



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: Inquest into the disappearance of Kyle Jack Coleman

TITLE OF COURT: Coroners Court

JURISDICTION: Mount Isa

FILE NO(s): 2015/1715

DELIVERED ON: 6 May 2016

DELIVERED AT: Mount Isa via video link

HEARING DATE(s): 4 April 2016 to 6 April 2016

FINDINGS OF: Jane Bentley, Coroner

CATCHWORDS: Coroners: inquest, missing person, firearms, suicide

REPRESENTATION:

Counsel Assisting: Ms Stephanie Williams

Robert and Sonia Coleman: Mr Dennis Lynch QC, instructed by Anderson Telford Lawyers

Introduction

Section 45 of the *Coroners Act 2003* provides that when an inquest is held the coroner's written findings must be given to the family of the person in relation to whom the inquest has been held, each of the persons or organisations granted leave to appear at the inquest and to officials with responsibility over any areas the subject of recommendations.

These are my findings in relation to the disappearance of Kyle Jack Coleman. They will be distributed in accordance with the requirements of the Act and posted on the web site of the Office of the State Coroner.

These findings and comments:

1. confirm the identity of the missing person, whether he is deceased and, if so, the time, place and medical cause of his death, as far as can be ascertained; and
2. consider whether the actions or omissions of any third party contributed to his death.

Background

At the time of his disappearance Kyle Coleman was 17 years old. He lived at home with his parents, Robert and Sonia Coleman, at 23 Fifth Avenue, Parkside at Mount Isa. He was a third year apprentice diesel fitter. He had completed high school at the Good Shepherd Catholic College before commencing his apprenticeship. He was in good physical and mental health. He had no adult or juvenile criminal history.

Kyle was a social drinker of alcohol. He would drink at home or with friends and would usually consume Bundaberg Red rum. He was said to be placid when drinking alcohol.

On 23 February 2014 Robert Coleman reported to Mount Isa police that Kyle was missing after he failed to return home from a camping trip.

On 21 February 2014 Kyle went camping with James Michael Coleman. Kyle and James were not related but they were very close friends. Both were employed by Popey's Diesel Service. James was Kyle's direct supervisor.

Both Kyle and James were hard-working young men of good character who had promising futures. They were loved by their families and friends and well thought of by those who knew them.

James Coleman was born 4 March 1992 and resided with his defacto spouse, Toni-Lee Sabin, at Soldiers Hill, Mount Isa. He was the registered owner of a 2011 Holden Colorado utility, Queensland registration 183SDB.

Kyle and James left Mount Isa at about midday on 21 February 2014 and headed for Gregory Downs where they planned to camp. Gregory Downs is a

camping area situated along the Gregory River, approximately 300km north of Mount Isa on the Wills Developmental Road.

Due to road closures they were unable to travel to Gregory Downs and instead diverted to the homestead of Undilla Cattle Station. Undilla Station is a cattle station of 320,000 acres, owned and run by Lindsay Wray Miller. It is situated on the Gregory Downs – Camooweal Road, about 200km north of Mount Isa. Between 16 and 23 February 2014, 128mm of rain fell on Undilla Station.

Upon arrival at the homestead, James and Kyle spoke to Mr Miller, who gave them permission to go onto the station but told them they would not be able to get past the first creek crossing.

On 22 February 2014, James phoned Robert Coleman and told him that he couldn't find Kyle.

Kyle Coleman has not made contact with any friends or family members since his disappearance. Checks made with financial institutions, interstate police agencies and government departments have failed to produce any evidence of his whereabouts. The last recorded activity on his bank accounts, mobile phone and Facebook page occurred on 21 February 2014.

There is no record of Kyle having attended any hospital or emergency service or police station. There is no record of Kyle having travelled anywhere in Australia or overseas.

A number of media releases were undertaken by police and Kyle's family including newspaper, social media, radio, television and other print media. Any avenues of investigation which arose from these releases have been exhausted by police with no results.

The police investigation

When Robert Coleman reported Kyle missing, police commenced *Operation Mike Leaseback* – the investigation into Kyle's disappearance.

James Coleman – statement of 23 February 2014

On 23 February 2014, police spoke to James Coleman. He told them that he and Kyle left Mount Isa at about midday on 21 February 2014 with the intention of travelling to Gregory Downs to camp for the night and returning Saturday 22 February 2014. He told police that before leaving Mount Isa they attended the Barkly Hotel bottleshop where they purchased a carton of Bundaberg Red Rum pre-mixed cans and a carton of Great Northern beer. He said they then stopped at the Shell Truck Port and purchased fuel.

James told police that, upon arriving at the Gregory Downs Road, they saw the road was closed due to bad weather and so they went to Undilla Station instead. They attended the homestead at Undilla Station and spoke to the Station owner, Lindsay Miller, who told them that they could enter the property. They drove to a creek that they could not cross and then returned to Mount Isa.

James told police that when they returned to Mount Isa they went to his house at 10 Skewes Street where they consumed the rest of their alcohol. James said that he told Kyle he was tired and wanted to go to bed. He said that he went inside to go to the toilet and when he came back out Kyle was gone. He said that he looked around the yard and then sent a text to Kyle and phoned him but there was no response. He said that after about 30 minutes he drove the route Kyle would have walked to get home but he did not locate him.

James said that by the time he got home the sun was rising and he fell asleep until he awoke about 9.30am at which time he sent Kyle another message.

James said that after he picked up Toni from her place of work at about 11.20am he went to Kyle's house and asked Robert Coleman if he had seen Kyle. They started searching for Kyle.

James told police that when he unpacked his car he noticed that Kyle's swag and backpack had been removed from the vehicle.

James Coleman – statement of 24 February 2014

James Coleman provided a written statement to police on 24 February 2014.

James told police that he and Kyle were "like brothers" and had been inseparable since they began working together at Popey's Diesel Service about four years previously. James said that as far as he knew Kyle was happy and he had no issues at the time of his disappearance.

James said that on 21 February 2014 he mowed his lawn and then worked on his Landcruiser at CTV Bullbars. Kyle texted him and said that he wasn't working and asked whether he wanted to do something. James went home and Kyle came to his place in Kyle's father's Landcruiser. They talked for a while and then drove around town. Kyle said that he wasn't working because he had been told by Matt Watts, the workshop supervisor, that there was no work for him that day.

They went to the Commonwealth Bank and James withdrew some money from the ATM and then they drove to the second hand shop off Marian Street and James bought four packets of .303 bullets and a black and green gun bag. They went to Bell and Moir Toyota and picked up James' Colorado from Toni. They then drove to Kyle's place and he left his car there and put his swag and bag in the back of James' car. They drove to James' house and loaded up the car with his swag, two jerry cans, an esky containing ice and meat and a .303 rifle.

James said that they drove along the Barkly Highway and stopped at the Barkly Hotel where he bought a carton of Bundaberg Red Rum cans and a carton of Great Northern beer. They drove to the truckport where James filled up the car and one of the jerry cans with fuel. Kyle paid for the fuel.

