

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2017 005508

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

Section 67 of the Coroners Act 2008

Findings of:	Judge John Cain, State Coroner
Deceased:	Colin Snooks
Date of birth:	05 March 1947
Date of death:	30 October 2017
Cause of death:	1(a) MULTIPLE INJURIES SUSTAINED IN A MOTOR VEHICLE INCIDENT (PEDESTRIAN)
Place of death:	221 Fyans Creek Road, Fyans Creek, Victoria, 3381
Keywords:	Family violence; intimate partner homicide

INTRODUCTION

1. On 30 October 2017, Colin Snooks was 70 years old when he was fatally struck by a motor vehicle driven by his former partner, Janice Bufton. At the time of his death, Mr Snooks was recently separated from Ms Bufton. He did not have a fixed address and had been sleeping in his car.
2. Mr Snooks was born on 5 March 1947. He had two adult sons from his first marriage.
3. In 1990 Mr Snooks met his second wife, Carol Snooks. They commenced a relationship and in June 1994 and Mrs Snooks moved from New South Wales to live with Mr Snooks in Stawell. They purchased a farm together in Navarre in 2001, and worked as farmers, tending to livestock and growing crops on the property.
4. Mr and Mrs Snooks sold the Navarre farm in approximately 2010 and purchased a caravan. They then spent approximately two years travelling before returning to live in Stawell.
5. In 2015 Mr and Mrs Snooks' relationship began to deteriorate. During this time Mr Snooks was working intermittently for Ms Bufton at her property in Fyans Creek.
6. On 9 January 2016 Mr Snooks moved in with Ms Bufton at her residence. They engaged in an intermittent relationship over the following months during which both accused the other of perpetrating family violence against them.

THE CORONIAL INVESTIGATION

7. Mr Snooks' death was reported to the Coroner as it fell within the definition of a reportable death in the *Coroners Act 2008* (the Act). Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
8. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
9. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of

comments or recommendations in appropriate cases about any matter connected to the death under investigation.

10. Victoria Police assigned an officer to be the Coroner's Investigator for the investigation of Mr Snooks' death. The Coroner's Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as family, the forensic pathologist, treating clinicians and investigating officers – and submitting a coronial brief of evidence.
11. This finding draws on the totality of the coronial investigation into the death of Mr Snooks, including evidence contained in the coronial brief. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.¹

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

Circumstances in which the death occurred

12. On 30 October 2017 Mr Snooks and his friend, Benjamin Weston, attended Ms Bufton's property in Fyans Creek to retrieve Mr Snooks' caravan. When they arrived, Ms Bufton began verbally abusing Mr Snooks. Mr Snooks did not retaliate and went about the process of retrieving his caravan, at which point Ms Bufton removed the keys from Mr Snook's vehicle to prevent him from doing so.
13. Ms Bufton was also verbally abusive towards Mr Weston. As a result of this Mr Weston decided to leave and proceeded to walk down the driveway towards the road. Sometime afterwards, Mr Snooks followed Mr Weston and asked him to call 000. Mr Weston dialled 000 and passed his phone to Mr Snooks. Mr Weston stopped, and Mr Snooks continued walking down the driveway towards the road whilst talking on the phone.
14. Ms Bufton entered Mr Snooks' vehicle and began driving down the driveway towards Mr Snooks at a speed estimated by Mr Weston to be '*at least 40 km/h*'.² Mr Weston moved quickly from the driveway to avoid being struck.

¹ Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. 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 as to those matters taking into account the consequences of such findings or comments.

² Coronial brief, Statement of B Weston.

