



ROCKHAMPTON CORONER

FINDINGS OF INQUEST

CITATION: Inquest into the death of Kylie Maree Reid

JURISDICTION: Rockhampton

FILE NO: COR 00002683/06(7)

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REPRESENTATION: Mr J Clarke, Counsel appearing to assist the coroner
Ms Lisa Lippitt, representing Ms Kylie Reid's family
Mr AC Braithwaite (Gilshenan and Luton)
representing Constable Scott Fayers and former
Constable Christian Brown

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1. INTRODUCTION

1. Kylie Maree Reid died on 21 September 2006 at the Rockhampton Hospital. She was then 19 years of age. That she died on that date at that location has never been in issue. What has been unclear is how she died, namely the circumstances that ultimately led to her death. I shall refer in these reasons to Ms Reid as 'Kylie' or 'Ms Reid'.
2. Kylie was born on 21 March 1987. She was a young Aboriginal woman. At the time of her death, she was in a relationship with one Kenneth Bone, a young Aboriginal male. They resided together at 92 Penlington Street, The Range in Rockhampton.
3. On Monday, 18 September 2006 an ambulance was called to the address in Penlington Street where a female person now known to be Kylie Reid was lying on the footpath apparently receiving some first aid. She was taken to the Rockhampton Hospital where she was treated until her death at 2.22am on 21 September 2006.
4. I had formed a preliminary view that an inquest into Ms Reid's death should be held. Following receipt by my office of correspondence from Lisa Lippitt representing Kylie's family, I determined that it was appropriate to conduct an inquest. The earlier of the two letters from Ms Lippitt was received on 3 October 2006. In that, Ms Lippitt was critical of the police officers' apparent readiness to accept that 'no foul play' had taken place, and noted allegedly conflicting stories being put out by Kenneth Bone's family.
5. The later letter received 16 April 2007 raised the issue of the height under the house and statements alleged to have been made by Kenneth Bone at times subsequent to Kylie's death possibly suggesting his involvement in Kylie's death. Schedule A attached sets out the issues raised in the letters from Ms Lippitt.

The evidence

6. Statements were obtained from a number of people, not all of whom were called to give evidence.

Witnesses who gave oral evidence

- a. Constable Fayers – who attended Ms Reid's residence prior to the attempted hanging
- b. Constable Christian Brown – the partner of Constable Fayers, who also attended Ms Reid's residence prior to the attempted hanging
- c. Kenneth Bone – the boyfriend of Kylie Reid with whom she lived
- d. Dorothy (Annie) Albury – Kenneth Bone's mother, who lived at the residence where Kylie Reid and Kenneth Bone lived
- e. Detective Sgt Paul Elliott - The officer in charge of the investigation after concerns were raised by Ms Reid's family, following her death
- f. Christine Crowe – the paramedic who treated Ms Reid at Penlington Street
- g. Dean James Fernie – Scenes of Crime police officer
- h. John Stewart – Neighbour who resided near the Penlington Street residence of Ms Reid
- i. Stephen John Kiem – Ms Reid's brother

- j. Donna Patricia Reid – Ms Reid’s cousin
- k. Robyn Louise Reid – Ms Reid’s cousin (and sister of Donna Reid)
- l. John Vernon Tobane – an Aboriginal Police Liaison Officer who was with Mr Bone after arrival of the ambulance at Penlington Street
- m. Dr Nigel Buxton, Forensic Pathologist
- n. Mrs Gloria Kiem, Ms Reid’s mother.

Witnesses who were not called to give evidence

- a. Whitney Alicia Comollatti – Kylie’s niece
- b. Shana Doyle (age 10), who gave a taped interview with police
- c. Shane Francis Doyle.

2. MS REID’S RELATIONSHIP WITH KENNETH BONE

Prior to 16 September 2006

- 7. Kylie and Kenneth resided together in a house with Kenneth Bone’s mother, Dorothy Albury and his older brother, Aaron Albury. From time to time, his sister Belitta and youngest brother Keith Albury also stayed there. Kylie and Kenneth had been in a relationship for about 3 years. The evidence from each of Ms Reid’s family and Mr Kenneth Bone’s family paints the nature of the relationship in different lights.
- 8. Dorothy Albury gave evidence that Kylie and Kenneth were happy and had no major disagreements.
- 9. Whitney Commolatti was Ms Reid’s niece. They were close in age to each other. In a written statement she states:
 - “I was never told anything by Kylie about Kenny being abusive towards Kylie. I only ever heard about how Kenny was abusive through some friends of mine. Kylie and I shared the same friends.”*
- 10. She went on to refer to her observation of Kylie in about 2005 with a black eye, but she had not asked Kylie about it because “at that time [Kylie] preferred to be with Kenny’s family rather than our family and we weren’t talking to each other”.
- 11. Steven Kiem is Kylie’s brother. He gave a statement and oral evidence. His statement refers to Kylie’s personality prior to going out with Kenneth Bone as a “happy and bubbly person. She had life plans and was intending to go to University to study.” He stated after going out with Kenneth Bone, Kylie’s “attitude and moods towards herself and her family changed totally”. Mr Kiem admitted that he did not like Mr Bone and never had. His reason was given that “it was just the way he treated her [Ms Reid] and stuff”.
- 12. This exchange occurred between Counsel Assisting and Mr Kiem at T86:

“What do you mean by that?-- Oh, bash her and there were black eyes and that every time I run into her and that.

