



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the death of Jackson Stacker

Hearing dates: 12 – 14 February 2024

Date of Findings: 23 April 2026

Place of Findings: Coroners Court of New South Wales, Lidcombe

Findings of: State Coroner, Judge Teresa O’Sullivan

Catchwords: CORONIAL LAW – cause of death – manner of death – date of death – expert evidence – knife – homicide, suicide, misadventure – Northern NSW

File number: 2021/244056

Representation: Counsel Assisting the Coroner: Kirsten Edwards SC, instructed by Luke Sampson (Crown Solicitor’s Office)

Stacker Family: Louise Beange, instructed by Geoff Baldwin (Stacks Law Firm)

NSW Commissioner of Police and Detective A: Timothy Lowe, instructed by Patrick Hodgetts (Office of General Counsel NSWPF)

Protective orders: I have made a non-publication order prohibiting the publication of the name and identifying information of Detective A.

Findings:

Identity: The person who died was Jackson Stacker (Jackson).

Date of death: Jackson died between 22 July 2021 and 25 August 2021.

Place of death: Jackson died in Sleepy Hollow, New South Wales.

Cause of death: The cause of Jackson's death is unascertained

Manner of death: The manner of Jackson's death is unascertained.

Recommendations:

To the NSW Commissioner of Police:

I recommend that the investigation into the death of Jackson Stacker be referred to the NSW Police Homicide Squad, Unsolved Homicide Unit, for assessment in accordance with their standard operating procedures.

Introduction

1. This is an inquest into the death of Jackson Stacker. At the commencement of the inquest, I was informed that the family requested that Mr Stacker be referred to as Jackson and I will adopt that course.
2. Jackson's remains were located by NSW Police on 25 August 2021 in a field adjacent to the Sleepy Hollow rest area, about 30 kilometres north of Byron Bay.
3. At the time of his death, Jackson was 25 years old and was travelling around the Northern Rivers region.

Jurisdiction, role of the coroner and scope of the inquest

4. On 5 August 2022, Magistrate Stafford determined that an inquest into Jackson's death is required be held as Jackson's cause of death and manner of death are unascertained (s 27(1)(d) *Coroners Act 2009* (NSW) (the Act)).
5. It is not my role to attribute blame to any person or persons for Jackson's death or to make findings of guilt. Rather, my role, pursuant to s 81 of the Act, is to deliver findings at the conclusion of the inquest as to the identity of the deceased, together with the date and place of death; and, if possible, findings as to the manner and cause of the death.
6. Additionally, I have the power to make recommendations if there are revealed to be any matters that might enliven the provisions of s 82 of the Act, which deal with possible recommendations as to public health and safety.
7. I heard evidence on 12, 13 and 14 February 2024 at Lismore and Byron Bay Courthouses. A four-volume brief and a hard drive containing digital evidence was tendered.
8. Following hearing evidence in February 2024, I asked police to conduct further investigations, and additional evidence resulting from those investigations was added to the brief of evidence on 1 November 2024. Senior Counsel Assisting and the interested parties provided me with written closing submissions in December 2024. Jackson's family and the NSW Commissioner of Police (Commissioner) also provided me with written submissions in reply.

Key issues considered at the inquest

9. The issues that were explored at inquest were primarily connected to the uncertainty that remains as to the manner, cause and date of Jackson's death.
10. I considered the following key issues at the inquest:
 - a. What was the manner and cause of Jackson's death.
 - b. What was the date of death.
 - c. The adequacy of the police investigation.
11. I have carefully considered all of the evidence. These findings will not refer specifically to all of the evidence. The fact I do not specifically refer to all the evidence does not mean it has not been taken into account.

12. Before I consider in particular the issues listed above, I will first outline a background.

Background

Jackson's early life

13. Jackson Stacker was born to Sandra MacFarlane and Ian Stacker¹ on 6 December 1995. Jackson grew up around Melbourne, Victoria.
14. In 2008, Ian and Ms MacFarlane separated.
15. In 2013/2014, after finishing high school, Jackson, who was around 17 years old, took a gap year and lived with Ms MacFarlane's brother, Phil MacFarlane, at The Channon in Northern NSW. Jackson worked with Mr MacFarlane who worked as an arborist. During this time Jackson carried out work for Mr MacFarlane's neighbour, John Van Wyngarden.

Returning to Victoria

16. In 2015 Jackson returned to Melbourne and lived with his mother. He commenced an apprenticeship as an electrician. Following his time in Northern NSW Jackson seemed to have a new appreciation for the laid-back lifestyle that regional living offered and he started to become disinterested with living in a major city and expressed a preference to live sustainably with nature.²
17. On 24 October 2017, Victorian Police referred Jackson to Monash Health after he reportedly made a threat to kill himself, without intent or plan. Jackson denied suicidal and self-harm ideations and did not report any overt issues. Jackson confirmed his attendance with a counsellor at Headspace on 26 October and reported that he had an argument and fight with his mother and threatened to kill himself because he was angry and wanted to annoy her. Jackson denied drug and alcohol use.
18. On 11 September 2018, Jackson reported to Headspace that he was involved in a motor vehicle accident around July 2017; he refused a breath test, and then had an accident which was witnessed by police. Jackson reported that in May 2018 he overdosed on GHB and has experimented with rave subculture drugs previously, such as cannabis, Xanax, LSD, MDMA, speed and cocaine, but not "meth".
19. On the afternoon of 5 January 2019, Jackson was taken to the Emergency Department at the Monash Medical Centre Clayton (MMCC). The notes from MMCC record the following history of presenting problem:

Went to a music festival over NYs but mum says he seemed ok after that. Attended his Grandad's funeral this week and was very upset. Last night was at Dad's house but went out a few times and this morning was acting very strangely, Mum brought him to ED worried he was "having a psychotic break". On arrival to ED thought he was being chased/followed and wanted to escape, ran through ED to radiology where code grey called. Not making any sense, very agitated and aggressive and shouting.

¹ I will refer to Ian Stacker in these findings as 'Ian' in order to avoid any confusion between he and Jackson.

² Statement of Sandra MacFarlane, tab 43, at [16].

Saying he wanted to kill himself. Not answering questions coherently. Required multiple security and staff to physically restrain and allow chemical restraint.³

20. The following day, on 6 January 2019, Jackson was subject to an inpatient temporary treatment order pursuant to the *Mental Health Act 2014* (Vic). The order noted that Jackson reported polysubstance abuse, that he was disorientated, that he claimed to have psychic powers and was declining hospitalisation. At around this time, Ms MacFarlane was told by a doctor, words to the effect that “if Jackson continues to take whatever drug he was taking, there is a risk that he won’t heal from it.”⁴
21. On 15 January 2019 Jackson saw Mr Christopher Trewavas at Headspace. The notes of the consultation under the sub-heading “Risk/Issues” state that damage caused by psychedelic substances has impacted on Jackson’s ability to organise his thoughts into coherent sentences and that substance induced psychotic symptoms are apparent. Under the sub-heading “Plan” the notes record that Jackson could not communicate easily, Mr Trewavas could not follow what Jackson was saying and that there is to be a referral to psychiatrist for assessment of the long-term effects of LSD on cognitive functioning.
22. On 25 January 2019, Jackson was admitted to the Victoria Clinic due to “psychotic episode after taking illegal substances”.⁵ He was discharged on 16 February 2019 and prescribed medication.⁶

Jackson travels north

23. In 2020, Jackson decided to travel and take casual jobs, including with Ms MacFarlane’s brother Phil MacFarlane. Jackson worked casually and travelled the east coast of Australia, including visiting Northern NSW and Queensland.
24. In early August 2020, Jackson met Mia Kidis at a commune called Premstock.⁷
25. In September 2020, a group of people from Premstock, including Jackson, decided to go on a walk. Tragically, the night before the group arrived at the property where they were going to camp, the owner of the property killed himself and his son.⁸ When Ms Kidis met up with Jackson at the property, Jackson was uncontrollably crying, his mood was “manic one minute and calm and the next”, and Jackson stated “I want to fucking kill myself”.⁹ This went on for about three to four hours and Jackson would not provide a clear or solid answer to the questions asked of him by Ms Kidis.¹⁰ Ms Kidis gave oral evidence that she

³ Monash Health Centre exported patient record, tab 48, p 9

⁴ Statement of Sandra MacFarlane, tab 43, p 3, at [18]

⁵ The Victoria Clinic records, tab 52, p 6.

⁶ The Victoria Clinic records, tab 52, p 7.

⁷ Transcript, p 16-17.

⁸ Statement of Mia Kidis, tab 20, p 2.

⁹ Ibid.

¹⁰ Ibid.

now understands that Jackson was aware of the deaths of the owner of the property and his son, and that this may have been a trigger for his distress.¹¹ Ms Kidis gave further evidence that she did not consider Jackson's comment that he wanted to kill himself as a threat, but rather a "fleeting comment of emotion".¹²

26. On 31 August 2020, Jackson was admitted to the Cooktown Hospital in Queensland overnight. The principal diagnosis was recorded as a "vasovagal event precipitated by likely panic attack." Clinical notes from the hospital record that Jackson's travel partner "Meghane" informed hospital staff that Jackson's mood had been erratic over the previous 10 days, that Jackson had been crying all the time and that Jackson took acid yesterday. The notes also record that Jackson had no suicidal ideation, and that Jackson wanted to leave the hospital before being reviewed by "mental health".¹³
27. In early December 2020, Jackson and Ms Kidis stayed at the Rainbow Temple near Byron Bay. Jackson was asked to leave after two or three days because he was highly emotional, crying and not interacting with the other people and he did not participate in the expected routine and chores.¹⁴
28. In December 2020, Jackson returned home to Victoria and was gifted his late grandfather's 1982 Toyota Hi-Ace van which had been fitted out as a small mobile home.¹⁵ According to his parents, Jackson was keen to begin using the van to travel.¹⁶
29. Jackson left Victoria in the van after Christmas in 2020, taking with him a MacBook Pro, Samsung Galaxy mobile phone and a Nikon camera.¹⁷

Jackson's time in Northern NSW

30. Jackson's father understands that Jackson arrived in the Byron Bay area in about January or February 2021 as in January he posted some seals for the van to Mullumbimby for Jackson to collect.¹⁸
31. On 21 May 2021, Jackson sent a message on Facebook Messenger to Calan Whitehead. This was the first message on Facebook Messenger exchanged between Jackson and Mr Whitehead.¹⁹ In his evidence, Mr Whitehead said that he generally adds people on Facebook straight away, and that 21 May 2021 would have been about when he and Jackson first met.²⁰

¹¹ Transcript p 33.

¹² Transcript p 34.

¹³ Cairns District Hospitals medical records, tab 53, p 7-8, 12.

¹⁴ Transcript p 28; Statement of Mia Kidis, tab 20, , p 3 at [16]

¹⁵ Statement of Sandra MacFarlane, tab 43, at [27]

¹⁶ Ibid at [27]; statement of Ian Stacker, tab 14 at [16].

¹⁷ Statement of Sandra MacFarlane, tab 43 at [28].

¹⁸ Statement of Ian Stacker, tab 14 at , [19].

¹⁹ Jackson Stacker Google account takeout, digital evidence, tab 20.

²⁰ Transcript, p 283.

32. During his time in the Northern NSW region, Mr Daniel McLean employed Jackson as a labourer installing solar panels. Mr McLean described Jackson as very well spoken, polite, and that he had a really good work ethic.²¹
33. On 10 July 2021, Mr McLean saw Jackson in Byron Bay, sitting in the park outside of the Beach Hotel. Mr McLean observed that Jackson was sitting with a group of people who Mr McLean thought might be homeless. Mr McLean yelled out to Jackson, who acknowledged Mr McLean, but did not come over. Mr McLean thought that Jackson seemed a bit out of it; Jackson was slumped over, and Mr McLean thought that Jackson was either drunk or on drugs.²²
34. Sometime in July 2021, prior to 11 July 2021, Jackson attended the Kiva Spa in Mullumbimby and spoke with Ms Edie Bartely, who worked at the Spa at the time. Jackson booked in to attend the bathhouse at the Spa the next day. Ms Bartley described Jackson's appearance on this occasion as "altered and definitely under the influence of drugs". Jackson did not attend the booking.²³
35. On 11 July 2021, Jackson again attended the Kiva Spa. Ms Bartely spoke with Jackson and informed him that he missed his appointment. On this occasion, Ms Bartley thought that Jackson "had a general vagueness about him" and that "he wasn't communicating very well and was acting strange."²⁴ In any event, Jackson used the bathhouse for one hour, and Ms Bartley did not see him again.
36. On 13 July 2021, Jackson was working with Mr Andrew Conquest, another of Mr McLean's employees. Mr Conquest recalls that the day started normally, however Jackson would continually drift off and stare blankly out into the distance.²⁵ Mr Conquest thought this was odd behaviour for Jackson and asked Jackson to focus on his work. Mr Conquest thought that Jackson may have taken hallucinogenic drugs before work, as Jackson's behaviour appeared to him to be like someone "in a trip".²⁶
37. Towards the end of the day, Mr Conquest observed Jackson collecting dirt and rubbing it through his fingers. Mr Conquest asked Jackson to return to work, however Jackson began laughing in a way that Mr Conquest considered odd. Jackson then picked up a rake and slammed it into the ground. Mr Conquest asked Jackson to leave the work site, which he did. Mr Conquest thought that Jackson was in a psychosis.²⁷
38. It is unclear precisely when, however between about 16 and 18 July 2022, Jackson attended a 'doof' party at a property at Casino.²⁸ Mr Whitehead told police that he and

²¹ Statement of Daniel McLean, tab 22.