James said they then drove towards Gregory. They drove along the highway and turned off at the Burketown turnoff. When they got to the dirt road there were signs indicating the road was closed. They decided not to keep going and instead headed for Undilla Station, back towards Camooweal along the dirt highway. They started to drink the alcohol they had bought.

When they reached Undilla Station they had been driving for about three hours since leaving Mount Isa. James spoke to the owner of Undilla Station, Lindsay Miller. They asked him about the rain and the state of the roads. They then drove back out to the highway and to the grid. When they got to the first crossing it looked too wet so they turned around and went back out the same way. They stopped driving and set up some cans to shoot. They used about 40 rounds. By this time it was nearly nightfall so they decided to leave to go back to town.

James said that they drove to his place and took the esky out of the back of the car. They were being quiet so as not to wake Toni. They sat around and drank the rest of the alcohol and chatted about work and girls. James said that Kyle seemed fine. They were both pretty drunk. As the sun started to come up James told Kyle that he was tired and wanted to go to bed and Kyle should call a cab. He went inside to go to the toilet and when he came back out Kyle was gone.

James told police that he sat outside for a while and finished his drink but Kyle didn't return. He then sent him a text message and when Kyle didn't reply he rang him twice and let the phone ring out but Kyle didn't answer. James said the sun was up when he rang Kyle.

James told police that he then went for a drive through the RSL and towards the highway. He then drove off the highway and beside a train track for as far as he could go before turning back onto the highway. He drove past the Barkly Hotel down Urquhart Street and then up Skewes Street.

James stated that by the time he got home Toni was up and she asked him what he was doing. He didn't say anything to her. She left for work. After she left James texted her to tell her he couldn't find Kyle. She rang him and he told her that they had been home all night but hadn't woken her. He sent Kyle another text message and then phoned Undilla Station to advise that he and Kyle had left the night before.

James said that he had a sleep on the couch and when he awoke he cleaned out the car and saw that Kyle's swag and backpack were gone. He took the gun back to his father's place. He drove back to his place.

James said that he was trying to call Kyle but the calls went straight to message bank. He texted Toni and Kyle's mum, Sonia, and told them he couldn't find Kyle.

James said that at about 11.30am James picked Toni up from work. On the way he drove through McDonalds and did a couple of laps of town, looking for Kyle. He took Toni home and told her he was worried about Kyle. He texted Sonia again and then went to Robert Coleman's house. He and Rob looked around for Kyle and then James went to the police station while Rob went to the hospital. James went to the house of Cara, Kyle's sister, but he wasn't there.

James and Robert returned to Robert's house. Kyle's sister and mother arrived and they all drove around town looking for Kyle.

James went home and got his motor bike and rode through the creeks. He returned to Robert's house and they drove out to the lake to look for Kyle. James was riding his bike and Robert and Sonia were driving. At this time James noticed that he had lost his phone whilst riding his bike. He didn't know where it was so didn't go back to look for it. James' bike broke down so he walked it to the grid and flagged down a lift to his house. He then drove back to the lake and picked up his bike. Robert and Sonia were still driving around.

The next day – Sunday, 23 February - James went driving again looking for Kyle. He told police he went to Paroo to the camp site there and then back around the Junction and then to East Leichardt and to the granite mine. When he got home Robert was there and said he had been to Painted Rock. Robert said he was going to report Kyle missing to the police. James rode his bike through the creeks again. When he got home the police were there.

James told police that when he last saw him Kyle was wearing a black shirt, board shorts (brown or cream), a white cap and skate shoes. James said that he was wearing a green collared t-shirt, multi coloured board shorts, thongs and an Akubra hat.

On Monday 24 February James went to work but then went to help the SES look for Kyle. Later he gave a statement to police at the station. He provided a DNA sample and fingerprints.

Drive around with James Coleman

On 25 February 2014 James drove with police to the locations he said he and Kyle had visited on the evening of 21 February. Police officers and James drove along the Barkly Highway and turned off on the Thornton Yelvertoft Road to Gregory Downs. James told police that at the intersection of Thornton Yelvertoft Road and Gregory Downs-Camooweal Road the road was blocked by a "Road Closed" sign so he and Kyle drove to Undilla Station where he spoke to Lindsay Miller. James then directed police along the "Red Roo" track which is a privately owned track which runs through Undilla Station and is used as a thoroughfare to traverse the property. It is maintained by Mr Miller. It is a single lane width.

James identified a location he called "Black Soil" and told police it was there that he and Kyle decided not to cross the creek because of water levels and

they turned around and followed their tracks back along Red Roo track and then back to Mount Isa. James told police that when they reached the intersection of Thornton Yelvertoft Road and Gregory Downs-Camooweal Road they stopped and set up some empty cans and shot them with the .303 rifle. He said it was dark at that time such that they had the headlights on.

Police spoke with Mr Miller who confirmed that it would have been unlikely that Kyle and James would have been able to cross Harris Creek. Based on the information provided by James, police confined the initial search area to the southern side of Harris Creek.

Death of James Coleman

On 26 February 2014 James Coleman was found in the back shed of his residence. He was hanging by the neck from a canvas strap which was tied to a roof beam. He was declared to be deceased at 11.44am on that date. An autopsy revealed that he died from hanging. His death was due to suicide.

Search of 10 Skewes Street

After James committed suicide police searched his house. They seized items including his Holden Colorado. In the vehicle police found a jack belonging to a Toyota Landcruiser but there was no jack belonging to a Holden Colorado located.

Police did not locate any notes left by James explaining his suicide.

Search of 26 Hilton Road, Soldiers Hill

Police searched the residence of the parents of James Coleman and seized a .303 rifle, a Mossberg 195KA bolt action shotgun registered to Michael Coleman and a quantity of ammunition including shotgun shells with the number 4 painted on them.

Telecommunications

Police obtained records for the mobile phones used by James and Kyle at the time of Kyle's disappearance.

Kyle last used his mobile phone to call Robert Coleman at 11.54am on 21 February 2014 and to send a text message at 11.56am on that date. There was no activity recorded on his phone after that time.

Kyle's phone received a number of text messages at 7.58am on 22 February 2014.

The records could show these messages received at this time if they had been sent earlier and the phone came back into range at about 7.58am. The last message was received by Kyle's phone at 10.02am on 22 February 2014.

The records for James' phone indicate:

- he sent a text message sent to Toni Sabin at 10.56am on 21 February 2014;

- he tried to call Mr Miller at 8.08am but did not get through to that number until 9.23am on 22 February 2014;
- he tried to call Kyle at 8.10am on 22 February 2014;
- he received a number of messages from about 8am on 22 February 2014.

Records for both phones indicate they ceased receiving or sending any data at about 11.54am on 21 February 2014 and then recommenced operation at about 8am on 22 February 2014.

Both phones were registered through Optus and, as such, would not have received service further than about 50 kilometres from Mount Isa.