Okay?-- When I’d see her round the street, she’d have a black eye or a bruise and all that, on the arms and whatever.”

13. Later at T87:

“... But just now, you’ve told me that there were a number of times that you saw Kylie where should be – she would have obvious injuries to her?-- Yes.

Are you able to be precise about when those times were and what the nature of her injuries were?-- Oh, probably all the time they was together. Like, every time I ran into her, she had different bruises and stuff on her. “

14. Specific incidents involving violence directed to Ms Reid by Mr Bone were referred to in the evidence. Mr Kiem referred to Ms Reid’s 18th birthday party when Ms Reid was talking to her brother Mr Kiem and his nephews. Mr Kiem’s evidence is that Kenneth Bone:

“Walked over and just hit her in front of us just ‘cause she was talking to us. He started getting into her and that.” ... (T88).

15. Donna Reid refers to Kylie being “more withdrawn” and she “appeared nervy” during her relationship with Kenneth Bone. She could recall seeing Kylie with black eyes and a cut lip, but Kylie did not bring up the subject of these injuries. She observed injuries on Kylie on “probably 3 occasions”.

16. Robyn Reid’s evidence included that, at one stage during the 3 year relationship, Kylie had told her that they had broken up because Kenneth Bone “had bashed her too much” (T109 L58). However, at no stage did Robyn Reid ever see Kylie with physical injuries.

17. Another brother of Ms Reid – Shane Francis Doyle – provided a statement referring to Kylie initially being happy with Mr Bone but “after some time Kenny seemed to dominate her”. He also stated Kylie “had never personally told [him] about being hurt by Kenny”.

18. Aaron Albury, Kenneth Bone’s brother denied ever seeing any disagreement or arguments between Kylie and Kenneth Bone (Day 2 - T28) and agreed with the suggestion that they had a “totally loving, happy relationship together at all times”. He stated that although they had time away from each other “they hadn’t broke up”.

19. Kenneth Bone’s evidence included (Day 3 T1-11 at L9) the statement that “No relationship’s perfect ... We had our disagreements and our ups and downs”.

20. He acknowledged that he had hit Kylie “a couple of times” and stated that Kylie had been violent to him, sometimes before she had been violent to her. Arguments were sometimes about money, with each being annoyed at buying things that were not really needed. He denied also that he would keep her with him, but rather ‘she’d go and mingle with all her friends. I’d go kick it with the boys” (Day 3 T2-21 L 42).

21. Mr Bone agreed the relationship with Kylie's family was not good, at one stage degenerating into 'a couple of punch-ups' with 2 of her nephews. One of those punch ups was, according to Mr Bone, related to his relationship with Kylie and something that had occurred at her 18th birthday party.
22. During cross examination by Ms Lippitt on behalf of the family, Mr Bone denied having ever threatened to harm Kylie's mother to other members of her family if Kylie had ever left him.
23. Mr Bone at one stage denied having caused Kylie to have a black eye on previous occasions, but later conceded "she's probably had one or something", without agreeing that it was the result of his actions.
24. The evidence establishes to my satisfaction on the balance of probabilities that there were during the period of the relationship between Mr Bone and Ms Reid incidents of violence perpetrated by Mr Bone toward her prior to 16 September 2006. I accept Mr Bone's evidence that Ms Reid may have struck him from time to time. However, I am satisfied that a greater degree of violence was inflicted on Ms Reid by Mr Bone than by her on him. I do not accept that she ever complained to her brother that she was scared of Mr Bone
25. I am satisfied that the evidence establishes on the balance of probabilities that:
 - a. During the relationship Ms Reid changed from a happy person to being more withdrawn and this was observed by members of her family over time
 - b. From time to time, there were signs of her having been physically assaulted throughout the relationship
 - c. Despite the violence inflicted on her during the relationship she was reluctant to discuss it with her family and had continued the relationship with Kenneth Bone.

The weekend of 16 and 17 September 2006

26. The weekend commencing Saturday 16 September 2006 is particularly relevant to the matters to be determined in this matter.
27. On Saturday night, 16 September 2006, there was a wedding reception at which Steven Kiem and Ms Reid were present opposite the Great Western Hotel in Rockhampton. Mr Kiem's evidence is that Mr Bone had not been invited but Ms Reid had been. Mr Bone's evidence was that his aunt had told him to go with her, although not formally invited. Mr Kiem gave evidence that while at the wedding reception, Kylie had asked if she could move in with him and his de facto partner. He had indicated that she could.
28. Mr Kiem saw Mr Bone outside the venue at some stage later in the evening. Mr Kiem had assumed that he was there to keep an eye on Ms Reid because during the evening, Mr Kiem and Ms Reid had returned to his home briefly and while they were away, Mr Bone "kept on ringing her and abusing her and stuff" (T92). His evidence continued at page 92:

“He just kept on ringing and ringing her and ringing her and abusing her and that.