²² Ibid.

²³ Statement of Edie Bartley, tab 20.

²⁴ Ibid.

²⁵ Statement of Andrew Conquest, tab 21.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Statement of Detective A, tab 11 at [219] and [237]; statement of Sandra MacFarlane, tab 43 at [107].

Jackson took acid during the doof, and that during the doof Jackson was crying uncontrollably.²⁹ Mr Whitehead gave evidence that the morning after he and Jackson took acid at the doof, Jackson was crying and was really upset which caused other partygoers to offer assistance to Jackson.³⁰ Mr Whitehead's evidence was that he had never previously seen Jackson as upset as he was that morning and that Jackson was unable to articulate why he was so upset.³¹

39. On 20 July 2021, Mr Whitehead sent Jackson a message on Messenger which read "Hey bro seriously disappointed, with what occurred the other day".³² Mr Whitehead gave evidence that he sent Jackson this message after Jackson threw a bicycle onto some rocks. According to Mr Whitehead, Jackson did this because the rider of the bicycle scratched Jackson's van with the bicycle.³³
40. Jackson's movements following the doof and 22 July 2021 are somewhat unclear. Dylan Williams told police that he ran into Jackson in the street in Byron Bay, near the Liberation Larder and at the time Jackson was having a "mental breakdown".³⁴ As to when this meeting occurred, Mr Williams told police that it occurred about three weeks prior to 31 August 2021. Mr Williams then told police that the meeting occurred not in August, but maybe at the end of July.³⁵ There is evidence in the brief that Mr Williams said that he ran into Jackson on a Monday, which was approximately four weeks from when he found out about Jackson's passing.³⁶ I note that the 19th of July 2021 was a Monday.
41. There is evidence in the brief that Mr Williams said that when he ran into Jackson, Jackson was 'distraught'.³⁷ He said that he asked Jackson whether Jackson could drive, and Jackson was nodding.³⁸ Mr Williams says that he and Jackson then drove out to a work site³⁹, possibly at Kyogle.⁴⁰
42. According to Mr Williams, Jackson stayed at the worksite with others on Monday and Tuesday.⁴¹ Others at the worksite were, according to Mr Williams, "quite mean" to Jackson, culminating in one of the people at the worksite saying to Jackson on Wednesday morning "May as well finish yourself off and go stab yourself".⁴² Following this comment, Mr Williams says that Jackson got into his van and left.⁴³

²⁹ Transcript – Detective A and Calan Whitehead, tab 17B, p 2.

³⁰ Transcript p 302-3

³¹ Transcript p 302-303

³² Jackson Stacker Google account takeout, digital evidence, tab 20.

³³ Transcript 289.

³⁴ Transcript – Detective A and Dylan Williams, tab 16A, p 3-4.

³⁵ Ibid, p 3.

³⁶ File note re conversation with Dylan Williams, tab 50, p 4-5.

³⁷ Ibid, p 5.

³⁸ Ibid.

³⁹ Ibid, p 5-6.

⁴⁰ Transcript – Detective A and Dylan Williams, tab 16A, p 4.

⁴¹ File note re conversation with Dylan Williams, tab 50, p 6.

⁴² File note re conversation with Dylan Williams, tab 50, p 4.

⁴³ Ibid, p 4.

43. Police obtained Jackson's mobile phone records. On the morning of Thursday 22 July 2021, Jackson's phone connected to a cell tower called Homeleigh RT.⁴⁴ The Homeleigh RT cell tower and Kyogle are proximate to one another, however I note the limitations of cell tower connection evidence, namely that a mobile phone does not always connect through the closest cell tower, due to, for example how busy a cell tower is, and the presence of obstacles and bodies of water.⁴⁵

22 and 23 July 2021

44. According to Jackson's phone records, from 9:09am on 22 July 2021, Jackson's phone connected to a phone tower in the area of Nimbin, and then from about 10:31am, to a phone tower in the vicinity of The Channon.⁴⁶
45. At 10:45am on 22 July 2021, Jackson received a phone call from his mother which lasted 205 seconds.⁴⁷ Ms MacFarlane gave evidence that during this phone call, Jackson told her that he was at John Van Winegarden's house, and that she heard Mr Van Winegarden in the background.⁴⁸ In Ms MacFarlane's view, Jackson sounded rushed and somewhat anxious, but this was not unusual.⁴⁹ Jackson told her during the phone call that he thought he lost his job, which they joked about.⁵⁰
46. Mr Van Wyngarden observed that the normally talkative Jackson was quiet during his visit, giving evidence that Jackson was 'slumped down and quiet.'⁵¹ The short length of the visit, 10 minutes, was also out of the ordinary as Jackson would normally visit for between an hour or two, to sometime all day.⁵² During his visit, Jackson told Mr Van Wyngarden that he was on his way from Nimbin, and showed Mr Van Wyngarden some cannabis.⁵³ Jackson told Mr Van Wyngarden that he was going to go to Byron Bay and left Mr Van Wyngarden's property. Overall, Mr Van Wyngarden found Jackson's visit 'bizarre'.⁵⁴
47. From about 11:34am, Jackson's phone connected with phone towers which suggested that he was travelling to Byron Bay.⁵⁵
48. About an hour after their phone call, at 11:58am per the phone records,⁵⁶ Ms MacFarlane sent Jackson a text message which said "Love you mate. Speak tonight xxx".⁵⁷ Ms

⁴⁴ Call charge records, digital evidence tab 3.

⁴⁵ *R v Al Batat & Ors (No 6)* [2020] NSWSC 1079 at [7]-[9].

⁴⁶ Statement of Detective A, tab 11,, p 40.

⁴⁷ Call charge records, digital evidence, tab 3;

⁴⁸ Transcript, p 79

⁴⁹ Transcript, p 79-80.

⁵⁰ Ibid.

⁵¹ Transcript p 57

⁵² Transcript 40-46, 59.

⁵³ Transcript p 53.

⁵⁴ Transcript p 61.

⁵⁵ Statement of Detective A, tab 11, p 40.

⁵⁶ Call charge records, digital evidence tab 3.

⁵⁷ Transcript p 80.

MacFarlane did not hear from Jackson that night, or at any time subsequent to their phone call earlier in the day.

49. Mr Whitehead gave evidence that he saw Jackson on 21 July 2021 at the Main Beach carpark at Byron Bay.⁵⁸ Mr Whitehead thinks that he first saw Jackson at 11am or maybe sometime in the afternoon.⁵⁹ To this end, I note that Mr Whitehead gave evidence that he recently suffered 'quite a few substantial blows to the head' so his memory is 'all over the place at the moment' and is somewhat unreliable.⁶⁰
50. According to Mr Whitehead, Jackson was very upset; Jackson was crying, shaking, pulling his hair out and angry.⁶¹ Mr Whitehead asked Jackson why he was upset, but Jackson did not answer.⁶² He and Jackson smoked some cannabis, and Mr Whitehead thinks that Jackson was at the carpark for about an hour or two, but ultimately was not sure when Jackson left the carpark.⁶³
51. Mr Whitehead said that he attended the Beach Hotel bottle shop and purchased some beer for Jackson and himself, and as he returned from the shop to the carpark, he saw Jackson driving away wiping tears from his eyes.⁶⁴
52. After Jackson left the carpark, between 7:14pm and 7:15pm, Mr Whitehead sent Jackson several messages via Facebook Messenger, including "Love you heaps" and "Don't do anything I wouldn't".⁶⁵
53. At 7:43pm, Jackson's mobile phone service connected to the Cudgera off Cudgera Creek Road cell tower.⁶⁶
54. Jackson's Google account records reveal that his account accessed a variety of applications between 9:43pm on 22 July 2021 and 8:40am on 23 July 2021 when the Samsung Clock was accessed.⁶⁷ Accessing the Samsung Clock is the last activity recorded in Jackson's Google account.
55. At 11:53am on 23 July 2021, Jackson's mobile phone service disconnected from the phone network, possibly due to the battery going flat, or the phone being switched off.⁶⁸

23 July – 22 August 2021

56. The next attempted communication between Ms MacFarlane and Jackson was on 25 July 2021 when Ms MacFarlane transferred Jackson \$300 with the message "please call

⁵⁸ Transcript p 284-285.

⁵⁹ Ibid.

⁶⁰ Transcript p 321-2.

⁶¹ Transcript p 286.

⁶² Ibid.

⁶³ Transcript 287

⁶⁴ Transcript p 286; 314

⁶⁵ Jackson Stacker Facebook account download, digital evidence tab 19.

⁶⁶ Statement of Detective A, tab 11, p 40.

⁶⁷ Jackson Stacker Google account takeout, digital evidence, tab 20.

⁶⁸ Statement of Detective A, tab 11, p 40.

mum".⁶⁹ Ms MacFarlane gave evidence that it was 'unprecedented' that Jackson did not say thank you for the money, and that she attempted to phone Jackson without success.⁷⁰

57. Between 30 and 31 July 2021, Jackson's mobile service connected to a cell tower called Ulmarra, and other phone towers in North Lismore and surrounds.⁷¹

58. On 31 July 2021, Jackson's mobile service connected to cell towers in Byron Bay and surrounds for about two hours.⁷²

59. On 2 August 2021, Jackson's mobile service briefly connected to a cell tower at East Lismore.⁷³ After this brief connection, Jackson's mobile handset appears to be turned off.⁷⁴

23 August 2021

60. On 23 August 2021, Jackson's father, Ian Stacker, received a voicemail from Belinda Rankin.⁷⁵ In the voicemail, Ms Rankin says that she has been to 'your vehicle' on the Sleepy Hollow Road, and that she would like to know what is happening with the vehicle.⁷⁶ Ian phoned Ms Rankin and he formed the view that Ms Rankin was describing Jackson's van which was parked at a rest stop at Sleepy Hollow.⁷⁷ Ian then phoned Ms MacFarlane and they realised that neither of them had heard from Jackson for a while.⁷⁸

61. Ms MacFarlane phoned Tweed Heads Police Station and was told by Senior Constable Damien Thom that police were unable to get involved as there was no missing person report filed.⁷⁹ Nevertheless, Ms MacFarlane asked police to attend Jackson's van, noting that she has not heard from Jackson for several weeks, and Ms Rankin had reported to her that there was a stench emanating from the van.⁸⁰

62. Later, on 23 August, Senior Constable Thom phoned Ms MacFarlane and informed her that he had checked the van, Jackson was not present, the stench seemed to be coming from rotting food, the keys were found in the van's ignition, the van started with no issue, and he did not believe there was any mechanical issue.⁸¹ Senior Constable Thom took several photographs of the van, two of which depict what appears to be a brown knife sheath on the front passenger seat of the van.⁸²

⁶⁹ Transcript p 81.

⁷⁰ Transcript p 81.

⁷¹ Statement of Detective A, tab 11, p 40.

⁷² Ibid

⁷³ Ibid

⁷⁴ Ibid.

⁷⁵ Statement of Ian Stacker, tab 14, at [25].

⁷⁶ Transcript of voicemail, tab 14A.

⁷⁷ Statement of Ian Stacker, tab 14, at [25].

⁷⁸ Ibid, at [27].

⁷⁹ Statement of Sandra MacFarlane, tab 43, at [46].

⁸⁰ Ibid.

⁸¹ Ibid, [47].

⁸² Seven photographs of motor vehicle 1SW4UY, tab 27, p 3 and 5.

24 August 2021

63. On 24 August 2021, Ms MacFarlane contacted a vehicle towing company, Northern Rivers Towing, and asked that Jackson's van be secured, and that missing person posters concerning Jackson be placed in the van.⁸³
64. Mr Alastair Britton, an employee of Northern Rivers Towing, attended the Sleepy Hollow Rest Area, inspected Jackson's van and fixed missing person flyers to the windows of the van. He found the van unlocked and that it had property scattered everywhere internally.⁸⁴ He took some photographs of the van which depict the interior of the van as cluttered and shambolic.⁸⁵
65. While attending Jackson's van, a red Toyota Tarago with Victorian number plates containing two men was parked nearby, and Mr Britton felt as though the men were watching him. Mr Britton was told by one of the men that he found the van with the keys in it 'the other night', the van started, and he reported the van as abandoned to police.⁸⁶ I will return to the men Mr Britton saw later in these findings.
66. On the evening of 24 August 2021, on the advice of NSW Police, Ms MacFarlane attended Moorabbin Police Station in Victoria and reported Jackson missing.⁸⁷ That report was passed onto NSW Police, and following receipt of the missing person report, NSW Police arranged for Jackson's van to be towed to a police holding yard.⁸⁸

25 August 2021

67. On 25 August 2021, police conducted a land search of the area around the Sleepy Hollow Rest Area where Jackson's van was parked.⁸⁹ The search was organised by Acting Inspector Christopher Neaves and Senior Constable Peter Ellis, a Police Rescue officer who is trained in land, sea and air rescue (LANDSAR), and involved a search involving 10 police officers and a search carried out by a police dog and its handler.⁹⁰
68. At midday, police discovered Jackson's remains underneath a large tree in a paddock adjacent to the Rest Area.⁹¹ A crime scene was established, and Crime Scene officers attended and examined the area.⁹²
69. Jackson's remains were heavily decomposed, and his skull was found about 14 metres away from the rest of his remains.⁹³ A large hunting style knife was located in his left

⁸³ Statement of Sandra MacFarlane, tab 43, [49].

