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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE
CORONER'S REPORT INTO THE DEATH OF
JANDY RENIA SHEA**

Presented by

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Introduction

Ms Jandy Renia Shea died on 4 March 2018 at her Canberra residence. The matter was reported to then ACT Chief Coroner Walker as Ms Shea was thought to have died unnaturally in unknown circumstances.

Shortly after the death was reported, Ms Shea's parents contacted police to suggest that Ms Shea might have died as the result of the actions of another person. Accordingly, Coroner Walker directed a police investigation be held into the events of Ms Shea's death.

Coroner Walker was appointed to the Supreme Court on 1 August 2019 and this matter was transferred to Magistrate Boss as Coroner.

Coroner Boss delivered a report of the inquest into the death of Ms Jandy Renia Shea (the Coroner's Report) on 28 September 2019. The manner and cause of Ms Shea's death was found to be suicide.

The Coroner's Report discusses the significant family violence that occurred in the years preceding Ms Sheas' suicide, including convictions of common assault and acts of indecency committed by Mr Shea against Ms Shea. The Coroner's Report explored the possibility that Ms Shea's husband, Mr Shea, caused her death and several different forensic and expert opinions were sought on this possibility.

When she still had carriage of the matter, the then Coroner Walker had prepared draft findings, and caused a section 55 notice to be forwarded to Mr Christopher Shea in relation to a proposed adverse comment and finding. Mr Shea, through his legal representatives, made submissions that the adverse comment and finding should not be made.

Coroner Boss concluded that:

"I am satisfied in my own right, and to a level of reasonable satisfaction, that it is appropriate to make the proposed adverse comment and finding contemplated by the then Chief Coroner"

This adverse comment and finding was:

"there is no evidence that [Mr Shea] directly caused [Ms Shea's] death or was otherwise involved in her hanging. However, I am satisfied that [his] conduct towards her contributed to [Ms Shea's] decision to end her own life, and I so find".

In her conclusions, Coroner Boss made one recommendation as follows:

I recommend that the ACT Government create a register of family violence perpetrators on which those convicted of a serious criminal offence against a family member shall be recorded. I direct that copies of my findings and recommendation be forwarded to the Attorney-General, the Minister for the Prevention of Domestic and Family Violence, and the Office of the Coordinator-General for Family Safety for their consideration.

A meeting was held between the Coordinator-General Family Safety and Magistrate Boss on 28 November 2019 to discuss the recommendation further. Coroner Boss clarified that the primary impetus for the recommendation was to improve the information available to Magistrates about an alleged perpetrator's prior offending and history of violence, especially when making a Family Violence Order.

Summary

The ACT Government response agrees in principle to the recommendation made by Coroner Boss.

In response to the Coroner's recommendation, the ACT Government:

- Will refer the issue of developing a register to the Family Violence Intervention Program (FVIP) Coordinating Committee for consideration and report within 6 months
- Will refer consideration of other options, including the potential marking of police criminal files to indicate family violence to the FVIP Coordinating Committee for consideration and report within 6 months
- Notes that current provisions under Section 65 of the Family Violence Act support sharing of information between police and courts
- Notes that existing and proposed work to improve information sharing about domestic and family violence is relevant to the intent of the Coroner's recommendation including:
 - The current review and changes to the processes and purposes of the Family Violence Intervention Program (FVIP) case tracking program and consideration of a new integrated domestic and family violence model; and
 - the development and trial of a common risk assessment framework (including tools and practice guides).

Government Response

The ACT Government acknowledges the benefits of improved information sharing in relation to domestic and family violence, including the benefit of improved information coming before Magistrates considering domestic and family violence matters. The ACT Government also acknowledges that a prior history of domestic and family violence is nationally and internationally recognised as one of the key indicators for present or future domestic and family violence.

While no Australian jurisdiction currently has a register of family violence perpetrators, all jurisdictions have a register model in relation to sexual offenders. However, the sexual offences register in NSW is the only register that allows for the courts to access information for the purposes of a hearing or determination.

The government will refer this matter to the Family Violence Intervention Program Coordinating Committee for consideration. The government will ask the Committee to consider both the development of a register as well as other possibilities which go to the intention of Coroner Boss's recommendation, such as marking of police criminal records with an indication of prior domestic and family violence offending. The government will seek a report from the Committee within 6 months of this submission.

The ACT Government is committed to improving integration and information sharing in relation to domestic and family violence, including in relation to perpetrators. There is already considerable work currently being undertaken across the government and community sector in the ACT to improve integration and information sharing in the context of domestic and family violence.

This work includes:

- a review and changes to the processes and purposes of the FVIP case tracking program and consideration of a new integrated domestic and family violence model; and
- the development and trial of a common risk assessment framework (including tools and practice guides).

Both the FVIP review and common risk assessment framework are relevant to meeting the intention of the Coroner's Report recommendation.

ACT Family Violence Intervention Program and pilot

The FVIP case tracking sub-committee currently identifies high risk cases that are before the courts to track their progress and manage risk among key agencies, along with legal provisions to share information among members of the sub-committee.

In response to the COVID-19 pandemic, the government will be reviewing FVIP case tracking to address concerns relating to the impact of self-isolation on the safety of victims of domestic and family violence. The government is developing a pilot to improve information sharing about perpetrators and victims of domestic and family violence. Lessons from the pilot will inform the ACT integrated risk assessment model in the future.

ACT Domestic and Family Violence Risk Assessment

In the ACT at present, a variety of tools to assess risk in relation to domestic and family violence are used across the sector and government.

To move towards an agreed common risk assessment tool the Office of the Coordinator General for Family Safety recently developed a draft ACT Domestic and Family Violence Risk Assessment and Management Framework (the Framework). The draft Framework (and the risk tools contained within it) is currently being tested prior to its finalisation in 2020.

A common risk assessment framework and tools has been found in other jurisdictions to significantly improve information sharing and build consistent and integrated practice¹. Several jurisdictions have tested and improved their frameworks before moving to legislating information sharing provisions regarding domestic and family violence.

Section 65 of the Family Violence Act 2016

Section 65 of the Family Violence Act 2016, under division 4.3 regarding ‘hearings for obtaining a protection order’, allows that:

“the court may inform itself in any way it considers appropriate in a proceeding for a family violence order”.

Changes to practice regarding the sharing of information between ACT Policing and the courts may be warranted.

The FVIP will consider whether the issue of ensuring information about prior offending or violence routinely comes before Magistrates, including by the marking of police files.

Acknowledgement

The ACT Government would like to acknowledge the tragic death of Jandy Renia Shea and extend our condolences to Jandy’s family. We also sincerely hope that by implementing changes as a result of this inquest we contribute to ensuring her death does not go unnoticed, unexamined or forgotten.

¹ McCulloch, J., Maher, JM., Fitz-Gibbon, K., Segrave, M., Roffee, J. (2016) Review of the Family Violence Risk Assessment and Risk Management Framework (CRAF). Monash University