CCTV footage

Police obtained all available relevant CCTV footage which showed:

- Kyle and James were at the Barkly Hotel drive through bottle shop purchasing beer and rum at 11.33am on 21 February 2014.
- Kyle and James were at the Truckport at 11.49am on 21 February 2014. They filled the car and two jerry cans with fuel, entered the store and left.
- James drove his Colorado along Marian Street, performed a U turn and entered McDonalds at 10.39am on 22 February 2014 – the vehicle was very clean and the tray was clean and empty.
- James and Toni were at the reception desk of Bell Moir Toyota at 11.30am on 22 February 2014.

Witness statements

During the search for Kyle police received information that he had been seen at a party in Mount Isa on the night of 21 February 2014. Police carried out extensive investigations and obtained numerous witness statements but eventually discounted his presence at the party or in the surroundings area as a possibility.

Robert Coleman

Robert Coleman provided two statements to police.

At the time of Kyle's disappearance, Kyle lived with Robert and Sonia Coleman and his maternal grandfather, Michael Kennedy, at 23 Fifth Avenue, Mount Isa. Kyle was the youngest of four siblings.

Kyle used a Samsung Galaxy mobile phone with an Optus account. He had a Facebook account but was not a regular user of it.

Kyle owned a Maroon 2002 BA Ford Falcon utility registered in Queensland. It remained at his parent's residence after his disappearance. Kyle was in the process of buying a VL Commodore from James Coleman. Kyle was to pay James \$1500 for the car – he had paid none of that amount. Kyle, James and Mr Coleman had been working on the car. At the time Kyle disappeared it was in his backyard.

Mr Coleman said that he had known James for 8 to 10 years and James and Kyle were good mates and spent a lot of time together, particularly in the two years leading up to Kyle's disappearance.

Kyle and Toni Lee Sabin were very close. Toni told Mr Coleman she thought of Kyle as a brother.

Mr Coleman and Kyle were very close – they were discussing the possibility of Kyle starting work with Mr Coleman in the future. Mr Coleman is the workshop manager at PjL Mining and Maintenance Service.

Mr Coleman said that, at the time of Kyle's disappearance, he was not happy working at Popey's because of some verbal bullying that he had been experiencing. He had been considering resigning because of that and also that he felt he was not getting enough experience. Some days he felt down and moody because of work.

Kyle did not have a girlfriend. He loved four wheel driving, camping, motorbikes, cars, fishing and going out bush.

On the morning of 21 February 2015 Kyle was dressed for work. He and his parents were all working that day. Mr Coleman said goodbye to Kyle at about 6.15am after the three had breakfast together.

At about 10.30am on that day Kyle phoned Mr Coleman and said that there was no work for him so he had "knocked off" and he and James were thinking about going camping at the Gregory River. Mr Coleman told him he should go as they had no plans for that weekend. Kyle said they were going in James' Colorado. He didn't mention that they were taking guns. Mr Coleman warned him about mixing alcohol, driving and guns.

About two months previously, Mr Coleman had told Kyle that he didn't want him going shooting if there was going to be alcohol involved as it was too dangerous.

Kyle said they were going to Gregory the short way which means towards Camooweal and then turning off onto the Gregory Development Road. He didn't mention that they were going to Undilla.

Kyle texted Mr Coleman about 10.30am and then spoke to him on the phone at about 11.45am when he said that he and James were heading to the Gregory.

On Saturday 22 February 2015, at between 2 and 3pm, James and Toni came to Mr Coleman's house and asked him where Kyle was. He replied that he was supposed to be camping with James. James told him that they couldn't get through to the Gregory as the road was closed so they went to Undilla, spoke to the property manager, drove down to the first crossing but the river was up so they came back.

James said they were at Undilla for about 45 minutes. He said they drove back to Mount Isa and drank alcohol at his place and then Kyle left – James thought by taxi but he was not sure – just before the sun came up.

Mr Coleman and James then went looking for Kyle. James went to the police station and Mr Coleman went to the hospital. They checked the taxi records and found out there were no calls to James house.

That afternoon James told Mr Coleman that Kyle's swag and backpack were missing – they had been in the back of his car. Kyle's backpack was black. The swag was a single Darche canvas swag. It contained a doona cover, a mattress, a purple sheet and a pillow.

James told Mr Coleman that Kyle had been talking on his phone out the back of James' house before he left there.

James said that he and Kyle had not argued that night. He said that perhaps Kyle had been upset because James had told him to go home as James was going to bed. Mr Coleman thought this was unusual as Kyle often slept at James' house and if he had his swag there he could have slept in that.

Mr Coleman asked James lots of questions about what had happened on Friday night and Saturday morning. He formed the opinion that James was vague and evasive.

On Saturday afternoon Mr Coleman saw James and Toni, outside their house, standing near James' Colorado. Toni said something quietly to James and pointed to a dent in the rear bumper. James dismissed her by putting his hand down and he gave her a look as if to tell her to be quiet. The next day Mr Coleman asked James about the dent and he said he had backed into a tree on the Friday night.

Mr Coleman and James continued to look for Kyle on Saturday. James went looking for Mr Coleman on his motorbike. That afternoon he told Mr Coleman that he had lost his mobile phone whilst he was searching.

By Sunday morning Mr Coleman was very worried about Kyle and concerned that he seemed to be getting only vague answers from James. He went to James' house at about 7am. Toni told him that James had already left to go to East Leichhardt to search for James.

Toni told Mr Coleman that she and James had a huge fight on Saturday night as she had asked him why he hadn't woken her up to take Kyle home on Saturday morning. She said that she asked James whether there had been an accident and he said, "No".

Toni said that James had been up all night.

Mr Coleman searched again and then went to the police station and reported Kyle missing.

Mr Coleman spent the rest of the day searching for Kyle. In the afternoon he went to James' house again, with his brother-in-law, Anthony Kirk, to ask him some more questions. James didn't invite them inside and Mr Kirk commented to Mr Coleman that James couldn't give a straight answer.

When Mr Coleman gave his statement on 24 February 2014 he told police that he thought it unusual that he had not heard from James or Toni since Sunday night and he had not heard from James' parents who knew Kyle very well.

Sonia Coleman

Mrs Coleman met James in 2009 when Kyle started working at Popey's. She met Toni at a Christmas party at Popey's in 2010. Since early 2013 James and Toni spent a lot of time at Kyle's house and they became close to Kyle's family. In late 2013 James and Toni bought a house in Skewes Street and Kyle spent a lot of time there. On the weekends he would often stay there overnight but he always let his parents know where he was and what he was doing. On two occasions that Mrs Coleman knows of, Kyle walked home from James' house. She told him not to do it again and to catch a cab home instead of walking.

On 3 January 2014 Kyle told Mrs Coleman that he was concerned that the time he was spending at James' house was causing James and Toni to argue more. Kyle was concerned because James was drinking a lot and playing loud music which was annoying Toni. He asked Mrs Coleman if she could ask Toni over and talk to her about it.

