



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2015 2722

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 63(1)*

*Section 67 of the Coroners Act 2008*

Findings of:	<b>JOHN CAIN, STATE CORONER</b>
Deceased:	<b>BRITTANY HARVIE</b>
Date of birth:	31 July 1992
Date of death:	3 June 2015
Cause of death:	I(a) Complications of blunt force trauma to head, neck and chest
Place of death:	Keely Park, Main Road, Clayton South, Victoria, 3169
Catchwords:	Intimate partner homicide; family violence; death resulted directly from injury; unexpected; violent; not from natural causes; multiple blunt force trauma

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## **HIS HONOUR:**

### **BACKGROUND**

1. Britney Harvie (**Ms Harvie**) was 22 years old at the time of her death. Ms Harvie was born in Victoria to Lorene Stevenson (**Ms Stevenson**) and Kevin Harvie (**Mr Harvie**). She is survived by her two young daughters.
2. Ms Harvie's parents separated when she was five years old. Ms Harvie spent time initially with her mother before moving in with her father and her paternal grandparents.<sup>1</sup> Ms Harvie was particularly close with her grandfather who passed away when she was approximately 14 years old. Due to the grief from her grandfather passing away, Ms Harvie moved to live with her with her mother in Frankston.<sup>2</sup>
3. Whilst living with her mother, Ms Harvie commenced a relationship with Ben Duncan (**Mr Duncan**). Ms Harvie left her mother's home to live with Mr Duncan when she was 16 years old and fell pregnant with her first daughter who was born on 13 June 2010.<sup>3</sup> The relationship between Ms Harvie and Mr Duncan ended after a short period and Ms Harvie entered a residential drug rehabilitation centre to assist with her Cannabis dependency whilst Mr Duncan had care of their daughter.<sup>4</sup>
4. Ms Harvie met Jude Thompson whilst she was in rehabilitation and formed a relationship.<sup>5</sup> Ms Harvie fell pregnant with her second daughter. Their relationship ended towards the end of 2014.<sup>6</sup>
5. Ms Harvie met Mr Aleluia in June 2014 and commenced a relationship in December 2014 whilst they were both living at a boarding house in Endeavour Hills.<sup>7</sup> At this time, Ms Harvie was several months pregnant with her second child.
6. Ms Harvie and Mr Aleluia stayed in the boarding house in Endeavour Hills until January 2015 and then lived with Ms Harvie's mother for a month before becoming homeless. In the

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<sup>1</sup> *Coronial Brief*, Statement of Lorene Stevenson dated 29 July 2015,118; Statement of Kevin Harvie dated 30 July 2015, 136-137

<sup>2</sup> *Coronial Brief*, Statement of Lorene Stevenson dated 29 July 2015,121

<sup>3</sup> *Coronial Brief*, Statement of Kevin Harvie dated 30 July 2015, 138-139

<sup>4</sup> *Ibid*

<sup>5</sup> *Coronial Brief*, Statement of Kevin Harvie dated 30 July 2015, 139

<sup>6</sup> *Coronial Brief*, Statement of Dawn Harvie dated 28 July 2015, 156; Statement of Shivani Pillay dated 28 July 2015, 164

<sup>7</sup> *Coronial Brief*, Statement of Shivani Pillay dated 28 July 2015, 164

months before her death, Ms Harvie and Mr Aleluia lived a transient lifestyle with friends, family and in a car that Ms Harvie purchased in April 2015.<sup>8</sup>

7. The evidence available in the coronial brief suggests that Mr Aleluia perpetrated family violence against Ms Harvie throughout their relationship. In an interview with police following his arrest for Ms Harvie's death, Mr Aleluia admitted that he would become violent when Ms Harvie interacted with other people and that he had physically assaulted her whilst they were staying in Moe with her mother.<sup>9</sup>
8. Mr Aleluia also appears to have had a history of perpetrating family violence. Prior to Mr Aleluia's relationship with Ms Harvie, he was engaged in a two-year relationship with Ms Jazmine Corrales (**Ms Corrales**) with whom he had one child.<sup>10</sup> Ms Corrales reported that during their relationship, Mr Aleluia was extremely violent towards her and would frequently threaten to harm her and their child.<sup>11</sup> During arguments, Ms Corrales advised that Mr Aleluia would sometimes hold their child and threaten to throw him on the floor.<sup>12</sup>
9. Ms Corrales also reported that Mr Aleluia would exhibit extreme jealousy and control over her and reported that Mr Aleluia was extremely physically and sexually violent towards her throughout their relationship and that his behaviour worsened after she became pregnant.<sup>13</sup> Mr Aleluia's violence led Ms Corrales to obtain an FVIO against him on 14 July 2014.<sup>14</sup> Following the making of this order, Mr Aleluia breached the FVIO twice on 11 March 2015, by contacting Ms Corrales via *Facebook*.<sup>15</sup>
10. Whilst Ms Harvie did not disclose her experience of violence to anyone prior to her death, several incidents throughout the relationship indicate that Mr Aleluia was both physically and emotionally violent towards Ms Harvie.

### **Family violence incident on 10 February 2015**

11. On 10 February 2015, police were contacted by Moe Station Master, Ms Pugsley, and several other witnesses after Mr Aleluia was seen striking Ms Harvie to the face and verbally abusing her.<sup>16</sup> During this incident, Ms Pugsley had secured Ms Harvie in a waiting area away from

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<sup>8</sup> *Ibid*, 166-167

<sup>9</sup> *Coronial Brief*, Appendix 13 – Interview transcript of Mataio Jordan Aleluia on 3-4 June 2015, 440-442

<sup>10</sup> *Coronial Brief*, Statement of Jazmine Corrales dated 3 August 2015, 176

<sup>11</sup> *Ibid*

<sup>12</sup> *Ibid*, 187

<sup>13</sup> *Ibid*, 179-180

<sup>14</sup> *Ibid*, 188-189; Victoria Police, LEDR Mk2 Summary Report, 1 April 2014

<sup>15</sup> Victoria Police, LEDR Mk2 Summary Report, 11 March 2015

<sup>16</sup> *Coronial Brief*, Audio clips of 000 calls made on 10 February 2015

