



# MAGISTRATES COURT of TASMANIA

## CORONIAL DIVISION



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## Record of Investigation into Death (With Inquest)

*Coroners Act 1995*  
*Coroners Rules 2006*  
*Rule 11*

I, Olivia McTaggart, Coroner, have investigated the death of Aidan Andrew Dawson with an inquest held at Launceston on 10 March 2016.

### **Counsel**

Counsel assisting: Sergeant P Reynolds

Counsel for Dimity Brown: J Van Arkadie

### **Find, pursuant to Section 28(1) of the Coroners Act 1995, that:**

- a) The identity of the deceased is Aidan Andrew Dawson;
- b) Mr Dawson died in the circumstances set out further in this finding;
- c) Mr Dawson died as a result of a stab wound to the left chest that penetrated his lung and heart;
- d) Mr Dawson died on 9 February 2013 at the Launceston General Hospital in Tasmania; and
- e) Mr Dawson was born in Launceston on 4 May 1991 and was aged 21 years; he was in a de facto relationship with Dimity Nancye Brown, and was unemployed at the date of death.

### **Introduction**

Aidan Dawson had been in a de facto relationship with Dimity Brown for approximately two-and-half-years at the time of his death. They had a 20-month-old son, Tyson David Lee Dawson, born on 29 May 2011. The family lived at 103 Agnes Street in George Town. However, on the day before his death Mr Dawson had commenced the process of moving out of the house at Ms Brown's request.

Mr Dawson's relationship with Ms Brown was marked by arguments, violence and police involvement. Both Mr Dawson and Ms Brown at different times were responsible for such incidents in their relationship. As a general proposition, the evidence indicates that their ability to resolve conflict was limited, and that incidents of verbal abuse, threats and violence often commenced as a result of arguments over seemingly trivial matters. Unfortunately, their young son, Tyson, was often present during episodes of verbal and physical abuse.

On the evening before his death Mr Dawson entered Ms Brown's residence by gaining access through her bedroom window. He was extremely intoxicated. As described further in this finding, he perpetrated upon Ms Brown a series of violent acts accompanied by threats to kill her. These acts culminated in Mr Dawson obtaining a knife from the kitchen drawer. After a struggle occurred, Ms Brown gained hold of the knife. Mr Dawson continued his violent and threatening conduct. Ms Brown then stabbed Mr Dawson with the knife on two occasions. One of the stab wounds penetrated his lungs and heart, and caused death. The primary factual issue for determination at inquest was the circumstances in which she stabbed Mr Dawson and the reasons for her actions.

Ms Brown was charged with the murder of Mr Dawson. However on 15 August 2013 she was discharged from further proceedings.

By section 24 (1)(a) of the *Coroners Act 1995* a coroner who has jurisdiction to investigate a death must hold an inquest if the body is in Tasmania or it appears to the coroner that the death, or the cause of death, occurred in Tasmania or that the deceased ordinarily resided in Tasmania at the time of death and the coroner suspects homicide.

"Homicide" is defined in the *Criminal Code Act 1924*, section 153(1), as *the killing of a human being by another*. By section 153(2) the definition of "killing" is *"causing the death of a person by an act or omission but for which he would not have died when he did, and which is directly and immediately connected with his death"*.

The evidence is that the act of Ms Brown stabbing Mr Dawson was the sole and direct cause of Mr Dawson's death. On that basis I suspected homicide and am thus required to hold an inquest.

In making the above findings, and those further findings below, I have had regard to the evidence gained in the comprehensive investigation into Mr Dawson's death. The evidence comprises an opinion of the forensic pathologist who conducted the autopsy; relevant police and witness affidavits; electronic medical records and reports; and forensic evidence. At inquest, evidence was given by the investigating officer, Sergeant Lisa Heazlewood, and Dimity Brown.

Sergeant Darren Hill of the Victim Safety Response Team also provided an affidavit and oral evidence at inquest regarding the police response to the numerous recorded incidents of conflict involving Mr Dawson and Ms Brown before Mr Dawson's death. Pursuant to section 28(2) and (3) of the *Coroners Act 1995*, I have made comments and recommendations on this issue.