On 6 January 2014 Toni was to visit Mrs Coleman for dinner. Mrs Coleman was surprised to see that James arrived as well. Toni told Mrs Coleman that James was drinking too much and they had been arguing. Mrs Coleman asked whether Kyle's presence was affecting their relationship. Toni said it wasn't as Kyle was like a brother and he hardly ever drank alcohol at their place since he got his licence.

Toni told Mrs Coleman that she wanted James to settle down, he didn't take their relationship seriously enough and they had talked about selling the house but were trying to work things out.

Kyle and Mrs Coleman talked about the conversation she'd had with Toni and Kyle decided to move his car, which was in James' back yard, back home so he wouldn't be at their house as often. He moved it about two weeks later.

From then on Kyle didn't see as much of James. Mr Coleman and Kyle worked on the car and James never came over to work on it. Kyle went to James' house but only on the weekends and not every weekend.

Kyle had very little exposure to firearms. His family do not have firearms.

On the afternoon of 21 February 2014 Mr Coleman told Mrs Coleman that Kyle had gone camping with James.

At 1.16pm on Saturday 22 February 2014 Mrs Coleman received a text message from James which read:

Wat's Kyle up to I carnt git on to him.

At 2.29pm that day Mrs Coleman received a text message from James in which he said:

Yar nar we came backlast light cause roads blocked. Was drinkin at my place then he got a cab home I thort but he might have walked not sure.

Toni and James arrived at Mrs Coleman's house at 4pm. Mrs Coleman told them she could not understand why Kyle hadn't texted her to advise he was back in town and at James' house as this would be usual for him. Toni said it was very strange that Kyle and James didn't wake her up when they got home or when Kyle wanted to go home as that is what they always did.

At 7.34pm Toni texted Mrs Coleman and advised her that James had lost his mobile phone.

Toni-Lee Sabin

Ms Sabin lived with James Coleman. She went to high school with Kyle Coleman.

Ms Sabin left home at 7.10am on 21 February 2014 and went to work at Bell and Moir Toyota. She arrived there at about 7.30am. At 10.51am James sent her a text saying that he and Kyle were going to Gregory. About ten minutes later Kyle dropped James off at her work. She saw them through the window. She sent James a text asking if they were staying the night and he said they would be. He sent that text at 10.57am. That was the last text she received from James that day.

Ms Sabin went home from work with James' mother. They went out for dinner and she returned home at about 8.00pm and went to bed at 8.30pm.

Ms Sabin woke up at 11.30pm as the dog was barking because someone was walking past the house.

Ms Sabin awoke at 7.30am – she was home alone. James arrived in the Colorado just as she was leaving for work at 8.20am. She said that James looked sad but she didn't really take notice as she was leaving for work. Her Dad had come over at about 8.00am to take her to work.

At 9.07am James sent her a text message asking whether she heard them get home last night. She replied that she didn't and asked him why they weren't home when she woke up. He said they got home and had some rums and then

Kyle walked home. She asked him why he wasn't home that morning and he said that he was out looking for Kyle because he couldn't get hold of him. He said he hadn't been to bed. She asked him why he hadn't gone to bed and he didn't answer.

Ms Sabin left work at 11:30am. James picked her up and they went shopping and then went home. At about 3pm James went to Kyle's house to see if he had turned up. They then started searching.

At about 5pm she and James went out the back of the lake. James rode his bike out and she drove the Colorado. She came back about half an hour earlier than he did.

The next day James went out to East Leichhardt to look for Kyle. Ms Sabin went to lunch at the Coffee Club.

On 23 February 2014 Ms Sabin noticed some damage to the driver's side rear bumper of the Colorado. She asked James if he had backed it into a tree and he said he and Kyle had got bogged on Friday and he backed it into a tree.

On 25 February 2014 James had very bad vomiting and diarrhoea after he was dropped home by the police. He fell asleep on the couch and stayed home on Wednesday 26 February 2014. Ms Sabin spoke to him before she left for work. She texted him at 10:50am and he didn't reply. At 11.03am she received a phone call from James' father who asked whether she had seen him. She called him at 11:04am but he didn't answer. She left work and went straight home. James' father arrived. She told him James wasn't there. His phone was on the couch. She went to James' father's house and then drove past James work. She went home and went out the back where she found James hanging. She called Adrian Pope who was there with the police in seconds.

Ms Sabin said that if Kyle was at their place drinking and he caught a cab home he would leave all of his belongings there except his wallet and phone. On occasions he had left his swag and backpack there and they returned it to him the next day or he came and picked it up. She could not recall the last time Kyle walked home from their place. He usually caught cabs or she gave him a lift.

Lindsay Miller

Mr Miller owns Undilla Station – a cattle station 200km from Mount Isa on the Gregory Downs–Camooweal Road. The station covers an area of 320,000 acres.

At between 2 and 3pm on 21 February 2014 James Coleman arrived with Kyle and said that they were going to go up to the Gregory but the road closed sign was up. Mr Miller said they could go up the road near the grid but they would only get as far as the first creek – about 10km away.

They did not smell like alcohol. He did not see them leave.

Dirk Neale

Mr Neale is James' brother-in-law. At about 9am on Saturday 22 February 2014 he saw James drive his car into CVT Bullbars. It was really clean and looked like it had just been washed and was still wet.

James got out of his car and a few minutes later Mr Neale heard James leave.

At about 2pm that day he heard that Kyle was missing and drove to James' house. He saw James' car parked out the front and it was dirty – covered in mud and dust. Rob Coleman said that James had been out looking for Kyle so Mr Neale thought that maybe James' car had got dirty whilst he was doing that.

Michael Coleman

Mr Coleman is the father of James Coleman and resides at 26 Hilton Rd, Soldiers Hill with his wife, Anne.

Mr Coleman told police that Kyle and James became very close when they both started working together at Popey's Diesel Services. They went out camping together often.

On Wednesday 19 February 2014 James went camping with Aubrey Cormack. James took a .303 rifle and a twelve gauge Mossberg bolt action shotgun which both belonged to Michael Coleman. Mr Coleman also gave James a hard black case that contained about 75 shotgun shells.

Mr Coleman worked most of the next few days. His wife told him on Saturday afternoon that Kyle was missing. On Tuesday morning Mr Coleman joined the search for Kyle.

At 9.30pm on Tuesday night James called Sonia to tell her he was home from the trip with police to Undilla Station.

At 10.30am on Wednesday morning Adrian Pope called Mr Coleman and asked whether he had heard from James that day. Mr Coleman called Toni who said that James was at home but not answering her text message. Mr Coleman went to James house. Toni was already there. She told him that James' phone was inside and the dog was inside too. Mr Coleman drove back to his house to see if James had gone there. He called Matty (Matthew Watts, from Popey's) and told him that James wasn't home. Mr Coleman then drove down to Star Gully and saw Mr Watts. Mr Watts said that James had phoned him and said that he was crook and he was going to the hospital. Michael went back to James house. By then James had been found and the police were there.