And how did you know that it was him and that he was abusing her. Did she tell you that?—Yes. She told me that and I could hear his voice over the phone.

Yes. And she actually asked you in that night if she could me move in with you and Bianca, your partner?-- Yeah. That’s correct.

You say she was in good spirits and was happy?—Yeah.

And you offered her somewhere to live?-- Yep.

And she went on to say that she was – she wanted to get away from Kenny and didn’t want to be with him anymore?-- Yep.”

29. Mr Kiem’s evidence is that on return to the wedding reception venue, Ms Reid went over to where Mr Bone was standing. Mr Kiem asked Ms Reid if she wanted him to go out with her but “she did not want me there”. She walked and “got belted”. When asked to describe what Mr Bone had done to Ms Reid, Mr Kiem responded:

“He punched her in the head, knocked her down, she went down and he started kicking her. ...

*Did any one intervene in that? Just let me know when you’re ready?-
- Yeah. I’m right. Yeah, a couple of security guards come over from the Great Western ... and broke it up.”*

30. Mr Kiem’s evidence is that Ms Reid told him not to interfere and she left, with Kenneth Bone following her.

31. That incident was confirmed by Mr Bone, including the involvement of the Great Western Hotel security officers. The detail of the assault differed on Mr Bone’s evidence. He denied punching her or kicking her but admits to pushing her as a consequence of which she fell over. He also denied any knowledge of Kylie intending to leave and live with her brother, Steven Kiem. He gave evidence of challenging Kylie about her being unfaithful to him; he claimed to have been told that by a third party at the wedding reception. Kenneth Bone’s evidence is that after the incident outside the wedding reception, he and Kylie walked home to Penlington Street.

32. Mr Bone referred in his evidence to a big fight on Sunday 17 September 2006. This exchange between Counsel Assisting the Coroner and Mr Bone took place (Day 3 T pp 12, 13, 14, 19 and 29):

“All right. Well, what was that big argument about?-- Oh, it was about - she had cheated on me, hey.

So that was an argument that you started?-- Oh, didn’t start it I just asked her straight out and, yeah.

...

So this big argument, did you see that as perhaps your relationship coming to an end or a period of separation at the very least?-- Yeah, oh, yeah, I figured like we'd get through it, hey. Like I was thinking about, you know, we'd move towns and whatever.

Sorry?-- I was - you know, we were, you know, we were thinking about just moving town, you know, just starting over I suppose, hey.

Why would you need to leave town and start over?-- Oh, just fresh, you know, just get away from all this bullshit here. Excuse my language.

You were accusing her of having cheated on you?-- Yeah.

She was denying that?-- Yeah.

You say that your relationship was a close relationship?-- Yeah.

But to your mind that wasn't the end of it?-- No.

Did you keep accusing her of having been with some other fellow?-- Oh, I just basically gave up and I just whatever, like, yeah, we had an argument, had a big fight and then, yeah, I just was like okay then, righto, and then, yeah, we didn't basically talk again after that, hey. We just-----

Did you - or had you accused her of that sort of thing before?-- No.

And this happened on the Sunday, did it, the day before the police came to your house?-- Yeah.

Where did it happen, the argument?-- Oh, at 92 Penlington Street.

...

You're saying you're at the party there but not with Kylie. She arrived at the party when you were at the phone box. You started the argument with her. You're accusing her of being with someone else?-- Yeah.

And then you assault her in the way you've told us?-- Yeah, she whacked me and then I pushed her.

Mmm. And then you went back into the grounds of the party with her, and then, what, left with her?-- Yeah, and then we just went home.

...

And through the night and the next morning was there further arguing?-- We slept all night until, yeah, the next day.

The next morning did you argue with her again?-- Yeah, we started arguing, hey.

So this is on the Sunday?-- Yeah.

And did you start the argument?-- I can't recall, hey.

Were you arguing with her about disbelieving her about having been with someone else?-- Yeah.

Did you say yes then?-- Yeah.

Did you assault her further?-- Oh, yeah, well, yeah.

...

So it hadn't all completed the night before outside the reception?-- No.

And from what you're saying you were the one who started the argument again the following day, on the Sunday?-- No, I can't - like, no, I can't really recall, hey. Like I know we was arguing, um-----

Well, you were the one that was upset?-- Yeah.

She wasn't accusing you of blowing money or anything like that, you were accusing her of having been with someone else, is that correct?-- Yeah, yeah.

And that argument on the Sunday generated into you actually punching Kylie, is that correct?-- Yeah.

How many times did you punch her?-- A couple, hey.

A couple. Where did you punch her to?-- Oh, probably in the head, hey.