⁸⁴ Statement of Alastair Britton, tab 15.

⁸⁵ Ibid

⁸⁶ Ibid, at [8].

⁸⁷ Statement of Sandra MacFarlane, tab 43, at [54].

⁸⁸ Statement of Detective A, tab 11, at [18]-[19].

⁸⁹ Ibid, at [20]-[21].

⁹⁰ Ibid.

⁹¹ Ibid, at [24].

⁹² Ibid, at [24]-[26].

⁹³ Ibid, at [28].

chest area, and the handle of the knife appeared to have been resting on the skeletal remains of his right hand, which was under his body.⁹⁴ A variety of items were found in the vicinity of Jackson's remains, including a beanie, cigarette lighters and a box of matches.⁹⁵ Jackson's remains were conveyed to the Newcastle Department of Forensic Medicine.

Further investigations as to the men Mr Britton saw

70. The owner of the red Toyota Tarago that Mr Britton saw at the Sleepy Hollow Rest Area on 24 August 2021 is Francis Stanek.⁹⁶ Police obtained Mr Stanek's mobile phone records which revealed that his mobile phone service, and by inference, Mr Stanek, arrived in Northern NSW on 13 August 2021 after travelling from Victoria over the course of a few weeks.⁹⁷ Police obtained a statement from Mr Stanek, and he gave evidence at the inquest. I am satisfied that Mr Stanek and another unidentified person referred to as 'Matty' were aware of Jackson's van being parked at the Rest Area, and that Matty took Jackson's digital camera from his van.⁹⁸ However, noting my finding as to the date of Jackson's death and the evidence as to Mr Stanek's mobile phone location, it is unlikely that Mr Stanek is connected with Jackson's death.

Issue 1 – Manner and cause of death

Pathology evidence

71. Forensic pathologist Dr Leah Clifton performed Jackson's autopsy, concluding that the cause of death was 'unascertained'.⁹⁹ Dr Clifton gave evidence during the inquest that it was most likely that Jackson died from injuries inflicted by the knife, but she could not be conclusive as to the cause of this death due to the advanced level of decomposition.¹⁰⁰ There were no other fractures or signs of trauma on the remains. Due to the lack of tissue, Dr Clifton could not determine whether Jackson had any defensive wounds consistent with an assault, and no toxicology examinations could be performed. Two distinct defects were identified in the clothing which covered Jackson's upper chest region.¹⁰¹ In relation to these defects (on his jumper and shirt), she could not conclude whether this was caused by two separate penetrations of the knife or whether the knife entered once, passing through both shirt and jumper.¹⁰²
72. Dr Penny McCardle, a forensic anthropologist, examined Jackson's remains.¹⁰³ She found:

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid, p 37

⁹⁷ Statement of Detective Sergeant Donna Tutt, tab 1, p 4.

⁹⁸ Transcript p 244

⁹⁹ Transcript p 184

¹⁰⁰ Transcript p 184

¹⁰¹ Amended autopsy report for the Coroner, tab 8, p 4.

¹⁰² Transcript p 187

¹⁰³ See reports at tabs 5 and 42.

- a. Sharp force injuries to the left third rib and fourth rib and a very small blunt force injury to the left fifth rib, consistent with one sharp force trauma from a bladed weapon and that the two cut marks present on the third and fourth ribs are consistent with one wound.
 - b. The angle of the cut mark indicates that the entry of the knife was from the right side of the body, which she opined was consistent with either self-inflicted with the deceased's right hand or inflicted by a left-handed assailant.
 - c. No evidence of any other sharp or blunt force trauma to the remainder of the bones recovered.
73. A report was obtained from Professor Noel Woodford, director of the Victorian Institute of Forensic Medicine. Professor Woodford also gave evidence at the inquest. Professor Woodford generally agreed with Dr McCardle's opinions, deferring to her observations of the remains as he relied on photos. However, he suggested that the angle of entry is not necessarily conclusive of whether the deceased or any possible assailant was right-handed or left-handed.¹⁰⁴ He also observed that the angle of knife may have changed after Jackson fell, as his body may have collided with the knife.¹⁰⁵
74. As to manner and cause of death, Professor Woodford reached two primary conclusions:
- a. It is a reasonable supposition that Jackson died from the effects of a sharp force injury with a knife and therefore that the hunting knife entered Jackson's body when he was alive. This is due to the lack of other competing causes of death and the absence of other notable injuries on his body;¹⁰⁶
 - b. It is not possible to definitively say if the knife wound was self-inflicted or by an assailant. While he does not exclude the possibilities of homicide or accidental death, on balance, he favours self-infliction of the wound.¹⁰⁷
75. Professor Woodford gave evidence that during his career he has observed a number of self-inflicted stab wounds.¹⁰⁸ He identified several factors that are consistent with the conclusion that the injury was self-inflicted:
- a. There were no defects on his clothing that would have indicated the adoption of defensive postures.¹⁰⁹ However, he noted that Jackson's sleeves could have been rolled up. Professor Woodford also accepted that it is possible that defence wounds existed that would be consistent with homicide but were lost due to the decomposition process.¹¹⁰

¹⁰⁴ Transcript p 169

¹⁰⁵ Transcript p 162

¹⁰⁶ Transcript p 160

¹⁰⁷ Transcript p 159

¹⁰⁸ Transcript p 166, 168

¹⁰⁹ Transcript p 167

¹¹⁰ Transcript p 158

- b. The stab wound was to the front of the chest in an area that was accessible for Jackson to reach, which is the 'classic appearance of stab wounds that are suicidal'.¹¹¹
 - c. The knife was left in situ rather than removed by an assailant. Professor Woodford did note that leaving a knife may be a possibility in some homicide cases, but he has not personally observed it.¹¹²
 - d. While the infliction of a knife injury would be incredibly painful, it was Professor Woodford's opinion from his experience that if someone is intent on taking their own life, they do not necessarily consider the possible degree of pain.¹¹³
76. Professor Woodford was unable to conclude that the mark on the fifth rib identified by Dr McCardle was an injury rather than a postmortem discolouration.¹¹⁴ Professor Woodford accepted the possibility that this injury was caused when the handle of the knife collided with the rib when Jackson fell over.¹¹⁵ He did not think it was possible that a blow with a fist could cause that type of injury.¹¹⁶
77. As to the separation of Jackson's skull from his torso, Professor Woodford agreed that this is not a common scenario,¹¹⁷ however he opined that in a state of decomposition, very little force would be required to separate (or remove) the skull from the other remains.¹¹⁸ Professor Woodford stated that it is possible that Jackson's remains were separated post-death by a person without leaving any identifiable markings.¹¹⁹ Dr Clifton gave evidence that it is not highly unusual for parts of remains to be found away from other remains due to decomposition and animal predation.¹²⁰ Jackson's family submitted that there was no evidence confirming animal activity or predation which might confirm the mechanism for the separation of Jackson's skull, noting that the evidence indicates that there were no cows in the paddock during the time between Jackson's disappearance and discovery.¹²¹
78. Professor Woodford commented on several other theories regarding manner and cause of death, including:
- a. While he accepted it would require a significant amount of force to insert the knife to its hilt in a body, he did not have a view about the gender of a possible assailant;¹²²

¹¹¹ Transcript p 178

¹¹² Transcript p 180

¹¹³ Transcript p 166

¹¹⁴ Transcript p 158

¹¹⁵ Transcript p 164

¹¹⁶ Transcript p 165

¹¹⁷ Transcript p 165

¹¹⁸ Transcript p 171

¹¹⁹ Transcript p 172

¹²⁰ Transcript p 189

¹²¹ Statement of Detective Sergeant Donna Tutt, tab 51, at [45]-[46]

¹²² Transcript p 166

- b. The possibility that Jackson was stabbed more than twice cannot be excluded, however there is no evidence beyond the clothing which only shows two defects;¹²³
- c. It is possible that Jackson was stabbed in the back of the neck, causing a fatal injury without leaving any stigmata in the material remaining due to the state of decomposition;¹²⁴ and
- d. On the possibility of accidental injury, the only evidence that would preclude a conclusion that Jackson tripped over onto the knife is that there seemed to be two areas of injury to the clothing.¹²⁵

79. Both Professor Woodford and Dr Clifton emphasised in their evidence the limitations of their opinions due to the absence of tissue and inability to perform relevant tests. For example, both experts noted that there was no soft tissue or organs to assess what impact the knife had on the tissue and organs.¹²⁶ Toxicological testing was also not available which means there is no way of knowing whether Jackson was under the influence of any alcohol or drugs.¹²⁷ This absence of evidence means a physically apparent cause of death, or at least significant physical signs, may have been lost due to the period of decomposition.

Evidence of suicide

Mental health

- 80. As to Jackson's mental health, I have already referred in these findings (at [17] to [22]) to some of the challenges that Jackson faced regarding his mental health during the period 2017 – 2019.
- 81. As to the period of time closer to when Jackson's remains were found by police (25 August 2021), I have already referred to the evidence of Mr Conquest, Mr McLean and Ms Bartley (at [32] to [37]), all of whom described Jackson acting erratically in July 2021.
- 82. Ms Mia Kidis was a close friend and confidant of Jackson and met him in early August 2020 at the Premstock commune.¹²⁸ Jackson and Ms Kidis had great affection for each other and had built a close relationship of trust during their time together, which included a period of travelling together during November and December 2020 with Ms Kidis' then boyfriend. Ms Kidis and Jackson kept in touch when he remained in Byron Bay after their travels.
- 83. Ms Kidis gave evidence that Jackson was in a low mood or crying about three times per week,¹²⁹ and while generally Jackson was a person who was open to being vulnerable and talking about his emotions, she said he would find it difficult to articulate his feelings

¹²³ Transcript p 167

¹²⁴ Transcript p 167

¹²⁵ Transcript p 170

¹²⁶ Transcript p 160, 184

¹²⁷ Transcript p 184

¹²⁸ Transcript p 17

¹²⁹ Transcript p 29

when he was in low moods.¹³⁰ Senior Counsel Assisting submitted that Ms Kidis appeared to somewhat downplay Jackson's mental health challenges, describing his 'ups and downs' as unsurprising and not out of the ordinary.¹³¹ Jackson's family does not agree with Senior Counsel Assisting's characterisation of Ms Kidis' evidence, instead submitting that Ms Kidis was overinclusive in her descriptions of Jackson's low mood.¹³² Jackson's family referred me to Ms Kidis' evidence that the frequency of Jackson's low mood was not out of the ordinary.¹³³

84. Generally, however, Ms Kidis' evidence shows that Jackson was working hard on improving himself as a person and maintaining overall wellness including his gut health through probiotics.¹³⁴ The evidence of Ms MacFarlane, Jackson's mother, is similar, detailing a journey of self-improvement including through exploring his spirituality and journaling.¹³⁵ She emphasised her belief that Jackson would not end his life, stating that Jackson did not appear depressed when she was in contact with him and was likely to confide in her or others if he was feeling distressed.¹³⁶
85. Ms Kidis gave evidence that Jackson was in a happy mood when he visited her in January 2021,¹³⁷ however she did not remain in regular contact with him in July 2021 due to her life events.¹³⁸ It is for this reason, as Senior Counsel Assisting submitted, that the evidence of Jackson's friend Calan Whitehead is particularly important as it speaks to Jackson's mental state just before he disappeared.¹³⁹
86. While Jackson had other friends at the time, the messages he exchanged with Mr Whitehead show a consistent friendship that formed after they met around April or May 2021.¹⁴⁰ As Mr Whitehead was sleeping rough at the time, Jackson often offered Mr Whitehead to sleep in his van.¹⁴¹ Mr Whitehead and Jackson were in regular contact and spent a lot of time together, but their text messages were brief and tended to lack the openness and emotional intimacy of Jackson's text exchanges with Ms Kidis, including messages about dreaming of a life together and general affection.¹⁴²

¹³⁰ Transcript p 31

¹³¹ Closing submission at [22]; transcript p 29, 31.

¹³² Family written submissions (FWS) at [8].

¹³³ Transcript p 31

¹³⁴ Transcript p 30

¹³⁵ Transcript p 76-77

¹³⁶ Transcript p 77

¹³⁷ Transcript p 35

¹³⁸ Transcript p 37.

¹³⁹ Senior Counsel Assisting submissions, at [25].

¹⁴⁰ Transcript p 283.

¹⁴¹ Transcript p 283.

¹⁴² Eg Tab 20 – Statement of Mia Kidis, pp 14, 18. On 26 May Jackson messaged Mia on Instagram, wishing her happy birthday, telling her that he loved her, and that she is a naughty spice angel falafel queen. Mia replied that she loved Jackson too, calling him a falafel king. This is not to say Calan was unaffectionate, Calan sent a message to Jackson on the evening of 22 July 2021 stating "Love you heaps cunt" and about one minute later "Love you beautiful brother".