Mr Coleman told police that James didn't handle stress very well and when he was stressed he would usually become quiet. James had never spoken about self-harming.

Mr Coleman provided a further statement to police on 5 June 2014. He told police that he kept shells in an old black case which he had given to James on

19 February 2014. He said that he had marked some of those shotgun shells with a white number "4". He thinks that the shells in the box he gave James were predominantly green in colour and some were orange.

Mr Coleman told police that James did not have a gun safe at his house. James got his firearms licence about a year before and was very gun aware and gun safe. James did not have a key for Mr Coleman's gun safe and if he wanted to borrow firearms the safe was opened by Mr Coleman or Sonia Coleman.

Anne Coleman

Ms Coleman is the mother of James. She told police that James and Kyle were the best of mates. They did everything together. They were like brothers.

Ms Coleman said that James went shooting with Aubrey Cormack on Thursday 20 April 2014. He collected some firearms from her place before they went – she thinks on Wednesday 19 April 2014.

On 22 February 2014 James called or texted her at about 10am and said he wanted to come over to return the guns. James came over soon after. He had gun bags with him. She didn't look to see which guns he was returning. She gave him the keys and he went to the shed to put them back in the gun safe.

When he came back to the lounge room he asked whether she had seen Kyle. She said she hadn't. James said that he hadn't heard from Kyle and couldn't get hold of him. He said he was going to see Sonia Coleman. He left at about 10:30am.

Ms Coleman said that when she saw James on Sunday and Monday (23 and 24 February 2014) he was upset because he couldn't remember the times that he and Kyle had come home and Kyle had left his house.

On Monday evening James was tired and stressed. He said that Sonia and Rob Coleman had been asking him lots of questions. He talked about the police searches and the helicopters and said he couldn't work out why they were searching in the areas they were as Kyle would have walked down the highway home to his house.

On Tuesday night at about 9pm James called Ms Coleman when he got back from Undilla Station. He seemed shocked that there were so many police and people up at Undilla and said they must be thinking that he had done something.

Aubrey Cormack

Mr Cormack is good friends with James and saw him once or twice per week. He and James went shooting on 19 February 2015 but it was raining so they didn't stay. They had been shooting together a number of times. James seemed normal on 19 February 2014.

Adrian Pope

Mr Pope is the Managing Director of Popey's Diesel Service at Mica Creek Rd, Mount Isa. Kyle worked for Mr Pope for three and a half years. He said that Kyle was punctual and easy to get along with.

On 21 February 2014 Kyle started work at 7am. At about 9am Matt Watts told Mr Pope that he had sent Kyle home because there was a lack of work. Mr Pope did not see Kyle again.

James also works for Mr Pope. He is a qualified tradesman. He was not at work on 21 February 2014 as he started leave on 18 February. James came to work on Monday 24 February 2014 and he was distraught as Kyle was missing. Everyone there was worried about Kyle.

Mr Pope closed the workshop at 7.15am so that everyone could assist in the search for Kyle.

A couple of hours later Mr Pope saw James and Toni speaking with detectives. After they left he asked James whether there had been an accident whilst he was out camping with Kyle and whether they had taken any drugs. James denied that there had been an accident and said that Kyle had not taken anything to his knowledge.

Mr Pope assisted in the search for the next few days. At 11.30am on 26 February 2014 he received a phone call from Toni Sabin. She was crying and screaming. He went to the two police officers who were present and asked them to take him to James' house.

When he arrived Toni was out the front of the house crying. She said that James was down the back, in front of his car. He went down there and saw that James was hanging by his neck from an Atlas strap tied around a rafter. Mr Pope lifted him up and, with the help of the police officer, untied the Atlas strap and lowered him to the ground. Mr Pope and the police officers conducted CPR until ambulance officers arrived.

Steve Pope

Mr Pope knows James Coleman. At 8.40am on 21 February 2014 James phoned him and asked whether he had any antibiotics for James' dog as the dog had been injured in a fight. Mr Pope missed two calls from James – at 10:33am and 10:53am and then phoned him back at 12.04pm. James said he was heading out of town to the Gregory and he would catch up with him the following morning. Mr Pope said he wouldn't get through to the pub because the road was too wet.

At 10.12am on 22 February 2014 Mr Pope had a missed call from James. At 10:23am James phoned him and asked whether he could bring the dog around. About 20 minutes later James came to his place with a black dog with had an injury to its testicle. Mr Pope gave the dog a shot of penicillin.

James was clean and seemed normal. He didn't mention going camping the day before and he didn't mention Kyle.

Troy Sabin Senior

Mr Sabin stated that he went to see his daughter, Toni, on the morning of 22 February 2014 to take her to work. She started work at about 8.30am. He was waiting outside for her when James arrived. His car looked dirty like it had been driving up a dirt road.

Later that day he returned to their house and he could see they were upset. They said that Kyle was missing.

James and/or Toni told Mr Sabin that they had gone camping, come back early, had some drinks and then Kyle had walked off. James said it was unusual that Kyle had taken his swag with him and that he hadn't texted him to say that he had arrived home.

Mr Sabin saw James and Toni a number of times over the following days. They continued to be worried about Kyle and James was not sleeping.

Matthew Watts

Mr Watts accompanied James and police on the trip to Undilla Station on 25 February 2014. Mr Watts attended as James' support person.

When they arrived at Undilla Station Mr Watts told James that if anything had happened he should say so and everyone would support him.

James said, "They won't find anything."

Mr Watts said to James, "Look at all the police and SES. They will find something if it is out here."

James replied, "They won't find anything."

Further evidence obtained from Undilla Station

On 5 May 2014 Mr Lindsay Miller was conducting maintenance on Undilla Station. Mr Miller found a jack stuck in the mud at one of the river crossings. The writing on the jack indicated that it belonged to a Holden Colorado.

Mr Miller also found some spent shot gun shells near a tree that appeared to have been shot at and damaged by ammunition ("the tree site"). A small tree beside it had also sustained damage. Police removed parts of the trees for further examination.

The shotgun shells that were found beside the trees had the number "4" handwritten on them in white primer.

On 14 May 2014 Mr Miller found an area on Undilla Station which appeared to have been subjected to fire ("the fire site"). This site is about a 45 minute drive from the Harris Creek crossing.

He found some burnt canvas material, some burnt cotton material and a number of small bones. These items were provided to police.

Police located an orange shotgun shell at the fire site.

In June 2014 Mr Miller found pieces of a watch at the fire site. They had been burnt. The watch buckle was located and had the letters "FCUK" engraved on it. Mr and Mrs Coleman told police that Kyle owned a watch of that brand.

Mr Miller found some burnt cardboard at the fire site which looked to be the cover of a book.

Forensic Investigations

The Mossberg 195KA shotgun and the gun bag in which it was stored were examined. A number of blood stains were located on the shotgun and one on the bag.

A projected bloodstain was located on the very end of the butt of the firearm. It was approximately 5mm x 2mm. It displayed a downward directionality when the firearm was laid on its side.