### **How Death Occurred - Section 28(1)(b) of the *Coroners Act 1995***

I make the following further findings regarding how Mr Dawson's death occurred.

I preface these findings with the observation that the only direct eyewitness to the stab wounds inflicted by Ms Brown upon Mr Dawson was Ms Brown herself. The credibility of her account was therefore an important issue in the inquest. I am satisfied that Ms Brown was a witness of the truth. Her initial accounts of the evening and morning in question were contained in two recorded video interviews with investigating police officers. These were

played at the inquest and provided compelling evidence of Ms Brown's credibility. In particular, the 83 minute recorded video interview in which she participated at 7:20am on 9 February 2013 was an emotional and yet coherent and compelling narrative of the traumatic events that had occurred only hours previously at her home. At the time of that interview she had only just been informed that Mr Dawson had passed away. Her account of making the initial 000 call to police from under the bedclothes corresponded with the recorded content of that call. Similarly, Ms Brown's account of her actions after she had run from the house accorded almost exactly with the eye witness evidence regarding her distraught and fearful demeanour and her urgent desire to seek help for herself and also Mr Dawson.

Ms Brown's oral testimony at inquest was similarly compelling and consistent with her recorded police interviews. She testified that she thought that Mr Dawson was going to kill her as she had never seen him in such a violent state on any previous occasion. She testified that, in taking the knife from him and then stabbing him, she did not intend to kill him. Her intention was only to protect herself. I fully accept the account of Ms Brown. All other objective evidence supports her account. I therefore make the following findings based upon her account of what occurred inside the house which is supported by the other evidence, including the evidence of the State Forensic Pathologist.

On Friday 8 February 2013 Ms Brown and Mr Dawson had an argument by text messages which started over the purchase of cigarettes. Part of the text message exchange involved Ms Brown stating to Mr Dawson that she felt she had no choice but to ask him to leave as he had hit her when he promised not to do so again. As a result, Ms Brown told Mr Dawson that their relationship was over and that he had the weekend to organise his belongings and move out of the house at 103 Agnes Street by Monday 11 February 2013.

Ms Brown told him that she was going to her mother's house until Monday to allow him to remove his belongings.

On Friday 8 February 2013 Ms Brown went to her mother's house with Tyson. She put Tyson to bed and told her mother later in the evening that she wanted to sleep in her own bed. Ms Brown then returned to her home.

Ms Brown left the front door open in case Mr Dawson returned home during the night. Ms Brown stated in her police interview that she did this because, on a previous occasion, when Mr Dawson was locked out he caused damage to the back door to gain entry. On any objective analysis, Ms Brown's decision to return home with a view to encountering Mr Dawson was unwise.

At about 12.30am on Saturday 9 February 2013 Ms Brown was in her bed asleep when she was woken by a loud noise, being Mr Dawson entering the property and then the house.

Mr Dawson was intoxicated. A verbal argument ensued. Mr Dawson left the house and Ms Brown locked the front door. Mr Dawson said he was going to sleep on the street and he laid on the grass in the front yard. Ms Brown went back to bed. She subsequently heard Mr Dawson throwing items at the house. Ms Brown got up to see what he was doing. He was verbally abusing her, including telling her to call the police as he "*was gutless*" and would "*smash up the house*" until she called the police.

Ms Brown locked the door and returned to bed as he told her to leave him alone. He continued to verbally abuse her. She did not go back outside to him as she believed he would be violent.

Ms Brown heard Mr Dawson walk along the verandah and start to kick the door. Ms Brown stated that at this point she was extremely fearful of Mr Dawson and what he might do to her. She stated that she had never seen him as drunk or as frightening previously. She called 000 from under her bedclothes in the bedroom. Ms Brown tucked herself under the blanket trying to hide from Mr Dawson at the same time as calling the police. The 000 call was played in evidence. It was made at 1.31.58am with duration of 28 seconds. This call was difficult to hear but it clearly conveys her abject fear that Mr Dawson would enter the house.