That was not the first time you had punched her to the head, was it?-- No, hey.

You'd punched her on a number of occasions earlier, hadn't you?-- Like ages ago, yeah.

Ages ago?-- Yeah, I'm not proud of it but, yeah.

You'd punched her significantly enough to leave marks, bruises, injuries to her?-- Like what bruises?

Other witnesses have given evidence before the Coroner to say that when they'd come into contact with Kylie on occasions she had black eyes or a black eye?-- No.

That she had bruises on her arms?-- Maybe like one bruise, what, once?"

33. As to Mr Bone's understanding of the state of their relationship on Sunday 17 September 2006, this exchange with Counsel Assisting is relevant (Day 3 T p2-22, commencing at L1):

"So just to be clear you're saying that on the Saturday night at the wedding reception you pushed her, on the Sunday you punched her a number of times to the head or face?-- Yes.

Both in those arguments. Were you aware at that stage that she was wanting to leave you, to separate from you?-- No, not at that stage yet.

Are you saying that after you had done that to her everything was fine between the two of you?-- Well, I said, go. I told her on that Sunday to go.

Okay, so you were content for the relationship to come to an end, were you?-- Yeah, I said go, I said, you know, go ring up, you know, someone to pick you up. I told her to go and she stayed.

And she stayed?-- Yeah.

So, what, did you think your relationship was coming to an end for all time or that you were separating for a period?-- Well, I thought the matter was, yeah. I wasn't ready just to go yet. Yeah, when she stayed then I figured we might be able to, you know, work things out.

When you say "Just go, yep," you're saying that you were content for her to leave you and for your relationship to come to an end?-- Yeah, I told her to go and then when she stayed I, you know, well then I thought, you know, we might be able to work this out, you know.

You shared a room then on the Sunday night?-- Yep.

How was everything between the two of you?-- Well, no, I just wasn't - yeah, I just close up, hey, I just - we - yeah, I didn't talk or nothing, hey. We didn't talk to each other much.

So you were just ignoring her?-- Yeah.

You were unhappy?-- No, not unhappy."

34. Aaron Albury denied any knowledge of Kenneth being violent to Kylie, and that on Sunday 17 September 2006, he had not observed any injuries to Kylie. Given other evidence about visible injuries, I find Mr Albury's evidence about the absence of injuries was not accurate.
35. Despite Ms Albury's evidence that Ms Reid and her son Kenneth Bone had no major disagreements, I accept the evidence that Ms Albury told Constable Fayers that "the kids had been arguing the day before in regards to relationship issues and that it became violent and Kenneth struck Kylie" (T21 L5).
36. I am satisfied that the evidence establishes on the balance of probabilities that:
- a. Kylie was assaulted on Saturday 16 September 2006 by Kenneth Bone in the form of a push (and consequential fall onto the ground);
 - b. she was further assaulted by Kenneth Bone during Sunday, 17 September including being punched in the head;
 - c. there was tension between them overnight Sunday and on Monday morning.
37. I am not satisfied that Kenneth Bone further assaulted Kylie Reid on the morning of 18 September 2006.

3. MONDAY 18 SEPTEMBER 2006 – POLICE ATTEND 92 PENLINGTON STREET

38. Constable Scott Fayers and Constable Christian Brown were the 2 police officers who attended at Penlington Street at approximately 9am on Monday 18 September 2006. Constable Brown ceased to be a police officer on 14 December 2007.
39. On that morning, police communications in Rockhampton received a call, apparently made by Kylie Reid, as a result of which the two police officers attended 92 Penlington Street. I accept that part of the evidence of Dorothy Albury that Ms Reid had told her that she called the police because she wanted to go away from the Penlington Street house to either her mother's or her sister's home. I find that Ms Reid had told Dorothy Albury that she had requested police attendance prior to the arrival of the police.
40. Constable Fayers' original recollection of the reason for his initial attendance at the Penlington Street address was because of a request for transport by Ms Reid and that there might have been a domestic violence incident (see T18, L18). That evidence was inconsistent with a recording of the radio transmission between Rockhampton police communications (VKR) and the car in which Constables Fayers and Brown were then travelling in. The transcript of the radio transmissions is contained in Exhibit 2, being the report of Detective Sgt Elliot (with various appendices). Appendix 11 to that report is referred to at pages 44-50 of the transcript of proceedings on 1 May 2008. The transcript of the radio transmission includes:

“Could you attend 92 Penlington on the range and take up with a Kylie Reid. She states that a Kenny Bone has assaulted her this morning”.

41. Ms Reid met the officers promptly on their arrival. It was obvious that she was bruised in the face and had bloodshot eyes, apparently from an injury. However, according to Constable Sayers, “she seemed fine, calm, not upset”. In response to questions about her injuries, according to the officer:

“She stated to us that her and Kenneth Bone had had an argument the prior day on Sunday the 17th in relation to some relationship issues ... and [he] became physical and he punched her. “

42. The questioning continued:

“Did she indicate at that stage whether she had concern for her welfare at that stage?-- No, at that stage I asked her if – if there'd been any further domestic violence today or on that day, the Monday the 18th. She stated, “No” and basically that she just wanted to go to her sister's place at Marsh Avenue. “

43. Constable Fayers' evidence continued that he did not recall her being tearful at any stage but she had indicated that she did not want to take any action with

regards to domestic violence: "I wouldn't say that she was relaxed, but she was certainly not upset or crying or anything like that" (T19 L46).

