



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2023 005998

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

*Section 67 of the **Coroners Act 2008***

** Amended pursuant to section 76 of the Coroners Act 2008 (Vic) on 9 September 2026 by order of
State Coroner, Judge Liberty Sanger¹*

Findings of: Judge Liberty Sanger, State Coroner

Deceased: DWI

Date of birth:



Date of death: 28 October 2023

Cause of death: 1(a) Traumatic head injury

Place of death: The Alfred Hospital
55 Commercial Road
Melbourne Victoria 3004

Keywords: Family violence; self-defence of another; history
of family violence; misidentification of the
predominant aggressor

¹ Amendment on page 52 to specify the members of the Predominant Aggressor Working Group, namely, Victoria Police, the Department of Justice and Community Safety and the Department of Families, Fairness and Housing.

INTRODUCTION

1. On 28 October 2023, DWI was 63 years old when he died from a traumatic head injury at the Alfred Hospital. At the time of his death, DWI lived in regional Victoria.

Background - DWI

2. DWI was the sixth of seven children born to parents DXP and EDW. The family originally lived in a large regional Victorian town, before moving to a smaller town nearby. His sister, NDQ described him as a very athletic child, and excelled at swimming, football and athletics.
3. NDQ reported there was a “*lot of love*” in the family growing up and although their father was a strict disciplinarian, he supported everything they did. EDW dutifully attended all of the children’s activities to support them.
4. When DWI was in Grade 5 or 6, he attended a primary school in a regional Victorian town. At the time, DWI was taught by various priests and brothers, some of whom were later convicted of child sexual offences. DWI was abused by one of the brothers and received a small compensation payout later in life.
5. Later in life, DWI was diagnosed with post-traumatic stress disorder (**PTSD**) in relation to the child sexual abuse. NDQ noted that DWI did not pursue further compensation beyond the small payout he received as he “*didn’t want to revisit the abuse*”.
6. DWI’s medical history also included extensive mental health issues and suicidal ideation. In 2014, police conveyed him to a regional Hospital after he expressed suicidal ideation in the context of alcohol misuse, poor sleep and multiple stressors including legal issues. In hospital, DWI disclosed “[c]onstant ruminative thoughts of childhood sexual and physical assault by the [REDACTED] and [REDACTED] [REDACTED]”. He was discharged after a one-night admission and declined community follow-up. It does not appear that he substantively engaged in any further mental health treatment after this admission.
7. While DWI was described as “*jocular*”, he was also noted to have a “*violent streak*”. NDQ described an incident where DWI backed their mother into a corner and caused her to fall over. NDQ noted that DWI was an adult at the time, and she believed that he was substance-affected. NDQ noted that DWI “*certainly had the capability of violence when drunk or affected by drugs*”.

8. DWI had four known long-term relationships. He married his first wife in 1983, and they welcomed a child the following year. It is unknown when the marriage ended, however DWI re-partnered and had two further children in the 1990's with his second long-term partner. His third long-term relationship of five years with IMF ended in about 2014. NDQ recalled that IMF was very sensible, did not use illicit drugs, only drank alcohol in moderation and appeared to have a positive influence on DWI. Sadly, the relationship ended when IMF moved interstate to be closer to her family.
9. Not long after DWI's relationship with IMF ended, he met SCB, who lived a few houses away from DWI on the same street. SCB lived with some of her children, including her son, GFT. Their relationship commenced in 2015 and ended in either 2020 or 2021. This is discussed in further detail below.

Background – GFT

10. GFT was 15 years old at the time of the fatal incident. He has six siblings. He told police that his father is deceased, however it is unclear whether that is true.
11. Available records suggest that GFT may have perpetrated adolescent family violence against his mother, SCB, in the period following her separation from DWI.
12. For the six to eight months prior to the fatal incident, GFT lived in a unit directly opposite his mother's home. He lived there with his friend, his friend's partner, and their young child. GFT was reportedly living with his friend because he "*had nowhere else to live*" and was "*having some trouble at home*". During that time, two of GFT's siblings (HYT and JHG) lived with SCB, while their older siblings appeared to be living elsewhere.
13. GFT reportedly used cannabis daily and his mother previously told police that she removed a 'bong' from his room when GFT was 13 years old. GFT came to the attention of mental health services around this time and was diagnosed with depression and "*other specified behavioural and emotional disorders with onset usually occurring in childhood and adolescence*". GFT reportedly refused to attend school, had "*limited social skills*" and was "*exposed to excessive consumption of alcohol*".

Background – WQZ

14. WQZ was aged 19 at the time of the fatal incident. He was friends with GFT at the time and also lived in the same town.

15. At the time of the fatal incident, WQZ had a criminal history which included driving offences, contravening Family Violence Intervention Orders (**FVIOs**) and a Community Corrections Order (**CCO**), assault and property damage.
16. Prior to the fatal incident, police stated there was no known association between WQZ and DWI. However, during WQZ's formal record of interview, he suggested that he had argued with DWI previously. He noted "*I remember one time when he's came and started crap, and you guys still frickin' was on his side when he's the one that keeps on seeking it, so I don't know what's going on there, when he's – he's – the commotion – he's the problem*".

Relationship between DWI, SCB and her children – 2015 to 2020/2021

17. As noted earlier, SCB and DWI were in an intimate relationship from about 2015 to 2020 or 2021. They lived on the same street, less than 100 metres apart. At the time of the fatal incident, SCB had seven children aged 15 to 31. Three of her children, GFT, HYT and JHG, lived with SCB, during this time. Her four older children lived elsewhere. GFT later lived in a home directly opposite SCB's home in the six to eight months prior to DWI's death, as noted earlier.
18. Evidence available to the Court suggests that DWI perpetrated family violence against GFT and his siblings throughout his relationship with SCB. This includes allegations of physical abuse of the children, and physical abuse of SCB in the presence of the children.
19. Victoria Police attended multiple incidents of family violence involving SCB, DWI and the children. DWI was usually the person who called police and was most commonly assessed by police to be the affected family member (**AFM**). Records suggest that SCB and/or DWI were noted to be affected by alcohol during these incidents and on two occasions, DWI armed himself with weapons (a knife and a meat cleaver, respectively).
20. Police issued several FVIOs between the parties commencing in 2016. GFT, HYT, JHG, SCB and DWI were variously listed as respondents and AFMs at different times. In 2022, a FVIO was issued which protected DWI from GFT. The order expired on 4 July 2023.

Relationship between DWI and SCB's family after DWI and SCB separated

21. After DWI and SCB separated, they continued to live close by on the same street.
22. From 2020 to 2023, DWI contacted police from his home on several occasions to report that GFT and HYT were verbally abusing him from the street. On multiple occasions, DWI

expressed frustration with the alleged abuse and made threats against SCB's family while speaking with police or the Triple Zero operator. When police spoke to GFT or HYT following the calls, they made counter-allegations against DWI.

23. GFT's sister, JHG, told police after the fatal incident that DWI also had "*a problem*" with her walking past his house. She stated that "[t]here has been incidents where I've walked past his house and he's had a problem with it and stuff's happened". There are no further details available on the coronial brief about this issue.
24. DWI's sister, NDQ, told police that after DWI and SCB separated, SCB's family allegedly harassed him. This included alleged "*daily attacks and threats to kill*".
25. Conversely, GFT's friend's partner (with whom GFT lived) alleged that DWI attended her home for the purpose of "*causing trouble*" with GFT. She also alleged that DWI would show GFT a knife to "*egg him on*".
26. The available police records reflect that all parties refused to consider alternative housing options, whenever police made this suggestion.

THE CORONIAL INVESTIGATION

27. DWI's 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.
28. 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.
29. 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.
30. Victoria Police assigned Detective Leading Senior Constable Andrew Missen to be the Coronal Investigator for the investigation of DWI's death. The Coronal Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as

family, the forensic pathologist, treating clinicians and investigating officers – and submitted a coronial brief of evidence.

31. State Coroner, Judge John Cain (as his Honour then was) originally held carriage of this matter, prior to his retirement in August 2025. I assumed carriage of this investigation on 1 September 2025.
32. This finding draws on the totality of the coronial investigation into the death of DWI 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.²

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

Identity of the deceased

33. On 26 October 2023, DWI, [REDACTED], was visually identified by his [REDACTED], [REDACTED]
[REDACTED]
34. Identity is not in dispute and requires no further investigation.

Medical cause of death

35. Forensic Pathologist Dr Paul Bedford from the Victorian Institute of Forensic Medicine (VIFM) conducted an autopsy on 28 October 2023 and provided a written report of his findings dated 2 May 2024.
36. The post-mortem examination revealed the presence of two skull fractures with underlying intracerebral contusions, left frontal haemorrhagic infarct and subdural and subarachnoid haemorrhages.
37. Background natural disease included cirrhosis of the liver and cavitating lung lesions which grew *Mycobacterium avium* complex.
38. Toxicological analysis of ante-mortem samples was not possible, as there were no suitable ante-mortem samples available for testing.

² 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.

39. Dr Bedford provided an opinion that the medical cause of death was *1(a) Traumatic head injury*.
40. I accept Dr Bedford's opinion as to the medical cause of death.

Incidents in the months prior to the fatal incident

41. As noted earlier, following SCB and DWI's separation, DWI allegedly made threats to harm SCB and her children. Some of these threats were made to police or in the presence of police. For example, he allegedly threatened to "*chop her up with an axe*". On 6 February 2023, DWI allegedly made several threats of this nature against SCB and her children while in the presence of police.
42. In the three months prior to the fatal incident, DWI contacted police about three incidents involving GFT. These included allegations that GFT abused him from the street or rode a motorcycle up and down the street. While making each of these reports, DWI made several threats against GFT directly to Triple Zero operators or police, including:
- a) To "*take matters into his own hands*"
 - b) To "*sort out*" GFT with a "*sledgehammer*"
 - c) To kill GFT and his family.

43. On 11 September 2023, while speaking to police about GFT, DWI stated:

I've just had enough, I can't take any more. And I am going to lose it. I'm telling you I'm going to lose it.

Circumstances in which the death occurred

44. On the afternoon of 11 October 2023, DWI attended the home of his friend, driving his ride-on mower. The ride-on mower was a John Deer branded mower, which was modified to remove the blades. DWI spoke to his friend for about 15 minutes. He had a cloth over his face and told his friend not to approach too closely as he was sick.
45. At about 7.00pm, DWI drove his ride-on mower in the direction of his home. In doing so, he drove past SCB's home, and the home where GFT was staying (across the road from SCB). As DWI neared the house where GFT was staying, GFT exited the driveway of this premises, presumably to walk across the road to his mother's home.

46. DWI veered the ride-on mower towards GFT, causing him to jump backwards, off the road. SCB reported that DWI threw an unknown small object towards GFT, however the item was never recovered, and this claim has not been substantiated. DWI exited the mower holding a meat cleaver in his right hand, over his head. GFT picked up a metal pole. GFT and DWI *“yell[ed] at each other to come and hit the other one”*.
47. DWI swung the meat cleaver at GFT, who responded and swung the metal pole towards DWI. Neither DWI nor GFT’s actions connected with the other person. GFT turned away, and it appeared that he was going to retreat back into the driveway of the premises where he was staying.
48. DWI raised his arm with the meat cleaver and appeared to be preparing to throw the cleaver towards GFT. At the same time, WQZ walked from the driveway of SCB’s residence and approached DWI from behind.³ He was holding a golf club, which he used to strike DWI to the side of the head. The impact of the assault caused DWI to fall onto the ground, where he struck his head on the road.
49. Multiple witnesses rushed over to DWI to render assistance. One witness called Triple Zero. Paramedics attended the scene quickly and were informed by witnesses that no one had witnessed what happened, but they believed that DWI had fallen from his ride-on mower.
50. Paramedics noted DWI was in a reduced consciousness state, with an uncontrolled haemorrhage from the two lacerations to his head. Paramedics worked to control the bleeding and requested further assistance from Mobile Intensive Care Ambulance (MICA) paramedics. MICA paramedics arrived, followed by the Air Ambulance. DWI was airlifted to the Alfred Hospital for further treatment.
51. At the Alfred Hospital, investigations revealed DWI had suffered multiple injuries. Incidental findings included cavitating lung lesions, infrarenal abdominal aorta aneurysm, liver cirrhosis with a new diagnosis of hepatitis C and ascending colon bowel wall thickening. During the course of his treatment, DWI developed ventilator associated pneumonia and required treatment with antibiotics. Clinicians attempted to wean his sedation; however, he did not demonstrate meaningful neurological recovery. The clinical opinion was that DWI suffered a

³ I note for completeness that different witnesses stated that [REDACTED] was either facing [REDACTED] or was facing away from [REDACTED] and would not have been aware of his presence when he was assaulted. I am satisfied that this particular discrepancy does not require resolution/determination.

significant injury from which he was unlikely to fully recover. Following discussions with his family, clinicians transitioned DWI to palliative care. He passed away on 28 October 2023.