A "projected bloodstain" is a bloodstain pattern created when blood is propelled or released as the result of a force additional to gravity.

A second bloodstain was located on the side of the timber frame of the firearm, underneath the end of the muzzle.

A third stain was located on the top of the surface of the muzzle beside the engraved lettering.

A fourth stain was located on the muzzle, between the timber and the metal edge of the side of the muzzle. The stain was less than 1mm in diameter. Because of its small size, this stain was unable to be tested.

The pattern type of the second, third and fourth bloodstains was unable to be determined.

A bloodstain was located at the top of the interior lining of the shotgun bag. No further information was able to be obtained about this bloodstain.

DNA testing revealed that the blood found on the shotgun belonged to Kyle Coleman.

Bloodstaining was located on the rear side of the steering wheel of the Holden Colorado. This blood was identified as belonging to James Coleman.

The interior and exterior, including the undercarriage, of the Holden Colorado was tested for blood and/or indications that blood had been cleaned from the

vehicle. The results of those tests were negative except for a very small amount of blood in the rear tray.

The rear tray of the Holden Colorado contained one yellow jerry can which was almost full of fuel.

No blood was detected on any of the seized clothing of James Coleman.

It was determined that a fire of the type and size that had occurred at the fire site was not capable of totally consuming a human body.

Police examined the trees from the tree site. Ten shotgun pellets were removed from one tree and four misshapen bullets from the other tree.

Sergeant Everist examined one of the bullets and ascertained that it was of a calibre larger than .255.

An analysis of the bones found at the fire site revealed that they were animal and not human bones.

An analysis of the canvas material found at the fire site revealed that it could be material from a Darche swag. Mr Coleman advised police that Kyle owned a Darche swag.

Search and Rescue Operation

A search and rescue operation was commenced on 23 February 2014. The initial search was conducted on the basis that Kyle was injured in or around Mount Isa or had gone camping with an unknown person. SES and police searched Leichardt River and divers searched water holes. An aerial search was conducted of the Barkly Highway from Mount Isa to Undilla to Camooweal by a civilian in a mustering helicopter. Police and civilians searched wooded areas between Barkly Highway and Glencoe Mine and used quad bikes to search Lake Moondarra and other popular camping areas.

On 24 February 2014 a further search was conducted of the Leichardt River bed extending outwards. A land search was conducted of the Barkly Highway towards Camooweal. Lake Moondarra was searched by quad bike and an air search was conducted of the area between Mount Isa and Undilla Station and the Gregory Downs-Yelverton Thornton Road. Divers searched areas of the Leichardt River.

On day three of the search – 25 February 2014 – police and civilians searched the area around Breakaway Creek.

Police took James Coleman to Undilla Station and he identified the areas that he and Kyle visited on their camping trip.

James Coleman identified the Harris Creek crossing that he and Kyle were unable to cross because of flood waters. This was the point at which they

turned back. An aerial search was conducted of the road way and the crossing and continued along Harris Creek to the Thornton River. Police found tyre tracks at the crossing but no other signs of vehicular movement.

An aerial search was conducted of Maydowns Road, Paroo Creek to Lake Julius, Kajabbi Road and the eastern and southern ends of Mount Isa.

On day four – 26 February 2014 – line and aerial searches were conducted of areas identified by James Coleman as those he had Kyle had visited. Aerial searches were conducted of Perishing Creek, Thornton River, Harris Creek and the quarry at Undilla. SES and police conducted a search of the Barkly Highway from Undilla to Mount Isa. Police and Glencore Mine staff conducted a search of the mine and Mount Isa boundary. NQ Rescue conducted an aerial search of the Glencore Mine, Barkly Highway, Lake Moondarra, the airport and the Leichardt River.

On day five – 27 February 2014 – NQ Rescue did an aerial search of Paroo Creek and the hills on the eastern side of Mount Isa. Searches were conducted in the Pioneer area. SES and police completed a search of the Barkly Highway. Line searches were conducted of the Paroo Creek gate area as it was identified by James Coleman as a place where he and Kyle stopped to do some shooting. Line searches were conducted at Buchanan Park.

As police had received information that Kyle may have been seen at a party at 13 Madang St, Soldiers Hill on the night of 21 February 2014 searches were conducted around the Pioneer area including the Mount Isa City Council dump.

On day six – 28 February 2014 – aerial searches were conducted at Undilla Station and the eastern and western sides of Yelvertoft Thornton Road. A search of the area between Lake Moondarra and the Lake Moondarra Caravan Park was commenced.

On 28 February 2014 police sought medical advice as to likely time frames for Kyle's survival. The advice was:

- If Kyle was alive he would have been located through search efforts or made an attempt at self-help;
- If Kyle had suffered a minor injury he would have been located through search efforts or by self-help;
- If Kyle had suffered a serious injury rendering him unable to move his time frame for survival had expired;
- if Kyle had suffered a serious injury rendering him unable to move or had suffered a fatal injury and had not been removed from the search area he would have been located;
- there was little likelihood of finding Kyle alive unless he had been actively avoiding searchers.

On 1 March 2014 police continued searching Undilla Station and also conducted foot and aerial searches of the hills on the eastern side of Mount Isa.

On 2 March 2014 police conducted an aerial search of the Leichardt River from Mount Isa to Lake Moondarra and foot searches around Paroo Creek gate and the Leichardt River north of Davis Road. Camooweal Caves were searched.

From 9 to 10 May 2014 and from 21 to 22 May 2014 police and SES conducted line and aerial searches around the Thornton River in response to Mr Miller locating bullet holes in a tree and a car jack in that area.

In December 2014 the Police Dive Squad searched a permanent water hole located on the Thornton River on Undilla Station but no items of interest were located.

Police cadaver dogs could not be utilised on Undilla Station due to the presence of dog baits on the Station.

False information provided by James Coleman

Some of the information provided or omitted by James Coleman conflicts with facts later ascertained:

- James' vehicle was seen to be very clean at 10.39am on 22 February 2014 on CCTV at McDonalds and also by Dirk Neal at 9am on 22 February 2014 at CVT Bullbar. James did not tell police that he washed his car that morning in either of his comprehensive statements.
- James told police that he and Kyle only went as far as the Harris Creek crossing and then returned however, the items retrieved from the fire site and the tree site and the location of the jack indicate that James and Kyle travelled much further into Undilla Station.
- James told police that he took a .303 rifle on the camping trip. Michael Coleman told police that James also borrowed a 12 gauge shotgun from him before going camping and returned it on 22 February 2014. The ammunition for the shotgun seized from Michael Coleman's residence had the number 4 painted on it in white paint as did the shells located near the damaged tree and the shell located under the passenger seat. James did not tell police that he took the shotgun camping. Blood found on that gun belonged to Kyle Coleman.
- Phone records for Kyle and James were inconsistent with the information James gave to police as to when he called Kyle and the time they returned to Mount Isa.