Mr Dawson then gained entry to the house by smashing the bedroom window. Ms Brown ended the 000 call. Mr Dawson jumped on top of Ms Brown abusing her, trying to suffocate her in a blanket and was pulling her hair. She tried to get out of the bed and they both ended up in a scuffle on the floor. Ms Brown stated that Mr Dawson then tried to suffocate her with a pillow. She held her hands in a cone shape around her nose and mouth so that she could breathe. Ms Brown stated that she remained extremely scared about what he would do to her. She stated that Mr Dawson kept telling her to *"call the cops"* and said *"they are going to have to kill me or I will kill you, bitch"*. He grabbed her by the hair and then tried to pull her out of the bedroom by her hair. Ms Brown begged him to stop, saying that she was *"really scared"*. She managed to grab hold of the door surround. However, she stated that Mr Dawson punched her to the back of the head and she let go of the door frame.

Mr Dawson dragged Ms Brown from the bedroom to the kitchen area by her hair. He tried to find a light to turn on in this area but was unsuccessful. Mr Dawson then told Ms Brown he did not need any light and pulled open a kitchen drawer. Mr Dawson continued to yell over the top of Ms Brown and told her again that he was going to kill her. He again stated that the police were going to have to kill him. Ms Brown stated that she could not run as he still had her by the hair. Ms Brown could hear knives and forks rattle and then she saw him raise his arm as he said *"I've got you now bitch, I'm gunna kill you now"*.

Mr Dawson told Ms Brown to get back in the bedroom. He tried to push her into the bedroom. She told him she was so scared and lied to him saying she had wet herself. He tripped her over and as she fell back she grabbed Mr Dawson's hands. She managed to grab the knife out of his hand. At that stage Mr Dawson was on top of her and again tried to strangle her. He tried to take the knife from her and said *"give it back bitch; give it back, you're going to die"*. Both continued to struggle over the knife. Ms Brown then stabbed Mr Dawson. He continued to grab hold of her as she stabbed him a second time. Mr Dawson continued to fight with her trying to get hold of the knife. Mr Dawson then tried to pull her arms towards her to stab her.

Ms Brown finally managed to break free and ran out of the house. She was still in possession of the knife. She then went to a neighbour for assistance, but did not speak with the occupants as they did not come to the door quickly. She therefore left and ran around the corner to a friend who was not at home. She sighted two males on a bike, one of whom she initially thought was Mr Dawson as she did not know where he was at that time. After determining that the male person was not Mr Dawson, she used a phone belonging to one of

the males to call police. This 000 call was made at 1.45am. It was played at inquest. Again, her fear was palpable in that call. During the call she stated *"my boyfriend just belt the absolute crap out of me and dragged me to the kitchen and tried to stab me with a knife, I got the knife off him and I stabbed him"*. She further stated, *"he's still there in the house... I ran away on down the road and I called the police from my mobile phone before and didn't get through to anyone and am scared that he's coming after me but I don't want to leave the house in case he is hurt"*.

Ms Brown approached a police vehicle that had arrived at the scene and spoke with Senior Constable Tony Latham, who was a police officer stationed at George Town. Ms Brown said to him *"Tony I've stabbed Aidan"*. She threw the knife and the phone through the driver's side window of the police car. Constable Latham then located Mr Dawson in the driveway of 103 Agnes Street. He stated that Mr Dawson was going in and out of consciousness. Mr Dawson told Constable Latham that he had consumed nine cans of bourbon.

Mr Dawson was conveyed by ambulance to the Launceston General Hospital for treatment. Mr Dawson was verbally responsive to but not compliant with ambulance personnel treating him on the journey to the hospital. Once at the hospital Mr Dawson began to deteriorate. It was ascertained that one of the wounds had penetrated the lower left ventricle of the heart and that he was suffering from significant blood loss. He went into cardiac arrest twice. He continued to bleed, with blood entering his lung and chest cavity. Attempts were made to drain the blood. Mr Dawson lost consciousness. Attempts were made to surgically repair the wound to the heart. A large amount of blood was also administered to Mr Dawson throughout his treatment. Despite all efforts, his condition continued to deteriorate.

