



## **CORONERS COURT OF NEW SOUTH WALES**

Inquest: Inquest into the death of Mr Conner Stewart

Hearing dates: 30-31 March 2026

Date of findings: 1 April 2026

Place of findings: Coroners Court Walgett

Findings of: Judge G Towney, Coroner

Catchwords: Coronial law: motor vehicle accident, single vehicle accident

File number: 2022/00221200

Representation: Sgt Rick Stacey, Assisting the Coroner  
Mr Booby, Solicitor, on behalf of Mr Kyle Stewart

Findings: I find that Mr Conner Stewart died on 27 July 2022, at Burren Junction, NSW, as a result of head injuries sustained in a single vehicle motor vehicle accident.

Recommendations: Nil



## FINDINGS

### Introduction

- 1 Mr Conner Stewart, (Conner) died as a result of a single vehicle accident on 27 July 2022. He was one of two people in the vehicle at the time of the accident, with the other being his cousin, Kyle Stewart, (Kyle). Both men were thrown from the vehicle as a result of the accident. There were no witnesses to the accident. No dashcam, CCTV or other such evidence has been recovered.

### Why was an inquest held?

- 2 The coroner has an obligation to make findings in order to answer questions about the identity of the person who died, when and where they died, and the cause and the manner of their death. The manner of a person's death means the circumstances in which that person died. If the coroner is unable to answer these questions, then an inquest must be held pursuant to section 27 of the *Coroners Act 2009* (NSW) (**the Act**).
- 3 In this context it should be recognised at the outset that the operation of the Act and the coronial process in general represents an intrusion by the State into what is usually one of the most traumatic events in the lives of family members who have reported a loved one missing. At such times, it is reasonably expected that families will wish to attempt to cope with the consequences of such a traumatic event in private. The sense of loss experienced by family members does not diminish significantly over time. I acknowledge that both the coronial process and an inquest by their very nature unfortunately compel a family to re-live distressing memories and to do so in a public forum.
- 4 The inquest was listed in order to try and determine who was driving the vehicle at the time of the accident.

## **The evidence**

- 5 A brief of evidence prepared by Senior Constable Michael Bros, the Officer in Charge (OIC), and was tendered to the Court and marked Exhibit 1. Senior Constable Bros also gave oral evidence at the inquest.
- 6 The court had the benefit of viewing mobile phone footage taken on Conner's phone on the night proceeding and the morning of his death, however there is no footage of the accident.
- 7 The Electronic Recorded Interview (ERISP) with Kyle was played to the court.
- 8 A Family Statement, photographs of Conner and a poem were made available to the court.

## **Conner Stewart's Life**

- 9 Conner was born on Wednesday, 30 September 1998, at Scott Memorial Hospital, Scone. He was the son of Jenelle and Lance Stewart. His mother read a beautiful and moving Family Statement at the Inquest, paying homage to Conner.
- 10 Conner attended Scone District Pre-School, Scone Public School, and later various high schools. He was affectionately known by his friends and loved ones as "Stewy". Conner was the younger brother of Dylan, who is five-and-a-half years older than him.
- 11 Conner's parents amicably separated in 2005. In 2009 Jenelle relocated to the Gold Coast, and Conner briefly moved there with his mother. However, he ultimately missed country life and returned to Scone to live with his father and brother.
- 12 Tragically, on 11 December 2011, Conner's father passed away. Following this loss, Jenelle returned to the country to live with her sons. Later in 2011,

Conner returned to the Gold Coast for a time, but again chose to return to the country, where he ultimately resided in Pilliga.

- 13 In 2021, Conner secured employment at the Maules Creek Coal Mine near Boggabri. It was there that he formed close friendships.
- 14 Conner loved the country and the outback. He enjoyed fishing and pigging, and he deeply loved his family and friends. He also adored his beloved fur babies, Marlin and Major.
- 15 Conner was 23 years old at the time of his sudden and unexpected death.

### **Conner Stewart's last known movements**

- 16 On 26 July 2022 Conner, his cousin Kyle and two work friends went camping on a property owned by a friend of Conner's. The men went pigging, or hunting, overnight using dogs and vehicles. Mobile telephone footage from the evening of 26 July 2022 and the morning of 27 July 2022 shows Conner as a loveable young man, carefree and enjoying time with his cousin and mates.