44. After Constable Fayers moved to the bedroom to have a discussion with Kenneth Bone, Constable Brown remained with Ms Reid (T53). He spoke with her about the alleged incident and noted that tears started to well in her eyes. He believed her to be reticent to speak about the incident. Constable Brown had prior nursing experience. He observed a horizontal laceration underneath one of her eyes which, based on his nursing experience, he concluded was an injury of some days standing. There was a small haemorrhage in the sclera (the white) of the eye. Constable Brown also recalled that the basis for their attending the address was a request for transport from the dwelling, and that Ms Reid did not refer to the injuries, but rather the subject was raised by Constable Brown.
45. When taken to his notebook entries of his conversations with Ms Reid, Constable Brown agreed that if the entries were in his notebook, they were correct. His notebook entries of his initial discussions with Ms Reid are comprised in Police Notebook No. G009816. The notebook extracts Inquest exhibit 2. The following is contained in the notebook as having been said by Ms Reid to Constable Brown:

"I was watching TV in the bedroom I started arguing about kissing another fella. He hit me a couple of time in the face. It started a couple of over maybe 3 hours. This morning he started accusing me again. I am scared. He will hit me again."
46. The first three sentences of that extract seem largely consistent with the evidence of Kenneth Bone. The sentence "this morning he started accusing me again" is inconsistent with Kenneth Bone's evidence given at one stage that he had not argued with her. At page 149 of Constable Fayer's official police notebook H018111, which records Kenneth Bone's version of events after Kyle was found downstairs; Kenneth Bone refers to Kylie packing.
47. Police had conversations with Kenneth Bone alone initially and later in the presence of Ms Reid. Mr Bone seemed unhappy initially at the presence of the police and seemed surprised at their being in the house. His voice was raised at least initially. Both officers gave evidence to that effect. According to Constable Sayers, Mr Bone calmed down quickly and the police then had a discussion with him about the cycle of domestic violence.
48. Constable Fayers interpreted Ms Reid's demeanour as suggesting she perhaps wanted to speak to Kenneth Bone before she left. He and Constable Brown waited for Ms Reid to collect some items, during which time the officers waited outside near the bottom of the stairs. This is consistent with the evidence of Kenneth Bone that she was packing things in a bag. Constable Fayers called on his police radio to request Aboriginal Police Liaison officers to attend to assist with Ms Reid's transport to her sister's house in North Rockhampton. While waiting, Ms Reid called out through the bedroom window that she did not want to leave and would stay at Penlington Street.

49. Ms Reid's change of mind about leaving the premises is corroborated by the transmissions between the police at the house and VKR (Appendix 11 Inquest exhibit 2), although whether there were time gaps in communication is not clear, but may be inferred:

PO: VKR Rockhampton 383

COMMS: VKR 383

PO: Do we have any PLOs working today

COMMS: Roger we have unit 204

PO: Are they busy at the moment

COMMS: Yeah doing DV call ups we'll see if we can get them on air VKR 204

COMMS: Yeah 383 what were you chasing

PO: We're just waiting on the aggrieved here uh to get some gear together so she wants to go over to 333 Marsh Street um if the PLOs could pick her up we and take her away we could head off and start doing the work so we can get back on the road

COMMS: Roger ah so you Basically you want them to attend Penlington Street to do a transport to 333 Marsh

PO: Yeah that's correct

COMMS: Roger um I'll task them to that as soon as I hear from them

PO: Received thank you

COMMS: VKR Rockhampton to PLO unit 204

PO: KR Rockhampton 383

COMMS: 83

PO: Yeah disregard that last request thanks um she has decided that she will stay both parties are not now there's no further animosity here

50. Following radio exchange, and at the request of VKR, Constable Fayers re-attended inside the house and confirmed the identity by Ms Reid by sighting her 18plus card. This was a further opportunity for Ms Reid to change her mind about transport away from the scene and to again request transport. I find she did not make such a request.

51. Police checks had not indicated any previous incidents of domestic violence. This is reflected in the application for a domestic violence order as completed by Constable Fayers prior to Ms Reid's attempted hanging. He stated in his evidence, quite correctly, that he could not force Ms Reid to leave the premises and that when she had changed her mind, he did not consider it necessary to take Mr Bone into custody, as the most recent violent incident was now historic, that Ms Reid appeared calm and had changed her mind about wanting to leave. I accept the police officer's evidence that she had indicated she did not wish any action to be taken against Kenneth Bone. Further, Constable Fayers relied on the presence of a 'third party' in the form of Kenneth's mother. There was, however, no evidence about whether her plans including whether she was intending to leave the house, had been raised with her.