87. Mr Whitehead gave evidence that Jackson was upset a 'majority of the time'¹⁴³ and that he was definitely depressed.¹⁴⁴ The last time Mr Whitehead saw Jackson on 22 July 2021 at the Main Beach carpark in Byron Bay, he said Jackson was upset and unstable. Mr Whitehead described him as very distraught, crying non-stop, screaming and trying to pull his hair out.¹⁴⁵ He seemed scared and 'tired of everything'.¹⁴⁶ Mr Whitehead attempted to ask Jackson what was wrong, but Jackson would not tell him.¹⁴⁷ Jacob Burrell also saw Jackson at the Main Beach carpark on the 22 July. Mr Burrell describes him as seeming a bit upset and distressed and saying "sometimes I don't want to be here".¹⁴⁸
88. In his initial statement Mr Whitehead detailed an incident when Jackson threw a bike down the rocks because it had scratched his van,¹⁴⁹ but his evidence at the inquest was unclear about whether this occurred a few days before or the last day he saw Jackson.¹⁵⁰
89. After Jackson left Main Beach on 22 July 2021 in a distressed state, Mr Whitehead sent a text to him stating "don't do anything I wouldn't" because he was worried about his mental state and 'didn't want him to do anything dumb'.¹⁵¹ After Mr Whitehead discovered Jackson was missing, Mr Whitehead was concerned that Jackson had self-harmed because of how upset he had been when Mr Whitehead last saw him.¹⁵² Senior Counsel Assisting submitted that this assumption is quite significant, along with Mr Whitehead's ongoing belief that Jackson did take his own life.¹⁵³
90. In respect of the evidence of Mr Whitehead, the family submits that he is an unreliable witness whose evidence should be treated with caution, and would be given little weight unless otherwise supported.¹⁵⁴ The family submit that Mr Whitehead had only known Jackson for a period of weeks and he is therefore unable to speak to Jackson's character or personality across a longer time frame. Further, the family submit that Mr Whitehead:¹⁵⁵
- a. Changed his evidence on a number of occasions and during oral evidence, became confused or uncertain as to events, including events which had apparent significance for Jackson's state of mind;
 - b. Has given incorrect and inconsistent accounts, including for example:

¹⁴³ Transcript p 208.

¹⁴⁴ Transcript p 291.

¹⁴⁵ Transcript p 285-6.

¹⁴⁶ Transcript p 287.

¹⁴⁷ Transcript p 286.

¹⁴⁸ Tab 58 – Statement of Jacob Burrell dated 25 March 2024, p 1 [5]. In an interview with Detective A on 1 September 2021, Jacob also stated that Jackson was out of character and a "bit upset" (Tab 11 – Statement of Detective A dated 29 June 2022, p 21 at [101]; Tab 18A – Transcript of Interview, p 3 at A35).

¹⁴⁹ Transcript p 289.

¹⁵⁰ Transcript p 301.

¹⁵¹ Transcript p 286, 290.

¹⁵² Transcript p 298.

¹⁵³ Transcript p 309.

¹⁵⁴ FWS at [9]-[10]

¹⁵⁵ FWS at [9].

- i. On 25 August 2021, he told Constable Barrenger that he had known Jackson since “maybe January, February, March ... a couple of months” when it is apparent he had only known Jackson for a period of weeks.
 - ii. He told Detective A that he and Jackson had stayed at Sleepy Hollow previously, but admitted in oral evidence that the first time he had been to that rest stop was 25 August 2021, and that he and Jackson had not been there before.
 - c. He accepted that his memory is “unreliable” and had been ‘prompted’ by questions and photographs. It is unclear how much his evidence represents a genuine recollection.
 - d. His explanations for the change in communication between himself and Jackson and for the lack of contact after 23 July 2021 was unconvincing:
 - i. Facebook messages between Mr Whitehead and Jackson show a pattern of regular contact, including Mr Whitehead sending messages asking for money, asking Jackson’s whereabouts, or suggesting meeting up, or simply “Sup” or a phone call. Focusing on the three weeks prior, such contacts happened on 22 July, 19 July, 16 July, 15 July, 9 July, 7 July, 5 July, 3 July, and the pattern continues prior to that. The requests to meet up, or asking about whereabouts are of particular relevance;
 - ii. There is then an abrupt change at 23 July, and no further attempt made to ask where Jackson was, or even to make casual contact;
 - iii. His explanations for not following up his 23 July 2021 message were confused and included, variously, that he might have broken his phone, that it might have been stolen, that it might have been lost, and that he was waiting for a reply, or that “there would have been some reason”; and
 - iv. The absence of a clear explanation raises concerns about the honesty and frankness of Mr Whitehead’s evidence, as well as about his recall of the relevant time.
91. Jackson’s family also submitted that, contrary to the submissions of Senior Counsel Assisting, the contemporaneous evidence suggests that Mr Whitehead did not have concerns about Jackson’s whereabouts or mental state on and after 22 July 2021, until after Jackson was confirmed as being missing or dead:¹⁵⁶
- a. He clarified in evidence that “don’t do anything I wouldn’t” was in fact not an expression of concern; and
 - b. Despite spending a lot of time with Jackson, and Jackson being his primary source of accommodation, Mr Whitehead made no effort to contact Jackson after 23 July 2021;

¹⁵⁶ FWS at [11]

- c. There are no expressions of concern on his part which predate Ms MacFarlane raising the alarm about his disappearance.
92. Mr Whitehead was not an entirely reliable witness, particularly concerning dates and times. I do, however, accept his evidence regarding Jackson being upset, unstable and depressed during the time that he knew him and that he was very upset when he last saw him on 22 July 2021 at the Main Beach carpark, Byron Bay.
93. John Van Wyngarden, a friend of Jackson and neighbour of his uncle, observed that Jackson was more depressed than usual when he visited on his way to Byron Bay shortly before his disappearance.¹⁵⁷ Mr Wyngarden said Jackson was 'slumped down and quiet'.¹⁵⁸ The short length of his visit (10 minutes) was also strange and out of the ordinary for Jackson.¹⁵⁹
94. There was some mixed and ambiguous evidence about additional mental pressures facing Jackson at the time, including:
- a. Evidence from Mr Whitehead that Jackson kept his van in an untidy state,¹⁶⁰ which is inconsistent with evidence from Ms Kidis and Mr Van Wyngarden that his van was his prized possession and that he usually kept it tidy. Photos of the van taken by parking police also show its interior to be quite messy,¹⁶¹
 - b. Evidence that Jackson was distressed about parking fines,¹⁶² although Ms MacFarlane states that this was an "insignificant issue" for Jackson;¹⁶³ and
 - c. Evidence that Jackson was upset that the COVID-19 lockdowns prevented him from going to Queensland.¹⁶⁴
95. It could be however, as Senior Counsel Assisting submitted, that these issues were no more than the usual stressors in Jackson's life at the time.
96. At the time of his death, Jackson was not taking any medication to treat mental health issues and was not receiving any regular counselling or psychological treatment. There is no evidence that he sought out professional help when he was acutely distressed during this period.
97. Jackson's family submit that the evidence does not suggest that by 23 July 2021 he was in sufficient distress to take his own life. They submit that:¹⁶⁵
- a. Whatever Jackson's mental state on 22 July 2021, he did not disappear until after 7:40 AM on 23 July 2021 and that provides sufficient time for his mood to have changed after his departure from main beach;

¹⁵⁷ Transcript p 52, 71.

¹⁵⁸ Transcript p 57.

¹⁵⁹ Transcript p 61.

¹⁶⁰ Transcript p 322.

¹⁶¹ Transcript p 35, 47.

¹⁶² Email from Constable McCarthy dated 24 August 2021, tab 46b.

¹⁶³ Statement of Sandra Macfarlane dated 2 February 2024, tab 43, p 9 at [57].

¹⁶⁴ Transcript p 50.

¹⁶⁵ FWS at [5e].

- b. Jackson's phone use throughout the night of 22 July 2021 is consistent with his usual use of his phone and inconsistent with a sudden decline sufficient to lead to suicide;
- c. There is no indication in his phone usage or online activity that he experienced anything which might have prompted a decline in his mental state on 23 July at 2021;
- d. While it is possible that Jackson remained distressed, his final online activity showed no indications of distress or even any abnormal behaviour.

98. Jackson's family also submitted that the location where his remains were found had no apparent significance to him. He had not stayed at the rest stop before; there was no apparent reason for him to go into the paddock where he was found; and it is difficult to access the site where he was found. Further, the evidence suggests that he preferred locations up high or with ocean views or at beaches.¹⁶⁶

Drug use

99. There is consistent evidence from Mr Whitehead and Mr Van Wyngarden that Jackson was a regular consumer of cannabis.¹⁶⁷ However, on Ms Kidis' account, Jackson did not use cannabis frequently and likely only once a month when they were at the Premstock commune.¹⁶⁸ Importantly, she gave evidence that he deliberately avoided illicit drugs because they affected him adversely, making him paranoid or on edge.¹⁶⁹ During the time Ms Kidis was with Jackson, she knew him to take acid once at a party which caused a strong emotional reaction.¹⁷⁰
100. From Mr Whitehead's evidence, it appears that Jackson escalated his drug use in July 2021. Mr Whitehead stated that he saw Jackson take acid or LSD about three or four times.¹⁷¹ When Jackson was affected by LSD at a party or 'doof' in Casino in the week before he went missing, he was described as upset and crying uncontrollably.¹⁷² There is also evidence from Dean Murray about observing Jackson inside his van crying at the doof.¹⁷³ As to whether Jackson was under the influence of drugs at the time of his death, Dr Clifton was unable to perform a toxicology test due to the degree of decomposition.
101. At its highest, as Senior Counsel Assisting submitted,¹⁷⁴ this evidence of Jackson's mental state and drug use demonstrates that it was certainly possible, even probable, that Jackson was distressed or depressed in the days leading up to his death. However, it cannot be positively established that Jackson took his own life, particularly in the absence of any note or express indication that Jackson was considering self-harm. While

¹⁶⁶ FWS at [5d].

¹⁶⁷ Transcript p 48, 282.

¹⁶⁸ Transcript p 20.

¹⁶⁹ Transcript p 19, 23.

¹⁷⁰ Transcript p 21-22.

¹⁷¹ Transcript p 302.

¹⁷² Transcript p 302.

¹⁷³ Tab 11 - Statement of Detective A dated 29 June 2022, p 33 at [164]; Tab 26C – Transcript of Interview between Detective A and Dean Murray, p 2 at A22.

¹⁷⁴ Senior Counsel Assisting submissions, at [37].

there were isolated incidents in the prior year where Jackson expressed a desire to self-harm, he did not consistently express suicidal ideation to his family or friends and had no past history of self-harming. As will be discussed further below, it is not known precisely when Jackson died and therefore what his mental state was at that time.

102. Senior Counsel Assisting referred me to evidence that suicides can often occur impulsively or 'out of the blue' and in the absence of a previous history of self-harm or suicide attempts, as observed by Detective Tutt.¹⁷⁵ This risk may be exacerbated if a person is intoxicated.¹⁷⁶ It is sadly never possible to say that a person would never be capable of suicide and there are sometimes no warning signs, as reported by Healthdirect (the Australian national virtual public health information service)¹⁷⁷ and studies of suicides of young people.¹⁷⁸ Tragically, many people unexpectedly end their lives and many have relationships of love, confidence and trust with their family and friends. This means only limited weight can be placed on Jackson's obviously close relationship with his parents, Ms Kidis and others, and the lack of any contact with them expressing distress shortly before his death.¹⁷⁹
103. Jackson's family accept that it is possible for a suicide to occur without warning signs however they submit that the substantial weight of evidence is that suicide would be counter to Jackson's character and behaviour and demonstrated willingness to seek help. In support of that contention the following submissions were made:¹⁸⁰
 - a. Those who knew Jackson well considered that he was unlikely to take his own life, and that his past pattern of behaviour was to seek help and support from those around him;¹⁸¹
 - b. Despite prior incidents where Jackson expressed deep sadness, or said words to the effect of wanting to take his own life, these did not alarm those who heard it and they did not consider them threats;¹⁸²
 - c. While such observations cannot be determinative, they do indicate a longstanding history of conduct which is inconsistent with Jackson taking his own life;

¹⁷⁵ Transcript p 139.

¹⁷⁶ Australian Institute for Suicide Research and Prevention, 'Suicide in Queensland: Annual Report 2022', p 10; The Matilda Centre for Research in Mental Health and Substance Use, 'The role of alcohol and other drugs in suicidal behaviour and effective interventions to reduce suicidal thoughts and behaviours' (July 2020), p 15; Australian Institute of Health and Welfare, 'The health impact of suicide and self-inflicted injuries in Australia' (2019), p 14.

¹⁷⁷ Health Direct, 'Suicide Warning Signs' (2023) at <https://www.healthdirect.gov.au/warning-signs-of-suicide#risk>.

¹⁷⁸ Rodway C, Tham SG, Turnbull P, Kapur N, Appleby L, "Suicide in children and young people: Can it happen without warning?" (2020) *Journal of Affective Disorders*, p 308; Bellairs-Walsh et al, "Working with Young People at Risk of Suicidal Behaviour and Self-Harm: A Qualitative Study of Australian General Practitioners' Perspectives" (2021) *International Journal of Environmental Research and Public Health* vol 18, no. 24, p 12.

¹⁷⁹ Senior Counsel Assisting submissions, at [38].

¹⁸⁰ FWS at [6].