Investigating police concluded that Kyle Coleman did not return from Undilla Station with James Coleman.

The inquest

The inquest into the disappearance of Kyle Coleman commenced at Mount Isa on 4 April 2016.

Counsel Assisting tendered a brief of evidence containing 173 exhibits. A further 7 exhibits were tendered during the inquest.

Twenty witnesses were called to give evidence and the evidence commenced at 9.30am on 5 April 2016. Most of the evidence given at the inquest amounted to clarification of information the witnesses provided in their statements. In these findings I will only discuss any new or particularly relevant evidence that was given during the inquest.

The evidence

Robert Coleman

Since Kyle's disappearance Mr Coleman has visited Undilla Station on countless occasions searching for signs of Kyle. After Mr Miller found the watch parts, burnt material and bones at the fire site, Mr Coleman excavated that area. He found numerous burnt patches under the soil and he could smell diesel in the ground.

Mr Coleman identified the watch parts found at the fire site as being parts of the watch that he and Ms Coleman gave Kyle for Christmas in 2013. When Kyle wasn't wearing the watch he put it in his backpack.

Mr Coleman identified some cotton material that contained stuffing as a doona that belonged to Kyle. The matching pillow case is still at his home.

Mr Coleman believes that the canvas material is from Kyle's Darche swag.

Mr Coleman identified some cardboard found at the fire site as being the front cover of a time sheet book that Kyle always kept in his backpack.

Mr Coleman said that James told him that Kyle's camping chair was in James' yard as Kyle had left it there when he went home on the morning of 22 February 2014 but, although Mr Coleman asked for it to be returned on numerous occasions, James did not give it to him.

Sonia Coleman

Ms Coleman stated that Kyle always let her know where he was and if he came back into town instead of staying at Undilla Station on the night of 21 February 2014 he would have sent her a text telling her that. She does not believe that he would have walked home from James' house as she had told him not to walk home and to catch a cab or get a lift home instead of walking.

Ms Coleman said that she believed Kyle had his watch up until the last time she saw him. She said that if he was not wearing it he left it in his bedroom or put

it in his backpack. She said if he went camping he would put it in his backpack. After Kyle disappeared the watch was not in his bedroom.

Lindsay Miller

Mr Miller believes that James had been on Undilla Station on about three different occasions.

Mr Miller said that on 21 February 2014 he told James and Kyle not to cross Harris Creek. He told them to go back to the grid on the road and use another track. It was this track on which Mr Miller found the fire site, the tree site and the jack.

Mr Miller said that the fire site was 3m off the side of that track. The tree site was about 1 metre off the side of that track. The track ends at the Thornton River at the location at which he found the jack (which was on the southern side of the crossing). It is about 2.5k from the fire site to the tree site and then another 2.5k from there to the Thornton River.

The fire site is about 20 km from the Harris Creek crossing.

Mr Miller said that he saw tyre tracks on the northern side of the Thornton River crossing. The tracks were about 6km from the crossing.

Mr Miller said that when he found the tracks and the relevant sites he was the first person who had been in those areas since James and Kyle had visited the Station.

Shane Everist

Sergeant Everist examined the ammunition taken from the tree which had been damaged by firearms. He said that the ammunition he examined could be .303 calibre.

Kate Taylor

Senior Constable Taylor gave evidence that the projected bloodstain on the muzzle of the shotgun would have come from a person or object in close proximity, probably 3 to 4 metres, to the gun.

She said the second bloodstain was either a passive or projected bloodstain.

She said the third bloodstain was either a passive or projected bloodstain but she could not determine which as part of the stain was missing, having flaked away.

She said that the fourth stain could have been projected.

She said she was unable to determine any pattern in relation to the bloodstain in the gun bag because of the material it was found on.

Senior Constable Taylor said that none of the stains were contact stains and none were blood spatter stains. She said projected blood stains were caused

by a force other than gravity e.g. a person moving whilst bleeding causing blood to be propelled onto an object. She said that blood spatter, which results from back spray when a person is shot, is different to a projected pattern. Blood spatter leaves a pattern of very fine droplets which is the backspray of blood from the force of a bullet entering a body. None of the stains on the shotgun were blood spatter stains.

Senior Constable Taylor said that a human body could not have been totally consumed by fire at the fire site. Although it is possible for a human body to be totally consumed by fire it requires temperatures of at least 900 degrees Celsius and the fire has to be maintained for a significant period. She said that even then one would expect to find some sign that a body had been burnt. The fire site did not appear to be the site of such an extreme fire.

Dirk Neale

Mr Neale said it was unusual that James did not acknowledge him when he drove into CVT Bullbars on the morning of 22 February 2014. He said that James got out of his car but he could not see what James was doing. James got back in his car and left after about five minutes. Mr Neale said that James' father, Michael Coleman, has a container at that location.

Mr Neale said that James' Toyota Landcruiser was at CVT Bullbars that morning.

Michael Coleman

Mr Coleman and his family have a long history of involvement with clay target shooting and clay target shooting clubs. James was a junior shooter and at the time of Kyle's disappearance he was licensed to own firearms. He was aware of gun safety and had completed a gun safety course to obtain his licence. Mr Coleman had always stressed the importance of gun safety at home and at the club.

Mr Coleman was shown the shotgun shells found at the tree site and identified them as his shells which he had given James on 18 February 2014.

Michael Coleman agreed that he had a shed at CVT Bullbars. He said that he had never seen anything in it that he hadn't put there.

Troy Sabin Snr

Mr Sabin said that he had no idea why James committed suicide. He said that he and his wife cleaned the house after James' death and they found no note from him.

Mr Sabin said that when he went to pick up Toni Sabin to take her to work on the morning of 22 February 2014 James looked tired and dirty like he'd been out bush. His car looked like it had been driven up a dirt road – it was dusty. It appeared to him that it was the first time that morning that James and Toni had seen each other.

Mr Sabin said that Kyle and James were more like brothers than friends.

Troy Sabin Jnr

Mr Sabin Junior said that on the occasion he went hunting with James at Undilla Station they were consuming alcohol from the time they arrived on the Station.

Toni-Lee Sabin

Ms Sabin said that the first time she saw James after he left for Undilla Station on 21 February 2014 was at about 8.20am on 22 February 2014. She was home alone for the whole night. She woke up at about 11.30pm and nobody was home at that time. She woke up that morning between 6.30am and 7.30am and nobody else was home then.

When she saw James at 8.20am he looked sad and dirty. The car was filthy, as usual. It had dirt and mud on it and looked like it had been driven on a dirt road.

Ms Sabin said that she cleaned the car every Tuesday. James never washed the car.

Ms Sabin said that she didn't think the car had been cleaned when James picked her up from work. It still had mud and dust on it.

She said she first saw the dent in the bumper bar of the Colorado on the morning of 26 February 2014. She asked James whether he had backed into a tree and he said, "Yeah."