52. Constable Brown's evidence is consistent with that of Constable Fayers about Ms Reid changing her mind about wanting to leave. At T56 in response to a question about whether Ms Reid was gathering belongings together, Constable Brown said:

"The only time that she mentioned that was – I believe it was either myself or Constable Fayers asked her: "Do you still want to" – this after obviously the investigation at the house, we asked her, Ms Reid, if she would still like to come away with police, to which I understand she said – she agreed to that and said yes, and that she would start collecting her belongs and she walked away. I remained in – I guess it's the hallway to – to the front door and she was taking some time and it must have been the case of poor radio contact or something as Constable Fayers, when I moved ot the front yard and contacted VKR in an attempt to have a PLO unit attend for the transport so that we could return to North Rockhampton station and initiate the domestic violence application.

So, did she say that she wanted to gather some belongings together?-- She did. And it was while we were out the front that I recall that Ms Bone hung out – I believe it was a front bedroom window and said that she no longer wished to come with police ..."

53. The reference to Ms Bone was later clarified by the witness as meaning Ms Reid.

54. Constable Brown attributed Ms Reid's tears to her recollection of the incident between her and Mr Bone days before (see T60 L52). He handed her some brochures or stickers with information about support for domestic violence related issues and indicated that she should make use of the counselling service (see T64 and 66).

55. In response to a question about his impression of her being at risk of self harm he responded "At no stage did that even enter my thought process." (T61 L9). He referred to Ms Reid and Mr Bone 'sitting together quite happily together on the bed in the bedroom. There was no aggression displayed from Mr Bone. Ms Reid did not appear frightened in the slightest to remain there" (T61 L25).

4. AFTER THE POLICE LEFT PENLINGTON STREET

56. As to what happened after the police left, the evidence comes from Kenneth Bone, Dorothy (Annie) Albury and Aaron Albury. There is also evidence from the neighbour, Mr Stewart.
57. Dorothy Albury in her evidence denied hearing any arguing that morning of Monday 18 September 2006 or that Kenneth had raised his voice to Kylie. Her evidence is, after the police left, that she had a shower and finished doing her laundry. She was unsure about what time she left the house. Her evidence initially was that her other son Aaron was still up, watching TV in the lounge room, but later she could not recall anything about Aaron. Her statement given to police on 18 September 2006, and recorded in police notebook G009816 of Constable Christian Brown refers to her having had a cup of tea with her son Aaron that morning.
58. That is not consistent with the evidence of Aaron Albury. His evidence was that he had not got out of bed that morning until he heard Kenny calling out words "Help and that sort of thing" and shouting "Help" or "Can someone get someone". He ran from his room downstairs where he saw Kenny with Kylie, helping her. The police notebook statement refers to Aaron observing Kenneth Bone removing the rope from around Kylie's neck. Aaron went to the neighbour's property and requested the neighbour to ring an ambulance. I do not consider it important to reconcile the differences in whether or not Aaron was up earlier drinking tea with his mother.
59. Kenneth Bone's evidence of the crucial time between the departure of Dorothy Albury after the police had gone commences at Day 3 Transcript page 2-31, Line 20:

"And were you aware that the police left?-- Yeah.

After that, after the police left your house, did you again argue with Kylie?-- No.

Did you again raise your voice?-- No.

At Kylie?-- No, I was just like-----

Was anyone in your house, a young male, any young female, raising their voices at one another after the police left?-- No.

You see, you'd punched her the day before?-- Yeah.

The police turned up without you knowing about it?-- Yeah.

The police were talking to you?-- Yep.

You understood that you were in some trouble with the police?-- Yeah.

They were going to take her away but then that arrangement changed?-- Yep.

What, you were just fine with that, were you, you weren't upset or angry that the police had been called around?-- No, I just - I just - yeah, I just laid in bed and ignored everything, eh. Ignored Mum, ignored everyone, just lay in bed [indistinct] you know, just - just block everything out and just go into my own little world, just-----

You'd been unhappy when the police got there; you accept that?-- Yeah.

Are you saying that you weren't unhappy or angry when they left, you didn't again argue with Kylie?-- No, I didn't argue, I just went and laid down. I was just like...

You were fully aware that Kylie had called the police?-- Yeah. That's why they were there?-- Yeah. Yeah, and I - yeah, I just like, you know - you know, that's what you want to do, far out, and just laid back down on the bed and then turned on the TV. And then she tried to talk to me and I was just like, yeah, I'm not talking, you know, don't want to talk at this - just left it like that.

I'm sorry. When the police were there, you were talking about sorting it out?-- Yeah.

Talking it through. After the police go, what, you've gone back to ignoring her again, have you?-- No, I just went back and laid down in bed, eh. We were talking for a while and then, like it started getting like - we - when I started arguing I said, "Look, we'll just leave it as that, we'll leave it as that. We won't talk. We'll just leave it, okay? Otherwise we're gonna start arguing again", and I laid down.