¹⁸¹ For example, John Van Wyngarden at T 69:28-70:12

¹⁸² For example, T34:4-5

- d. Had he been in such a mental state, it is far more likely that he would have reached out to someone, either a medical professional, friends or family. He had done so on repeated prior occasions and there is no indication that this occasion would have been any different;
 - e. The evidence of John van Wyngarden, Adam Kaoullas and others as to conversations with him prior to his disappearance could be seen as efforts to reach out. However, those statements were each given after they had been informed of Jackson's death and there is a real risk that they are affected by hindsight;
 - f. Jackson's internet activity overnight and that morning is entirely unremarkable; and
 - g. In the days and weeks prior to his disappearance, Jackson was making plans to travel again.¹⁸³
104. The method of a self-infliction of a knife wound is not necessarily unprecedented, as both Professor Woodford and Detective Tutt gave evidence that they have encountered self-inflicted knife injuries in their experience.¹⁸⁴ In another inquest, psychiatrist Professor Matthew Large gave evidence that there are links between cannabis use, psychosis and self-stabbing.¹⁸⁵ However, Senior Counsel Assisting submitted that it is certainly an unusually violent and confronting method of suicide and is considered highly out of character for Jackson by his family. Significantly, the state of decomposition of the remains has made it impossible to determine whether there are any indicia that would contradict this cause of death, such as defensive wounds (as discussed above).¹⁸⁶
105. Senior Counsel Assisting referred me to another issue that may tend against a finding of suicide; the knife itself. There is little to no evidence that Jackson owned a large hunting knife,¹⁸⁷ even after additional inquiries conducted by Detective Tutt after the inquest hearing, and no DNA evidence was retrieved from it.¹⁸⁸ While Mr Whitehead stated during his evidence that he thought he had seen Jackson with a similar hunting knife, this was inconsistent with his earlier comments to the police that he had not seen Jackson with a knife before.¹⁸⁹ Detective Tutt observed that it is not unusual for someone living in a van to possess that type of knife,¹⁹⁰ but if Jackson possessed one, Senior Counsel Assisting submitted that it is somewhat surprising that no one saw him with a knife or ever saw one in his van, unless it was consistently stored in a drawer or somewhere out of sight.¹⁹¹

¹⁸³ Messages with Adam Kaoullas 18.06.2021, Brief 1.11.2024 Tab 59 – Statement of Adam Kaoullas

¹⁸⁴ Transcript p 138, 166.

¹⁸⁵ Inquest into the Death of Errol Handog (21 December 2017) p 9.

¹⁸⁶ Senior Counsel Assisting submissions, at [39].

¹⁸⁷ Transcript p 45, 65.

¹⁸⁸ Transcript p 89

¹⁸⁹ Transcript p 292.

¹⁹⁰ Transcript p 94-95.

¹⁹¹ Senior Counsel Assisting Submissions, at [40].

106. As to the knife, police identified that the knife is a Muela Defender 18.¹⁹² This identification was confirmed by David Yates, who owns and operates an import company which imports outdoor equipment, including Muela knives which Mr Yates has stocked for about 20 years.¹⁹³ Mr Yates confirmed that the knife comes with a sheath made of recycled cow leather.¹⁹⁴ Police testing revealed that the knife appeared to fit very neatly inside the knife sheath found in Jackson's van.¹⁹⁵
107. Police have tried to identify the source of the knife without success, as the knife does not have any unique or individual markings to identify each individual knife. Further, the knife has been available to purchase from retailers in Australia since 2010, and during the period 2010 to September 2020, 2,571 knives were sold.¹⁹⁶ I also note that it is possible for someone to purchase the knife from an overseas retailer and have it posted to Australia.¹⁹⁷

Evidence of homicide

Physical evidence

108. As discussed above, the forensic evidence cannot exclude the possibility of homicide, due to the advanced state of decomposition of Jackson's remains. This includes the possibilities that there were more than two entries of the knife and that the fatal blow did not leave stigmata due to the passage of time and decomposition.¹⁹⁸ The primary evidence tending towards a conclusion of homicide is the cause of death being a knife wound to the chest and the unknown provenance of this knife, as discussed above. However, as Professor Woodford opined, the absence of defensive wounds (noting evidence of them may have been lost) and the two chest wounds tends against murder because it is unlikely that Jackson would have stood still while being attacked, particularly as someone with boxing training and fighting experience. Of course, it is not known whether Jackson was incapacitated by drugs or other injuries.
109. Further, the scene of Jackson's death itself is highly unusual. There were items present at the scene of the remains that were not linked by evidence to Jackson, including the following:
- a. Gear oil container: the gear oil, as specified by the label on the gear oil container, was not suitable for Jackson's van, although it may have been used by him.¹⁹⁹ The property owner and people who use the paddock do not use the gear oil and gave evidence that it was unusual to find rubbish or debris in the paddock.²⁰⁰

¹⁹² Tab 11, [40].

¹⁹³ Tab 26

¹⁹⁴ Ibid.

¹⁹⁵ Tab 37, p 6

¹⁹⁶ Tab 11, p 9.

¹⁹⁷ Tab 11, p 9

¹⁹⁸ Transcript p 167.

¹⁹⁹ Transcript p 92.

²⁰⁰ Transcript p 92.

- b. Vape: while a blueberry-flavoured vape was found near the remains, none of Jackson's friends ever saw Jackson using a vape.²⁰¹
 - c. Lighters and matches: there was no evidence that the lighter and matches found at the scene were used, either for a campfire or to burn Jackson's remains.²⁰²
 - d. Phone: While the phone Jackson ordinarily used, a Samsung Galaxy, has not been recovered, a Telstra phone was found in the van, which has been unable to be opened.²⁰³
110. Further, Francis Stanek described the van when he first saw it as a "total mess" and said looked like it had been "tossed over" even before he and Matty searched through it, thinking it was abandoned.²⁰⁴ This is contrary to evidence from Ms Kidis and Mr Van Wyngarden that Jackson's van was always quite neat.²⁰⁵
111. An issue raised in the inquest was why Jackson's scalp and upper jaw was found 14 meters away from the rest of his remains and whether this was consistent with animal interference, as opposed to any human action consistent with homicide. It was not possible to test for animal DNA on the remains due to the state of decomposition²⁰⁶ and no bite marks were found on the skeletal remains.²⁰⁷ However, the forensic evidence generally supports the conclusion that the separation of the scalp and upper jaw from the body were likely to be a result of decomposition and animal interference. There is evidence from Ian Taggart, who agists cattle in the area, that the cows being grazed on the paddock can be curious about foreign objects, although they are herbivores.²⁰⁸ There are also foxes and wild dogs in the area.²⁰⁹ Both Detective Tutt and Professor Woodford have experience of other cases involving animal predation and interference resulting in the separation of body parts, including by wild dogs, foxes and badgers.²¹⁰
112. There was some ambiguous evidence about Jackson being involved with 'dangerous people'. After Ms Kidis put up missing person posters of Jackson, she received a call from someone who alleged that Jackson was spending time with dangerous people.²¹¹ However, investigations by Detective Tutt could not identify any other information suggesting that Jackson was spending time with dangerous people.²¹²

²⁰¹ Transcript p 27, 54, 105. It is noted that Jackson sent a selfie to his father on Facebook on 30 June 2021 which appeared to show him with a gold coloured vape. Digital evidence, Tab 19, Jackson Stacker Facebook account download.

²⁰² Transcript p 93, 204, 205.

²⁰³ Transcript p 106.

²⁰⁴ Transcript p 243.

²⁰⁵ Transcript p 35, 47.

²⁰⁶ Transcript p 99.

²⁰⁷ Transcript p 136, 189.

²⁰⁸ Transcript p 97.

²⁰⁹ Transcript p 98.

²¹⁰ Transcript p 98, 171.

²¹¹ Transcript p 40.

²¹² Transcript p 100.

113. Finally, while not all murders have a discernible motive, there is no evidence that anyone wanted to harm Jackson. He was a well-liked person with no real history of aggression or getting into fights. He had not confided fears to any person that he was at risk of being hurt, and no evidence of any dangerous associations has been substantiated.

Consideration as to manner and cause of death

114. Senior Counsel Assisting submitted that it is open for me to conclude that, on the basis of the available evidence, I am unable to make findings in relation to cause and manner of death to the requisite standard.²¹³
115. Jackson's family agree with that submission.²¹⁴
116. The Commissioner of NSW Police and Detective A made no submissions on this issue and adopted the submissions of Senior Counsel Assisting.²¹⁵
117. On the basis of the available evidence, I am unable to make findings in relation to cause and manner of death to the requisite standard.

Issue 2 – date of death

Forensic evidence

118. Professor Woodford concluded that it is more likely that Jackson died closer to 22 July 2021 (per the last confirmed sightings of Jackson) than 10 – 14 August 2021 (per unconfirmed sightings of Jackson) due to the advanced state of decomposition of the remains.²¹⁶ This is consistent with a report from Dr Maiken Ueland, Director of the Australian Facility of Taphonomic Experimental Research (AFTER) that a minimum of 15 days elapsed from the discovery of the body since the time of death, and that it is likely longer and up to 30 days.²¹⁷

Witness evidence

119. As noted, the last day Jackson is confirmed to be alive is 22 July 2021 when he talked to his mother, Ms MacFarlane, on the phone. He was also seen leaving Main Beach carpark in Byron Bay on this date by Mr Whitehead and Mr Burrell.²¹⁸ He did not respond to his mother's message sent to him on 22 July 2021.²¹⁹
120. On 25 July, Jackson's mother then attempted to contact him by sending him \$300 with the words "please call mum".²²⁰ Ms MacFarlane gave evidence that it was at this stage that she became worried, because it was unprecedented that Jackson would not thank her after she had sent money.²²¹ In the following weeks, she tried to contact him by calling

²¹³ Senior Counsel Assisting submissions, at [10].

²¹⁴ FWS at [3].

²¹⁵ Police written submissions (PWS) at [1].

²¹⁶ Transcript p 159.

²¹⁷ Tab 48 – Report of Dr Maiken Ueland.

²¹⁸ Tab 58 – Statement of Jacob Burrell dated 25 March 2024, p 1 at [4].

²¹⁹ Transcript p 81.

²²⁰ Transcript p 81.

²²¹ Transcript p 81.

his phone, but it sounded like it was off.²²² If the date of death was in August 2021, Ms MacFarlane stated that it would be very out of character and unusual for Jackson to go so long without contacting her, especially after she sent the text message and money.²²³

121. There were some reported sightings of Jackson on the 10, 13 and 14 August 2021, but they have been unable to be confirmed by the police. Mr Van Wyngarden gave evidence about two visits by Jackson. He stated that the first was on 23 July 2021, and the second was 'about a week or a week or a half later', or in the first week of August 2021.²²⁴ However, the date of 23 July for the first visit was based on the fact that this was when he was told Ms MacFarlane had spoken to Jackson on the phone from his home.²²⁵ Mr Wyngarden otherwise does not have a clear memory of the dates of the two visits and was rather confused about the sequence of events during his oral evidence.²²⁶ It is instead possible that this phone call took place on Jackson's second visit, again placing his last sighting around the 22 July 2021 rather than early August.
122. Noting Ms MacFarlane's evidence that it was out of character for Jackson to go so long without contacting her, it is likely that Jackson died shortly after 22 July rather than after subsequent alleged sightings in August 2021.

Phone evidence

123. Phone evidence shows that Jackson used his Samsung Galaxy phone (which was never found) late on 22 and 23 July 2021. While there is some data activity on 30 and 31 July and 2 August 2021,²²⁷ the circumstances as to this activity are unknown. There is no evidence that the phone has been used or turned on since 2 August 2021.²²⁸
124. The evidence of both Ms Kidis and Mr Whitehead was that Jackson would use his phone frequently, and the lack of confirmed phone activity from 23 July 2021 is again consistent with the date of death being closer to 23 July than early August 2021.²²⁹
125. Jackson's Google account records that his account accessed a variety of applications between 9:43pm on 22 July 2021 and 8:40am on 23 July 2021 when the Samsung Clock was accessed.²³⁰ Accessing the Samsung Clock is the last activity recorded in Jackson's Google account, and the time and date of this activity also supports that Jackson died closer to 22 and 23 July 2021 than early August 2021.

²²² Transcript p 82.

²²³ Transcript p 44-46.

²²⁴ Transcript p 52.

²²⁵ Transcript p 60.

²²⁶ Transcript p 61.

²²⁷ Tab 11, p 40

²²⁸ Tab 11 – Statement of Detective A dated 29 June 2022, p 40 at [197].

²²⁹ Transcript p 18, 307.

²³⁰ Digital evidence, tab 20.

Consideration as to date of death

126. Senior Counsel Assisting submitted that it is open for me to conclude that I am unable to make findings in relation to the date of Jackson's death to the requisite standard, on the basis of the available evidence.²³¹
127. Jackson's family submit that there is insufficient evidence to establish a date of death with certainty and the most probable date of Jackson's death is after 22 July 2021 and most probably closer in time to 23 July 2021.²³² The family referred me to the evidence regarding Jackson's phone use; that it is impossible to attribute to Jackson the further use of his mobile phone service later in July 2021; the lack of further activity on Jackson's bank account after 23 July 2021; and that a date in late July is most consistent with the forensic evidence.
128. The Commissioner of NSW Police and Detective A made no submissions on this issue and adopted the submissions of Senior Counsel Assisting.²³³
129. Clearly, Jackson was alive on 22 July 2021. I am not satisfied that there is sufficient evidence for me to make a finding as to the precise date of Jackson's death. I do find however that Jackson died sometime between 22 July 2021 (when he was last reliably seen alive) and 25 August 2021 (when his remains were discovered by police). I find it most likely that Jackson died closer in time to 22 July 2021 than 25 August 2021, noting all of the available evidence regarding this issue.