15. As Ms Bufton approached Mr Snooks, Mr Weston called out to Mr Snooks in warning. As a result of this Mr Snooks moved quickly off the driveway, to a grassed area beside it. Upon seeing this Ms Bufton steered the vehicle onto the grass, driving in the direction of Mr Snooks for some distance before striking him with the vehicle.
16. Mr Snooks was still on the phone to 000 when he was struck and the records from this phone call indicate that he was struck at 12.50pm. Police and other emergency services arrived at the scene at approximately 1.13pm. Mr Snooks was declared deceased at the scene.
17. On 13 September 2019, in the Supreme Court of Victoria, Ms Bufton was found guilty of the murder of Mr Snooks and was sentenced to a term of imprisonment of 24 years.³ On 23 August 2021 this sentence was reduced by the Supreme Court of Victoria Court of Appeal to a term of 20 years.⁴

Identity of the deceased

18. On 30 October 2017, Colin Snooks, born 05 March 1947, was visually identified by his friend, Benjamin Weston.
19. Identity is not in dispute and requires no further investigation.

Medical cause of death

20. Forensic Pathologist Dr Essa Saeedi from the Victorian Institute of Forensic Medicine (VIFM), conducted an autopsy on 31 October 2017 and provided a written report of their findings dated 28 February 2018.
21. The post-mortem examination revealed:
 - a) multiple injuries with associated bony fractures, internal organ lacerations, pneumothoraxes and extensive internal bleeding;
 - b) crushing injury to the left upper thigh and right buttock;
 - c) features of both small and large vessel cerebrovascular disease without evidence of traumatic brain injury;

³ *The Queen v Janice Bufton* [2019] VSC 621

⁴ *Janice Joy Bufton v The Queen* [2021] VSCA 228

- d) cardiomegaly with moderate myocardial fibrosis;
 - e) lung changes of chronic obstructive airway disease; moderate nephrosclerosis of the kidneys;
 - f) mild steatosis of the liver.
22. Toxicological analysis of post-mortem samples did not identify the presence of any alcohol or any common drugs or poisons.
23. Dr Saeedi provided an opinion that the medical cause of death was 1(a) Multiple injuries sustained in a motor vehicle incident (pedestrian).

FURTHER INVESTIGATIONS AND CORONER'S PREVENTION UNIT REVIEW

24. 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.
25. The relationship between Mr Snooks and Ms Bufton met the definition of '*family member*' as described by the *Family Violence Protection Act 2008 (Vic)* (FVPA).⁵ Moreover, interactions between Mr Snooks and Ms Bufton during their relationship, including Ms Bufton's fatal assault of Mr Snooks, constituted '*family violence*'.⁶
26. In light of Mr Snooks' death occurring under circumstances of family violence, I requested that the Coroners' Prevention Unit (CPU)⁷ examine the circumstances of his death as part of the Victorian Systemic Review of Family Violence Deaths (VSRFVD).⁸

Family violence in the relationship between Mr Snooks and Ms Bufton

27. There was a history of family violence between Mr Snooks and Ms Bufton prior to the fatal incident. During the relationship multiple incidents of family violence were reported to

⁵ *Family Violence Protection Act 2008 (Vic)*, s 8.

⁶ *Family Violence Protection Act 2008 (Vic)*, s 5.

⁷ 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

⁸ 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

Victoria Police and Ms Bufton and Mr Snooks both alleged that the other had perpetrated family violence against them at various times during the relationship.

28. A friend of Mr Snooks and Ms Bufton stated that they had a *'pretty volatile relationship'*⁹ and argued frequently, often *'screaming at each other'*¹⁰ in incidents he described as *'very heated'*¹¹ but not violent. This friend stated that it was common for Mr Snooks to leave Ms Bufton's residence and stay elsewhere for periods varying from a few days to a few weeks after an argument.
29. In approximately May 2016 Ms Bufton was observed by a friend to have a bruise on her leg. Ms Bufton told the friend that Mr Snooks had pushed her into a wood-fire heater, causing a burn injury to her leg. Mr Snooks denied this and stated that they had been having an argument whilst he was preparing to light the fire and that he had opened the door abruptly, accidentally causing it to hit Ms Bufton. In an interview with police following the fatal incident, Ms Bufton maintained that Mr Snooks had pushed her into the heater on this occasion, however she conceded that the push had occurred *'sort of accidentally'*.¹²
30. In approximately October 2016 Mr Snooks contacted a friend and asked him if he could help Mr Snooks leave Ms Bufton's residence whilst she was out. At the time, Mr Snooks' had difficulty mobilising due to a broken ankle and he advised his friend that Ms Bufton had taken all of the car keys, which prevented him from leaving.
31. On 8 December 2016 Mr Snooks contacted Victoria Police and reported that Ms Bufton had been acting erratically and had been verbally and physically abusive towards him for some time. Mr Snooks also reported that Ms Bufton had taken a large quantity of sleeping tablets and indicated that she was planning to suicide. Mr Snooks told police that he wanted to end the relationship, but he was concerned for Ms Bufton's wellbeing. Police conveyed Ms Bufton to hospital for a mental health assessment and completed a family violence report. Ms Bufton was recorded as the Affected Family Member (AFM) in this incident and Mr Snooks was offered counselling services.
32. On 8 February 2017 Mr Snooks told a friend that Ms Bufton had recently *'man-handled him'*.¹³ Mr Snooks asked his friend to attend Ms Bufton's residence with him to assist him to