So was there a further argument after the police left?-- No, there was no argument.

Did you again raise your voice?-- No. That's why I just said, "We'll just leave it at that."

Was Kylie raising her voice?-- No - oh no, not really, eh.

Was anyone in your house raising their voice at one another?-- No.

After the police left?-- Not that I can recall.

The Coroner's heard evidence from a neighbour of the house at 92 Penlington Street to the effect that there was raised voices between a young male - a young adult male and a young adult female after the police left?-- Might've been talking loud, not arguing.

... Did you assault Kylie further-----?-- No.

-----after the police left?-- No.

What do you say happened after the police left, apart from you saying you didn't want to talk to her, "Just leave it."?-- [indistinct].

What happened next?-- I was laying down just watching TV.

Mmm?-- And then Kylie got up and she said she was going for a shower, eh.

Mmm?-- Then she asked me if I was coming. I said, "I'll have a shower later."

Mmm?-- Yeah, and that was the last time I seen her, eh.

So she said she was going for a shower?-- Yeah.

Just something that does appear in your statement at paragraph 4, you say that after the police left you started talking about whether she had "cheated on me"?-- Yeah, that's what we were, um - it was going to start into an argument and that's when I said-----

That's something you raised again?-- No. Thought she was saying, look, you know, "You need to trust me," and I said, "Yeah, you know, I do, you know." I said, "I'm sorry", whatever, and yeah.

And you say that she said she was going for a shower?-- Yeah.

How long was she gone for before you did anything?-- Oh, about 10, 15 minutes.

Did you hear the shower running?-- Oh, we've got like no water pressure. Well, we didn't use to up there.

Mmm?-- Not much water pressure so you're flat out hearing it from the room, I had the TV on.

When you hadn't seen her for that period what did you do?-- I got up and I thought I'd join her in the shower and went in, towel was on the floor.

And the towel was damp?-- Yeah. Picked it up and I presumed she had a shower. Um, just thought she went, eh, and I was like, yeah, walked into the, um, room, hung it up, yeah, and then chucked on my shoes. I was just gonna go down to my, um, aunty's, eh. So, yeah, I figured, yeah, she left, eh, and-----

But apart from the fact you hadn't had any further argument and everything seemed to be fine when the police left?-- Yeah. Like, just walked out the back.

Are you being honest about this?-- Yeah.

There was no further disagreement, argument, or any problem-----?-- No.

-----between you after the police left?-- No. Oh, we were talking and then, yeah, and I just said, "Leave it." Because it would've turned into another argument.

And you're saying it didn't get to that stage?-- No.

...

You didn't argue with her again? Everything - sorry? After the police had left?-- Uh-huh.

She went to have a shower?-- Yeah.

And then you went looking for her; that's your evidence?-- Yeah, well I was, um, waiting for the show, um, the - it was just finishing, the news was just starting, and I was waiting for the break to come on and, yeah, and then I got up and went, yeah, and then I found her towel and hung it up. "

60. Mr Stewart was a neighbour whose boundary on one side adjoined the boundary of 92 Penlington Street. He gave evidence of hearing raised voices between males and between a male and a female. Although he could not be certain, he would estimate the age of the male and female who had raised voices as in their early 20s, or perhaps a little younger. He recalled the 18th day of September 2006 on which date he had given a police notebook statement to police. He was asked in the witness box to clarify the statements he had made to police about the 'usual noises and squabbling that comes from the next door house'. He said:

"Well, quite often it seems there's differences of opinion. Sometimes it gets very loud and verbal and then they're stopping and they're the best of friends again, and there appeared to have been a slanging match you might say between a male and a female, I thought for some time and then there was nothing. And then the male voice really went off, I think from underneath the house. I don't really know, but I felt it came from under the house."

61. Mr Stewart, when asked about the time frame for these noises in relation to when the police car departed the premises, said: "I think it was after the police car departed." This exchange followed:

"Before the police car had arrived there, can you recall whether you heard any noises of verbal argument or anything like that?-- Yes, I think there was noises. The police arrived and there was silence and then the police departed and then it was on again." (T80)

62. I do not accept the evidence of Mr Bone that there was no further argument after the police had left. I accept that part of his evidence where he stated:

"... I just went back and laid down in bed, eh. We were talking for a while and then, like it started getting like - we - when I started arguing I said, "Look, we'll just leave it as that, we'll leave it as that. We won't talk. We'll just leave it, okay? Otherwise we're gonna start arguing again", and I laid down."

63. I am satisfied that Kylie Reid and Kenneth Bone were involved in a verbal argument with each other after the police left, and that the neighbour, Mr Stewart heard some of the raised voices associated with that. I am also satisfied that Kenneth Bone did not seek to continue the argument.