Police investigation

52. Following the incident on 11 October 2023, police commenced an investigation in relation to the alleged assault. Police arrested GFT and WQZ on 13 October 2023. WQZ participated in a formal record of interview and was remanded into custody.
53. During his interview, WQZ stated that he did not remember much of the incident, and reported that DWI “*started*” the fight, as he was holding a “*big homemade bush knife*”. He reported that he used the golf club on DWI in self-defence.
54. GFT also participated in a formal record of interview. In his interview, he reported that DWI yelled at him, called him a “*little dog*” and threatened to “*chop [his] head off*”. GFT denied that he or DWI swung at each other. Both GFT and WQZ denied the presence of any other person during the incident (other than DWI). Police believe this was because neither wanted to implicate the other person.
55. On 15 November 2023, police spoke to various witnesses including SCB, GFT’s house mates and GFT. These witnesses participated in ‘reenactment’ accounts of the incident.
56. Police charged WQZ with intentionally causing serious injury, prior to DWI’s death in hospital. Police did not charge GFT with any offences in relation to the incident. Following consideration and advice, the charge of intentionally causing serious injury was withdrawn, on the basis that WQZ acted in self-defence of another (GFT).

FURTHER INVESTIGATIONS AND CPU REVIEW

57. As DWI’s death occurred in circumstances where there was a history of family violence, the Coroner’s Prevention Unit (CPU)⁴ examined the circumstances of DWI’s death as part of the Victorian Systemic Review of Family Violence Deaths (VSRFVD).⁵

⁴ The Coroners Prevention Unit (CPU) was established in 2008 to strengthen the prevention role of the coroner. The unit assists the Coroner with research in matters related to public health and safety and in relation to the formulation of prevention recommendations. The CPU also reviews medical care and treatment in cases referred by the coroner. The CPU is comprised of health professionals with training in a range of areas including medicine, nursing, public health and mental health.

⁵ 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.

58. I make observations concerning service engagement with DWI, SCB and her family as they arise from the coronial investigation into DWI's death and are thus connected thereto. However, the available evidence does not support a finding that there is any direct causal connection between the circumstances highlighted in the observations made below and DWI's death.
59. I further note that a coronial inquiry is by its very nature a wholly retrospective endeavour and this carries with it an implicit danger in prospectively evaluating events through the "*the potentially distorting prism of hindsight*".⁶ I make observations about services that had contact with DWI, SCB and her family to assist in identifying any areas of practice improvement and to ensure that any future prevention opportunities are appropriately identified and addressed.

Victoria Police – Overview of service contact

Background

60. As noted above, Victoria Police responded to numerous family violence incidents in relation to SCB, DWI and her children both during and after their relationship. Victoria Police undertook a Family Violence Service Delivery Review (**FV-SDR**) following DWI's passing and reviewed 15 family violence incidents between 2015 and 2023. I note that there was at least one additional incident which was not reviewed by the FV-SDR, and not all police contact involving these parties were recorded as family violence incidents. This is explored further below.
61. I note that the FV-SDR is a desktop review that is performed absent the time pressures and competing priorities facing frontline uniform members. The findings of the FV-SDR should therefore be considered within that context.
62. Below is a summary of the family violence records documented on Victoria Police's LEAP database.

9 July 2016

63. On 9 July 2016, DWI was at his home with SCB and one of her children. He left his home and walked to SCB's home, where her son HYT (then aged 11) was sleeping. DWI reportedly entered HYT's bedroom and slapped him several times in the face and upper chest area. HYT's adult brother, AFC, heard the commotion and entered HYT's bedroom to assist him. While

⁶ *Adamczak v Alsco Pty Ltd (No 4)* [2019] FCCA 7, [80].

AFC tried to help HYT, DWI allegedly physically assaulted AFC by head butting him to the nose area. HYT sustained a welt to the left side of his face, swelling to the left eyebrow and red marks to his neck and chest. AFC sustained a bloody nose.

64. After the incident, DWI returned to his home, where he became frustrated at SCB's other children who were present.
65. Police attended and commenced an investigation. DWI was noted to be alcohol-affected at the time. Police obtained FVIOs against DWI to protect HYT and HYT, which were valid until 12 July 2017.

15 November 2016

66. On 15 November 2016, SCB was at DWI's home, consuming alcohol. GFT (then aged seven) was also present. DWI wanted to put GFT on a homemade bicycle, which SCB declined, so the pair had a verbal argument. When police attended, they noted that both DWI and SCB were moderately affected by alcohol and neither were in fear of the other party. Police assigned DWI as the AFM and SCB as the respondent. Both DWI and SCB stated that they loved one another, just not on that day. No further action was taken in relation to this incident.

20 January 2019

67. On the evening of 20 January 2019, DWI and SCB were at SCB's home. They retired to bed at about 10.45pm. About 30 minutes later, DWI left bed to use the bathroom, causing SCB to wake up. When DWI returned to the bedroom, he commenced "*ranting and raving*", saying to SCB "*why did you drag me away from my friends*". SCB was confused by the behaviour as she was unsure what DWI was talking about. SCB told DWI to be quiet and come back to bed. In response, DWI said "*if you keep going I'm going to tip the bed over on you*". DWI attempted to tip the bed over while SCB was still in bed.
68. SCB asked DWI to leave and helped him gather some belongings while he continued yelling. DWI punched SCB in the mouth causing a split lip and bleeding. SCB's children (GFT and JHG) were present when the incident occurred. JHG called Triple Zero and fled to a friend's house.
69. While awaiting the arrival of police, DWI walked around SCB's bedroom and threw her clothes and other belongings around the room. He also removed the curtain rail from her window and broke it.

70. DWI left SCB's home prior to the arrival of police. When police attended DWI's home, they were unable to locate him and opined that he appeared to be deliberately avoiding police. Police documented concerns for SCB's welfare and applied for an FVIO. The FVIO was heard in court, and SCB requested a limited order (prohibiting family violence and damaging property). DWI consented to the order, and a limited, six-month order was granted on 22 January 2019. It is unclear whether police considered criminal charges against DWI.

22 January 2019

71. After attending the Magistrates' Court in relation to the FVIO that was granted, SCB and DWI returned to DWI's home. SCB reportedly consumed alcohol that afternoon and engaged in a verbal argument with DWI later that night. SCB allegedly verbally abused DWI, who asked SCB to leave. DWI called Triple Zero when SCB refused to leave, in an effort to diffuse the situation. SCB heard DWI calling Triple Zero, so she left his home before police arrived.
72. When police attended, they spoke to DWI and SCB. DWI was documented as "*calm, not phased and still consuming alcohol on his front porch*". SCB was documented to be "*heavily intoxicated slurring and difficult to understand*". Police documented that they did not hold any welfare concerns for either party, as SCB was accompanied by friends at her own home. Police documented DWI as the AFM and SCB as the respondent.

24 April 2019

73. On 24 April 2019, GFT and his brother, HYT, were having an argument in the front yard of DWI's home. DWI walked outside and told the pair to go home. GFT reportedly crossed to the other side of the road and yelled at DWI that he would "*burn your house down and your [REDACTED] you fucking old cunt*". As DWI walked away, he stated he would "*snap [GFT's] neck if he tried that*". SCB arrived and collected both boys.
74. GFT called Triple Zero and attempted to report to police that DWI was verbally abusing his mother and alleged that DWI called SCB "*a mole and a cunt*".
75. When police spoke to SCB, she denied that an argument had occurred. GFT stated that that was a lie but then noted that DWI threatened to "*snap*" his neck. SCB claimed that this comment was an "*off the cuff*" response to GFT's threats to burn the house down.
76. Police documented that they did not believe any of the threats were genuine and documented that neither party were in fear of the other. Police further documented that GFT had a "*history*

of flying to get his own way” and believed the cause of the argument was “*significant parenting issues*”. Police did not hold concerns for either party, however intended to make formal referrals in an “*attempt to improve behaviour of [GFT]*”. Police assigned DWI as the AFM and GFT as the respondent in this incident. It does not appear that police applied for an FVIO in relation to DWI and GFT.

28 March 2020

77. On 28 March 2020, SCB was sitting on her bed with HYT, GFT and JHG. DWI entered the room and said, “*well obviously you’re busy*”, then left the room. Almost immediately, DWI returned to the room with a raised fist. He reportedly stated that he wanted to “*smash*” HYT, due to HYT “*bickering*” with his brother.
78. HYT and DWI argued for some time, before DWI allegedly grabbed HYT around the throat with both hands. SCB, GFT and JHG yelled at DWI to let go of HYT and eventually pulled DWI away. HYT fled to his bedroom, crying. SCB left the room to check on her son, and when she returned, DWI had armed himself with a large kitchen knife. SCB and DWI spoke in SCB’s bedroom about the knife. HYT overheard them talking about the knife, so he obtained a metal pole in his hand and swung it at DWI. The pole hit DWI’s right hand and caused a deep laceration to the webbing between his thumb and index finger.
79. DWI returned to his own home and HYT returned to his bedroom. Paramedics attended and conveyed DWI to hospital for treatment.
80. Police commenced an investigation and noted that they believed “*both [DWI] and [HYT] to be victims and offenders*”.
81. On 5 April 2020, DWI presented to the police station to report that he had noticed damage to the bonnet of his vehicle. He believed it was caused during the incident on 28 March and that he did not notice as he had been conveyed to hospital for the injury allegedly caused by HYT.
82. Police allocated DWI as the AFM and HYT as the respondent, however, applied for an FVIO against DWI to protect HYT. A limited interim order was granted and later finalised for a period of two years on 27 October 2020.

2 December 2020

83. On the evening of 2 December 2020, SCB attended DWI’s home and entered via the front door. SCB was reportedly verbally aggressive and abusive towards DWI, yelling “*you low life*

dog” and “*you fucking dog*” to him. SCB reportedly pushed DWI firmly in the chest, causing him to lose his balance. DWI pushed SCB back towards the front door and pushed her outside. SCB swung the door open with sufficient force to damage an ornament hanging at the front entrance, causing it to break.

84. Two males attended DWI’s home shortly thereafter. One was known to DWI, the other was unknown. The two males reportedly entered DWI’s home and yelled abuse at him. DWI exited his house and stood at the front of the property with a homemade meat cleaver and a pole to confront the two males. One of the males smashed DWI’s car window.
85. The LEAP records for this incident only reference DWI’s allegations and note that SCB made no admissions. The male who smashed DWI’s car window, who was 16 years old at the time, admitted to damaging the vehicle because he was “*sticking up for his friends*”.
86. Police attended DWI’s home and SCB’s home, where they served her with a Family Violence Safety Notice (FVSN). The FVSN was converted to an FVIO in full conditions, and a final FVIO was granted against SCB on 8 December 2020 for two years.

18-19 December 2020

87. On 19 December 2020, DWI was alerted by a neighbour that one day earlier, SCB reportedly wrote a “*slandorous accusation*” about DWI on the front window of her home. The writing was large and was visible from the street. SCB allegedly took a photo of her window and posted it on Facebook on 18 December 2020 with a comment purportedly about DWI. She did not name him in the post but referred to his house number and his initials. The text on the window reportedly said, “*Dog hater liar gay women animals and kid abuser*”. DWI believed the post was about him.
88. Police conducted a field interview of SCB and later charged her with breaching the FVIO against her. SCB was convicted and received a fine for this offence.

