which he went missing.
61. The findings I make under section 81(1) of the Act are:

Identity

The person who died was Benjamin Stephens.

Date of death

Benjamin died sometime after 18 March 2004.

Place of death

Benjamin died in the Blaxlands Creek area south of Coutts Crossing NSW.

Cause of death

The available evidence does not allow for a finding to be made as to the cause of Benjamin's death.

Manner of death

The available evidence does not allow for a finding to be made as to the manner of Benjamin's death.

Epilogue

62. Unanswered questions relating to the circumstances in which a person goes missing only add to the trauma and grief that the families of missing persons experience. Investigations into the suspected deaths of missing persons often produce no positive confirmation about whether the person is deceased or still alive. The answer to this important question is often based on a reasoned conclusion by a Coroner from the available circumstantial evidence.
63. Ben's case is one in which positive evidence was uncovered confirming that he is now deceased. I acknowledge that whilst this may answer a question that his family and friends have often asked in the years since Ben went missing, the answer itself may not, sadly, be of any comfort to them. It does not in any way lessen their sorrow, or the pain of Ben's loss that has been profoundly felt since 2004. On behalf of the Coroner's Court I would like to extend my sincere and respectful condolences to Ben's family.
64. I close this inquest.

Magistrate Derek Lee
Deputy State Coroner
12 July 2017
NSW State Coroner's Court, Glebe