Mr Aleluia<sup>17</sup>. Upon police attendance Mr Aleluia was witnessed shouting at Ms Harvie through the glass window and to be heavily intoxicated.<sup>18</sup> Ms Harvie informed police that Mr Aleluia had become angered when a man had attempted to “*pick her up*”<sup>19</sup> but reported that Mr Aleluia had not been violent and repeatedly requested that police leave the scene as they were worsening the situation.<sup>20</sup>

12. One of the attending police members noted that during this incident, Mr Aleluia was aggressive towards attending officers and that Ms Harvie was uncooperative and repeatedly yelled at officers to leave Mr Aleluia alone as they were “*making matters worse*”.<sup>21</sup> Mr Aleluia was ultimately arrested for being intoxicated in a public place.<sup>22</sup>
13. The investigating police members noted that following a discussion with Ms Harvie, they had formed the opinion that “*the victim had not been assaulted by the accused and that she was not in fear of him*”<sup>23</sup> and that upon attending the incident they had spoken to a witness who had not observed a physical assault between Ms Harvie and Mr Aleluia.<sup>24</sup> These observations however, directly contradict Ms Pugsley’s statement to police describing the incident in which she reported that she witnessed Mr Aleluia strike Ms Harvie to the face and had reported her observations to police at the time of the incident.<sup>25</sup> This observation also appears to be in contradiction to the three other witnesses who had contacted Emergency Services during the assault<sup>26</sup> and reported witnessing Mr Aleluia “*bashing his ex-girlfriend at the train station in Moe*”<sup>27</sup> and that Ms Harvie had “*got hitten [sic] across the head a couple of times*”.<sup>28</sup>
14. Ms Pugsley also advised attending police members that the Closed Circuit Television (CCTV) system was available and may have captured some of the altercation.<sup>29</sup> Despite the availability of this evidence, there is no indication that the CCTV footage was ever sought or viewed by police.

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<sup>17</sup> *Coronial Brief*, Statement of Adele Pugsley dated 29 July 2015, 171

<sup>18</sup> *Coronial Brief*, Statement of Constable RS dated 30 July 2015, 253

<sup>19</sup> *Ibid*, 254

<sup>20</sup> *Ibid*

<sup>21</sup> *Ibid*

<sup>22</sup> *Ibid*, 255

<sup>23</sup> *Ibid*

<sup>24</sup> *Coronial Brief*, Statement of Senior Constable GR dated 30 July 2015, 260

<sup>25</sup> *Coronial Brief*, Statement of Adele Pugsley dated 29 July 2015, 171-172

<sup>26</sup> *Coronial Brief*, Audio clips of 000 calls made on 10 February 2015

<sup>27</sup> *Ibid*

<sup>28</sup> *Ibid*

<sup>29</sup> *Coronial Brief*, Statement of Senior Constable GR dated 30 July 2015, 260

15. Following the incident and Mr Aleluia's arrest, Victoria Police completed a VP Form L17 family violence risk assessment and formal referrals were submitted to support agencies. Victoria Police took no further action against either party.

### **Family violence incident on 16 February 2015**

16. On 16 February 2015, Ms Stevenson contacted police to report concerns that Mr Aleluia had physically assaulted Ms Harvie.<sup>30</sup> Ms Stevenson stated that the couple had begun arguing at her property before departing. After returning home a short time afterwards, Ms Harvie was observed by Ms Stevenson with a bloody mouth, swollen lips and broken teeth.<sup>31</sup> Ms Harvie reportedly advised Ms Stevenson that she had been accidentally injured by Mr Aleluia.<sup>32</sup> Ms Harvie and Mr Aleluia left the address shortly before police arrived and were unable to be located by police following their surveillance of the area.<sup>33</sup>
17. Due to concerns for Ms Harvie's safety, police made an application for a FVIO by Arrest and Warrant. Law Enforcement Assistance Program (**LEAP**) Records also indicate that police decided to investigate Mr Aleluia for injurious assault and lodged a report to Department of Health and Human Services, Child Protection (**DHHS**) on 17 February 2015, due to their concerns for Ms Harvie's unborn child.
18. On 18 February 2015, police contacted Ms Harvie regarding the incident. She reiterated that she had been injured accidentally by Mr Aleluia and that he had not assaulted her. This account was noted as being consistent with that given to her mother the previous evening and, a decision was made not to proceed with charges against Mr Aleluia and withdraw the application for the FVIO.<sup>34</sup>
19. A statement provided by one of the investigating police members notes that prior to making the decision not to proceed with charges and withdraw the application for a FVIO, police had canvassed Mr Aleluia's criminal history and completed a search of LEAP. These investigations identified the incident between Ms Harvie and Mr Aleluia which had occurred on 10 February 2015, however it was noted that a verbal argument only had occurred on this occasion. Following these investigations and in consultation with the Moe Police Station

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<sup>30</sup> Victoria Police, LEDR Mk2 Summary Report, dated 16 February 2015; Victoria Police, LEAP records for incident 16 February 2015, 5-6.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Victoria Police, LEDR Mk2 Summary Report, dated 16 February 2015; Victoria Police, LEAP records for incident 16 February 2015, 5-6; Victoria Police, Statement of Senior Constable NF dated 2 January 2018, 3

Family Violence Liaison Officer, a decision was made to withdraw the complaint and warrant for the FVIO given a lack of information and evidence.<sup>35</sup>

### **Family violence incidents on 18-27 February 2015**

20. On 18 February 2015, Ms Harvie went into premature labour and was escorted to Monash Hospital where she gave birth to her second daughter, at 31 weeks gestation.<sup>36</sup> Ms Harvie's paternal grandmother came to visit Ms Harvie later on the same day and she observed that Ms Harvie had a black eye with a bit of swelling as well as a cut lip which was also very swollen.<sup>37</sup> Ms Harvie told her grandmother that a girl randomly punched her at the railway station. Ms Harvie's grandmother suspected that she was lying and believed that it was Mr Aleluia who had assaulted her.<sup>38</sup>
21. Whilst visiting Monash Hospital on 27 February 2015 following the birth of Ms Harvie's second daughter, Mr Aleluia reportedly made threats to kill Ms Harvie's father, Mr Harvie and Ms Harvie's grandmother.<sup>39</sup> This interaction led to an altercation between Mr Aleluia and Ms Harvie's father in the foyer of the hospital and police were notified, leading to Mr Aleluia's arrest.<sup>40</sup> As a result of this incident, Mr Harvie and Mr Aleluia were informed that they were not longer permitted to attend the hospital.<sup>41</sup>