26 March 2021

89. DWI called police to report that HYT was walking past his home and was allegedly “*yelling out abuse*”. Police attended and spoke to DWI who was highly agitated. DWI reported to police that HYT and a friend reportedly called him a paedophile and that there were ongoing issues between DWI and SCB’s children, and DWI and other kids in the area.

90. DWI stated that there were no threats or violence, however he was *“sick of it and would retaliate”*. Police documented that DWI was intoxicated and noted that he was *“known by police to exaggerate claims”*.
91. Police spoke to HYT who confirmed he walked past DWI’s home. He reported that DWI was *“punching his hand so he [HYT] yelled out calling him a dog”*. HYT confirmed there were no threats or violence directed towards him.
92. Police noted there were ongoing issues with the family after SCB and DWI’s separation. Police documented that they were unable to establish the exact version of events. Both parties agreed to stay at home and leave each other alone. Police documented that they did not hold any concerns for either party. Police assigned DWI as the AFM and HYT as the respondent.
93. Police noted that there was already an FVIO in place which protected HYT and did not believe any new orders were required.

27 February 2022

94. On 27 February 2022, DWI attended GFT’s home to speak to SCB about returning property. When DWI asked for his property, SCB reportedly refused to provide it. DWI told SCB to never attend his house again. DWI left SCB’s home on his bicycle.
95. SCB’s dogs escaped her yard and followed DWI home. DWI yelled at the dogs to go home, and GFT reportedly yelled at DWI *“don’t yell at my dogs like that, you’re dead cunt”*. DWI walked away towards his home and GFT reportedly yelled *“Oi cunt!”*. DWI turned around and GFT reportedly sprayed him in the face with pepper spray. DWI armed himself with a hatchet as he was fearful of an assault and GFT fled.
96. DWI called police to report the concerns on this occasion. The LEAP records for this incident only reflect his allegations, but do not contain any information from GFT or SCB.
97. Police applied for a Personal Safety Intervention Order (**PSIO**) instead of a FVIO against GFT. This was subsequently withdrawn by prosecutors in court and replaced with an FVIO.

17 March 2022

98. On 17 March 2022, DWI was at his friend’s home who lived in the same street. DWI was standing out the front of his friend’s home when he heard HYT behind him. HYT reportedly stated, *“you fucking mongrel dog cunt, you’re fucking dead”*. DWI reportedly saw HYT

holding a scooter above his head. DWI reported that HYT further stated, “*you’re fucking dead cunt I’m going to burn your house down.*”

99. DWI walked inside his friend’s home. HYT reportedly approached the front door and started “*bashing on it*”, saying “*I’m going to cave you’re [sic] fucking head in*”. DWI observed GFT next door holding a baseball bat. HYT reportedly stopped yelling for about a minute, then allegedly returned with a metal bar, continuing to yell abuse.
100. Police attended and assessed the incident as high-risk. Police obtained an FVIO against HYT to protect DWI in full conditions.
101. Police interviewed HYT on 25 March 2022 where he made partial admissions to the verbal abuse, however he denied making any threats or entering private property. He was released pending summons. It is unclear whether he was charged, or the outcome of those charges.

28 March 2022

102. On 28 March 2022, HYT was sitting in the backyard of a friend’s house with two of his friends, listening to music. The friend’s house was next door to DWI’s home. DWI and HYT’s friend had a “*personal gate*” that connected the two properties’ backyards.
103. DWI entered the friend’s home unannounced to visit the friend’s mother. DWI walked up to HYT, “*looked directly at him and flapped his arms at his side with his palms upward*”. Initially, DWI stated that he did not recognise HYT. When he realised who he was, he walked into the house, passed on a brief message to his neighbour, then returned to his own property.
104. Police attended and spoke to DWI. DWI alleged that HYT was “*ranting at him*” and called him a paedophile. HYT and his two friends denied any yelling or raised voices. HYT told police that he asked DWI to leave, due to the FVIO that was in place against him (to protect DWI).
105. DWI declined to provide a statement. Police obtained a video recording made by HYT, which showed DWI walking towards HYT. Police assigned DWI as the AFM and HYT as the respondent. No further action was taken.

6 November 2022

106. At the time of this incident, there was a full FVIO in place against SCB which prohibited all contact and communication with DWI. On 6 November 2022, DWI contacted police reported

that SCB attended his home while reportedly intoxicated. She knocked on the door until DWI answered. When he opened the door, SCB walked into the house and pushed DWI, causing him to bump his head on the door frame. SCB reportedly walked into DWI's bedroom, undressed and entered DWI's bed. She asked him to get her a drink.

107. DWI obtained a drink as requested, then asked SCB to leave. SCB refused to leave, so DWI threatened to call Triple Zero. SCB reportedly said, "*shut the fuck up I'm trying to sleep*". When police attended, SCB had already left the property.

11 November 2022

108. On 11 November 2022, police were called to a dispute at DWI's home where multiple males were present, brandishing weapons and shouting. Upon police arrival, parties were already separated and provided different stories.
109. DWI stated he was in the carport with two other men. He alleged that GFT verbally abused him from the footpath in front of his home and attempted to punch him when his back was turned but missed. DWI further alleged that GFT and another person armed themselves with a baseball bat and golf club from the neighbour's house. GFT and the other person returned to damage his side fence before police arrived.
110. GFT stated that he and his friend were walking past DWI's house with two other men when DWI reportedly verbally abused them from his carport. He alleged that DWI approached them to argue, then punched his friend on the right check. DWI reportedly attempted to hit the friend again; however, he missed. GFT and his friend denied damaging DWI's fence and reported that it was already damaged. GFT and his friend further reported that one of DWI's friends was armed with a knife during the altercation.
111. Police investigated the incident and took statements from witnesses. Police assigned DWI as the AFM and GFT as the respondent in this matter and charged GFT in relation to the incident.

28 November 2022

112. At the time of this incident, there was an FVIO in place against GFT, which prohibited him from being within five metres of DWI's home or committing family violence (amongst other conditions). On 28 November 2022, GFT reportedly approached DWI's home in the company of an unknown male and allegedly started yelling, threatening and verbally abusing DWI. DWI was in the company of a friend. The friend also reportedly threatened to kill and stab

DWI. GFT reportedly armed himself with a baseball bat while the unknown male armed himself with a golf club. DWI, his friend, GFT and the unknown male engaged in a verbal argument. During the argument, GFT reportedly raised the baseball bat and swung it at DWI's friend's head. It collided with the friend's wrist, as he put up his hand to block the bat.

113. This incident was classified as high risk and would have ordinarily been managed by the local Family Violence Investigation Unit (**FVIU**). After consultation with a Sergeant at the local FVIU, it was determined that the FVIU would not retain management of the parties. *"It is considered Resp [GFT] can be dealt with much more appropriately by outside agencies"*. At the time, GFT was engaged with Youth Justice and was known to Child Protection.

29 November 2022

114. On 29 November 2022, DWI called police to advise that GFT had walked past his front yard on the footpath and yelled at him. When police arrived, GFT was not present. DWI was *"angry and annoyed"* that this appeared to be an ongoing issue. DWI refused to provide a statement. As with the incident one day earlier, the FVIU determined that they would not maintain carriage of these parties.

6 February 2023

115. Police had contact with DWI twice on 6 February 2023. The first contact occurred at about 4.00pm when police were called to assist paramedics. Only one member activated their BWC during one of the visits, so not all details of the police contact are known.
116. The only record of this incident was via the Computer Aided Dispatch (**CAD**) event report. The CAD event report indicated that DWI reported being short of breath and *"threaten[ed] to use axe to hurt neighbour"*. When police arrived, paramedics were assisting DWI into the ambulance. The CAD event report concluded *"nil issues"*.
117. The second contact occurred at about 6.00pm. A nurse from the local Hospital called Triple Zero to report that DWI attended hospital for chest pain, however discharged himself and stated that *"he was going to kill his neighbour"*. DWI also threatened that he *"ha[d] an axe at front door that he will use to kill his neighbour"*. Police attended DWI's address but did not record this incident as a Family Violence Report (**FVR**) on LEAP. It appears it was treated as a neighbourhood dispute and/or mental health incident.

118. During police contact with DWI, he stated that he attended hospital because he injured his hand after punching his dog for eating his motorcycle seat.

26 February 2023

119. On the evening of 26 February 2023, DWI reported that he was outside his address and observed GFT travelling past his house on the road. DWI alleged that GFT started abusing him and threatened to stab him. DWI retreated inside and locked the door but was not fearful of GFT. GFT reportedly continued yelling at DWI, before leaving the address.
120. When police attended, GFT was not present. DWI told police that he was not fearful of GFT, however noted that there was an FVIO in place against GFT.
121. Police attended GFT's home. GFT confirmed that he did pass by DWI's house, but that DWI yelled at him, so he yelled back. He denied threatening DWI and refused to disclose what he said to DWI.
122. It is unclear from the available records whether DWI provided a statement. GFT refused to be interviewed over the incident and was ultimately not charged with any offences.

17 July 2023

123. On 17 July 2023, DWI called Triple Zero to report that GFT was riding up and down their street on a motorcycle. DWI noted that there was an FVIO in place against GFT. The call-taker documented:

[DWI] stated if pol [police] don't get there in time he will sort M [male] out with a sledgehammer himself

124. When police attended, they observed GFT riding a bicycle, not a motorcycle. Police spoke to DWI who was leaving in a taxi. Police did not record this incident as an FVR on LEAP. The only available details were provided via the CAD report.

23 August 2023

125. On 23 August 2023, DWI called Triple Zero. He reported GFT was "going up and down [the street]" and that this behaviour had been ongoing for the past hour. DWI thought GFT was riding a "monkey bike". The call taker documented:

[DWI] making numerous threats of V [violence] if pol [police] don't hurry

126. When police arrived, GFT was no longer present. Police did not document this incident as an FVR on LEAP. The only available details were provided via the CAD report.

11 September 2023

127. On 11 September 2023, DWI called Triple Zero to report that three males attended his home with golf clubs and were threatening him. One of the three males was reportedly GFT. When police attended, they spoke to DWI and documented “*Verbal argument. Both yelled at each other. Adv DWI to attend ebn MC [REDACTED] Magistrates’ Court] if he wants another order [FVIO]. Current one expired*”.
128. Police did not document this incident as an FVR on LEAP. The only available details were provided via the CAD report.

Victoria Police – Analysis of service contact

Use of body worn cameras

129. The Victoria Police Manual – Body Worn Cameras (**VPM BWC**) states that members wearing a Body Worn Camera (**BWC**) must start recording “*to capture an incident occurring, likely to occur or which has occurred*”. This includes “*attendance at an ESTA task...resulting in a public contact*”.
130. The FV-SDR noted that “[o]n occasion, police did not utilise BWC as per the framework. This would capture the reports and provide accurate accounts as described at the time of the reports”. For example, when police attended on 11 September 2023, only one member activated their BWC.
131. Furthermore, I note that the FV-SDR did not consider the 6 February 2023 incident of family violence. During that incident, DWI reportedly made a series of threats against SCB and her children, however only one of the two attending members activated their BWC. This means that the Court was not able to review the entirety of DWI’s interactions with police on that occasion.
132. The FV-SDR further noted a “*review of BWC use within [REDACTED] PSA [Police Service Area] has since been conducted and is now considered commensurate with other police stations in the area with the ongoing view to continuous improvement*”. I note that this is not the first

case in which activation of BWC was a live issue.⁷ More recently, Coroner Giles made the following recommendation in her Honour's finding into the death of Simon Gaskill:

That the Chief Commissioner of Police:

- a. Conduct a review of police members' compliance with body worn camera activation framework under the Victoria Policing Manual (VPM) – 'Body worn cameras'.*
- b. Consider incorporating refresher training in annual Operational Safety Tactics Training (OSTT) to provide guidance on strategies to embed use of body worn cameras as a daily practice to ensure all events are appropriately recorded, particularly where members may be under increased stress or cognitive loading; and*
- c. Considering establishing a pathway for members to report technical issues in activation of body worn cameras where this is identified, to enable appropriate steps to be taken to investigate and address issues as they arise.⁸*

133. As Victoria Police is yet to respond to this recommendation, I will direct a copy of this finding be provided to Victoria Police for their consideration.