At 4:45am on 9 February 2013 Mr Dawson was pronounced deceased.

On 12 February 2013 the State Forensic Pathologist, Dr Christopher Lawrence, performed an autopsy upon Mr Dawson. In his report, Dr Lawrence states:

*"Autopsy reveals a stab wound in the left chest which has penetrated through the lung and heart. There was a superficial stab wound in the left flank. The stab wound has penetrated through the heart and cut the papillary muscles and a branch of the circumflex coronary artery. He was given considerable amounts of blood but could not be resuscitated and ultimately died of hypovolemic shock."*

*Toxicology on ante-mortem blood reveals cannabis and alcohol (0.094g/100ml)."*

I accept the opinion of Dr Lawrence as to cause of death. I find that Mr Dawson died as a result of a stab wound inflicted upon him by Ms Brown.

Ms Brown had taken the knife from Mr Dawson who had procured it from the kitchen after entering the house against her wishes, and assaulting and threatening Ms Brown. He was in a state of intoxication combined with the influence of cannabis, his behaviour violent and unpredictable. Ms Brown was, understandably, terrified. At the point where Mr Dawson had hold of the knife and threatened to kill her, Ms Brown was lying in a position under him and believed that he would kill her. Ms Brown had no choice but to take the action that she did for her own protection. If she had not done so, Mr Dawson may well have caused her death. Ms Brown did not intend to kill Mr Dawson, only to secure her own safety whilst fearing for her

life. She did not know where, upon Mr Dawson's body, the wounds had been inflicted and was shocked to learn of his death.

**Comments – section 28(3) of the Coroners Act 1995:**

Neither Mr Dawson nor Ms Brown were subject to any Police Family Violence Order ("PFVO") or Family Violence Order ("FVO") made under the Family Violence Act 2004 at the time of Mr Dawson's death.

Mr Dawson had been the subject of a PFVO imposed on 10 August 2011 requiring him not to directly or indirectly threaten, harass, abuse or assault Ms Brown. This was imposed for 12 months and expired on 10 August 2012, some 6 months before his death.

Ms Brown had been subject to a PFVO requiring her not to directly or indirectly threaten, harass, abuse or assault Mr Dawson. This order was made on 22 January 2012 for a period of 12 months, expiring on 22 January 2013, 18 days before Mr Dawson's death.

At no time was either Mr Dawson or Ms Brown the subject of orders requiring them not to approach or contact each other, or to prohibit entry to premises where the other might be residing.

A total of 13 Family Violence Management System (FVMS) reports were made as a result of police attending incidents between Ms Brown and Mr Dawson. The FVMS is the formal system operated by the Department of Police and Emergency Management for data entry under the Safe at Home policy in relation to persons that are deemed under legislation as being in a significant relationship and their children. The information on this system is accessible by organisations responsible for implementing the Safe at Home practice.

In relation to Ms Brown and Mr Dawson, the first FVMS report subsequent to police attendance occurred on 29 July 2011, two months after the birth of Tyson. The last report was on 27 December 2012, six weeks before Mr Dawson's death.

It is appropriate to summarise these incidents as they are recorded on the FVMS.

**29 July 2011** - An argument occurred after which Mr Dawson smashed a window of their residence with a metal bat.

**10 August 2011** - Mr Dawson tried to take Tyson from the arms of Ms Brown. Mr Dawson grabbed hold of Ms Brown's arm and held it against the bed. Ms Brown freed herself and Mr Dawson followed her around the house, yelling at her and bumping into her with his chest. He again tried to take Tyson from her. Ms Brown pushed Mr Dawson away and ran off but returned to the living room where Mr Dawson tripped her onto the sofa bed. Mr Dawson then used one arm across her throat to hold her against the bed and tried to take Tyson from her arms. Ms Brown fell off the bed and tried to get back up but was pushed down a number of times by Mr Dawson. Mr Dawson then took hold of Tyson and put him into a baby capsule. Mr Dawson then grabbed Ms Brown by the shirt and pulled her backwards causing her shirt to rip. She then took Tyson and left the house.