### **Family violence incident on 16 May 2015**

22. On 16 May 2015, Ms Harvie called her grandmother to help her out in paying for a hotel room. Ms Harvie's grandmother observed Ms Harvie with a face swollen to double its size. Ms Harvie told her that she was jumped by three girls in a park a week earlier in Doveton.<sup>42</sup> She told her grandmother that she reported the incident to police. A report was never made to the police regarding this incident.
23. On 18 May 2015, Mr Aleluia's sister also saw the injury on Ms Harvie's face and Ms Harvie told her that it was her ex-boyfriend Jude who assaulted her, because he wanted custody of

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<sup>35</sup> Statement of Senior Constable NF dated 2 January 2018, 3

<sup>36</sup> Monash Health, Medical Records of Brittany Harvie, Birthing Clinical Summary, 42-44.

<sup>37</sup> *Coronial Brief*, Statement of Dawn Harvie dated 28 July 2015, 159

<sup>38</sup> *Ibid*

<sup>39</sup> *Coronial Brief*, Statement of Kevin Harvie dated 30 July 2015, 147-149

<sup>40</sup> *Ibid*

<sup>41</sup> *Ibid*

<sup>42</sup> *Coronial Brief*, Statement of Dawn Harvie dated 28 July 2015, 160

their child. Mr Aleluia's sister did not believe her, as she knew that Jude already had custody of their child. Mr Aleluia's sister believe that her brother had caused the injury.<sup>43</sup>

## THE PURPOSE OF A CORONIAL INVESTIGATION

24. Ms Harvie's death constituted a '*reportable death*' under the *Coroners Act 2008* (Vic) (**the Act**), as the death occurred in Victoria and was violent, unexpected and not from natural causes.<sup>44</sup>
25. The jurisdiction of the Coroners Court of Victoria is inquisitorial.<sup>45</sup> The Act provides for a system whereby reportable deaths are independently investigated to ascertain, if possible, the identity of the deceased person, the cause of death and the circumstances in which the death occurred.<sup>46</sup>
26. It is not the role of the coroner to lay or apportion blame, but to establish the facts.<sup>47</sup> It is not the coroner's role to determine criminal or civil liability arising from the death under investigation,<sup>48</sup> or to determine disciplinary matters.
27. The expression "*cause of death*" refers to the medical cause of death, incorporating where possible, the mode or mechanism of death.
28. For coronial purposes, the phrase "*circumstances in which death occurred*,"<sup>49</sup> refers to the context or background and surrounding circumstances of the death. Rather than being a consideration of all circumstances which might form part of a narrative culminating in the death, it is confined to those circumstances which are sufficiently proximate and causally relevant to the death.
29. The broader purpose of coronial investigations is to contribute to a reduction in the number of preventable deaths, both through the observations made in the investigation findings and by the making of recommendations by coroners. This is generally referred to as the Court's "*prevention*" role.

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<sup>43</sup> *Coronial Brief*, Statement of Rima Vainemarau dated 28 July 2015, 98-99

<sup>44</sup> Section 4 Coroners Act 2008

<sup>45</sup> Section 89(4) Coroners Act 2008

<sup>46</sup> See Preamble and s 67, *Coroners Act 2008*

<sup>47</sup> *Keown v Khan* (1999) 1 VR 69

<sup>48</sup> Section 69 (1)

<sup>49</sup> Section 67(1)(c)



30. Coroners are also empowered:
- (a) to report to the Attorney-General on a death;<sup>50</sup>
  - (b) to comment on any matter connected with the death they have investigated, including matters of public health or safety and the administration of justice;<sup>51</sup> and
  - (c) to make recommendations to any Minister or public statutory authority on any matter connected with the death, including public health or safety or the administration of justice.<sup>52</sup> These powers are the vehicles by which the prevention role may be advanced.
31. All coronial findings must be made based on proof of relevant facts on the balance of probabilities.<sup>53</sup> In determining these matters, I am guided by the principles enunciated in *Briginshaw v Briginshaw*.<sup>54</sup> The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about individuals, unless the evidence provides a comfortable level of satisfaction that they caused or contributed to the death.
32. In conducting this investigation, I have made a thorough forensic examination of the evidence including reading and considering the witness statements and other documents in the coronial brief.

## **MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE**

### **Identity of the Deceased, pursuant to section 67(1)(a) of the Act**

33. Upon reviewing the available evidence, Coroner Paresa Spanos completed a Form 8 *Determination by Coroner of Identity of Deceased* dated 11 June 2015, concluding that the identity of the deceased was Brittany Shanice Harvie born 31 July 1992.
34. Identity is not in dispute in this matter and requires no further investigation.

### **Medical cause of death, pursuant to section 67(1)(b) of the Act**

35. On 4 June 2015, Dr Noel Woodford, a Forensic Pathologist practising at the Victorian Institute of Forensic Medicine, conducted an autopsy upon the deceased's body. Dr Woodford

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<sup>50</sup> Section 72(1)

<sup>51</sup> Section 67(3)

<sup>52</sup> Section 72(2)

<sup>53</sup> *Re State Coroner; ex parte Minister for Health* (2009) 261 ALR 152

<sup>54</sup> (1938) 60 CLR 336

provided a written report, dated 17 September 2015, which concluded that Ms Harvie died from complications of blunt force trauma mainly to the head, neck and chest areas.