Misidentification of the predominant aggressor - background

134. Based on the evidence available to the Court, on the balance of probabilities, it appears that DWI was the predominant aggressor in his relationship with SCB, GFT and his siblings. The term 'predominant aggressor' is sometimes substituted for the term 'primary aggressor'. The term:

seeks to assist in identifying the actual perpetrator in the relationship, by distinguishing their history and pattern of coercion, power and controlling behaviour, from a victim survivor who may have used force for the purpose of self-defence or violent resistance in an incident or series of incidents. The predominant aggressor is the perpetrator who is using violence and coercive control to dominate, intimidate or cause fear in their partner or family member, and for whom, once they have been violent, particularly use of physical or sexual violence, all of their other actions take on the threat of violence.⁹

⁷ See, for example, [Finding into death without inquest – DRF \(COR 2022 0022\)](#), 11.

⁸ [Finding into death with inquest – Simon Gaskill \(COR 2022 2051\)](#).

⁹ Family Safety Victoria, MARAM Practice Guides: Foundation Knowledge Guides (February 2021), 124.

135. The Victoria Police ‘Code of Practice for the Investigation of Family Violence’ (**‘the Code of Practice’**) provides guidance on identifying the predominant aggressor, listing several indicators for police to consider, including:

- a) how fearful each person is;
- b) any historical pattern of coercion, intimidation and/or violence;
- c) the nature of any injuries;
- d) the capacity to inflict injury;
- e) the need for protection;
- f) any information from other agencies;

136. Although police most often labelled DWI the AFM in their records of incidents between DWI and SCB, and her family, the available evidence suggests that DWI perpetrated family violence against GFT and his siblings throughout his relationship with SCB. This included allegations of physical abuse of the children and of SCB in the presence of the children. For example:

- a) On 9 July 2016, police attended SCB’s home after DWI reportedly entered HYT’s room (then aged 11) and slapped him several times to the face and upper chest while he was asleep. DWI was reportedly alcohol affected at the time. He was also reportedly angry with SCB’s children because “*they wouldn’t leave her alone when they were trying to spend some time together*”. HYT’s older brother AFC intervened, and DWI reportedly headbutted him. Both HYT and AFC sustained injuries. Police obtained an FVIO against DWI to protect HYT and charged DWI with offences, however the outcome of those charges is unclear from the records provided.
- b) On 20 January 2019, JHG (then aged 10), contacted police after DWI reportedly tried to tip SCB’s bed over while SCB was still on the bed. DWI also reportedly punched SCB to the face, causing a split lip and bleeding. JHG fled the house and waited for police at a friend’s house. GFT also witnessed the assault. DWI broke a curtain rod then left the address and could not be immediately located by police. DWI later consented to a FVIO against him in protection of SCB, GFT and JHG with limited conditions. From the available evidence, it is unclear whether police pursued criminal charges against DWI.

- c) On 28 March 2022, police recorded that HYT reportedly held “*extreme animosity towards*” DWI and alleged that DWI “*bashed him*”, his siblings and SCB, during her relationship with DWI. Similarly, following the fatal incident, GFT told police “[a/s] *much as it sounds weird, I’d feel bad for the poor cunt, but I don’t at the end of the day ‘cause like how much shit he put me through as a kid was just like...*”
 - d) During GFT’s reenactment of the fatal incident in November 2023, he stated “*I was more worried about him getting out of there and doing something...Like, cause my whole life that cunt has bashed me, bashed mum, like...it’s just not right*”. He further noted “*that’s why I just freaked out half the time*”.
137. As noted above, following DWI and SCB’s separation, they continued to live close by on the same street. From 2020 to 2023, DWI contacted Triple Zero multiple times to report HYT and GFT for verbally abusing him from the street. At times, DWI refused to provide a formal statement to police when they arrived.
 138. Additionally, in the months prior to the fatal incident, DWI expressed frustration with the alleged abuse. He told Triple Zero call-takers that he would retaliate against SCB, GFT and/or HYT. This included threats to physically harm them, including with weapons. On one occasion, DWI reportedly armed himself with a hatchet after GFT allegedly sprayed him with pepper spray. When police spoke to GFT or HYT after these call outs, the boys alleged that DWI had verbally abused or threatened them, and on one occasion, punched a male who was in the company of GFT.
 139. After the fatal incident, further information about DWI’s alleged abuse was reported which supports the view that DWI was the predominant aggressor in his relationship with SCB. JHG told police after DWI’s death that DWI had “*a problem*” with her walking past his house. She stated “[t]here has been incidents where I’ve walked past his house and he’s had a problem with it and stuff’s happened”.
 140. JHG reported that immediately prior to the fatal incident, DWI was “*staring and staring*” at her as he rode past. She stated, “*I had, like, a – this shirt on...and these pants, and he was staring at me...and I wouldn’t put it past me [sic] DWI has done some things in the past...*”. JHG explained that she “*was obviously staring back at him ‘cause...yuck*”. It appears that JHG may have been insinuating that DWI had perpetrated child sexual abuse in the past, however there is no further information about this available.

141. After DWI's death, GFT's friend's partner (with whom GFT lived) stated that DWI had "*a habit of coming down on his motor scooter lawn mower or his bike to our house and SCB's and causing trouble*". She noted that if DWI "*s[aw] GFT he cause[d] trouble. It's been going on for a long time though.*" She further noted that "*[t]here has been ongoing issues between DWI and GFT and there have been weapons shown before by DWI. He normally carries a knife and shows GFT to egg him on.*" She also reported witnessing DWI showing GFT a knife several times, including a few months prior to DWI's death while GFT was riding his bicycle.
142. Conversely, DWI's sister reported that after DWI and SCB's separation, DWI alleged that SCB would "*sic*" her children on him. DWI also alleged that SCB stole items from him to purchase drugs and "*told GFT to constantly harass him*". In an email to the Court, NDQ explained that "*the antagonism towards DWI from SCB's family has been violent and continuous since he split from SCB a few years ago*". She alleged that it involved "*daily attacks and threats to kill.*" NDQ noted that DWI "*built himself a bunker in the backyard to escape to in the event of an attack*".
143. From the available records, it is not possible to determine which party was the primary *instigator* of conflict between GFT and DWI, following DWI and SCB's separation. Police usually assigned DWI as the AFM when they documented his reports to police. However, police may have made this determination because DWI was usually the party who initiated police contact. This is despite multiple police records suggesting that DWI was not fearful of anyone in SCB's family. Police recorded that both DWI and GFT were prone to exaggerate claims about incidents to police.
144. As noted earlier, the available evidence suggests that DWI was the predominant aggressor in his relationship with GFT and his siblings, given the pattern of violence, the age of the children, the power dynamic when the violence commenced, the children's relative need for protection, DWI's greater capacity to inflict injury upon the children and the likely fear of the children. Based on the available evidence, it appears that Victoria Police did not adequately follow the Code of Practice, and at times, misidentified GFT and HYT as the predominant aggressors in their relationship with DWI.

Example – 28 March 2020

145. By way of example, on 28 March 2020, police attended SCB's home after DWI allegedly threatened to "*smash*" HYT, who was 15 years old at the time. DWI also reportedly "*grabbed HYT around the throat with both hands*". GFT and JHG (then aged 12 years old) and SCB

intervened to pull DWI off HYT, then HYT ran to his bedroom crying. DWI armed himself with a large kitchen knife. HYT heard DWI talking to SCB about the knife, obtained a metal pole and approached DWI. DWI allegedly raised the knife up to HYT, before HYT struck DWI with the pole. HYT fled back to his bedroom.

146. The police records on this occasion recorded DWI as the AFM and HYT as the respondent. The records also stated “[m]atter still beign [sic] investigated as to establish wo is the AFM/resp”. Police documented “[b]elieve both DWI and HYT to be victims and offenders”. Police also spoke to Child Protection about this incident, who were already involved with SCB’s family. Both briefs of evidence against DWI and HYT were not authorised and therefore no charges were laid against either party.
147. Despite documenting DWI as the AFM, police applied for a limited FVIO against DWI to protect HYT. Police did not include JHG or GFT on the order, despite their presence and involvement in the incident. The police records further suggest that in the months after this incident, all parties “reconciled” and DWI apologised to HYT.
148. The FV-SDR noted that misidentification of the predominant aggressor occurred on this occasion, and that DWI should have been recorded as the respondent, as he initiated physical contact with HYT. Police did not submit referrals to specialist family violence services for any of the parties. The FV-SDR noted that this potentially limited the service contact with the victim, children and perpetrator.
149. I agree that HYT was misidentified as the predominant aggressor, however I note that determination should not be based on who *initiated* the first physical contact. The determination should be made based on the guidance within the Code of Practice, which is aligned to the Multi-Agency Risk Assessment and Management (**MARAM**) framework. Determining the predominant aggressor based on which party first made physical contact is representative of an incident-based approach to assessing predominant aggressors.

Example: 24 April 2019

150. I also note an incident on 24 April 2019 in which (then) 11-year-old GFT called police and reported that DWI had been verbally abusive towards his mother. He reported that DWI called her a “mole and a cunt”. When police arrived, SCB denied the abuse but stated that GFT verbally abused DWI and threatened to burn his house down, and then in response, DWI threatened to “snap” GFT’s neck. SCB referred to this as an “off the cuff” comment by DWI.

While police were present, GFT reportedly retracted his allegation that DWI was verbally abusive towards his mother.

151. Police documented GFT as the respondent, and DWI as the AFM. Police recorded that GFT had “*a history of lying to get his own way*”. Police made referrals to specialist family violence services based on their assessment of GFT as the respondent and DWI as the AFM. Police documented a plan to follow up with the family’s case manager, however there is no record of this occurring. In the FV-SDR’s review of this incident, there was no reference to GFT’s initial allegation of verbal abuse against SCB, nor of DWI’s threat to “*snap*” GFT’s neck.
152. In my view, further information was required before making a determination about the predominant aggressor. This is due to DWI’s prior record of violence against SCB and HYT (which included significant assaults and strangulation), his threat to “*snap*” GFT’s neck, his greater capacity to inflict injury upon GFT (then aged 11) and GFT’s need for protection as a child.
153. On other occasions following DWI and SCB’s separation, DWI was assessed to be the AFM after contacting the police to report verbal abuse from GFT and HYT. GFT and HYT either made counter-allegations when spoken to by police or were not spoken to by police. The FV-SDR noted that following three of these incidents, police could or should have spoken to GFT and/or DWI. This included the incident on 29 November 2022, when police “*could have spoken to the RESP [GFT] based on the report of a breach of IVO despite the AFM [DWI] not cooperating. That would have ensured a full sequence of events was obtained and recorded.*”
154. I note the FV-SDR does acknowledge some service concerns, including one instance of misidentification of the predominant aggressor, however, it does not acknowledge the distinction between family violence and the force used by victim-survivors for the purposes of self-defence or violent resistance. Family violence involves a pattern of coercion, power and controlling behaviour, while victim-survivors may use force for the purposes of self-defence or violent resistance in an incident or a series of incidents.
155. The FV-SDR did not conclude that DWI was the predominant aggressor in his relationship with SCB’s children. It also did not review or assess many of the threats made by DWI against SCB and her children following their separation. The FV-SDR appears to have been written with the view that SCB’s children were the predominant aggressors in their relationships with DWI.

Misidentification of the predominant aggressor - analysis

156. Police misidentification of women as primary aggressors is an ongoing issue in Victoria and other Australian jurisdictions and has serious repercussions for victims.¹⁰ There is less literature on misidentification of children as predominant aggressors, however stakeholders within the Victorian family violence sector have noted that “*there is a significant risk of doing harm to a young person who has experience as a victim of violence by labelling them as a perpetrator*”, and that a “*greater policy focus and early intervention programs for children who are victim survivors*” is required.¹¹ Children who are misidentified often have a history of family violence victimisation by a parent or carer,¹² and stakeholders report the perception that police do not take children’s voices seriously, often treating them as unreliable.¹³
157. Misidentification of victims as primary aggressors in family violence incidents can have profound and lasting consequences. When a victim is wrongly labelled as the perpetrator, this mischaracterisation can reinforce harmful narratives in future police responses, leading authorities to view the victim with unwarranted suspicion and undermining their credibility. This, in turn, can significantly limit the victim’s access to justice, safety, and protective interventions.
158. The Family Violence Reform Implementation Monitor (**FVRIM**) recommended in 2021 that existing efforts to “[c]arefully consider the risk of misidentification of children as respondents when developing a system response to adolescent violence in the home” should be strengthened.¹⁴ I endorse this recommendation and note that there does not appear to be a publicly available response from the government.