Issue 3 – the adequacy of the police investigation

130. On this issue I received submissions from Senior Counsel Assisting, and later on, from Jackson's family, the Commissioner of NSW Police, and Detective A. I also received submissions in reply from the family and the Commissioner. I note that the Commissioner of NSW Police and Detective A were represented by the same lawyers at this inquest, and any reference I make to submissions being made on behalf of the Commissioner should be understood, where relevant, to include a submission being made on behalf of Detective A.
131. Detective A was the officer in charge (OIC) of the investigation carried out by NSW Police into Jackson's death from when Jackson's remains were first discovered on 25 August 2021 until about early 2023 when Detective A commenced long term sick leave from the Police Force.²³⁴ Detective A was unavailable to give evidence at the inquest due to medical reasons. Detective Sergeant Donna Tutt took over as OIC of the police investigation following Detective A commencing sick leave.

²³¹ Senior Counsel Assisting submissions at [10].

²³² FWS at [15].

²³³ PWS at [1].

²³⁴ Transcript p 87

132. Jackson's family acknowledge that it is difficult to assess the adequacy of the police investigation as Detective A was unavailable to give evidence.²³⁵ Nevertheless, the family submit that there a number of clear deficiencies on the face of the investigation, and it is open for me to make a finding that the investigation was inadequate, even in the absence of Detective A giving evidence, as it is possible to draw inferences about the attitude taken during the investigation.²³⁶
133. The Commissioner submits that no criticism or positive findings ought be made concerning Detective A or the conduct of the investigation more broadly by police, in the absence of evidence or opportunity for explanation to be given by Detective A.²³⁷ The Commissioner submits that any consideration as to whether an investigation was adequate, particularly in terms of assessing the quality of the investigative decisions, ought to focus on what information the investigator/decision maker was in possession of at the time, rather than utilising a hindsight perspective.²³⁸
134. In dealing with this issue, it is important that I keep in mind that Detective A has not been able to give evidence or provide an explanation as to any alleged deficiencies of the investigation, at least as it relates to his involvement in this matter.
135. There is a large degree of overlap between the various alleged inadequacies in the police investigation. Notwithstanding the overlap, I have tried to address each of the inadequacies alleged under four sub-headings (as Senior Counsel Assisting addressed this issue in her written submissions):
- Whether the investigation was initially treated as suicide;
 - Various aspects of the initial investigation that appeared inadequate and might demonstrate that the investigation was impacted by a premature assumption of suicide;
 - Whether the matter should have been referred to the Homicide Squad; and
 - The length of time it took for a strike force to be created.

Whether the investigation was initially treated as suicide

136. On this topic, Senior Counsel Assisting referred me to the following:
- The initial report of death stated that the apparent case type was "suspected suicide".²³⁹ The autopsy report by Dr Clifton also stated that the police were initially treating the death as suicide and non-suspicious and the forensic autopsy was ordered after the death was reconsidered as suspicious.²⁴⁰ This is somewhat

²³⁵ FWS at [17].

²³⁶ FWS at [18].

²³⁷ PWS at [3].

²³⁸ PWS at [3].

contradicted by the oral evidence given by Dr Clifton that “the death at the outset was treated as suspicious”.²⁴¹

- b. While Detective Tutt initially said that she did not believe that the investigation was being treated as a suicide, she accepted that it was possible, given the description in the initial report and autopsy.²⁴² Detective Tutt also conceded that there were suspicious circumstances around the death that would have been evident during the initial investigation and that homicide could not be excluded.²⁴³
 - c. Crime Scene Officer Sergeant Haydon gave evidence that he believed the detectives were forming an opinion within the first week or early in the second week of investigations that it was more likely Jackson had passed away from a self-inflicted injury. He stated that the formation of the opinion that it was suicide did have impacts on further investigations, for example, decisions not to conduct certain investigations, but he could not recall specific decisions that were impacted.²⁴⁴
137. Senior Counsel Assisting submitted that in the absence of evidence from the original OIC, Detective A, it has not been possible to gain further clarity regarding this topic.²⁴⁵
138. On this topic, Jackson’s family submit that there is clear and reliable evidence that police, particularly Detective A, made an early assumption that Jackson’s death was suicide and that this influenced the investigation.²⁴⁶
- a. In a Situation Report apparently prepared on 25 August 2021, shortly after the initial discovery and removal of Jackson’s remains, the background states “He suffers from depression and has a history of drug and alcohol abuse. He had recently mad [sic] threats of self-harm saying he wanted to cut himself”. This report appears to have been prepared by Sergeant Haydon. The information could only have come to him from Detective A;
 - b. There is no reference to drug and alcohol abuse in the records available of either Ms MacFarlane’s account to police, or from Mr Whitehead. While Jackson clearly used drugs, the source of the term ‘abuse’ is not clear;
 - i. In reply on this point, the Commissioner submits that Detective A, in his statement at [58], explains what he understood to be the information provided by Ian Stacker concerning what Ms MacFarlane told Ian, which was, Jackson had earlier taken a cocktail of drugs which had affected his brain, and that he needed at least two years for his brain to recover. Further, at [69] of his statement, Detective A explained that he understood Ms MacFarlane was told

²⁴² Transcript p 119

²⁴³ Transcript p 144

²⁴⁴ Transcript p 222

²⁴⁵ Senior Counsel Assisting submissions at [60].

²⁴⁶ FWS at [19]

by doctors that Jackson had experienced a drug induced psychosis. Moreover, there is substantial evidence in this case that Jackson largely used illicit drugs. The court was made aware of a particularly significant event in 2019. At [85] of his statement, Detective A explains that he understood Mr Whitehead's evidence to be that he had seen Jackson consume LSD which seemingly led to Jackson becoming really upset and crying uncontrollably.²⁴⁷ The Commissioner submits further submits in reply that there is plainly other evidence which supports that Detective A may have (if not likely) uncovered evidence of drug abuse early in the peace, and this is why he may have referred to it when speaking with Sergeant Haydon, notwithstanding that there is no evidence of these specific conversations or correspondence which led to the creation of the 21 August 2021 SITREP.²⁴⁸

- c. There is no evidence in the brief to support the statement that Jackson threatened self-harm, or which clearly records where that information came from at that time;
 - i. There is no reference to self-harm in the records of Ms MacFarlane's report or Mr Whitehead's information. The record of such is also directly contrary to the statement from Mr Whitehead on 25 August 2021 that he did not know of any threats of self-harm;
 - ii. The P79A form suggests that this came from "Dylan Pike", but no statement or file note of that conversation is in evidence, and it is not referred to in Detective A's statement. Detective Tutt believes this to be Dylan Williams, rather than Dylan Pike however Mr Williams does not repeat this information in his statement on 31 August 2021; and
 - iii. It is also inconsistent with the evidence of Ms Kidis and others, although that was not known until later. The information appears to be simply inaccurate. However, as Detective A did not address this in his statement, there is no indication of whether the lack of confirmation caused him to change his views in any way.
 - 1. In reply on this point, the Commissioner refers to [82] of Detective A's statement which explains that Dylan Williams told him about how Jackson had said on one occasion that he 'wanted to end his life'. Whether such a statement, it is submitted, is an actual threat of self-harm misses the point concerning the factors that may have been evident to Detective A, and indeed whether 'self-harm' was a relevant factor at that time concerning the early phase of a deceased person investigation. The Commissioner also referred to [164] of Detective A's

²⁴⁷ Police reply submissions (PRS) at [5]-[7].

²⁴⁸ PRS at [8].

statement which refers to a conversation that he had with Mr Murray who said that Mr Whitehead had told him (Mr Murray) that Jackson was depressed and had talked about suicide. Reference was also made to [145] of Detective A's statement which refers to the evidence of Mr Trimarchi who told Detective A that Jackson told him suicide would come to his mind in the context of observing Jackson as being troubled. Hence, it is submitted by the Commissioner, that the evidence from Detective A and the way that he summarised the evidence in the coronial brief on this issue provides reasoning or insight concerning why he would reasonably have considered that there was evidence of self-harm in this matter. As to the more specific question of whether Detective A had evidence of self-harm at the time of the SITREP dated 25 August 2021, it could not be suggested that there is no reasonable possibility that Detective A had acquired that evidence earlier or somehow, given the evidence in his statement concerning self-harm generally in this case, and in the absence of such a proposition being put to him in a court, and Detective A being given a fair opportunity to respond to it.²⁴⁹

- d. Similar statements appear in the SITREP prepared by Sergeant Neaves, and in the records of the only report made to Homicide on 25 August 2021;
 - e. By the next day, 26 August 2021, the P79A Report of Death to the Coroner states "Suspected Suicide" from a "Possible self-inflicted knife wound", and that separation of the head appears to be "due to animal interaction". As was clear from the forensic evidence, none of these matters can be either ruled in or out – and, as at 26 August 2021, there was no forensic basis to suggest suicide was more likely than any other alternative. This document therefore apparently reflects the views at this time of police, and particularly Detective A. That report repeats the incorrect information in respect of a history of drug and alcohol abuse, self-harm, and "going off the grid".
139. The family submit that these records support the evidence of Sergeant Haydon to the effect that Detective A appeared to conclude that suicide was the most likely option. Indeed, it is submitted by the family that , it would be unrealistic to believe that, having formed that view, there was no impact on Detective A's decision making:²⁵⁰
- a. These records suggest that this conclusion was formed very early in the investigation, and as early as the first discovery of Jackson's body;
 - b. Both Ms MacFarlane and Ian Stacker have expressed their concerns that the investigation proceeded on the basis of an assumed suicide;

²⁴⁹ PRS at [9]-[10].

²⁵⁰ FWS at [20]

- c. Others have also indicated that they felt that there was a focus on suicide during investigations, including Adam Kaoullas who recalls police at Byron Bay police station referring to Jackson's case as "the suicide case" shortly after Jackson was found; and
 - d. The same early documents suggest that police considered Jackson to be, effectively, homeless. The P79A states he was "living an itinerant lifestyle"; the record by Homicide stated he had "been residing in his vehicle", and the SITREP by Sergeant Neaves states he was "living in his van [sic]". While superficially true, these statements do not distinguish between a homeless lifestyle and the travelling lifestyle Jackson had adopted, and the support he was given by his family and friends. Again, this was not apparently corrected later. The suggestion of homelessness is apt to suggest a more troubled life than was accurate and to unfairly affect perceptions of Jackson.
 - e. The police observation that the knife was "in the vicinity" of Jackson's right hand is unreliable and inconclusive. Jackson's body had been moved before police saw the knife, and there are a number of explanations as to why Jackson's body may have ultimately arrived in that position. However, that observation is liable to mislead by suggesting that the hand was on or near the knife itself and contribute unfairly to a view that the wound was self-inflicted.²⁵¹
- 140. The family submits that it is open for me to find that the investigation by police was affected by an early erroneous conclusion that the death was a suicide.
 - 141. The Commissioner submits that Detective A's perspective can be derived from various pieces of evidence, including his own official police statement, and from the evidence of conversations he had with Detective Sergeant Tutt who took over the investigation.
 - 142. The Commissioner submits that, from his perspective, Detective A had a difficult task of trying to find the truth, given Jackson's body was decomposed, the investigation was hampered by inclement weather and the investigative team reasonably considered that Jackson's body had been interfered with by animals.²⁵²
 - 143. The Commissioner referred me to the following evidence in support of the contention that Detective A kept an open mind about possibilities concerning cause and manner of death:²⁵³
 - a. Detective A at [242] of his statement; 'I do not know for sure what happened to the deceased when he left Byron Bay.' Detective A later offers an opinion about the likely cause in the same paragraph. This suggests although he held a view that suicide was likely, Detective A was never wedded only to an assumption of suicide.

²⁵¹ FWS at [21]

²⁵² PWS at [5].

²⁵³ PWS at [6].

- b. Detective A at [243] of his statement; 'I have not found any other evidence to suggest that some other person was involved with the deceased dying, however this is also a possibility,'.
- c. Detective Sergeant Tutt came into the matter believing that the cause of death was not an open and shut case. Importantly, that view was informed by conversations, among other things, that she had with Detective A.
- d. Detective Sergeant Tutt gave evidence that Detective A had communicated that he simply did not know what had happened.
- e. Because of the information provided to her (mainly by Detective A), Detective Sergeant Tutt was appropriately open to several avenues of inquiry.
- f. In material respects, Detective Sergeant Tutt gave evidence that at the time she became involved in the investigation, she did not identify any fundamental failure to comply with any NSWPF standard operating procedure or policy, by any of the investigative team.
 - i. On this point, the family submitted that:²⁵⁴
 - 1. The relevant police operating procedures are not in evidence.
 - 2. It is not possible for this inquest to positively confirm that there has been no breach.
 - 3. Detective Sergeant Tutt's evidence to this effect must be weighed against her erroneous belief at that time that there had been a report to Homicide, her error in not identifying the mistaken advice about reporting a missing person, and her self-reported limited involvement in the early investigation

144. The Commissioner submitted that the following is evidence of the police investigation being conducted without an assumption of suicide in the early days of the investigation:²⁵⁵
- a. As referred to in Detective A's statement, extensive enquiries were conducted with Jackson's relevant contacts. An extensive number of written and audio/video statements were obtained by Detective A during his investigation.
 - b. Detective A in his statement variously outlines innumerable other investigation actions including, but not limited to:
 - i. gathering of phone CCTV records and the like,
 - ii. Google and data account enquiries,
 - iii. gathering of banking records,
 - iv. gathering previous medical records,
 - v. creation of topographical maps,
 - vi. carrying out of a canine search near Sleepy Hollow,

²⁵⁴ FWS at [40].