36. Dr Woodford commented that there were widespread bruises, abrasions and lacerations, extensive degloving injury to the scalp<sup>55</sup>, a fractured nose, and a blow out fracture to the right orbit.
37. Dr Woodford also observed bruises and abrasions to all limbs, particularly the forearms and back of the hands. These injuries were consistent with the adoption of defence type actions.
38. On 11 June 2015, Dr Linda Iles, Forensic Pathologist practising at the Victorian Institute of Forensic Medicine, conducted an examination of the deceased's brain. Dr Iles found evidence of multifocal traumatic axonal injury, consistent with blunt force trauma delivered to the head.
39. A toxicological analysis of Ms Harvie's blood was negative for alcohol but showed the presence of Delta-9-terahydrocannabinol<sup>56</sup> (25 ng/mL).
40. Dr Woodford also commented that whilst it was not possible to identify a specific mechanism of death, it is very likely that death has been caused or contributed to by the following factors:
  - (a) Concussive head trauma with suboptimal protection of airway;
  - (b) Compressive force applied to the neck;
  - (c) Chest trauma with bilateral rib fractures and pneumothoraces;
  - (d) Acute systemic inflammatory response in the setting of multiple widespread injuries; and
  - (e) A degree of blood loss evidenced by subcutaneous bruising and a fractured nose.
41. I accept the cause of death proposed by Dr Woodford.

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<sup>55</sup> Degloving injuries are those in which sections of skin and subcutaneous tissue are separated from deeper tissue layers, thereby depleting their blood supply. Dr Woodford commented that the cause of this injury could be the significant pulling of the hair or shearing force being applied across the scalp by glancing-type blows, or a combination of the two.

<sup>56</sup> Delta-9-terahydrocannabinol (THC) is the active form of cannabis.

## **Circumstances in which the death occurred, pursuant to section 67(1)(c) of the Act**

42. In the weeks leading up to the fatal incident, Ms Harvie was living with Mr Aleluia in a car which she had purchased in April 2015. On the evening of 2 June 2015, the car was parked in a car park at Keeley Park Reserve in Clayton South.<sup>57</sup>
43. Mr Aleluia stated to police in his record of interview that he had suspected Ms Harvie had been unfaithful to him. As a result of this suspicion, in the early hours of 3 June 2015, in an “*outburst of anger and violence*,” he started to violently assault Ms Harvie in the car, including by kneeling her to the head. Mr Aleluia then stated that he dragged Ms Harvie out of the car and pushed her to the ground, before repeatedly punching her to her head and body.<sup>58</sup>
44. The attack was seriously violent and ongoing. It lasted up to 15 minutes, for the most part interrupted only by intermittent verbal abuse. Mr Aleluia reportedly paused his violent assault on Ms Harvie to “*roll a cigarette and then punched her again*”.<sup>59</sup>
45. The attack involved numerous separate applications of force to the head, neck and body. Mr Aleluia later admitted to police that he had “*laid into her*”; that he punched her face “*a lot*”; and that he “*jabbed her and punched her and just kept punching her and punching her*”. After this protracted assault, Mr Aleluia then dragged Ms Harvie across the car park, which was partially covered in gravel.<sup>60</sup>
46. Having seriously injured Ms Harvie, Mr Aleluia stated that he made no attempt to obtain assistance for her or call emergency services. Instead of getting medical assistance for Ms Harvie, he placed her back in the car, removed some items of his clothing and, together with a blanket, placed them on her in an attempt to keep her warm. Mr Aleluia then reportedly went to sleep for several hours.<sup>61</sup>
47. Mr Aleluia woke in the morning to find Ms Harvie’s body cold and her heart not beating. Mr Aleluia then fled the scene and ran to Ms Rima’s home nearby at approximately 8.30am.<sup>62</sup> Mr Aleluia spoke with Ms Rima for a brief period before leaving.
48. Mr Aleluia then left Ms Rima’s home and travelled to the Jesuit Social Services in Dandenong to speak with his case manager at approximately 3.00pm.<sup>63</sup> During this visit, Mr

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<sup>57</sup> *Coronial Brief*, Appendix 13 – Interview transcript of Mataio Jordan Aleluia on 3-4 June 2015, 440-442

<sup>58</sup> *Ibid*, 447

<sup>59</sup> *Ibid*, 447-450

<sup>60</sup> *Ibid*

<sup>61</sup> *Ibid*

<sup>62</sup> *Coronial Brief*, Statement of Rima Vainemarau dated 28 July 2015, 99

Aleluia confessed to assaulting Ms Harvie and emergency services were called to Ms Harvie's location where she was found deceased at approximately 3.40pm.<sup>64</sup>

## COMMENTS PURSUANT TO SECTION 67(3) OF THE ACT

49. The unexpected, unnatural and violent death of a person is a devastating event. Violence perpetrated by an intimate partner is particularly shocking, given that all persons have a right to safety, respect and trust in their most intimate relationships.
50. For the purposes of the *Family Violence Protection Act 2008*, the relationship between Ms Harvie and Mr Aleluia was one that fell within the definition of 'de facto partner'<sup>65</sup> under that Act. Moreover, Mr Aleluia's physical and emotional abuse of Ms Harvie and controlling behaviour constitutes 'family violence'.<sup>66</sup>
51. In light of Ms Harvie's death occurring under circumstances of family violence, I requested that the Coroners' Prevention Unit (CPU)<sup>67</sup> examine the circumstances of Ms Harvie's death as part of the Victorian Systemic Review of Family Violence Deaths (VSRFVD).<sup>68</sup>

### *Family violence risk factors*

52. I note that the *Family Violence Risk Assessment and Risk Management Framework*, known as the *Common Risk Assessment Framework (CRAF)*, details a number of evidence based risk factors which have been found to impact on the likelihood and severity of family violence.<sup>69</sup> These risk factors are divided into three categories: those which relate to the victim of family violence, those which relate to the perpetrator, and those which relate to the relationship. The CRAF also identifies a number of additional factors which can impact on the options and outcomes available to family violence victims.<sup>70</sup>

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<sup>63</sup> *Coronial Brief*, Statement of Edith Maria Campbell dated 3 June 2015, 102

<sup>64</sup> *Coronial Brief*, Statement of Scott Kinsey dated 28 July 2015, 58.