¹⁰ Women’s Legal Service Victoria, ‘[Snapshot of Police Family Violence Intervention Order Applications](#)’ (2018), 1; Women’s Legal Service Victoria, “*Officer she’s psychotic and I need protection*”: [Police misidentification of the ‘primary aggressor’ in family violence incidents in Victoria](#) (Policy Paper One, July 2018), 1; No To Violence, [Predominant Aggressor Identification and Victim Misidentification](#) (Discussion Paper, November 2019), 6; FVRIM, [Monitoring Victoria’s family violence reforms Primary prevention system architecture](#) (Report, 2022) 10-1; Parliament of Victoria Legislative Council, Legal and Social Issues Committee Inquiry into Victoria’s Criminal Justice System Volume 1 (March 2022), 243 < [lclsic-59-10-vic-criminal-justice-system.pdf](#) ([parliament.vic.gov.au](#))>.

¹¹ Victorian Legal Aid, [Victoria Legal Aid response to questions/issues on notice from family violence perpetrator data inquiry](#) (11 September 2024) 2.

¹² FVRIM, [Monitoring Victoria’s family violence reforms: Accurate identification of the predominant aggressor](#) (Report, December 2021), 11, 15.

¹³ Ibid 19.

¹⁴ Ibid 6.

159. In recent years, Victoria Police has undertaken work to address the issue of police misidentification of the predominant aggressor. Victoria Police have updated VPM-FV guidance on identifying the predominant aggressor in line with the MARAM.¹⁵
160. Victoria Police also carried out the Predominant Aggressor Identification Trial (**‘the Trial’**) in the Northwest Metro Division Five between October and December 2022. The aim of the Trial was to examine police risk assessment decisions and identify opportunities for interventions or practice changes that support early recognition and rectification where misidentification has occurred.¹⁶ The Trial encouraged consultation and review at different points in the police process when police members identified a female respondent in the context of an opposite sex relationship. It also involved the provision of a MARAM aligned tool to assist supervisors with reviewing these cases.¹⁷
161. Findings of the Trial evidence the ongoing problems associated with police misidentification of the predominant aggressor. For example:
- a) Supervisory support prior to submission of the VP Form L17 was uncommon, possibly due to resourcing issues,¹⁸ meaning police members rarely received support with identifying the predominant aggressor prior to committing their assessment to LEAP and taking further actions such as making family violence referrals and applying for FVIOs.
 - b) Supervisor case reviews were completed after the completion of VP Form L17s in 38.4% of the cases where a female was identified as the predominant aggressor (56 of the 146 instances) but were wholly ineffective in identifying cases of misidentification.¹⁹
 - c) There were no documented instances of information sharing with relevant agencies to improve accurate identification of the predominant aggressor.²⁰ Even uncertainty about the predominant aggressor did not prompt information sharing by police, and

¹⁵ Victoria Police, Victoria Police Manual - Family Violence (2022), 10-1; Family Safety Victoria, MARAM Foundation Knowledge Guide (2021), 113.

¹⁶ Victoria Police, Statement to CCoV dated 15 March 2024, 2.

¹⁷ Ibid 3.

¹⁸ Victoria Police, Statement to CCoV dated 15 March 2024 - Annexure A – Predominant Aggressor Identification Trial Report, 14.

¹⁹ Victoria Police, Statement to CCoV dated 15 March 2024, 10, Victoria Police, Statement to CCoV dated 15 March 2024 – Annexure A – Predominant Aggressor Identification Trial Report, 18.

²⁰ Victoria Police, Statement to CCoV dated 15 March 2024, 10.

the Trial concluded that “*information sharing continues to be under-utilised at the frontline and across the broader systems into Victoria Police*”.²¹

- d) Following the Trial, a review of the police records relating to the 146 instances where police identified a female predominant aggressor found likely cases of misidentification which were not identified at any stage of the trial. This is particularly concerning given the additional mechanisms in place for improving accurate identification of the predominant aggressor during the Trial.²²
 - e) The Trial found that police continue to take an incident-based approach to assessing predominant aggressors, and to ‘equate criminal offending with the predominant aggressor at a family violence incident’, and that this has led to instances of misidentification of the predominant aggressor.²³
 - f) Which party contacted the police influenced the subsequent direction taken by police²⁴ - when a male using systems abuse contacted police to make a report about their partner, misidentification was more likely to occur.²⁵
162. During the Trial, the only point of review which was effective in identifying instances of misidentification was review by a Family Violence Court Liaison Officer (**FVCLO**). Of the 16 cases subject to a review by a FVCLO six were confirmed as misidentified, and three others were identified as suspected misidentification.²⁶ These included cases which had previously been reviewed by a supervisor at a police station.²⁷ The Trial report suggests that one reason for the discrepancy in different types of reviews’ efficacy in picking up on misidentification may be the differing priorities between police members working in different contexts whereby “*the station focuses on criminality and immediate safety in contrast to the pre-court space, where there is a civil and justice focus*”.²⁸
163. Following the Trial, Victoria Police continued their work on addressing misidentification of the predominant aggressor through the Predominant Aggressor Program of Work, which

²¹ Victoria Police, Statement to CCoV dated 15 March 2024, Annexure A – Predominant Aggressor Identification Trial Report, 3.

²² Ibid 30.

²³ Ibid 4.

²⁴ Ibid 13.

²⁵ Ibid 20.

²⁶ Ibid 27.

²⁷ Ibid 27.

²⁸ Ibid 26.

started in December 2022 after the Trial ended.²⁹ Victoria Police published the predominant aggressor practice guide in July 2025. This guide includes a section on misidentification of children and young people. Victoria Police are also part of the Predominant Aggressor Working Group (**PAWG**) co-chaired by Family Safety Victoria (**FSV**) and the Department of Justice and Community Safety (**DJCS**).³⁰

164. However, Victoria Police acknowledged the ongoing challenge of accurately identifying the predominant aggressor, noting in a statement provided to the Court:

*The complexity of family violence incidents that police attend can make accurate identification of the predominant aggressor challenging, noting that they need to consider and balance a range of factors. This is particularly challenging in the case of heightened and emergency situations; where there are complex relationship dynamics and/or a history of mental health and/or substance misuse issues in respect of one or both parties.*³¹

165. Of note, there have been recent legislative changes which aim to address misidentification. In February 2026, Royal Assent was provided for the *Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025*, which added into the FVPA a requirement for both police and courts to consider when issuing FVSN or an interim or final FVIO if the respondent has been misidentified, with reference to:

the nature of the incident involving family violence in the context of the entire relationship between the affected family member and the respondent; and

(b) any history of family violence between the affected family member and the respondent; and

(c) whether any of the family violence may have been committed by the respondent in self-protection or to protect another person; and

(d) whether the respondent has any characteristics that tend to increase the risk of being misidentified, including the following—

(i) age;

(ii) race;

(iii) sex;

(iv) sexual orientation;

(v) gender identity;

²⁹ Victoria Police, *Victoria Police Blue Paper: A vision for Victoria police in 2025*, 6.

³⁰ Victoria Police, [Response to finding without inquest – DCF](#).

³¹ Victoria Police, Statement of Assistant Commissioner B Jones dated 24 April 2025,

(vi) disability;

(vii) being Aboriginal or Torres Strait Islander.³²

Overriding down of risk ratings

166. Victoria Police family violence risk assessments automatically produce risk ratings via the Case Prioritisation and Response Model (**CPRM**). Higher scores “*indicate to police officers the need for proactive strategies to optimise the safety of any adult or child victims and reduce the risk of future family violence offending by the perpetrator*”.³³
167. The Victoria Police Manual – Family Violence (the **VPM - FV**) states that FVR L17s which return ratings of ‘high’ are assigned to the FVIU for investigation and risk management. FVIU investigators must complete a Management Response Template (**MRT**) and upload this to Interpose, where the investigation and risk management is managed. Frontline members retain investigation and risk management of cases that are rated medium or standard risk and can access the support of station Family Violence Liaison Officers (**FVLOs**).³⁴
168. However, the Code of Practice implies that not all FVR L17s with a high-risk rating are managed by FVIU. The Code of Practice states that “*all FVRs scored as high risk are triaged by the FVIU*” and that “[a]nalysis of the qualitative data fields on the FVR assist the FVIU to identify the highest and most complex risk cases, for which they will take over the investigation and case management”.³⁵ The VPM-FV and Code of Practice do not provide guidance on how FVIUs should determine which cases with a risk rating of high can or should be over-ridden down.
169. Several of the FVR L17s completed in relation to incidents involving DWI and SCB’s family returned a high-risk rating, including the majority of FVR L17s involving GFT. However, these ratings were manually over-ridden down and therefore remained with the reporting police member.³⁶ This meant that investigation and risk management was not escalated to FVIU management and remained with the reporting member. Some of these FVR L17s were

³² [Justice Legislation Amendment \(Family Violence, Stalking and Other Matters\) Bill 2025 \(Vic\)](#).

³³ Victoria Police, Code of Practice for the Investigation of Family Violence (2022) 4th Edition V2, 33.

³⁴ Victoria Police, [Victoria Police Manual – Family Violence](#) (July 2025), 13.

³⁵ Victoria Police, Code of Practice for the Investigation of Family Violence (2022) 4th Edition V2, 33.

³⁶ Victoria Police, LEAP record 26 February 2026, 7-8; Victoria Police, LEAP records 28 March 2020, 10; Victoria Police, LEAP record 11 November 2022, 19; Victoria Police, LEAP record 28 November 2022, 9; Victoria Police, LEAP records 29 November 2022, 3; Victoria Police, FV-SDR (13 November 2024), 9.

not reviewed by FVIU. Only two incidents were managed by the FVIU detectives and their supervisors.³⁷

170. The FV-SDR stated that risk ratings were repeatedly over-ridden down “*due to absence of severe stalking, controlling behaviours, serious harm being committed against the AFM and did not include any case complexities*”.³⁸ However, elsewhere, the FV-SDR referred to the “*complex nature and environment between the parties*” as reducing the impact police could have.³⁹ GFT’s “*complex behavioural and mental health issues*” are also noted repeatedly.⁴⁰ I note that this case was characterised by multiple complexities, including some that are not routinely captured in FVR L17s. These complexities must be weighed via professional judgment, for example, the fact that the parties lived in a regional town in very close proximity to one another.
171. In my view, the repeated overriding down of risk ratings due to a lack of complexity may have reduced opportunities for a more extensive and proportionate investigation and risk management. For example, the FV-SDR referenced engaging parties with external services at times. However, it also noted in the ‘Priority Communities & Complex Needs’ section that “*Police attempted to have [GFT] engage with external support services, however he refused*”. Such engagement may have been better supported or encouraged via proactive intervention through FVIU case management. The FV-SDR does not acknowledge this view, although the conclusion is somewhat opaque:

*Despite some reports, returning a high score and a risk rating of High or Medium, risk management remained with the reporting member and station FVLO. In hindsight, the FVIU may have taken a more active role, bearing in mind the capacity to acquit at the time is unknown, however given the family dynamics whereby the RESP on many occasions was the teenage son, it seems appropriate that it remained with the reporting members as per CPRM.*⁴¹

Response to DWI’s threats against SCB’s family - background

172. As noted above, DWI repeatedly made significant threats to harm SCB, GFT and his siblings in the presence of police. Police did not take action in response to these threats. Given that the fatal incident occurred in the context of self-defence while DWI threatened GFT with a

³⁷ Victoria Police, FV-SDR (13 November 2024), 9.

³⁸ Victoria Police, FV-SDR (13 November 2024), 9.

³⁹ Victoria Police, FV-SDR (13 November 2024), 6, 26.

⁴⁰ Victoria Police, FV-SDR (13 November 2024), 6, see also page 25.