⁹ Coronial brief, Statement of R Wallace.

¹⁰ Ibid.

¹¹ Ibid.

¹² Coronial brief, Appendix I – Transcript of Interview with Janice Bufton.

¹³ Coronial brief, Statement of R Wallace.

retrieve his caravan. When they attended Ms Bufton's property, Mr Snooks and Ms Bufton engaged in a verbal argument and the friend witnessed them *'pushing and shoving each other'*.¹⁴

33. On 21 February 2017 Mr Snooks attended the residence of Senior Constable Erkelens (SC Erkelens). Mr Snooks advised SC Erkelens that Ms Bufton had been perpetrating verbal and physical abuse against him since December 2016 and that he was having difficulty retrieving his caravan from her. Mr Snooks reported that he believed Ms Bufton was using the caravan as a means to control him and prevent him from leaving the relationship. SC Erkelens was off duty at the time, so he contacted the Stawell Police Station and advised them that Mr Snooks needed police assistance to ensure a family violence incident did not occur when he attended Ms Bufton's residence to collect his property.
34. Police attended SC Erkelen's home and spoke to Mr Snooks before accompanying him to Ms Bufton's residence to retrieve his caravan. When they arrived, Ms Bufton was reportedly *'abrupt and argumentative'*¹⁵ towards police and appeared *'to be extremely angry'*.¹⁶ She accused Mr Snooks of being unfaithful, *'demanded to know why the relationship was over'*¹⁷ and refused to permit him to take his property until he spoke to her and explained his actions. Mr Snooks and the police left the Ms Bufton's residence without his caravan.
35. Police attempted to arrange emergency accommodation for Mr Snooks, which he declined, and submitted a family violence report in relation to the incident.
36. During the criminal investigation into Mr Snook's death, Ms Bufton admitted that she and Mr Snooks had a lot of verbal arguments during their relationship. She stated she did not like secrets and *'things behind [her] back'*¹⁸ and that she only ever wanted to sit Mr Snooks down and *'get the truth out of him'*.¹⁹ She also indicated that she was upset by him being in contact with his ex-wife.
37. On 31 March 2017 Mr Snooks attended the Stawell Police Station and reported that he had been involved in a family violence incident with Ms Bufton the evening prior. He stated that Ms Bufton had been the aggressor in the incident and had hit him in the face three times. He

¹⁴ Ibid.

¹⁵ Coronial brief, Statement of P Fitzell.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Coronial brief, Appendix I – Transcript of Interview with Janice Bufton.

¹⁹ Ibid.

said he had responded by striking Ms Bufton to the face once before she dragged him to the ground, pulled his glasses off and hit him multiple times. Mr Snooks also alleged that later that same day Ms Bufton had thrown him over a chair to the ground and sat on top of him at which point he had pushed her off him.