<sup>65</sup> Family Violence Protection Act 2008, section 9

<sup>66</sup> Family Violence Protection Act 2008, section 5(1)(a)(i)

<sup>67</sup> The Coroners Prevention Unit is a specialist service for Coroners established to strengthen their prevention role and provide them with professional assistance on issues pertaining to public health and safety

<sup>68</sup> The VSRFVD provides assistance to Victorian Coroners to examine the circumstances in which family violence deaths occur. In addition the VSRFVD collects and analyses information on family violence-related deaths. Together this information assists with the identification of systemic prevention-focused recommendations aimed at reducing the incidence of family violence in the Victorian Community

<sup>69</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition.

<sup>70</sup> *Ibid*, 30.

53. I also confirm that the CRAF has recently been replaced by the *Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)*.<sup>71</sup> I have examined the risk factors present in this case using the CRAF as that was the risk assessment tool available to practitioners at the time they had contact with Ms Harvie in 2015.
54. All five victim specific risk factors from the CRAF applied to Ms Harvie in the circumstances of this case. Specifically, Ms Harvie was pregnant throughout most of her relationship with Mr Aleluia with the reported incidents of violence occurring either whilst Ms Harvie was pregnant or soon after the birth of her second daughter. The CRAF identifies that family violence commonly commences or intensifies for women when they are pregnant and can lead to complications with a pregnancy.<sup>72</sup> According to the CRAF, violence during this time is seen to indicate an increased likelihood of the victim being killed or almost killed by the perpetrator.<sup>73</sup> Research has found that physical family violence often begins during pregnancy or intensifies during this period.<sup>74</sup>
55. Ms Harvie had previously been treated for mental health conditions, specifically depression and anxiety, and diary entries from the time of her relationship with Mr Aleluia indicate that Ms Harvie may have been experiencing periods of low mood.<sup>75</sup> Ms Harvie also used cannabis during her relationship and appeared to have experienced isolation in the months leading up to her death, repeatedly informing services that she had a limited social support network.<sup>76</sup> All three of these victim specific risk factors have been found to increase the vulnerability of the victim and thus increase their risk of future or ongoing violence.<sup>77</sup>
56. Statements provided in the coronial brief indicate that Ms Harvie's relationships with her father, mother, grandmother and friends all deteriorated during her relationship with Mr Aleluia. Isolation is identified by the CRAF as increasing a victim's vulnerability to family violence and can indicate an increased risk of ongoing or future family violence.<sup>78</sup>

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<sup>71</sup> Family Safety Victoria, *Family Violence Multi-Agency Risk Assessment and Management Framework* (2018).

<sup>72</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition, 31

<sup>73</sup> Ibid

<sup>74</sup> Ibid.

<sup>75</sup> Headspace, Case Records of B. Harvie; Coronial Brief, Photos of B. Harvie's Diary, 9.

<sup>76</sup> Headspace, Case Records of B. Harvie; Department of Health and Human Services, Case Records L. Harvie, Monash Health, Case Records of B. Harvie; Child FIRST, Case Records of B. Harvie, 6.

<sup>77</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition

<sup>78</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition.

57. The CPU have identified that nine perpetrator specific risk factors relate to Mr Aleluia, with four of these being identified as increasing the risk of future or ongoing violence and five of these indicating an increased risk of the victim being killed or almost killed.<sup>79</sup>
58. As reported by Ms Stevenson, Mr Aleluia had kicked her pet dog on one occasion<sup>80</sup> and when asked why he had done it Mr Aleluia had reportedly noted “*I don’t know, just felt like it*”.<sup>81</sup> Violence towards pets can suggest that a victim is at an increased risk of being killed or almost killed.
59. Mr Aleluia also appears to have been extremely jealous and controlling of Ms Harvie’s interactions with others.<sup>82</sup> Jealous and controlling behaviours are identified in the CRAF as placing a victim at increased risk of being killed or almost killed.
60. In addition, Mr Aleluia was unemployed throughout his relationship with Ms Harvie and had been since 2012.<sup>83</sup> The CRAF notes that unemployment has been linked with an increased risk of lethal assault.<sup>84</sup> Ms Harvie also appears to have been Mr Aleluia’s primary financial supporter, if Mr Aleluia subscribed to patriarchal ideology, it is possible that this dynamic may have been the source of extra frustration for Mr Aleluia and placed Ms Harvie at greater risk of violence.<sup>85</sup>
61. Furthermore, Mr Aleluia had admitted to using cannabis during his relationship with Ms Harvie.<sup>86</sup> The CRAF advises that drug use can impair social functioning and increase the risks of family violence being perpetrated.<sup>87</sup>
62. Of the perpetrator specific risk factors indicating an increased risk of future or ongoing violence, as described above, Mr Aleluia had previously harmed Ms Harvie and made threats to harm her family members.<sup>88</sup> Mr Aleluia had also breached the FVIO in protection of Ms Corrales twice. The CRAF notes that a decision to breach an FVIO can indicate a perpetrators

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<sup>79</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition.

<sup>80</sup> *Coronial Brief*, Statement of Lorene Stevenson dated 29 July 2015, 128

<sup>81</sup> *Ibid.*

<sup>82</sup> *Coronial Brief*, Appendix 13, 38.

<sup>83</sup> *DPP v Aleluia* [2017] VSC 204, 2; Department of Justice and Regulations, Case Records of M. Aleluia.

<sup>84</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition.

<sup>85</sup> Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 133-134

<sup>86</sup> *Coronial Brief*, Appendix 13, 31; Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 24

<sup>87</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition.