⁴¹ Victoria Police, FV-SDR (13 November 2024), 24.

weapon, this inaction represents a significant missed opportunity in my view. Some examples of DWI's threats are detailed below.

6 February 2023

173. Police visited DWI twice on this day, but only one member activated their BWC (as noted above) during one of the visits. Consequently, not all details of DWI's contact with police are known.
174. The first contact with police occurred at about 4.00pm and occurred when police attended to assist paramedics. The only available record for this incident was in from a CAD event report. the CAD event report indicates that DWI was short of breath and "*threaten[ed] to use axe to hurt neighbour*". When police arrived, ambulance staff were assisting DWI into the ambulance, and the CAD event report stated "*Nil issues*".
175. The second contact occurred at about 6.00pm. A staff member at the local Hospital called Triple Zero to report that DWI had discharged himself and stated that he was going to kill his female neighbour. The CAD event report noted that while DWI was in the ambulance earlier that day, he repeatedly stated that he "*ha[d] axe at front door that he will use to kill his neighbour.*"
176. The available BWC footage shows two members visiting DWI at his home. DWI stated that he went to hospital because he injured his hand after punching his dog for eating his motorcycle seat.
177. While police were present, DWI alleged that SCB had broken into his house and taken his phone. He alleged that SCB regularly broke into his house while he was sleeping by jumping over a fence and avoiding his CCTV cameras. He alleged that she stole the keys to his house and car and that this had been "*going on for three years*". While making these allegations, DWI referred to SCB using gendered slurs such as "*junkie slut*".
178. When police asked DWI how he knew it was SCB who broke into his home, he explained that his dog did not bark at SCB, as his dog knew SCB.
179. While police were present, DWI made threats to kill or harm SCB and her children, including:
 - a) If he had the money, he would "*have her knocked, that'd be the fuckin' end of the problem*".

- b) *“If it wasn’t for [him] falling over this afternoon, [he would] be up there with an axe, [he’d] be cutting up kids, her, everyone. [He] will do it! [He’ll] go and fuckin’ knock her.”*
- c) DWI explained that he was experiencing chest pains again from stress. When police encouraged him to seek medical attention, he reported his *“health will go through the roof, fantastic, when she’s dead”*.
180. One of the members called their supervisor to seek guidance on what to do. In speaking to her supervisor, the member indicated that DWI routinely contacted the station and made threats to kill SCB. The member stated:
- ...apparently he does this constantly...he rings up the station saying the same thing – ‘I’m going to get SCB, I’m going to chop her up with an axe’ and stuff...apparently he rings the station constantly...he’s been saying he’s going to get SCB and chop her up with an axe...[a member] says he’s rung many times before, but he’s still saying it now.*
181. The member further noted *“I can’t imagine SCB climbing fences”* and *“he’s been doing it for years, threatening all this stuff, but yeah, at what point do you go well he’s just saying it, or...”*.
182. One of the members called the regional Mental Health Service for the area (MHS) via phone. The member explained to regional mental health service that they were with DWI who *“for years has made threats against his ex-girlfriend as such”*. The member asked that they speak to DWI *“about how he’s feeling”* as he was upset after his dog ate his motorcycle seat.
183. The member asked for DWI to be assessed on the phone to *“tick that box”* because he was threatening to harm someone. The member noted that DWI had been making these threats for years, but he *“doesn’t do anything”*. The member further explained *“well, it’s mental health because he’s pissed off, but because he’s like made those sorts of threats”*. The MHS assessed the request was inappropriate as DWI’s threats did not *“seem to be related to any mental health issues”* and took no further action.
184. Police suggested that DWI could get another dog which *would* bark when seeing SCB. They also suggested that DWI could ask the Office of Housing to obtain more CCTV cameras.
185. Police did not complete an FVR L17 with respect to DWI’s threats to kill/harm SCB and her children. There is also no evidence that police spoke to DWI about his threats to kill/harm

SCB and the children, to establish whether he intended to carry out the threats. It does not appear police took any further action in relation to this incident.

186. This incident was not considered by the FV-SDR and was only discovered by the Court after Victoria Police records were obtained. This might be because the incident was not recorded as a family violence incident on LEAP.

17 July 2023

187. As noted above, on 17 July 2023, DWI contacted police to report that GFT “*had attended his address and was riding up and down the street on a motorbike.*” DWI told the call-taker that he would “*sort [GFT] out*” with a “*sledgehammer*”. This threat was communicated to Victoria Police via the CAD report, which also noted that there was an FVIO between the parties. The CAD report also noted that DWI had been the subject of several prior police contacts relating to family violence.

188. Police attended and observed GFT on a bicycle as they arrived. Police documented that there was no sign of a motorcycle. DWI was also leaving his home in a taxi at the time. It does not appear that police spoke to either party and took no further action. They recorded “*no offence detected*”.

189. The FV-SDR noted that DWI “*did not divulge any FV links*”. The FV-SDR concluded:

Based on the information available it appears this was more of a public nuisance complaint. The main issue identified was that [GFT] was riding up and down the street. Any thoughts or threats were expressed to the call taker only and not [GFT] and such FVR would not apply.

190. The FV-SDR referred to GFT as the respondent and DWI as the AFM in relation to this incident and concluded that the police response was appropriate. However, the FV-SDR also stated:

Given the nature of the relationship history across the AFM and respondent, police could have followed up with both parties, to assess risk. Of note is the fact that the AFM had not suggested he was in fear of the RESP.

191. I disagree with the FV-SDR’s assessment of this incident. Given the history of family violence between GFT and DWI available on LEAP, as well as the information available via the CAD report, this incident should have been properly classified as a family violence incident. Based on the available records, there is no evidence to suggest that police investigated or assessed

the risk associated with DWI's threat to "*sort [GFT] out with a sledgehammer himself*" if police did not "*get there on time*". As with the incident on 6 February 2023, I am of the view that the threat constituted family violence and therefore a FVR L17 should have been completed.

23 August 2023

192. On 23 August 2023, DWI contacted police and reported that DWI had been riding a "*monkey bike*" up and down the street. The CAD event report notes that DWI was "*very angry*" and "*made numerous threats of v [violence] if pol [police] don't hurry*".
193. The FV-SDR noted that DWI reported that GFT made threats towards him, however the source of this is unknown. Police did not speak to DWI and there was no reference in the CAD event report to GFT making threats against DWI.
194. Upon arrival, police searched the area for a bike, however, could not locate one. Police did not speak to DWI or GFT. Police did not complete an FVR L17 with respect to this incident and took no further action.
195. The FV-SDR referred to GFT as the respondent and DWI as the AFM during their review of this incident. The review stated that the police assigned to this job were informed that a person was "*causing trouble*" and that there was "*no reported FV incident*". The FV-SDR further noted "*[t]here is no suggestion that it was FV related*" and therefore police managed the incident appropriately. Finally, the FV-SDR noted that "*[t]he only threats of any violence were the AFM threatening to take matters into his own hands if police did not hurry*".
196. The FV-SDR further noted "*[w]ithout knowledge or commentary with regard to any interaction between the AFM and RESP, it cannot be fully determined if an actual FV incident occurred. On all available information, no FVR should be submitted as FV was not reported.*" However, the FV-SDR also noted it would have been appropriate for police to speak to the reporting person (AFM) to obtain further information.
197. I agree that police should have taken further action, including by speaking directly with DWI. This was particularly pertinent given DWI's multiple threats of violence against GFT which were communicated to police, and his history of threats and perpetration of violence against SCB's family. The CAD event report noted that police were informed that DWI made these threats, that he was "*very angry*" and that he had been subject to several previous police

contacts for family violence. The previous history of family violence with GFT would have been evident when checking LEAP.

11 September 2023

198. On 11 September 2023, DWI contacted the local Police Station and reported that GFT and two unknown associates were at his home armed with a golf club and *“made threats of violence”* against him. Police attended DWI’s home and established that the FVIO in place between GFT and DWI expired in July 2023. While police were present, DWI was drinking a beer and reported it was his third beer that day.
199. Police spoke to DWI who reported:
- a) He heard GFT call him a paedophile and he told GFT to *“piss off”*.
 - b) He *“snapped”* and chased GFT, picked up his bike and threatened to *“smash them with the bike”*.
 - c) GFT and his friend ran to his house and returned, armed with golf clubs and then *“came at”* DWI.
 - d) DWI *“came back out and [he] armed up, then they ran off”*.
 - e) He had a *“restraining order”* against GFT and wanted police to pursue him for breaching the order.
 - f) DWI stated *“If I get hold of him, I’m not going to hurt him I’m going to kill him. I will kill him”*.
 - g) DWI noted his CCTV was not working but a neighbour had CCTV which would have captured GFT’s movements.
 - h) DWI reportedly stated *“I’ll kill him, I’ll do the whole fuckin’ family”* to one member. That member did not activate their BWC, so the audio is captured on the BWC of the other attending member who was several metres away.
 - i) DWI stated *“I’ve just had enough, I can’t take any more. And I am going to lose it, I’m telling you I’m going to lose it.”* In response, police advised DWI *“[t]hat’s why you need to get the order. That’s the thing, if the order was still in force and he comes here we can do something about it”*.

200. Police closed the job and recorded that there was “*no offence detected*”. They inaccurately documented that the incident was a verbal disagreement only and that both parties yelled at one another. Police advised DWI to apply for an intervention order at the local Magistrates’ Court and told him not to chase GFT if he returned to the address. The attending members did not appear to identify that the previous intervention order was an FVIO, nor that DWI and GFT previously had a familial relationship as stepfather and stepson.
201. One of the members later remarked that she “*may have had an unconscious bias towards [DWI], that he was frequently involved in neighbourhood disputes and that he would often exaggerate the circumstances detailing that a weapon was involved*”.
202. Later that evening, a Sergeant checked and approved the police records in relation to this incident.
203. Professional Standards Command (PSC) conducted an investigation in relation to this incident, in addition to the FV-SDR. The PSC investigation found that the attending members:
- a) Failed to conduct any initial actions or investigations into the apparent criminal offences involving “*affray and or threats to inflict serious injury*”.
 - b) Failed to identify any witnesses.
 - c) Failed to identify circumstances of family violence.
 - d) Failed to complete an FVR L17.
 - e) Failed to ensure the safety of the AFM (which they identified as DWI).
 - f) Failed to initiate civil action.
 - g) Failed to assess the risk of future family violence.
 - h) One member did not activate their BWC.
204. The members involved were subject to ‘admonishment’ for this incident.
205. The PSC investigation also found that the Sergeant who approved the attending members’ records of the incident “*failed to provide adequate supervision in that he failed to identify inactions*” of the members and “*failed to ensure that Legislation and Policy with respect to*

Family Violence and Crime reporting was complied with". The Sergeant involved was subject to 'workplace guidance' for this incident.

206. The FV-SDR made similar findings and noted that the members involved "*failed to adhere to either the FV VPMS or Code of Practice*". The review also noted that "*[m]embers did not recognise the dynamics of adolescent family violence potentially limiting any risk management strategy*" and suggested that police should have applied for an FVIO on behalf of DWI.
207. I broadly agree with the PSC findings above, however those findings appear to be premised on the view that GFT was the predominant aggressor in his relationship with DWI. While GFT reportedly initiated verbal contact by calling DWI a paedophile, DWI told police that he responded by chasing GFT, picking up his bicycle and threatening to "*smash*" him with it. DWI further threatened GFT directly to police and stated that he "*will kill him*". I also note that this incident occurred in the context of repeated threats made by DWI against GFT and his family, and the significant previous assaults he perpetrated against SCB and her children.
208. In my view, DWI's threats against GFT on this occasion warranted further action from police. This is particularly pertinent in circumstances where the fatal incident occurred one month later, wherein DWI threatened GFT with a meat cleaver.