²⁵⁵ PWS at [2].

- vii. coordinated land search,
 - viii. enquiries at last known locations,
 - ix. physical examinations of Jackson's HiAce van,
 - x. photographing and recording of the crime scene by trained crime scene examiners,
 - xi. canvases,
 - xii. gathering of CCTV footage,
 - xiii. examination of DNA samples,
 - xiv. and the forensic pathology examinations.
- c. The nature of the enquiries above are inconsistent with the proposition that Detective A personally had a pre-determined view – and closed mind – that Jackson had died by suicide.
- d. Although it seems apparent from his official police statement and from other evidence, that Detective A may have preferred the suicide theory over another, his view did not impede or restrict his investigation, and that he kept an open mind by continuing to gather relevant evidence from several sources.
- e. Moreover, Dr Clifton's evidence that they understood the death was being treated as suspicious supports the above proposition, when combined with the nature of the inquiries referred to at (b).
- f. When pressed, Sergeant Haydon was unable to specify what investigations were not carried out due to a suspicion of suicide, despite holding the view that investigators were focusing on the suicide theory.
145. In reply to the Commissioner's submissions, Jackson's family submitted that Jackson's death was a "reportable death" under section s 6(1) because it was "violent or unnatural", whether or not officers also considered there were "suspicious or unusual circumstances". Accordingly, police had an obligation to report Jackson's death to the coroner and in these circumstances, a postmortem examination was necessary to establish cause of death and an investigation was required. In the circumstances, such steps would always have occurred regardless of the views of any investigating police as to the likelihood of suicide. Investigating police, including Detective A, must have known or anticipated that such an investigation would be required and a brief prepared.²⁵⁶
146. The family further submit in reply that:²⁵⁷
- a. The involvement of dogs and a land search was arranged and commenced when Jackson was considered a missing person. They are not relevant to considering the adequacy of the later investigation.

²⁵⁶ Family reply submissions (FRS) at [3]-[5].

²⁵⁷ FRS at [7].

- b. The fact of forensic pathology investigations, the involvement of crime scene investigators, the review of the van and collection of physical evidence, and making of inquiries at last known locations and canvases go no further to proving or disproving the adequacy of the investigation as a whole. It is submitted that these are steps required in the circumstances, anticipating a brief of evidence to be provided to the coroner. It is submitted that what is relevant is the extent and adequacy of those steps.
 - c. The forensic pathology examination was required due to the nature of the death. The decision to involve a forensic anthropologist was made by Dr Clifton (transcript p 184), and it was Dr Clifton who made the amended recommendation that the death be treated as suspicious. While police may have agreed for that change to occur, the evidence is insufficient to say whether Detective A's views for the rest of the investigation relevantly changed.
147. The Commissioner, in reply generally to the submissions of the family, submitted that flaws in the investigation are not evident 'on their face', and that, respectfully, there is never a perfect investigation.²⁵⁸ The Commissioner further submits that any pejorative finding as against Detective A or the NSW Police with regards to the attitude taken during the investigation would be based almost entirely on drawing adverse inferences in relation to some aspects. Hence, it is submitted, a positive finding that an investigation was flawed would, respectfully, require the court to reach a state of satisfaction in circumstances where other reasonable possibilities exist, that is, Detective A may have offered reasonable explanations for any and all of the criticisms levelled by Jackson's family or cast a different light on those matters. Generally, the Commissioner submits such findings are not reasonable and are not open to the court.²⁵⁹

Consideration

148. On the evidence before me, and in the absence of being able to hear from Detective A at the inquest, I am not able to make a positive finding that the investigation conducted by Detective A was flawed due to any assumption by him that the likely cause of Jackson's death was suicide.

Various aspects of the initial investigation that appeared inadequate and might demonstrate that the investigation was hampered by a premature assumption of suicide

149. Senior Counsel Assisting submitted that there are various aspects of the initial investigation that appear inadequate and might demonstrate that the investigation was hampered by a premature assumption of suicide. These potential deficiencies include:²⁶⁰

²⁵⁸ PRS at [3].

²⁵⁹ PRS at [3].

²⁶⁰ Senior Counsel Assisting submissions at [63].

- a. There were substantial delays in locating persons of interest, including putting out an alert on Mr Stanek's car and discovering links between Mr Stanek and other relevant witnesses, including 'Gabriella'. Detective Tutt could not identify a reason why these enquiries were not made in 2021.²⁶¹ There were no enquiries to identify "Matthew" in 2022 which may have limited the prospect of identifying him at all;²⁶²
 - b. There was an apparent delay in requesting and analysing phone records and social media data;²⁶³
 - c. The residents of several neighbouring properties were not interviewed promptly, meaning evidence about a possible campfire proximate to Jackson's death was not uncovered and investigated sooner;
 - d. The vape was not tested for DNA at the time it was located but only much later.²⁶⁴ This is because it was not initially identified by the officers as a vape.²⁶⁵ Further inquiries about where the vape was purchased and, by whom, were accordingly not pursued;²⁶⁶
 - e. No enquiries were made of witnesses about whether anyone associated with Jackson (as opposed to Jackson himself) carried a knife of the relevant type.²⁶⁷ These would have been prudent enquiries to make to identify the potential owner of the knife and relevant evidence about whether another person was at the scene;²⁶⁸
 - f. Relevant CCTV footage had expired by the time relevant holders were consulted, and would not have expired if enquiries had been more promptly made;²⁶⁹ and
 - g. It would have been prudent to make enquiries concerning who collected the cardless cash in Jackson's bank records, as who Jackson was providing money to in the days prior to his death could have been relevant.²⁷⁰
150. Senior Counsel Assisting also noted that the initial line search did not locate several relevant materials, including one of Jackson's teeth found subsequently by Ms MacFarland in 2022, and the finger bones found in a further line search in August 2023.²⁷¹ However, in both Detective Tutt and Sergeant Haydon's opinions, this does not mean the initial line search was not thorough given the passage of time may uncover further evidence and the difficulty occasioned by the state of decomposition.²⁷²

²⁶¹ Transcript p 128.

²⁶² Transcript p 145-6.

²⁶³ Google takeout had not been reviewed as at 29 June 2022 – Tab 11, statement of Detective A [202]-[206]. Telstra records were not requested until 17 September 2021 – Tab 11, statement of Detective A at [193].

²⁶⁴ Transcript p 124.

²⁶⁵ Transcript p 208.

²⁶⁶ Transcript p 124.

²⁶⁷ Transcript p 124.

²⁶⁸ Transcript p 124.

²⁶⁹ Transcript p 140.

²⁷⁰ Transcript p 142.

²⁷¹ Senior Counsel Assisting submissions at [64].

²⁷² Transcript p 126, 215.

151. Senior Counsel Assisting submitted that it is open for me to find on the available evidence that the early investigation was inadequate or at least below optimum standards in some respects. Senior Counsel Assisting submitted, however, any finding as to the adequacy of the police investigation must acknowledge that several officers were unable to give evidence at the inquest and thus have not had an opportunity to defend themselves or explain the relevant investigative acts or omissions, including Detective A.²⁷³ Senior Counsel Assisting accordingly submitted that it would be open for me to conclude that some aspects of the early investigation raised concerns but there is insufficient evidence to conclude the early investigation was inadequate.²⁷⁴
152. Senior Counsel Assisting submitted that Detective Sergeant Tutt cannot be criticised for her outstanding and proactive assistance to this inquest, and her conduct of the investigation by making thorough and prompt inquiries as the OIC.²⁷⁵ The Commissioner adopted this submission,²⁷⁶ and I accept it.
153. Jackson's family submitted that there is evidence that the circumstances were reconsidered as suspicious at some later time. However, this does not appear to have resulted in any significant change in the approach and a number of avenues of investigation were not followed. There were further investigative avenues which were either delayed or neglected entirely it is submitted:²⁷⁷
- a. Searches of the location did not locate either teeth or finger bones later found on further searches. Sergeant Haydon confirmed that knowing whether teeth or finger bones were in fact missing would be an important matter to understand in an investigation.²⁷⁸ No apparent effort was made to confirm whether all of Jackson's fingers were accounted for, nor were adequate searches made for the missing teeth (as evidenced by the later discovery of a tooth in 2022). The family accepts that missing teeth or fingers is not determinative, but submits it was sufficiently relevant to require investigation;
 - b. Once a further tooth was located in October 2022, a further search was not conducted for almost 12 months (August 2023), and at the request of the Coroner;
 - c. No effort was made to find Mr Stanek, despite him being identified early. Neither were any separate efforts made to identify "Matty", who could be identified by Anton Stafford in October 2021. As confirmed by Detective Sergeant Tutt, there was no reason this could not have been done at the time;

²⁷³ I note that Senior Constable Thorn has disengaged from the NSW Police and declined to respond to requests regarding providing a statement – see tab 1 at [94].

²⁷⁴ Senior Counsel Assisting submissions at [65].

²⁷⁵ Senior Counsel Assisting submissions at [66].

²⁷⁶ PWS at [5].

²⁷⁷ FWS at [22]

²⁷⁸ T 215:41-47

- d. The vape was not tested nor were any efforts made to identify what it was, despite it being an unusual item, found in close proximity to Jackson, and in a place where there was usually no rubbish. It would have been possible to identify the vape had enquiries been made.²⁷⁹ This cannot possibly be acceptable in a proper investigation of a potential homicide;
- e. No inquiries were made from those who could have given evidence about the van's position and length of time at the rest stop – including highway patrol and the cleaners from the rest stop. This evidence has now been lost;
- f. Despite having information about Jackson's possible last locations, thorough CCTV enquiries were not made immediately. Most notably, even though Mr Whitehead had identified Jackson's last date of communication and sighting at Main Beach Car Park on 22 or 23 July in his conversation with Senior Constable Barrenger²⁸⁰, that CCTV footage was not sought until 1 September 2021.²⁸¹ It took until 1 September or later for Detective A to drive the route and seek footage along that route. This was an obvious enquiry that ought to have been done immediately, particularly where there was a risk of footage being lost;
- g. While witnesses were asked if Jackson owned a knife, no enquiries were made about who the knife might have belonged to.²⁸² Detective A was not available to explain why that was so, however it is notable in the absence of any other apparent efforts to identify the owner of either the knife or sheath;
- h. Despite being told by Dylan Williams that Jackson had been "given a hard time" in the week before his disappearance, and despite asking for the name of the employer, it appears that only superficial inquiries were made with Sasha Batcheldor. Mr Batcheldor was later able to confirm reports of threats. There is no indication as to why that was not identified earlier. Had proper inquiries been made, it is likely that the threats by Jamie Simpson would have been identified earlier.²⁸³ It has been beyond the scope of this inquest to investigate this avenue further;
- i. Enquiries into Jackson's social media messaging, which might have identified any relevant changes in communication;²⁸⁴
- j. No enquiries were made about the collection of cardless cash or the repeated sending of money to Mr Whitehead and Mark Christopher. This is an obvious line of enquiry relevant to whether Jackson had debts or if there may have been a monetary dispute contributing to his death;

²⁷⁹ Transcript 124:31-32

²⁸⁰ Brief Tab 17A at 4.

²⁸¹ Brief Tab 11 – Statement of Detective A at [48].

²⁸² Detective Sergeant Tutt agreed this would have been prudent: T124:41-46.

²⁸³ Second Service Brief Tab 47.

²⁸⁴ Transcript p 130-132.

- k. No enquiries were made to identify the owner of the car in which Mr Whitehead was travelling on 25 August 2021;²⁸⁵
 - l. Detective A did not make the following inquiries until mid-2022:
 - i. Enquiries of the importer as to the possible source of the knife; and²⁸⁶
 - ii. Enquiries about whether cattle were in the paddock at the relevant times.²⁸⁷
 - m. The following enquiries were not made until 2023 or later (and at the apparent request of the Coroner):
 - i. Investigations into the gear oil container, oil and mechanical state of the van;²⁸⁸
 - ii. Enquiries of with persons with a possible view of the paddock, including Glennis Virtue;²⁸⁹
 - iii. A statement from Anton Stafford, who purchased the stolen camera;²⁹⁰
 - iv. Enquiries of "Gabby", who was said to have had an altercation with Jackson;²⁹¹
 - v. A statement from Mr Hutchin about his possible sighting of Jackson;²⁹²
 - vi. Checks as to whether either the SIM or handset from Jackson's phone have been used since 25 August 2021; and²⁹³
 - vii. Enquiries of Mr Dassler as to his observations of a similar van.²⁹⁴
154. The family submit that not all of the alleged failures or delays had direct impacts on the available evidence and in a number of cases, those investigations have now been carried out but have not identified any relevant evidence.²⁹⁵ Jackson's family submit however even where further enquires did not identify relevant evidence, the inadequacies themselves (and the number of them) are indicative of an unacceptable lack of care and diligence in the investigation. The family submit that while not every matter must be followed up to comply with standard operating procedures, a number of these matters were clearly highly relevant, and Detective Sergeant Tutt accepted they would have been at least prudent to have been conducted.²⁹⁶ Jackson's family submit that while it could not be put to Detective A, the obvious inference available is that the investigation suffered as a result of an assumption that this was suicide.²⁹⁷

²⁸⁵ T 122:21-123:4

²⁸⁶ Brief Tab 11 – Statement of Detective A at [41].