<sup>88</sup> *Coronial Brief*, Statement of Lorene Stevenson dated 29 July 2015, 131

unwillingness to recognise authority and abide by the restrictions placed on them.<sup>89</sup> Mr Aleluia also had a history of violence towards police officers and members of the public and had previously been sentenced for sexual assault of women and stalking of women.<sup>90</sup>

63. Two relationship specific risk factors appear to relate to Mr Aleluia and Ms Harvie's relationship. Whilst there is no indication that Ms Harvie had made a decision to separate from Mr Aleluia, the physical assault resulting in the murder of Ms Harvie was instigated because Mr Aleluia was under the impression that Ms Harvie was being unfaithful.<sup>91</sup> In the police interview, Mr Aleluia also identified that at the time that of the fatal assault he had believed that Ms Harvie did not love him anymore.<sup>92</sup> With power and control being major factors in the use of violence within intimate relationships, Mr Aleluia's fear that Ms Harvie was distancing herself from him could have indicated an increased risk of lethal violence for Ms Harvie.
64. In addition, Mr Aleluia and Ms Harvie were unemployed and homeless throughout their relationship and Mr Aleluia was unable to receive support from Centrelink in Australia given his non-residency status.<sup>93</sup> The CRAF identifies that financial difficulties can result in financial stress which, in turn, can increase the risk of future or ongoing family violence.<sup>94</sup>
65. There are several additional risk factors that have been included in the MARAM, which are applicable in this case. The MARAM differentiates between a history of violent behaviour by the perpetrator and a history of family violence. As noted above, Mr Aleluia had been violent towards Ms Corrales during their relationship. The MARAM notes that 'perpetrators with a history of family violence are more likely to continue to use violence against family members and in new relationships'<sup>95</sup>. In addition, the MARAM distinguishes between physical and emotional harm and property damage. As discussed above, Ms Harvie was a victim of physical violence from Mr Aleluia prior to her death. Physical violence has been found as increasing a victim's risk of continued violence and an escalation in the severity of the violence used.

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<sup>89</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition.

<sup>90</sup> Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 120-132

<sup>91</sup> Coronial Brief, Appendix 13, 29.

<sup>92</sup> Coronial Brief, Appendix 13, 35.

<sup>93</sup> Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 133-134

<sup>94</sup> Department of Health and Human Services, *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3* (2012), 2<sup>nd</sup> Edition.

<sup>95</sup> Family Safety Victoria, *Family Violence Multi-Agency Risk Assessment and Management Framework* (2018)., 29.

66. The Police *Code of Practice for the Investigation of Family Violence* (Code of Practice) in place at the time of this incident,<sup>96</sup> specified compulsory police action to be taken in responding to an incident of family violence. It stipulates that police must “*investigate all family violence incidents coming to their notice by gathering background information and physical evidence, including photographs, clothing and statements from direct and indirect witnesses*”.<sup>97</sup> Police are also instructed to “*make perpetrators accountable by pursuing criminal and/or civil options where there is sufficient evidence to do so and regardless of whether an arrest has been made and/or whether the Affected Family Member is reluctant*”.<sup>98</sup>
67. The Code of Practice further requires police members in assessing current and future risk of family violence to consider the history of violent behaviour outside the family and whether the perpetrator has ever harmed or threatened to harm or kill children and/or other family members.<sup>99</sup>
68. Whilst Ms Harvie was not observed to have any injuries following the incident on 10 February 2015, and informed police that she and Mr Aleluia had only had a verbal argument, police had access to information and evidence which contradicted this. Four witnesses had called Emergency Services and advised that Mr Aleluia had physically assaulted Ms Harvie. In addition, Ms Pugsley had advised the attending officers that CCTV footage of the incident was available. Despite this, the attending officers do not appear to have taken any steps to collect this evidence or investigate these lines of enquiry. Whilst further statements provided by investigating police members<sup>100</sup> indicates that they had no recollection of Ms Pugsley verbally confirming a physical assault, if police had consulted with the other witnesses and secured the CCTV footage of the incident, they may have gained evidence of the assault against Ms Harvie and taken more appropriate steps to promote her safety.
69. The failure to gather additional evidence resulted in LEAP records documenting this incident as a verbal disagreement only. This meant that when other police members reviewed LEAP following the alleged altercation between Ms Harvie and Mr Aleluia on 16 February 2015, they did not have access to an accurate depiction of the prior incident and thus were limited in their ability to assesses the risk posed to Ms Harvie. This also affected the ability of Youth

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<sup>96</sup> Victoria Police, *Code of Practice for the Investigation of Family Violence* (2014) 3<sup>rd</sup> Edition, Version 2.

<sup>97</sup> *Ibid*, 8

<sup>98</sup> *Ibid*

<sup>99</sup> *Ibid*, 18

<sup>100</sup> Further statements provided by Victoria Police members and received by the Court in January 2018



Justice to accurately report on Mr Aleluia's compliance with his probation order and the information provided to the Children's Court in their Breach Report dated 3 March 2015.

*Youth Justice and YRARS*

70. At the Melbourne Children's Court on 26 September 2014, Mr Aleluia was placed on a six-month Probation Order as a result of multiple charges including assaulting police on duty, intentionally damaging property, theft, possession of cannabis, breaching bail conditions, stalking, wilful and obscene exposure in public.<sup>101</sup> As a part of the Probation Order, Mr Aleluia was required to engage in drug and alcohol treatment and counselling as directed by Youth Justice.<sup>102</sup>
71. As a result, Mr Aleluia was case managed by Youth Justice and referred to psychological counselling support under the Male Adolescent Program for Positive Sexuality run by the Youth Health and Rehabilitation Service (YHARS).<sup>103</sup> Caraniche as a part of the YHARS consortium was responsible for conducting the Male Adolescent Program for Positive Sexuality program in 2015.
72. By 23 January 2015, Mr Aleluia had failed to attend nine supervision appointments and two scheduled counselling appointments as per the requirements of his order.<sup>104</sup> As a result, a Manager's/Co-ordinator's Warning was issued on 23 January 2015 by Youth Justice requesting his re-engagement with their service.<sup>105</sup>
73. Mr Aleluia attended Youth Justice services with Ms Harvie on 23 January 2015 and was served with a copy of the Manager's Warning. Youth Justice staff were made aware of their relationship at this point.<sup>106</sup>
74. Mr Aleluia attended multiple appointments following the Manager's Warning and during supervision on 30 January 2015, Mr Aleluia's case manager helped Mr Aleluia begin the process of varying the FVIO protecting Ms Corrales, to allow Mr Aleluia to have access to his son.<sup>107</sup>

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<sup>101</sup> Criminal history record for Mataio Jordan Aleluia, 4

<sup>102</sup> Ibid

<sup>103</sup> YHARS is a consortium of the Youth Advocacy and Support Service, St Vincent's Hospital and Caraniche.