38. Mr Snooks was observed to have a mark behind his left ear with a small amount of dried blood present, which he stated he sustained when Ms Bufton removed his glasses. Mr Snooks reported that Ms Bufton often took his glasses and his hearing aid whenever he indicated that he wanted to leave the relationship, so that he could not leave or would have to return to collect them. Police took photographs of Mr Snooks' injuries, as well as blood and hair on his car which he advised belonged to Ms Bufton and had been deposited there by her when he drove away from the property and she had attempted to stop him.
39. Mr Snooks made a formal statement about the incident, in which he alleged that Ms Bufton had a history of perpetrating physical and emotional abuse against him. He stated that during the incident on 30 March 2017 she had allegedly told Mr Snooks he '*needed shooting*'²⁰ and threatened to kill his dog. He also stated that she often threatened to suicide when their relationship was not going well, or he indicated that he wanted to leave the relationship.
40. Police issued a Family Violence Safety Notice (FVSN) which listed Mr Snooks as the AFM and Ms Bufton as the Respondent. Mr Snooks advised police that he needed assistance obtaining his glasses, hearing aid, and caravan from Ms Bufton.
41. On 1 April 2017 police served Ms Bufton with the FVSN at her residence and interviewed her in relation to Mr Snooks' unlawful assault allegations, and Mr Snooks retrieved his personal property from her. On this occasion police noted that Ms Bufton had a bruised left eye and a split lower lip and there was dried blood evident on the floor. She indicated that she wanted to make a report against Mr Snooks and stated he was responsible for her injuries. Police took a statement from her, took photographs of her injuries and the residence, and issued a FVSN to protect her from Mr Snooks. Briefs of evidence were compiled in relation to the criminal allegations made by each party.
42. On 4 April 2017 Mr Snooks and Ms Bufton were spoken to by Senior Constable Clair Watt about their respective Family Violence Intervention Order (FVIO) proceedings at the Ararat Magistrates' Court. SC Watt stated that Mr Snooks indicated he would agree to a full FVIO

²⁰ Coronial brief, Appendix F – Statement of Colin Snooks, 176.

against him if Ms Bufton also agreed to one against her, however Ms Bufton wanted to adjourn the matter to seek legal advice. Ms Bufton advised SC Watt that she was not in fear of Mr Snooks and wanted to maintain contact with him. Both matters were adjourned with interim FVIOs put in place.

43. On 5 May 2017 two final FVIOs protecting Mr Snooks and Ms Bufton from each other were issued in the Ararat Magistrates' Court for a period of 12 months. These orders prohibited each party from perpetrating family violence against the other, damaging each other's property or getting anyone else to do those things on their behalf. They did not prohibit the parties from contacting or residing with each other.
44. On 1 August 2017 the criminal proceedings against Mr Snooks were withdrawn in the Stawell Magistrates' Court on the basis of there being no reasonable prospect of conviction. On 29 August 2017 the criminal proceedings against Ms Bufton were withdrawn on the basis of insufficient evidence. Notes from each of these proceedings indicate that neither Mr Snooks nor Ms Bufton wanted to proceed with the charges at the time.
45. On 24 October 2017 Mr Snooks and Ms Bufton came across Mrs Snooks by chance whilst they were in Ballarat, and Mr Snooks had a short conversation with Mrs Snooks. Ms Bufton later advised police that she was upset with Mr Snooks about this conversation.
46. On 26 October 2017 Mr Snooks met with Mrs Snooks to finalise paperwork in relation to their divorce. During this interaction he advised her that Ms Bufton had '*gone off big time*'²¹ about their recent interaction in Ballarat. He advised Mrs Snooks that he was only staying with Ms Bufton to support her while she was ill, and they were no longer in a relationship. Upon further questioning, Mr Snooks admitted that he had not told Ms Bufton that he wanted to separate, and Mrs Snooks encouraged him to speak to Ms Bufton about it.
47. On 29 October 2017 Mr Weston overheard an argument between Mr Snooks and Ms Bufton whilst he was on the phone with Mr Snooks. Mr Snooks later visited Mr Weston and advised him that Ms Bufton had snatched his phone from him, ending their call. During this conversation, Mr Weston formed the opinion that Mr Snooks was afraid of Ms Bufton.