**20 January 2012** - A heated argument occurred, with Ms Brown punching and slapping Mr Dawson, jumping on him and pulling his hair.

**22 January 2012** - An argument occurred culminating in Mr Dawson walking towards Tyson's bedroom apparently intending to take Tyson from Miss Dawson. Ms Brown called the police.

**4 February 2012** - An argument occurred after which Ms Brown accidentally drove a vehicle over Mr Dawson's foot. Another argument occurred where Ms Brown exited the vehicle and tried to take Tyson from Mr Dawson's arms. Both parties struggled over Tyson until witnesses released the child from Ms Brown.

**17 April 2012** - Both parties were involved in an argument. A neighbour called the police.

**15 May 2012** - An argument occurred when Mr Dawson returned home after being out all night. Ms Brown did not want Mr Dawson to remain in the residence.

**14 June 2012** - Ms Brown and Mr Dawson were involved in a prolonged and heated argument with Ms Brown ultimately calling the police. The report notes that in the opinion of attending officers unless there is further intervention, Ms Brown would continue to remain in the hostile relationship.

**16 June 2012** - Mr Dawson attended the address to obtain some property when an argument occurred between him and Ms Brown. Mr Dawson grabbed a shovel and smashed windows of the motor vehicle belonging to Ms Brown. He also made threats in front of police to kill Ms Brown and burn the house down. There was shoving between Mr Dawson and Ms Brown. Mr Dawson was charged with breaching the PFVO and destroying property.

**2 September 2012** - A heated argument occurred regarding alleged infidelity on the part of Mr Dawson.

**25 December 2012** - An argument occurred between Ms Brown and Mr Dawson regarding Tyson being unrestrained in the vehicle driven by Ms Brown. Mr Dawson tried to stop Ms Brown from leaving. Ms Brown reversed the vehicle but Mr Dawson jumped on the bonnet to stop her from driving. Mr Dawson contacted police.

**27 December 2012** - An argument occurred between Ms Brown and Mr Dawson concerning Mr Dawson's alleged infidelities. Ms Brown contacted police when Mr Dawson continued to argue and to follow her.

I note in relation to the above instances, all except three were categorised by police on the FVMS as "argument only", the three exceptions being 10 August 2011 and 20 January 2012 (where PFVOs were issued against both parties), and 16 June 2012, when Mr Dawson was charged with destroying property and breach of PFVO.

At no stage did police apply to impose a "not approach" order against either party or place restrictive orders on either to impose physical separation.

Sergeant Darren Hill, officer-in-charge of the Northern Victim Safety Response Team provided an affidavit for the inquest in which he reviewed the FVMS reports and action by

police attending each incident. He formed the opinion that the recorded incident on 16 June 2012 provided police with an obvious opportunity to seek to impose further conditions on Mr Dawson to separate him from Ms Brown for a period of time. Sergeant Hill states:

*“There was an identified propensity for them (Mr Dawson and Ms Brown) to disregard any orders, be duplicitous and complicit in their behaviours when engaging with police and services. They showed in my opinion to use the orders of each as a convenient relationship tool. This particularly goes to show in some way the frustrated comment by attending police at an incident ‘they are both as bad as one another’.*

*Given their very regular reporting to police over perceived trivialities, lacking in conflict resolution skills can lead to an assumption that the ‘risk level’ for one or both is not escalating.*

*This was however an opportunity to separate further the couple allowing the possibility for services to engage to effect change in both parties obvious aberrant behaviours. It is my opinion that given our knowledge of this couple that any change to orders would not have stopped their want for interaction in any way possible.*