<sup>104</sup> Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 149

<sup>105</sup> Ibid.

<sup>106</sup> Ibid, 99

<sup>107</sup> Ibid, 146, 87, 95; Department of Justice and Community Safety, Youth Health and Rehabilitation Service Case Records for Mataio Jordan Aleluia, 33, 63, 67.

75. On 27 January 2015, 3 February 2015 and 18 May 2015, Mr Aleluia was assessed by his YHARS counsellor as being at ‘nil risk of harm to self or others’<sup>108</sup> However no information in regard to how this conclusion was reached are documented in the Youth Justice records.
76. After several missed appointments with his Youth Justice case manager, Mr Aleluia was notified to attend the Melbourne Children’s Court on 25 March 2015 for breaching his Probation Order and failing to attend supervision.<sup>109</sup> As a part of their application to enforce Mr Aleluia’s order, Youth Justice recommended that the presiding Magistrate “*consider revoking [Mr Aleluia’s] Probation Order and imposing another six-month Probation Order with the special condition to engage in counselling as directed by Youth Justice*”.<sup>110</sup> At the time of this application, there was also a Warrant out for Mr Aleluia’s arrest as a result of previous charges that he had not yet appeared for in court.<sup>111</sup>
77. Mr Aleluia did not attend court on 25 March 2015 and on 17 April 2015 he was issued with another six-month Probation Order with a special condition to attend counselling.<sup>112</sup>
78. As part of a Care Team Meeting on 28 April 2015 between Youth Justice, Jesuit Social Services (JSS) and YHARS, it was noted that Mr Aleluia and Ms Harvie’s relationship would be a future priority in the case management of Mr Aleluia.<sup>113</sup> Whilst no further information regarding this is available in the materials provided to the court, previous case notes indicate that workers perceived Ms Harvie’s relationship with Mr Aleluia as a protective factor for Mr Aleluia at this time.<sup>114</sup>
79. On 18 May 2015, Mr Aleluia attended Youth Justice and YHARS with Ms Harvie, after failing to attend multiple appointments.<sup>115</sup> During his counselling appointment with YHARS, Ms Harvie was observed by the clinician to have “*bruising around her face*.”<sup>116</sup> Ms Harvie advised the worker that she had been robbed and assaulted by three random individuals in a park and confirmed that she had given a statement to the police and attended hospital.<sup>117</sup> Mr Aleluia’s treating clinician assessed him as being at nil risk to himself or others during this

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<sup>108</sup> Department of Justice and Community Safety, Youth Health and Rehabilitation Service Case Records for Mataio Jordan Aleluia, 25-26, 63 & 67

<sup>109</sup> Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 148

<sup>110</sup> Ibid, 71

<sup>111</sup> Ibid, 74

<sup>112</sup> Ibid, 57, 136

<sup>113</sup> Department of Justice and Community Safety, Youth Health and Rehabilitation Service Case Records for Mataio Jordan Aleluia, 38

<sup>114</sup> Ibid, 99

<sup>115</sup> Ibid, 25; Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 27.

<sup>116</sup> Department of Justice and Community Safety, Youth Health and Rehabilitation Service Case Records for Mataio Jordan Aleluia, 25

<sup>117</sup> Ibid.

appointment.<sup>118</sup> It is unclear from the notes provided to the Court whether Ms Harvie was spoken to alone about her injuries.

80. During another Care Team Meeting on the same day, Ms Harvie's injuries were noted and the relationship between Mr Aleluia and Ms Harvie was described as 'unstable',<sup>119</sup> however, no further action appears to have been taken.
81. On 25 May 2015, Mr Aleluia had another appointment with YHARS where he was again assessed as being at 'nil risk of harm to self or others'.<sup>120</sup> During this appointment, Mr Aleluia noted that he "*was no longer dating [Ms Harvie], although she was still supporting him and encouraging him to attend his appointments.*"<sup>121</sup> A follow up appointment was made for 1 June 2015 which Mr Aleluia failed to attend. Youth Justice and YHARS had no further contact with Mr Aleluia prior to the death of Ms Harvie.<sup>122</sup>
82. A review of the records provided to the Court indicates that Youth Justice were not aware that Mr Aleluia had been identified as a perpetrator in the incidents of family violence against Ms Harvie which were reported to police on 10 February 2016 and 16 February 2015, the breach of Ms Corrales FVIO on 11 March 2015, or the incident against Ms Stevenson on 4 March 2015.
83. The family violence policies and procedures provided by Youth Justice evidence no process in place to ensure that Youth Justice are notified when their clients are identified as perpetrators or victims in family violence incidents attended by police.
84. Had the full extent of Mr Aleluia's involvement in family violence incidents in 2015 been conveyed accurately to Youth Justice, this would have assisted Youth Justice case managers in making informed decisions regarding Mr Aleluia's risk to himself and others and respond appropriately. Without this information, Youth Justice workers consistently made assessments that Mr Aleluia did not present a risk to others.
85. There are specific requirements under the *Child, Youth and Families Act 2005* for breaches of a probation order which require Youth Justice to prepare a report on the youth offender outlining matters such as the nature and circumstances of the breach, the extent to which the

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<sup>118</sup> Ibid.

<sup>119</sup> Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 25

<sup>120</sup> <sup>120</sup> Department of Justice and Community Safety, Youth Health and Rehabilitation Service Case Record of M. Aleluia, 18.

<sup>121</sup> Ibid.

<sup>122</sup> Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 21

person complied with the probation order, any other relevant matter, and what Youth Justice recommends as an appropriate sentence.<sup>123</sup>

86. If Youth Justice had been notified of the multiple incidents of violence allegedly perpetrated by Mr Aleluia throughout the first quarter of 2015, this information may have altered their recommendation to the Melbourne Children’s Court on 25 March 2015 that Mr Aleluia be granted a second six-month probation period.<sup>124</sup> In light of the seriousness of his previous serious offending, failure to comply with his first Probation Order and the multiple incidents of family violence perpetrated in the first quarter of 2015, a recommendation for a Youth Attendance Order with more intensive supervision would have been appropriate in the circumstances.