²¹ Coronial brief, Statement of C Snooks.

COMMENTS

Pursuant to section 67(3) of the Act, I make the following comments connected with Mr Snooks' death.

Victoria Police contact with Mr Snooks and Ms Bufton

48. Victoria Police made cross-applications for FVIOs between Mr Snooks and Ms Bufton following the family violence incident reported on 31 March 2017. The issuing of cross applications in this instance was not in line with the relevant Victoria Police policy and guidance at the time, which directed that only one primary aggressor should be identified in a family violence incident.
49. The available information suggests that Ms Bufton was the primary aggressor in this incident. Ms Bufton admitted to controlling and coercive behaviours, including removing Mr Snooks' glasses and hearing aid when he tried to leave the relationship, picking up his dog to prevent him from leaving, physically preventing him from leaving the house, and kneeling over him whilst he was on the ground to '*test his claustrophobia*'.²² Mr Snooks reported being afraid of Ms Bufton, whereas Ms Bufton did not report being afraid of Mr Snooks.
50. When it became clear at the FVIO proceedings on 4 April 2017 that Ms Bufton was not afraid of Mr Snooks, as she specifically stated this to police, there was a potential opportunity for police to remove themselves from the FVIO application on behalf of Ms Bufton and allow her to pursue her own application if she wished to do so.
51. Since this incident, Victoria Police has improved oversight to mitigate the risk of cross-applications for the same incident being made. Now, if a family violence cross-application is made, it is expected practice that it will be identified and remedied at the Sergeant or police supervisor level. If a cross-application is not identified at this stage, the Victoria Police Prosecutions Unit will liaise with the informant to identify the primary aggressor and withdraw one of the applications.
52. In addition, Victoria Police is progressing work to refine its policy and practice regarding the identification of primary aggressors in family violence incidents. In particular, Victoria Police is considering recommendations four, five, six, seven and eight made directly to

²² Victoria Police, Brief of evidence - Statement of J Bufton dated 2 April 2017.

Victoria Police in the *Family Violence Reform Implementation Monitor's report Monitoring Victoria's family violence reforms: Accurate identification of the primary aggressor* (the Report).²³

53. Family Violence Command are currently developing a program of works to respond to the recommendations in the Report, which includes reviewing policies and practices, improving training and development for members and exploring ways to correct misidentification of primary aggressors when they occur in police databases. Family Violence Command have been consulting with a wide range of stakeholders to inform the responses and progress these works, including legal services and child protection and specialist family violence agencies. When this work is finalised, both the consolidated Victoria Police Manual Family Violence and the *Code of Practice for the Investigation of Family Violence* will be updated to reflect these changes.

FINDINGS AND CONCLUSION

54. Pursuant to section 67(1) of the *Coroners Act 2008* (Vic) I make the following findings:
- a) the identity of the deceased was Colin Snooks, born 05 March 1947;
 - b) the death occurred on 30 October 2017 at 221 Fyans Creek Road, Fyans Creek, from MULTIPLE INJURIES SUSTAINED IN A MOTOR VEHICLE INCIDENT (PEDESTRIAN); and
 - c) the death occurred in the circumstances described above.
55. I convey my sincere condolences to Mr Snooks' family for their loss.
56. Pursuant to section 73(1B) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.
57. I direct that a copy of this finding be provided to the following:

Leigh Snooks, Senior Next of Kin

Lauren Callaway, Assistant Commissioner Family Violence, Victoria Police

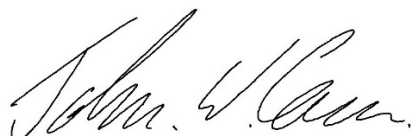
Sally Robertson, Victorian Government Solicitor's Office

²³ Family Violence Reform Implementation Monitor, *FVRIM Predominant Aggressor* (December 2021)

Abbey Dempster, Transport Accident Commission

Sergeant Lachlan Watson, Coroner's Investigator

Signature:



Judge John Cain

STATE CORONER

Date : 21 September 2022

NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