*I have discussed both parties with FVCSS (Family Violence Counselling Support Service) particularly around their interactions with them. They hold records of contact and attempted contacts and the majority of that contact is negative and non-engaging bordering on aggressive on the part of Dimity.*

*In my opinion there was reluctance on occasion (sic) by police to place orders or amend orders that cause one party to be removed from the home or place further restrictions on their attendance at a designated place of safety. This can occur because of many facets particularly when it is regularly seen that parties want and will remain together regardless of the circumstances between them.*

*It is my viewpoint that for Safe at Home to be more effective the willingness and intensity to add restrictive conditions to orders where there is an assault or increase to potential risk that removal from addresses be seen almost as the default position.*

*This has shown in the past to cause parties to de drawn to services, prove a willingness to change, possibly proceed to a quicker resolution in the courts so they can make application for their orders to be reviewed by police. We have seen that where orders placed are in fact restrictive, the prosecution section is regularly engaged either by the parties or solicitors to progress matters.*

*Safe at Home ICC (Integrated Case Coordination) are further able to be actioned to provide relevance to effecting that change.*

*A further consideration to assist in this process is the ability for orders to be able to be issued in the ‘interim’ at the outset, particularly PFVO’s issued by police.*

*With an incident occurring that results in charges or heightened risk, police should be in a position to seek a shorter term initial order that may have highly restrictive conditions protecting both the victim and especially the children of a relationship who see and are heavily affected by violence in the home.”*



The police officers completing the FVMS reports were clearly aware of the problematic nature of the relationship. Various comments were made by reporting police officers that:

*“It is very clear that both parties are as bad as one another”;*

*“It is apparent this type of behaviour is an ongoing and has been an ongoing issue for some time with both parties. As long as they remain in the same residence living together the relationship will continue to result in arguments and possible breaches of PFVO”;*

*“it was suggested they seek a change in their PFVOs so as to restrict one another from the Agnes street address so they do not lapse back into a volatile relationship”* (all three from FVMS report 15 May 2012); and

*“It is the opinion of attending officers that unless there is further intervention that Party 1 (Ms Brown) will continue to remain in this hostile relationship. Party 1 claims that she has nowhere else to live”* (from FVMS report 14 June 2012).

Sergeant Hill stated that whilst the police officers were proactive in attending the incidents, the failure to impose ongoing orders with extensive conditions separating the parties is reflective of the view that imposing such orders would set up the parties for constant breaches. However Sergeant Hill gave good reasons why proactive use of orders, particularly for short periods, can precipitate change in the relationship.

The pattern of police attending incidents between Ms Brown and Mr Dawson continued to occur after the incident of 16 June 2012, the last police attendance being about six weeks before Mr Dawson's death.

I am of the view that the serious incident on 16 June 2012, whereby Mr Dawson smashed Ms Brown's car and threatened to kill her, should have attracted careful consideration regarding, at the very least, variation of Mr Dawson's existing PFVO to prevent him from entering the premises or approaching Ms Brown. More appropriately, a police application to the court for a FVO in comprehensive terms against Mr Dawson was warranted. It would not have been difficult for police to make an accompanying application to the court to be listed at the same time as his charges of destroying property and breaching the PFVO. It is quite feasible that a court would have made at least an interim FVO at that time with “not approach” conditions. There is of course no way to determine the conditions of the order that a court would impose. I am also not able to predict whether the parties would have respected the terms of such a court order or taken the opportunity to try and repair the dysfunctional relationship. However, the history of family violence and the risk to both parties and Tyson demanded that such an application be considered.