#### *Criminal justice outcome*

87. On 12 May 2017, in the Supreme Court of Victoria, Mr Aleluia was found guilty of murder and was convicted and sentenced to 23 years imprisonment with a non-parole period of 18 years.<sup>125</sup>
88. I am satisfied, having considered all the available evidence, that no further investigation is required.

### **RECOMMENDATIONS PURSUANT TO SECTION 72(2) OF THE ACT**

#### *Information sharing between Victoria Police and Youth Justice*

89. The available evidence indicates that both Victoria Police and Youth Justice had numerous interactions with both Ms Harvie and Mr Aleluia in the lead up to the fatal incident. Both service contacts highlight potential deficiencies in information sharing between the two agencies as there are no clear policies and procedures in both agencies for the automatic provision of relevant information to Youth Justice for purposes of ensuring current and accurate risk assessments of offenders under the supervision of Youth Justice.
90. Youth Justice, Justice Health and Victoria Police are all prescribed agencies under the new MARAM framework and all three agencies are Information Sharing Entities (**ISEs**) subject to the new Child Information Sharing Scheme (**CISS**) and Family Violence Information Sharing Scheme (**FVISS**). Whilst both these schemes and the new MARAM set out the

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<sup>123</sup> Section 385 of the *Child, Youth and Families Act 2005*

<sup>124</sup> Department of Justice and Community Safety, Youth Justice Case Records for Mataio Jordan Aleluia, 69-73

<sup>125</sup> *DPP v Aleluia* [2017] VSC 204, 18

responsibilities of different workforces in identifying, assessing and managing family violence risk across the family violence and broader service system, there is no automated system setup for the sharing of relevant information other than manual requests for access to this information.

91. Following attendance at an incident of family violence, police will often complete a VP Form L17 which includes details of the incident and a risk assessment relating to the victim and perpetrator. This information is then sent to relevant support services to ensure that the individuals involved are provided with appropriate support.<sup>126</sup> Given that Youth Justice clients are often subject to court orders for criminal offences, the information provided in VP Form L17's may be helpful in assisting workers to identify the risk posed by their client to others.
92. As such, **I RECOMMEND** that the Victoria Police and the Victorian Department of Justice and Community Safety update their policies and procedures for information sharing to ensure that when an offender under the supervision of Youth Justice is arrested or is the subject of a family violence investigation, Victoria Police provide this information to Youth Justice so that current and accurate risk assessments of offenders under the supervision of Youth Justice can be completed. This system should replicate the efficiencies and effectiveness of the L17 referral notification process and should provide for timely sharing of relevant information for all agencies to assess risks. It would be preferable that this be achieved through the development of an automated system to ensure a reduction in data entry errors and increase the efficiency of information flow between the relevant agencies.

#### *Family violence risk assessments and Youth Justice youth offender counselling*

93. On 27 January 2015, 3 February 2015, 18 May 2015 and 25 May 2015, Mr Aleluia was assessed by his YHARS counsellor as being at "*nil risk of harm to self or others*"<sup>127</sup> However there is no information recorded in the clinical notes regarding how this conclusion was reached or documentation confirming what risk assessment tool was utilised.
94. Youth Justice, Youth Justice funded programs, Justice Health and Justice Health funded programs for youth offenders are all prescribed agencies under the new MARAM framework and all agencies are Information Sharing Entities (**ISEs**) subject to the new Child Information Sharing Scheme (**CISS**) and Family Violence Information Sharing Scheme (**FVISS**). Both of

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<sup>126</sup> Victoria Police, *Code of Practice for the Investigation of Family Violence* (2014) 3<sup>rd</sup> Edition, Version 2.

<sup>127</sup> Department of Justice and Community Safety, Youth Health and Rehabilitation Service Case Records for Mataio Jordan Aleluia, 25-26, 63 & 67

these schemes and the new MARAM set out the responsibilities of different workforces in identifying, assessing and managing family violence risk across the family violence and broader service system.

95. As such, **I RECOMMEND** that the Victorian Department of Justice and Community Safety review their policies and procedures to ensure that Youth Justice offenders who attend counselling programs funded or operated by Youth Justice or Justice Health accurately record and utilise an appropriate family violence risk assessment tool when assessing a youth offender's current or future risk of harm to self or others. These assessments should draw upon relevant family violence information shared within the CISS and FVISS to enhance the assessment of risk.
96. I further **RECOMMEND** that the Victorian Department of Justice and Community Safety should also review the training and professional development of mental health practitioners who staff any programs funded or operated by Youth Justice or Justice Health to ensure they are adequately trained to identify and manage family violence risk for their clients.

## **FINDINGS AND CONCLUSION**

97. Having investigated the death, without holding an inquest, I make the following findings pursuant to section 67(1) of the Act:
- a) the identity of the deceased was Brittany Harvie, born 31 July 1992;
  - b) the death occurred on 3 June 2015 at Keely Park, Main Road, Clayton South, Victoria, from complications of multiple blunt force trauma; and
  - c) the death occurred in the circumstances described above.
98. I convey my sincerest sympathy to Ms Harvie's family.
99. Pursuant to section 73(1) of the *Coroners Act 2008*, I order that this finding be published on the internet.
100. I direct that a copy of this finding be provided to the following for their information:
- a) Mr Kevin Harvie, Senior Next of Kin;

- b) Ms Lorene Stevenson, Senior Next of Kin;
- c) Mr Andrew Bruun, Chief Executive Officer, Youth Support + Advocacy Service;
- d) Ms Samantha Beeken, Youth Services and Clinical Psychologist, Caraniche;
- e) Ms Sharon Van Dyk, Special Counsel, Russell Kennedy; and
- f) Detective Senior Constable Kevin Burke, Victoria Police, Coroner's Investigator.

101. I direct that a copy of this finding be provided to the following for their action:

- g) Ms Rebecca Falkingham, Secretary, Department of Justice and Community Safety;
- h) Mr Shane Patton, Chief Commissioner, Victoria Police.

Signature:



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**JOHN CAIN**  
**STATE CORONER**

Date: 24 August 2020