²⁸⁷ Brief Tab 26.

²⁸⁸ Second Service Brief Tab 5, Tab 6, and Brief 1.11.2024 Tab 57.

²⁸⁹ Second Service Brief Tab 1 – Statement of DSGT Tutt at [23]-[51].

²⁹⁰ Second Service Brief Tab 1 – Statement of DSGT Tutt at [67].

²⁹¹ Second Service Brief Tab 1 – Statement of DSGT Tutt at [132].

²⁹² Second Service Brief Tab 1 – Statement of DSGT Tutt at [137].

²⁹³ Second Service Brief Tab 1 – Statement of DSGT Tutt at [143].

²⁹⁴ Second Service Brief Tab 46.

²⁹⁵ FWS at [23].

²⁹⁶ FWS at [24].

²⁹⁷ FWS at [25].

155. The family further submit that some of the alleged failures had specific impacts which have limited the evidence now available;²⁹⁸
- a. The delays in searches for Mr Stanek and Matty have meant that Matty has not been positively identified and investigators do not know where the remaining stolen items are. This is clearly relevant because it may either explain the apparent movement of Jackson's mobile phone in late July or, provide further avenues for inquiry or a further basis to infer that either another person was with Jackson at the time of his death, or his death was much later than it appears;
 - b. As Jackson's remains have now been cremated, it is no longer possible to determine if all finger bones have been accounted for;
 - c. The passage of time means those who may have given relevant evidence are either no longer available or records and memories have been lost. This includes evidence from cleaners, highway patrol and others who may have observed the van. This also includes the obvious fading of memories;
 - d. Failure to identify the vape has meant there could be no enquiries made at the time to identify possible persons who may have bought the vape. This is likely to now be impossible; and
 - e. It appears that further enquiries as to cardless cash are unlikely to be fruitful.
156. The family submit that as a result of the gaps in investigation, there remain a number of matters which are unexplained, and which can be considered suspicious and that it is open to me to find that the investigation by police was inadequate.²⁹⁹
157. The Commissioner submitted that despite the delays in attending to some of the matters as referred to in Counsel Assisting's submissions at [63], there are many factors which dictate which particular investigative matters, across a police officer's portfolio of cases, are given priority – such is clear from the examination of Detective Sergeant Tutt at T 149: 40 to T 151: 35.³⁰⁰
158. The Commissioner submitted that no criticism or positive finding ought be made concerning Detective A or the conduct of the investigation more broadly by the NSW Police, in the absence of evidence or opportunity for explanation to be given by Detective A.³⁰¹
159. In reply on this topic, Jackson's family submitted that several investigative steps occurred only after some time (and sometimes considerable delay);³⁰²

²⁹⁸ FWS at [26].

²⁹⁹ FWS at [27]-[28].

³⁰⁰ PWS at [2d].

³⁰¹ PWS at [3].

³⁰² FRS at [7d]

- a. Phone records were requested on 17 September 2021 and 1 October 2021,³⁰³ with further records on 20 March 2023.³⁰⁴ Detective A sought information about “the possibilities of accessing data or technology that may be able to identify the exact location of the mobile phone handset” on 1 June 2022;³⁰⁵
 - b. Google and data account information was received in June 2022, from Sandra MacFarlane.³⁰⁶ Detective A does not address when or how he first attempted to obtain that information. Constable McCarthy included Jackson’s social media account details and bank details in his notes on 24 August 2021, as part of the missing persons report³⁰⁷ and there is evidence that some form of “take out” was available in October 2021;³⁰⁸
 - c. Bank records were received in June 2022.³⁰⁹ There is no record of when the request was issued, although again Jackson’s bank details were known from 24 August 2021;³¹⁰
 - d. The medical records in the brief appear to have been provided in 2022 and 2023,³¹¹ and in at least one case to have been provided directly to the Coroner. Again, there is no evidence on when they were first sought;
 - e. The map at Tab 39 similarly appears to have been created in September 2022, as part of Operation Fanshawe.
160. Jackson’s family accept that there is a lack of evidence as to whether, in any particular case, there was some reason for the delay, such as between making enquiries and receiving information, and that I am therefore limited in terms of making specific findings. Notwithstanding this acceptance, the family submit that there are multiple such delays, across more than one type of request, and in circumstances where the necessary information appears to have been available early in the investigation. Inferences may be drawn in all the circumstances, taking into account the number and extent of the delays in the investigation.³¹²
161. Further, in reply the family submit that:
- a. The taking of investigative steps is not inconsistent with the investigation being affected by a belief that the death was suicide and that the question for me is whether, looking at the investigation overall, the investigation was not adequate.³¹³

³⁰³ Digital Evidence Items 2 and 3.

³⁰⁴ Digital Evidence Item 3A.

³⁰⁵ Brief, Tab 11, Statement of Detective A at [199].

³⁰⁶ Brief, Tab 11, Statement of Detective A [204].

³⁰⁷ Brief Tab 46B at 15.

³⁰⁸ Second Service Tab 43, Statement of Sandra MacFarlane [89].

³⁰⁹ Brief, Tab 11, Statement of Detective A at [208].

³¹⁰ Brief Tab 46B at 15.

³¹¹ Brief Tab 47, Tab 48 and Tab 50.

³¹² FRS at [8].

³¹³ FRS at [9].

- b. Contrary to the submission of the Commissioner, it is not necessary for me to find that Detective A absolutely closed his mind to other possibilities. As noted by the Commissioner, there are a number of matters which might influence the conduct of an investigation. That includes what matters are given priority and, it is submitted, the priority which the officer gives to that investigation. It is self-evidently possible for an officer's own views to have influenced decisions as to the priority, course and conduct of the investigation, even while the investigation otherwise proceeded and without finding that he had absolutely closed his mind to other options.³¹⁴
 - c. While it is open to find the investigation was affected by views about suicide, it is nevertheless possible to be satisfied that the investigation was not adequate on the basis of the present evidence, even in the absence of comment from Detective A and without making findings as to his state of mind.³¹⁵
162. In reply on this topic, the Commissioner submitted that the criticisms of investigative action not being carried out as the family have referred to broadly, assume no enquiries were made in circumstances where it is unclear whether enquiries were in fact completed. The fact of no record of an enquiry being conducted it is submitted is not evidence that no enquiry was conducted; it belies the submission that whether those enquiries were carried out and, if not why not, are factors which remain inconclusive.³¹⁶

Consideration

163. I accept the submissions of Senior Counsel Assisting on this topic and I find that some aspects of the early investigation raised concerns but there is insufficient evidence to conclude the early investigation was inadequate.

Whether the matter should have been referred to the Homicide Squad

164. Senior Counsel Assisting submitted that due to the unusual presentation of the body and scene and various suspicious circumstances, including the lack of any known connection between Jackson and the knife, this was a matter that was appropriate to be referred to the Homicide Squad, even just for initial assistance. Senior Counsel Assisting referred me to the evidence of Detective Sergeant Tutt which was that the Homicide Squad was initially notified of the death by Detective A on 26 August 2021, however, there is no record of a formal request for Homicide Squad assistance and Detective Tutt, in a subsequent statement, now believes a request was never made.³¹⁷
165. On this topic, Jackson's family submitted that other than in initial call to the Homicide Squad on the day Jackson was found, there appears to have been no further engagement, and no effort was ever made to seek the assistance of Homicide. The family referred me to the evidence of Detective Sergeant Tutt that matters were required to be

³¹⁴ FRS at [10].

³¹⁵ FRS at [11].

³¹⁶ PRS at [12].

³¹⁷ Senior Counsel Assisting submissions at [61].

reported to Homicide promptly where there was any suggestion of suspicious circumstances and Detective Sergeant Tutt agreed that there were suspicious circumstances in this case. Jackson's family submit that a report to the Homicide Squad was clearly necessary and did not occur at any time and there is no explanation available as to why Homicide was not further informed of these circumstances and assistance sought, especially when the physical evidence was so inconclusive.³¹⁸ Further, Jackson's family submitted that no proper report has ever been made to the Homicide Squad beyond the initial notification and proper procedure required a further report at the point where suspicious circumstances were confirmed.³¹⁹

166. The Commissioner submitted that it is unclear on the evidence whether homicide was contacted and, what was the depth of that inquiry if it was made. It is submitted the court should not make any positive findings concerning whether Detective A in fact contacted Homicide - and the nature of those inquiries or correspondence - in the absence of evidence from Detective A who is the person best placed to confirm what actually happened in this regard.³²⁰
167. The family submitted that contrary to the submission of the Commissioner, the evidence regarding a report to the Homicide Squad is clear; no request was ever made, and any suggestion that there might be unrecorded informal communication is pure speculation.³²¹
168. In reply, the Commissioner submitted that the inquiry made by Detective A to the Homicide Squad and the depth of any enquiry is plainly unclear.³²²

Consideration

169. I accept the submission of Senior Counsel Assisting and find that this was a matter that was appropriate to be referred to the Homicide Squad, at least for initial assistance.

The length of time it took for a strike force to be created

170. A strike force, Strike Force Fanshaw, was established in November 2022. Detective Tutt described a strike force as a 'step up from a normal investigation' as there are greater resources available.³²³ Senior Counsel Assisting submitted that it is unclear why it took until 2022 for a strike force to be created. Detective Tutt agreed that it was usual practice that a strike force is created for a suspected homicide,³²⁴ however she stated that the absence of a strike force does not necessarily mean that the investigation is not being given priority.³²⁵

³¹⁸ FWS at [22].

³¹⁹ FWS at [33].

³²⁰ PWS at [4].

³²¹ FRS at [12].

³²² PRS at [11].

³²³ Transcript p 87.

³²⁴ Transcript p 114.

³²⁵ Transcript p 151.

171. The family submitted that Detective Sergeant Tutt could give no explanation as to why the creation of a strike force was delayed, or what prompted its establishment in November 2022. She accepted that it would have been appropriate to have done so much earlier.³²⁶
172. The Commissioner submitted that Detective Sergeant Tutt gave evidence that the focus of a strike force was the collation of information in a coordinated manner using the 'Eaglei' system, rather than necessarily the disposition or deployment of additional resources.³²⁷

Consideration

173. I find that there is an insufficient explanation as to why there was a delay in establishing a strike force and find that it would have been appropriate establish a strike force much earlier, noting that one of the benefits of the creation of a strike force is collation of information in a coordinated manner using the Eaglei system.

Findings required by s 81(1)

174. I make the following findings as required by s 81(1):
- Identity: The person who died was Jackson Stacker (Jackson).
 - Date of death: Jackson died between 22 July 2021 and 25 August 2021.
 - Place of death: Jackson died in Sleepy Hollow, New South Wales.
 - Cause of death: The cause of Jackson's death is unascertained
 - Manner of death: The manner of Jackson's death is unascertained.

Recommendations

175. Jackson's family submit that I should make the following recommendation:³²⁸

The matter of the death of Jackson Stacker, and all investigations and available evidence to date, be referred to the Homicide department of the New South Wales Police for review and consideration of any further avenues of investigation.

176. In support of the proposed recommendation, the family submitted that no proper report of this matter has been made to the Homicide Squad, and considering the alleged inadequacies of the investigation, it is necessary and proper for a referral to the Homicide Squad to be made now.³²⁹
177. The Commissioner adopted a neutral position on the question of the proposed recommendation submitted by the family. The Commissioner did submit however that if I consider that this matter should be referred to the Homicide Squad of the NSW Police,

³²⁶ FWS at [22o].

³²⁷ PWS at [2e].

³²⁸ FWS at [44]

³²⁹ FWS at [33]-[34].

the matter should be referred to the "NSW Homicide Squad, Unsolved Homicide Team, for the assessment in accordance with their standard operating procedures".³³⁰

178. I will recommend, as Jackson's family have suggested, that Jackson's death be referred to the Homicide Squad, however, the recommendation will be expressed as suggested by the Commissioner.³³¹ Accordingly, I make the following recommendation pursuant to s 82(2)(b):

To the Commissioner of NSW Police, I recommend:

That the death of Jackson Stacker be referred to the NSW Homicide Squad, Unsolved Homicide Unit, for the assessment in accordance with their standard operating procedures.

Acknowledgements and concluding remarks

179. It is clear to me that Jackson meant a lot to many people, and his passing came as a great shock and was felt deeply by those who knew him, none more so than his parents, Ian and Sandy, and other members of Jackson's family who attended court each day of the inquest. I offer my sincere condolences to all affected by Jackson's passing.
180. I thank Senior Counsel Assisting, Ms Kirsten Edwards SC, and her instructing solicitor, Mr Luke Sampson of the NSW Crown Solicitor's Office, for the thorough and diligent assistance they provided to me during this inquest. Finally, I also thank Detective Sergeant Tutt for conducting a comprehensive and thorough investigation which assisted me greatly.
181. I close this inquest.



Judge Teresa O'Sullivan
NSW State Coroner

³³⁰ PRS at [13].

³³¹ Shortly after I handed down of my findings on 23 April 2026, the Commissioner informed me that the "Unsolved Homicide Team" has recently been re-named the "Unsolved Homicide Unit". Accordingly, my recommendation will refer to the "Unsolved Homicide Unit".