### **27 July 2022**

- 17 At around mid-morning one of the group left to drive home due to family commitments. Conner, Kyle and one friend stayed on, planning on camping for another night.
- 18 In the early afternoon they organised to pick up food from Burren Junction. Conner and Kyle went to collect the food. They travelled in Kyle's vehicle, which was a 2001 Toyota Landcruiser. The friend who remained at the campground observed Kyle in the driver's seat and Conner in the passenger seat when they left the campground.
- 19 The vehicle was travelling along Bugilbone Road at Burren Junction. This is a road that is maintained by the local council, in a rural area and generally caters for two-way traffic with a single lane north and south bound. The road is

generally a straight flat road with some corners and bends. The governing speed limit for the section of road where the collision occurred is 100 kilometres per hour.

- 20 Approximately 3.3 kilometres south of the Kamilaroi Highway, the Landcruiser approached a corner on Bugilbone Road which curves to the right. Subsequent investigations concluded that the nearside tyres left the roadway and the vehicle rotated clockwise. It then appeared to steer back towards the road, before beginning to slip sideways. The Landcruiser then flipped onto its nearside and rolled a number of times. Both Conner and Kyle were ejected from the vehicle, and both sustained serious injuries.
- 21 Around 14:36 two witnesses were traveling south along Bugilbone Road when they observed the vehicle to be on its side and saw the two men had been ejected. The witnesses contacted triple zero and spoke with a police operator who organised NSW ambulance paramedics to attend.
- 22 Paramedics arrived approximately 15 minutes after the triple zero call. Unfortunately, Conner was declared deceased at the scene. The paramedics treated Kyle, who was transported to Wee Waa Hospital and retrieved by a helicopter and conveyed to John Hunter Hospital. Kyle sustained a traumatic brain injury as a result of the collision.
- 23 Senior Constable Michael Bros attended the scene and assessed the crash site. His findings and examination are outlined in his detailed statement. It was determined that neither person in the vehicle was wearing a seat belt at the time of the accident. Despite several avenues of investigation, outlined in the Brief, police have been unable to determine who was the driver of the vehicle at the time of the accident.
- 24 Kyle gave evidence in his recorded police interview, and in his evidence given at the inquest, that he has no memory of the accident, nor of approximately two weeks either side of the accident. This evidence has been accepted by the

court, based on the severity of the accident, the medical trauma he suffered in the accident, and his consistent statements in this regard.

- 25 Kyle gave evidence at the inquest that both he and Conner drove his car on occasion. He said that this included travelling to and from their work pick-up location and elsewhere. The court has accepted this evidence, again based on his consistent statements in this regard.

### **What caused Conner's death?**

- 26 A post-mortem examination was conducted on 3 August 2022, with the related report dated 21 February 2023. The cause of death in the post-mortem report was recorded as Head Injuries. Having read the full report, I have accepted this recommendation.

### **What were the circumstances (manner) in which Conner died?**

- 27 Conner was declared deceased at the scene of the accident. As such, it is clear that he passed away as a result of a motor vehicle accident.
- 28 The only issue to be determined was who was driving the vehicle at the time of the accident. In Coroner matters the relevant test to be applied is the balance of probabilities. However, case law establishes that when assessing more serious allegations a positive belief is required, (Brigenshaw v Brigenshaw test). This does not change the test but mandates judicial caution.
- 29 On the available evidence I am unable to determine who was driving the vehicle at the time of the accident. I note that Kyle was seen driving the vehicle when they left the camping spot. The time and distance travelled between when the food was ordered, and when the witnesses came across the accident, indicates that the vehicle travelled from the campsite towards Barren Junction.
- 30 However, I have accepted evidence that both Conner and Kyle drove the vehicle on different occasions. I have also accepted that there may have been

reason(s) for the driver to change, including but not limited to, opening and closing of gates to travel from the camping ground to the main road, for either person in the car to go to the toilet and/or fatigue.

- 31 Noting that the single vehicle accident was not witnessed by any third parties, that both men were known to drive the vehicle on occasion, and that all police attempts to identify the driver have been unable to do so, I find that I am unable to determine, to the positive standard required, who the driver of the vehicle was at the time of the accident.

### **Concluding remarks**

- 32 The findings that I make under s 81(1) of the Act are:

#### **Identity**

The person who died was Conner Stewart.

#### **Date of death**

Conner Stewart died on 27 July 2022.

#### **Place of death**

Conner Stewart died at Burren Junction, New South Wales.

#### **Cause of death**

The cause of death was Head injuries.

#### **Manner of death**

The manner of death was motor vehicle accident.

- 33 I thank SC Bros for his work in the coronial investigation and for preparing the brief of evidence. I also thank Sgt Stacey for his assistance in this inquest.

- 34 On behalf of myself and the Coroner's Court of NSW, I express my sincere condolences to Conner's family and friends for the tragic loss.

- 35 I close this inquest.

Judge G Towney

Walgett Local Court

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