Response to DWI's threats against SCB's family - analysis

209. In my view, DWI's repeated threats to kill or harm SCB and her children constituted family violence and should have been identified and investigated as such by police. Making a threat to kill is an indictable offence pursuant to the *Crimes Act 1958* (Vic), although it does not appear that police considered charging DWI with this offence in relation to his threats. I also note that the definition of family violence within the *Family Violence Protection Act 2008* (Vic) includes "*assaulting or causing personal injury to a family member or threatening to do so*".
210. In those circumstances, police should have completed FVR L17s in response to DWI's threats against SCB and her children. Completing an FVR L17 would have enabled police to gather information, assess and manage risk and take civil and/or criminal action as appropriate. Risk management strategies could have included notifying SCB of DWI's repeated threats.
211. I note that recording these incidents as family violence via FVR L17s has important flow-on implications. It may influence future police interactions with the parties by ensuring the

picture of family violence over time is available to police members who attend future incidents. It can also assist with identification of the predominant aggressor, ensure that appropriate specialist referrals are made and can otherwise influence risk management activities.

212. In my view, the above incidents (6 February, 17 July, 23 August, 11 September 2023) represent missed opportunities to accurately identify, record, assess and manage family violence risk. This was likely cumulative and compounding over time. For example, if the 6 February incident was appropriately record and identified, then it may have prompted a more thorough and detailed record and assessment for the next incident. Accurate identification, recording and assessment over time would have built a more accurate and fulsome picture of the escalating tension between DWI and GFT.

Perpetrator accountability

213. As noted above, it is my view that there were multiple missed opportunities for police to hold DWI to account for his use of violence. These missed opportunities arose due to police not identifying incidents between DWI and GFT as family violence, and also due to police misidentifying GFT as the predominant aggressor. I also note that police did not take any action in relation to DWI's admission that he punched his dog for chewing his motorcycle seat on 6 February 2023, requiring medical intervention. I raise this in circumstances where there is a correlation between animal cruelty and family violence.⁴²
214. I note that the FV-SDR referred to GFT as the respondent throughout, despite DWI's documented history of family violence perpetration, including recent threats to harm GFT and his family. This is pertinent in circumstances where DWI's death occurred in circumstances of self-defence, while DWI was threatening GFT with a meat cleaver. While the FV-SDR commented on perpetrator accountability, it only considered this issue with respect to GFT and SCB, rather than DWI. The FV-SDR was silent on the issue of whether DWI was held to account for his abusive behaviour, which included reports of strangulation, threats with weapons and physical assaults.

⁴² Family Safety Victoria, [MARAM Practice Guides: Foundation Knowledge Guides](#) (February 2021), 30.

215. I note that police cannot hold family violence perpetrators to account, or make appropriate referrals for this purpose, until issues associated with misidentification of the predominant aggressor, family violence identification, recording and risk assessments are resolved.

Adolescent family violence

216. The FV-SDR noted that “[m]ost of the literature available to police responding to family violence is directed at intimate or former intimate relationships”. The FV-SDR suggested that police might benefit from further education or support for “dealing with a juvenile committing family violence” as this “would provide some clarity to police regarding expected response and outcomes when dealing with children in the family violence stream”. In particular, the FV-SDR noted that such education and support may better enable police “to engage more fully in multi-disciplinary approaches where IVOs are less effective in supporting safety”. The FV-SDR recommended:

Consideration of FVC-SPLU to build a child/adolescent focus into the appropriate strategic domain to improve awareness of internal and external referral opportunities to strengthen multiagency risk management which assists both AFM and respondent to address environmental and relationship factors. There is current engagement with FSV [Family Safety Victoria] in the development of the MARAM Children and Young Persons knowledge guide.

217. As noted earlier, children who are misidentified as the predominant aggressor often have a history of family violence victimisation by a parent or carer.⁴³ Stakeholders report the perception that police do not take children’s voices seriously, often treating them as unreliable.⁴⁴

218. I agree and support the FV-SDR’s recommendation in this matter.

Recommendations – family violence assessment and management

219. The FV-SDR made one further recommendation: “[c]onsideration for localised training of Frontline, Station Supervisors, FVLO and FVIU regarding investigative responsibilities”. The purpose of this recommendation was to reinforce the use of the BWC framework and to

⁴³ FVRIM, [Monitoring Victoria’s family violence reforms: Accurate identification of the predominant aggressor](#) (Report, December 2021), 11, 15.

⁴⁴ FVRIM, [Monitoring Victoria’s family violence reforms: Accurate identification of the predominant aggressor](#) (Report, December 2021) 19.

promote recognition of the FVIU and supervisor roles in relation to family violence incidents in the Eastern region.

220. In my view, the concerns above are not isolated to the Eastern region alone and represent systemic issues. In those circumstances, solutions should extend beyond training for members in that specific region.
221. The below potential recommendations may assist with the concerns identified above and may improve referrals to and engagement with appropriate specialist family violence services.

Expansion of co-responder programs across Victoria

222. I note that I and several other coroners have made recommendations and comments in support of expanding co-responder programs in Victoria.⁴⁵ Co-responder programs involve the presence of a family violence specialist worker during police attendance at family violence incidents to provide a collaborative response.
223. Research has identified key benefits to co-responder programs, including higher satisfaction of victims with police, increased willingness of victims to contact police in future, more information sharing and coordination of services for victims, greater understanding of family violence by police, and a perceived increase in the accountability taken by police in responding to family violence.⁴⁶ Further, co-responder programs are a popular option for reducing rates of misidentification of the predominant aggressor amongst researchers, police, and people with lived experience of family violence.⁴⁷
224. I note that co-responder program involvement may have benefitted GFT and his siblings by reducing incidents of misidentification of the predominant aggressor, promoting trauma-informed responses to family violence and accurate risk assessment and rating, and enhancing opportunities for engagement with specialist support services. The operation of a co-responder program at local Police Station may improve the overall understanding of family violence within the station, noting that one month prior to the fatal incident at least three senior and

⁴⁵ See, for example, [Finding into death without inquest – ZSQ](#); [Finding into passing with inquest – Noeline Dalzell](#); [Finding into death without inquest - EDH](#); [Finding into death with inquest – Carolyn James](#); [Finding into death without inquest - CM](#); [Finding into death without inquest – Ms KSQ](#); [Finding into death without inquest – Jessica Geddes](#); [Finding into death without inquest – Narelle Simmons](#); [Finding into death without inquest – Tracey Knowles](#).

⁴⁶ VSRFVD, Multidisciplinary responses to Family Violence (2023), 4, 6.

⁴⁷ Nancarrow, H., Thomas, K., Ringland, V., & Modini, T. (2020). Accurately identifying the “person most in need of protection” in domestic and family violence law (No. ANROWS Research Report 23) 21, 96.

experienced police members did not comply with the VPM-FV and Code of Practice with respect to an incident involving DWI and GFT.⁴⁸

225. In October 2025, the Victorian Government announced that it would expand the Alexis co-responder program into two further regions, however it is yet to be expanded across Victoria. The current sites include Prahan, Bayside, Morwell and Wonthaggi, and the two new sites will include Caroline Springs and Ballarat.⁴⁹ Given the potential benefits of a co-responder program, it ought to be expanded statewide, to ensure that all victim-survivors have the ability to access and engage with the program. In my finding into the death of HDS, I recommended an expansion of the Alexis program across the state.⁵⁰
226. The Department of Families, Fairness and Housing (DFFH) responded to my recommendation in HDS. DFFH advised that it supported my recommendation in principle and noted Alexis is currently operating across three program sites (encompassing four locations). DFFH will provide funding to continue these programs in 2026 to 2027.
227. DFFH further noted that it is partnering with the Commonwealth Government to fund two new Alexis program sites, to commence service delivery in 2026 to 2027. DFFH advised it will continue to consider options for implementation of this recommendation across Victoria.
228. Given the Alexis model is not yet available Victoria-wide, I intend to recommend that the Victorian Government and the Commonwealth Government fund the expansion of Alexis across the state.

Review process when police attend several family violence incidents and label both parties as the predominant aggressor

229. Victoria Police attended at least 15 family violence incidents between DWI and SCB's family between 2015 and 2023. While police most commonly labelled DWI as the AFM, at other times he was labelled the respondent (and therefore the predominant aggressor).

⁴⁸ Victoria Police, PSC final report regarding 11 September 2023 (30 April 2024),

⁴⁹ Victorian Government Media Release, 25 February 2026, <<https://www.premier.vic.gov.au/labor-backs-ballarat-stop-family-violence>>.

⁵⁰ [Finding into death without inquest – HDS \(COR 2022 0793\)](#).

230. The police identification of parties as both the respondent and AFM across several family violence incidents has been identified in other cases reviewed by this Court.⁵¹ To address this issue, Coroner McGregor recommended as follows:

*That Victoria Police implement a mechanism which triggers a review of the predominant aggressor in a relationship when police attend several family violence incidents and label both parties the predominant aggressor on more than one occasion. This trigger should be automated and should not depend on members reading and complying with a new practice guide. The review process should involve specialist family violence services, and should consider information recorded across time, including in FVR L17s.*⁵²

231. In response, Victoria Police submitted that the intent of this recommendation was being considered through the ongoing work of the PAWG. The response further noted:

- 1. Victoria Police is collaborating with government stakeholders in the PAWG.*
- 2. The PAWG is co-chaired by Family Safety Victoria and the Department of Justice and Community Safety and aims to consider system improvements that support the effective identification of the predominant aggressor, and appropriate rectification where misidentification is found to have occurred.*
- 3. The PAWG has developed a Work Plan, informed by a range of materials and evidence, including the Family Violence Reform Monitor Implementation (FVRIM) report on Accurate Identification of the Predominant Aggressor.*
- 4. Under the Work Plan, Victoria Police, in collaboration with other participating agencies in the PAWG, is responding to recommendation 5 of the FVRIM report relating to a review process involving specialist family violence services, including exploring its viability or other opportunities to address the intent of the Coroner's recommendation.*

232. I note that with respect to point 4 of the above response, it appears that Victoria Police may have confused Coroner McGregor's recommendation with previous coronial recommendations relating to the implementation of Recommendation 5 of the FVRIM. This recommendation is separate and distinct from his Honour's recommendation. Recommendation 5 relates to specialist family violence reviews of FVR L17s when women are identified as the predominant aggressor.

⁵¹ See, for example, [Finding into death without inquest – HCG \(COR 2021 0596\)](#).

⁵² [Finding into death without inquest – HCG \(COR 2021 0596\)](#), 48.

233. I also note that the recently published Victoria Police practice guide *Family violence – Predominant aggressor* states that certain indicators, such as “*complex family violence history between the parties, previous misidentification and/or allegations of ‘mutual violence’*” may suggest further interrogation of the predominant aggressor and AFM is required. The guide includes a review checklist which encourages police to consult with external services if they are involved with the parties. This includes where those services have raised concerns and provided new information suggesting misidentification has occurred.
234. However, the guide and checklist do not *require* a review of the predominant aggressor where both parties have been labelled as the respondent and AFM (as per Coroner McGregor’s recommendation above). They also do not encourage external consultation with specialist family violence services when parties are not already involved with them. In my view, such consultation is required in order to draw on the expertise of the specialist family violence sector, given the limitations of internal police reviews evidenced through the Trial, as outlined above. I therefore intend to re-make Coroner McGregor’s recommendation, with a minor modification (discussed below). I also intend to direct a copy of this finding be provided to the PAWG for their consideration.

Relevant systemic issues – responses to child sexual abuse

Background

235. As noted above, DWI commenced primary school in a regional Victorian town in about 1970 or 1971. His sister noted that while he attended that school, he was sexually abused by his teacher. In 1972, DWI attended a secondary school, where his abuser from the primary school was also transferred. DWI continued to have contact with his abuser in that context. DWI’s sister reported that DWI later received a small amount of compensation but did not pursue it further “*because he didn’t want to revisit the abuse*”.
236. I note the Royal Commission into Institutional Responses to Child Sexual Abuse (the **Royal Commission**) found that “[b]etween 1968 and 1974, a large proportion of the teaching staff at [REDACTED] were [REDACTED] who have subsequently been the subject of allegations of, or have been convicted of, child sexual abuse”.⁵³ The Royal Commission further found that DWI’s abuser had the highest number of claims or substantiated complaints of child

⁵³ Royal Commission into Institutional Responses to Child Sexual Abuse, [Report of Case Study No. 28: Catholic Church Authorities in Ballarat](#) (November 2017), 103.

sexual abuse against him of all perpetrators reviewed by the Royal Commission.⁵⁴ The allegations against DWI's abuser outlined by the Royal Commission are harrowing,⁵⁵ and he has since been convicted of sexual offences against 31 children over the period 1968-1988.⁵⁶

237. As noted above, DWI had a history of mental health issues including suicidal ideation. In 2014, police transported DWI to hospital after he expressed suicidal ideation in the context of alcohol misuse, poor sleep and multiple stressors including legal issues. At the time, DWI had prepared a rope to hang himself. In hospital DWI disclosed “[c]onstant ruminative thoughts of childhood sexual and physical assault by the [REDACTED] and [REDACTED] in [REDACTED]” and reported a history of PTSD in relation to this abuse. DWI stated he had been unable to sleep for five nights due to the ruminative thoughts. DWI reported that he drank alcohol in response to stress. The mental health assessment noted that he had poor impulse control which was exacerbated by alcohol use. DWI was discharged after a one-night admission and declined community mental health follow-up or alcohol/other drugs support. Medicare and Client Management Interface (CMI) records indicate that DWI did not engage with mental health services after this hospital admission.