She said that James had always told her the same story about Kyle's disappearance and she never challenged him about it or heard anyone else challenge him. James told her they came back early from the trip and were drinking on the front verandah. She asked him if there had been an accident at Undilla and he said there hadn't been. She said that he had no answers for her.

Ms Sabin said that it would be usual, had the boys returned early from a trip, for one of them to wake her up. Ms Sabin denied telling Robert Coleman on 23 February 2014 that she and James had a huge fight the night before.

Megan Johnston

Detective Constable Johnston stated that all proof of life checks showed no sign of Kyle since 21 February 2014.

Detective Johnston stated that she formed the opinion, from telephone records, that the mobile phones of Kyle and James both came back into range of the Mount Isa telecommunications towers at about 8.10am on 21 February 2014 and that Kyle last used his phone at 11.54am on 21 February 2014 when he sent a text message to his father.

Detective Johnston agreed that at 8.08am James tried to phone Undilla Station. He also tried to call Kyle's mobile twice and at 8.11am he sent a text to Kyle.

Detective Johnston concluded that James brought both his and Kyle's phones back to Mount Isa at about 8am and that James disposed of his own phone later that afternoon and then told friends and family that he had lost it.

Detective Johnston agreed that the jack found at the Thornton River crossing was from a Holden Colorado and that when police seized James' vehicle the jack in the car was from a Toyota Landcruiser.

Detective Johnston agreed that the following items were found at the fire site:

- Spent ammunition from a shotgun and a .303 rifle and the shotgun ammunition was identified by Michael Coleman as being the same as that he gave to James earlier that week;
- Material that could have been from a swag;
- Cotton material that was consistent with coming from a doona that was owned by Kyle;
- Pieces of cardboard which were the same as the cover of a timesheet book that was owned by Kyle;
- Watch pieces that were consistent with being from a watch that was owned by Kyle;
- Metal studs that could have come from a backpack.

Comments and findings

The scope of the Coroner's inquiry and findings

An inquest is not a trial between opposing parties but an inquiry into a death. The scope of an inquest goes beyond merely establishing the medical cause of death.

The focus is on discovering what happened; not on ascribing guilt, attributing blame or apportioning liability. The purpose is to inform the family and the public of how the death occurred and, in appropriate cases, with a view to reducing the likelihood of similar deaths.

As a result, a coroner can make preventive recommendations concerning public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future. A coroner must not include in the findings or any comments or recommendations, statements that a person is or may be guilty of an offence or is or may be civilly liable.

Proceedings in a coroner's court are not bound by the rules of evidence. That does not mean that any and every piece of information however unreliable will be admitted into evidence and acted upon. However, it does give a coroner greater scope to receive information that may not be admissible in other

proceedings and to have regard to its origin or source when determining what weight should be given to the information.

A coroner should apply the civil standard of proof, namely the balance of probabilities. However the more significant the issue to be determined, the more serious an allegation or the more inherently unlikely an occurrence, then the clearer and more persuasive the evidence needs to be for a coroner to be sufficiently satisfied it has been proven.

If, from information obtained at an inquest or during the investigation, a coroner reasonably suspects a person has committed an offence, the coroner must give the information to the Director of Public Prosecutions in the case of an indictable offence and, in the case of any other offence, the relevant department. A coroner may also refer a matter to the Criminal Misconduct Commission or a relevant disciplinary body.

Findings

I make the following findings applying the civil standard of proof i.e. these are the facts of which I am satisfied on the balance of probabilities.

I find that Kyle Coleman and James Coleman left Mount Isa shortly before midday on 21 February 2014. They travelled in the Holden Colorado owned by James Coleman towards Gregory. When they reached the Burketown turn off the road was closed so they turned back towards Camooweal and went to the homestead at Undilla Station, arriving there between 2pm and 3pm that afternoon. They spoke to Lindsay Miller who said they could enter his station but they would only get as far as the first creek (the Harris Creek crossing) unless they took an alternate route.

I find that Kyle and James entered Undilla Station via the alternate route that did not take them to the Harris Creek crossing. At some time James crossed the Thornton River where his car became bogged and he used his jack to free it. He left his jack in the river.

Kyle and James travelled to the location where the gun shot damaged trees were located. They travelled to the fire site. I find that Kyle died at or near the fire site and his body was left on Undilla Station and his remains have since been moved and/or disposed of by animals.

I find that after Kyle died James burnt Kyle's belongings including his swag and his backpack which contained his watch and his timesheet book. He burnt those items at the fire site.

James left Undilla Station alone and he returned to Mount Isa alone.

James drove past the George Fisher Mine turn off at about 8am on 22 February 2014. He washed his car (probably at the Copper City Car Wash) and then went to his residence at 10 Skewes Street. He arrived there at about 8.20am.

I find that James Coleman was deliberately untruthful when he said that he and Kyle had returned to Mount Isa together. I find that Kyle Coleman did not return to Mount Isa. I find that James Coleman was deliberately untruthful when he said that he and Kyle had been unable to cross the first creek on Undilla Station and had turned back. I find that James Coleman was deliberately untruthful when he told police that he had only taken a .303 rifle on the camping trip. He also took the Mossberg shotgun.

I find that Kyle Jack Coleman is deceased. I find that he died on 21 or 22 February 2014. I find that he was killed by James Coleman and his death was as a result of the discharge of a firearm by James Coleman. I find that James shot Kyle with a Mossberg bolt action shotgun. I find that both Kyle and James were intoxicated at the time of the shooting.

I find that Kyle and James were very good friends when they left Mount Isa to go camping on 21 February 2014. There is no evidence of any falling out or animosity between the two. There is no evidence that James had any motive to harm Kyle. There is no evidence on which I could infer that Kyle's death was other than accidental.

At the time of his death James knew that the police would soon become aware that he had told lies and that Kyle had died at Undilla Station and he committed suicide rather than admit the truth or face the consequences that may follow from Kyle's death.

The deaths of both these young men is a tragedy for their families and all of those who knew and loved them.

Comments

The police investigation into the disappearance of Kyle Coleman, in particular the investigation carried out by Detective Senior Constable Megan Johnston, was thorough and comprehensive. It was hampered by the false information provided to police by James Coleman. Police officers investigating the disappearance of Kyle Coleman acted appropriately and in the course of a proper investigation and none of their actions could be said to have contributed to the death of James Coleman.

A number of the witnesses called at the inquest had been shooting with James Coleman. All gave evidence that he acted in a responsible and safe manner when around firearms, however, some of those witnesses also gave evidence that he, and they, had consumed alcohol when they were using firearms. I cannot accept that such behaviour constitutes responsible firearm use. It is concerning that some licensed firearm owners believe that it does.

Findings required by s. 45

Identity of the deceased –	Kyle Jack Coleman
How he died –	Gunshot wound
Place of death –	Undilla Cattle Station MOUNT ISA QLD 4825 AUSTRALIA
Date of death–	21 or 22 February 2014
Cause of death –	Unknown

I close the inquest.

Jane Bentley
Coroner
Cairns
6 May 2016