As it transpired, the protective mutual PFVOs were allowed to lapse, despite further instances of police attendance. These further instances, whilst categorised as “argument only” with no further action to be taken, should have been seen as an escalation of risk to the parties, particularly Ms Brown. Importantly, given the presence of Tyson during many of these incidents, the effect of cumulative harm upon him, as well as the risk of actual physical harm, was a crucial consideration in police intervention by imposing orders to mitigate the risk. It would appear that the word “argument only” in an FVMS entry is used to indicate the

non-existence of a family violence offence and that no further action is to be taken. The accumulation of listings as “argument only” in subsequent FVMS reports might have provided a degree of comfort to future attending officers that there was no escalation or the risk of family violence in the relationship. This was not the case, as demonstrated by the regularity of conflict and the circumstances of the violent incident on the evening of Mr Dawson’s death. Each further incident, in fact, demonstrated an increased risk that the parties may commit family violence.

Sergeant Hill gave evidence to the inquest to the effect that PFVOs are not able to be imposed upon parties for a period less than 12 months. He stated that the *Police Manual* and the *Family Violence Manual 2013* require the orders to be imposed only for this exact period. Sergeant Hill also indicated that the FVMS does not, in its technology, allow for an order to be imposed for a period of less than 12 months. As I understood the evidence, PFVOs must be produced within the confines of the FVMS.

Sergeant Hill indicated that the inability of police officers to impose such orders for a lesser period militates often towards the orders not being imposed at all due to the perceived unlikelihood of obedience to the orders.

The *Family Violence Manual 2013* was tendered as evidence for the inquest. Section 7.1 states that “A police officer of the rank of Sergeant or above or an authorised officer can issue a PFVO. A PFVO should be issued for a period of 12 months”. Sergeant Hill gave evidence that police officers are required under the Police Manual to abide by the Family Violence Manual and therefore this condition. I observe that section 42(3) of the *Police Service Act 2003* requires a police officer to (a) comply with all orders in the Police Manual and (b) any lawful direction or lawful order given by a senior officer.

Section 14 of the *Family Violence Act 2004* governs the making of PFVOs. Section 14(6) states “unless sooner revoked, varied or extended, a PFVO operates from the date of service to such period, not exceeding 12 months, as may be specified in the PFVO.” This section would allow discretion to the relevant issuing officer to impose an order for a period of less than 12 months as he or she sees fit in the circumstances of any given case. As Sergeant Hill indicated, short-term orders such as for a period of days or weeks, can be effective in separating the parties for that period of time to allow any problematic behaviour to subside and for services to be engaged to assist the relationship. Such “cooling off” periods with orders in place would be invaluable in appropriate cases.

I fully accept that, as it stands, police officers, must abide by provisions of the *Police Manual*, the *Family Violence Manual* and orders from superior officers. However, I observe that the requirement upon a police officer to impose a PFVO for only a period of 12 months and no other period, is not in accordance with the discretion afforded an issuing officer under section 14 of the *Family Violence Act 2004*.

### **Recommendations – section 28(2) of the Coroners Act 1995**

**I recommend** that Tasmania Police remove provision 7.1 of the *Family Violence Manual 2013* and any other provision, requirement or guideline that purports to fetter the discretion of issuing officers under the *Family Violence Act 2004* in relation to the duration of PFVOs.

**I recommend** that Tasmania Police takes all necessary steps to give full effect to allowing issuing officers the discretion provided by section 14(6) of the *Family Violence Act 2004* when making PFVOs, including but not limited to, removing the impediment to such discretion imposed by the FVMS.

**I recommend** that the family violence response by Tasmania Police to the incidents between Ms Brown and Mr Dawson as referred to in this finding be audited by the relevant Tasmania Police units with responsibility for Safe at Home policy and practice.

### **Conclusion**

The death of Mr Dawson in such circumstances will have a lasting impact upon Mr Dawson's family, Ms Brown and Tyson. The circumstances of his death represent the terrible outcome of a violent and dysfunctional relationship, where both parties were unable to resolve conflict or successfully seek professional assistance, and yet continued to remain in that relationship. It also highlights the multiple and traumatic instances of conflict to which Tyson, as a vulnerable young child of the relationship, was exposed.

I convey my condolences to Mr Dawson's loved ones.

**Dated:** 6 April 2016 at Hobart in the State of Tasmania.

**Olivia McTaggart**  
**Coroner**