Analysis

238. I note the intersecting nature of the various issues and stressors faced by DWI across his lifespan. This includes child sexual abuse victimisation, substance misuse, mental health issues and family violence perpetration.
239. Childhood sexual violence victimisation is associated with substance misuse and mental health issues later in life,⁵⁷ which in turn may also increase the likelihood and severity of family violence offending.⁵⁸ Furthermore, there is a well-established link between childhood sexual abuse victimisation and “men’s elevated risk of perpetrating domestic and family violence in adulthood”.⁵⁹ Evidence suggests that in order to address men’s use of violence, it

⁵⁴ Royal Commission into Institutional Responses to Child Sexual Abuse, [Report of Case Study No. 28: Catholic Church Authorities in Ballarat](#) (November 2017), 457.

⁵⁵ Royal Commission into Institutional Responses to Child Sexual Abuse, [Report of Case Study No. 28: Catholic Church Authorities in Ballarat](#) (November 2017), 108-109.

⁵⁶ James Hancock and Margaret Paul, ‘[Robert Best: Christian Brother sentenced to 10 years’ jail for sexual abuse of boys](#)’, *The Guardian* (online, 2 March 2017).

⁵⁷ Family Safety Victoria, [MARAM Practice Guides: Foundation Knowledge Guides](#) (February 2021), 93; Haslam D et al, [The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study](#) (Brief Report, Australian Child Maltreatment Study, Queensland University of Technology, 2023), 25.

⁵⁸ Family Safety Victoria, [MARAM Practice Guides: Foundation Knowledge Guides](#) (February 2021), 102.

⁵⁹ Rodney Vlasis, ‘[Working with Adult Users of Domestic and Family Violence Who Have a Trauma Background](#)’ (April 2025) 4; See also Family Safety Victoria, [MARAM Practice Guides: Foundation Knowledge Guides](#) (February 2021), 67.

can be helpful to acknowledge their experiences of violence, and that failure to do so may increase the likelihood that they will use violence against a family member.⁶⁰

240. Given the above, redress schemes which provide access to counselling and psychological care may provide opportunities for family violence early intervention. There does not appear to be any Australian research exploring redress schemes as early intervention. I intend to direct a copy of this finding be provided to Australia's National Research Organisation for Women's Safety (**ANROWS**) for their consideration. I note that any research in this area must be done with care and that the primary purpose of redress schemes is to provide justice for survivors and to ease the pain caused by past abuse. This does not prevent redress schemes from having a role in early intervention but should be nevertheless considered.

241. The National Redress Scheme was set up in 2018 on the recommendation of the Royal Commission. However, evaluations of the scheme have identified concerns with its implementation. The aims of the National Redress Scheme include:

- a) Easing the pain, suffering and sorrow caused by past child sexual abuse (and related abuse) that occurred in Australian institutions.
- b) Recognising the impacts of that abuse.
- c) Providing justice for the survivors.⁶¹

242. The National Redress Scheme can provide:

- a) A payment, referred to as a monetary payment.
- b) Access to counselling and psychological care.
- c) A direct personal response from the responsible institution such as an apology.⁶²

243. However, evaluations of the National Redress Scheme indicate that it has not met its full potential due to issues such as long wait times and application processes which retraumatise

⁶⁰ Rodney Vlasis, '[Working with Adult Users of Domestic and Family Violence Who Have a Trauma Background](#)' (April 2025) 10.

⁶¹ Joint Standing Committee on Implementation of the National Redress Scheme, [Redress: Journey to Justice](#) (November 2024) 1.

⁶² Services Australia, National Redress Scheme: Support for people who experienced institutional child sexual abuse (Web page, 25 September 2025) < [National Redress Scheme - About us - Services Australia](#)>.

survivors.⁶³ Of note, DWI's sister indicated that he did not seek to access all of the redress he may have been owed because of concerns about re-traumatisation after he received a small payout. Had DWI been able to access the full suite of support recommended by the Royal Commission, including counselling and psychological care, this may have had a preventative impact by interrupting the intersecting issues he faced, and reducing his risk of family violence perpetration.

244. A further independent review of the National Redress Scheme is due in June 2026 (Eighth Year Review).⁶⁴ This scheme is due to end in 2028, although a 2024 report by the Joint Standing Committee on Implementation of the National Redress Scheme recommended that it be extended.⁶⁵ I support the extension of the Scheme, but note the potential for expansion of the Scheme to play a role in early intervention.

PROCEDURAL FAIRNESS RESPONSES

Victoria Police procedural fairness response

245. As a matter of procedural fairness, the Court wrote to Victoria Police to provide them with an opportunity to respond to the proposed adverse comments. Victoria Police noted the four main areas for consideration included:

- a) Misidentification of the predominant aggressor.
- b) BWC framework.
- c) Expansion of co-responder programs across Victoria.
- d) Proposed recommendation.

Misidentification of the predominant aggressor

246. Victoria Police was grateful for the acknowledgement that it has undertaken significant work to address this issue in recent years. This includes:

- a) The significant program of work arising from the Trial in 2022.

⁶³ See for example, Joint Standing Committee on Implementation of the National Redress Scheme, [Redress: Journey to Justice](#) (November 2024).

⁶⁴ Parliament of Australia, Timeline [web page, undated] <[A. Timeline – Parliament of Australia](#)>.

⁶⁵ Joint Standing Committee on Implementation of the National Redress Scheme, [Redress: Journey to Justice](#) (November 2024), xi.

- b) Publication of the *Victoria Police Practice Guide – Predominant Aggressor* and the updated VPM-FV. These guides encourage members to utilise their powers under the relevant information sharing schemes to share and request information from other agencies to assist in their determination of the predominant aggressor. These documents also provide clear guidance for internal review processes.
- c) Establishing pathways on the Victoria Police website for stakeholders and the public to raise incidents of suspected misidentification with police.
- d) Active participation in the PAWG to address systemic issues and improve practice responses.

247. Victoria Police noted that the timeframe of the relevant family violence reports in this case (2015 to 2023) was a significant time of reform. This reform occurred internally within Victoria Police and in response to the *Royal Commission into Family Violence*.

248. Victoria Police noted that responding to family violence can be particularly challenging in cases where there are intersecting and complex needs (mental health, alcohol/drug use, complex family dynamics and/or multiple parties involved). Victoria Police explained that identification of the predominant aggressor can be complicated by a range of factors, including where both parties are not present at the time of a report. While police make every effort to speak to all parties involved individually, this may not always be possible.

249. Despite the complexities involved, Victoria Police acknowledged the need for ongoing systemic reform to continue to address the issue of misidentification.

Proposed recommendation – misidentification

250. As noted above, Coroner McGregor made a recommendation in his finding into the death of HCG:

That Victoria Police implement a mechanism which triggers a review of the predominant aggressor in a relationship when police attend several family violence incidents and label both parties the predominant aggressor on more than one occasion. This trigger should be automated and should not depend on members reading and complying with a new practice guide. The review process should involve specialist family violence services, and should consider information recorded across time, including in FVR L17s.

251. Victoria Police maintained that any recommendations that trigger external review mechanisms and impact the operating model of the family violence response sector need to be considered in a whole of Victorian Government forum, such as the PAWG. In those circumstances, I intend to modify the proposed recommendation to be directed at both Victoria Police and the PAWG.

Compliance review of BWC activation framework

252. Victoria Police explained that the VPM BWC policy, supported by the BWC Practice Guide, establishes a comprehensive compliance framework. This includes defined activation requirements, obligations on police members to report non-compliance and supervisory responsibilities for monitoring usage.

253. Compliance is actively monitored at the local work unit level with supervisors responsible for reviewing BWC usage, conducting periodic audits and identifying members with low recording rates. Victoria Police submitted that these practices reflect a decentralised assurance model aligned to frontline supervision and operational accountability.

254. Victoria Police acknowledged that organisation-wide visibility of compliance metrics is limited, however submitted that existing arrangements are considered fit for purpose. It stated that a further centralised review would likely duplicate established controls and provide limited additional operational value.

255. Victoria Police further noted that existing training practice already incorporates BWC activation expectations. These expectations are reinforced through:

- a) Biannual OSTT cycles, incorporating scenario-based training.
- b) Foundation training programs, where BWC use is introduced and embedded.
- c) Ongoing reinforcement through training preambles, operational instruction and scenario delivery.
- d) Training scenarios incorporating decision-making under stress and cognitive load, consistent with the observations of Coroner Giles in *Gaskill*.⁶⁶

⁶⁶ [Finding into death with inquest – Simon Gaskill](#).

256. Victoria Police submitted that a further recommendation was unnecessary in the circumstances. I do not intend to make a further recommendation on this issue.

Expansion of co-responder models

257. Victoria Police noted its support for the expansion of co-responder models, however noted that such an expansion would be subject to Victorian Government support and funding.

Procedural fairness responses of other parties

258. As a matter of procedural fairness, the Court sent correspondence to SCB, GFT and WQZ, indicating my intention to refer to allegations made against these parties. This included GFT and WQZ's involvement in the fatal incident, and allegations that DWI made against SCB. These allegations include that SCB perpetrated family violence against him, stole his belongings and entered his property without permission.

259. The Court sent this correspondence in late-June 2026. To date (August 2026), no responses have been received.

FINDINGS AND CONCLUSION

260. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:

- a) the identity of the deceased was DWI, born [REDACTED];
- b) the death occurred on 28 October 2023 at The Alfred Hospital, 55 Commercial Road Melbourne Victoria 3004, from traumatic head injury; and
- c) the death occurred in the circumstances described above.

RECOMMENDATIONS

Pursuant to section 72(2) of the Act, I make the following recommendations:

- (i) That **Victoria Police** in consultation with the **Predominant Aggressor Working Group** (namely, **Department of Justice and Community Safety, Victoria Police, Department of Families, Fairness and Housing**)⁶⁷ implement a mechanism which

⁶⁷ The first version of this finding signed 20 August 2026 directed Recommendation (i) to the Predominant Aggressor Working Group (**PAWG**). At the request of the Department of Justice and Community Safety, the Recommendation was amended to be directed at the specific members of the PAWG, namely, Victoria Police, the Department of Justice & Community Safety and the Department of Families, Fairness & Housing.

triggers a review of the predominant aggressor in a relationship when police attend several family violence incidents and label both parties the predominant aggressor on more than one occasion. This trigger should be automated and should not depend on members reading and complying with a new practice guide. The review process should involve specialist family violence services, and should consider information recorded across time, including in FVR L17s.

- (ii) That the **Victorian Government** together with the **Commonwealth Government** provide ongoing funding for the expansion of the Alexis Family Violence Response Model across Victoria.

I convey my sincere condolences to DWI's family for their loss.

Pursuant to section 73(1A) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

I direct that a copy of this finding be provided to the following:

██████████, Senior Next of Kin

██████████, Senior Next of Kin

Alfred Health

Australia's National Research Organisation for Women's Safety (**ANROWS**)

Commonwealth Government

Family Violence Reform Board

██

Predominant Aggressor Working Group

Victorian Government

Victoria Police (C/- Victorian Government Solicitor's Office)

Detective Leading Senior Constable Andrew Missen, Coronial Investigator

Signature:



Judge Liberty Sanger, State Coroner

Date: 9 September 2026



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.