5. DISCOVERY OF MS REID UNDER THE HOUSE

64. Mr Bone's evidence was that he locked the front door, and then went out the back and shut it. The gate downstairs was shut and ordinarily if someone who lived at the house went under the house that gate was left open. The exchange between Counsel Assisting with Mr Bone continued:

"And then where did you go to?-- I, um, walked downstairs, saw the gate was shut and then I was just like, oh, she must have went. And then, yeah, I was going to walk - cause that's the way we normally go, we lock the front door and leave the back door open, and, yeah, I just had a quick, you know, just glimpse under the house and, um, I seen her, hey, and I was like, you know, "What are you doing down here?", you know, asking and, yeah, I just freaked, hey, I just started screaming. And, yeah, just-----"

When you went looking for her had you been calling out her name or anything like that?-- No, hey, I was just like, yeah, because I presumed she went when I seen the, um, gate it was, um, shut.

And are you saying that the only involvement you had then was taking her down from where she was?-- Yeah."

65. Mr Bone's evidence (Day 3 T2-35) about the overturned chair that can be seen in photographs numbered 3 and 9 (in appendix 9 to Exhibit 2) was that he "just grabbed Kylie" and that he "must have knocked it [the chair] over in ... running over to get her". According to Mr Bone, the chair had originally been positioned "like right where she was. Like, yeah, she's stepped off it".

66. During cross-examination by Ms Lippitt, Mr Bone said he had lifted Ms Reid out of the rope without cutting it. That seems consistent with the photographs in evidence and Aaron Albury's statement to police.

67. The neighbour, Mr Stewart, was questioned about what he heard after the police had left the scene originally. Questioning of Mr Stewart continued:

"Please tell us – at the time after the police car had left and you heard raised voices, was there, then, a period of time where there was no verbal noise until you heard these other calls that you just speak [ab]out?-- Yes. There was a period of silence before the argument was [indistinct] then. ... There was a period of silence – basic silence, and then the male voice come on loud and

... That male voice was really someone very upset ..."

68. Mr Stewart thought that those sounds were emanating from the downstairs area of the house and soon after a young Aboriginal male person came through the shrubs and asked him to make a phone call for the ambulance. He then saw the young female had been taken out to the pavement. He saw two Aboriginal men "One was still in distress and the other one sort of in control of himself", the latter being the one who had asked for an ambulance. The other of the two men was:

*“... sort of wandering, roaming around. He couldn't really stand still ...
[I]t was more crying and weeping sort of a thing than actually
speaking ... He was very restless.” (T 83).*

6. THE POLICE INVESTIGATION AT PENLINGTON STREET

69. After Police arrived at the scene after hearing about the despatch of the ambulance to the address, they arranged for photographs of the house at 92 Penlington Street to be taken. This occurred on 18 September 2006 at about 12.10 pm.

70. The photographs are contained in Appendix 9 in Exhibit 2 and show the presence of an orange-yellow nylon rope. The rope can be seen hanging from a beam and appears in the photograph to have not been cut. This is consistent with other evidence from Mr Bone who said that he lifted her down and pulled the rope off Ms Reid's neck and did not need to cut the rope.

71. Two Criminal Investigation Branch (CIB) officers attended the scene at the request of the first response officers: Detective Sgt Paskin and PCC Thorn. According to Constable Fayers (p. 132 of his interview undertaken as part of the internal police investigation), the nature of the CIB inquiries was:

“[They] asked us what-what was the original call was for, I explained that the call was from Kylie and that she wanted to go. I explained that we observed bruising and that we took out applications, and how the incident for the application was a result of the prior day and that we didn't have any powers to detain uh Kenneth, and that there were no uh signs of UI. And uh basically told them Kenneth's version, and um showed them where the incident occurred. They were satisfied uh as I was that uh the version of Kenneth recorded was correct and there was no suspicious UI.”

72. The photographs show the house to be a highset house with vertical and horizontal slats which impair clear visibility of the underneath the house area. There is a concrete floor with a step from one level to the other. Scenes of Crime officer, Senior Constable Dean Fernie, took measurements at the scene. From a wooden beam above the area where the floor changes height, the distance between the under side of the beam and the higher floor is 1.85 metres and to the lower floor level is 2.1 metres.

73. During internal police investigation into police conduct as a result of Ms Reid's death, an interview was conducted with Constable Christian Brown. He stated during his interview¹:

“I observed under the house that there was a yellow rope hanging um from I believe a rafter under the house, it was a high set Queenslander and uh I observed uh on that rope that there was um brown long brown hair um uh attached to that rope still. I was informed that was the place uh of the attempted suicide by BONE's brother Aaron.”

¹ Page 13 of 19 of interview conducted by S/Sgt Graham Richards and S/Sgt Murray Shields

74. Dr Buxton in his evidence notes in relation to investigations at the scene of a hanging:

“Other things you look for in that situation, if you can attend the scene or if the rope is still present, is that in a suicide the person who dies usually does not let their hair get caught under the rope, under the noose.

... They make it - seem to make it very, very tidy. Again, it is not an absolute, but certainly if I go to a hanging and see hair in the noose or under the noose, I would just be a little bit more suspicious, a bit more wary that perhaps somebody else has been involved.”

7. POLICE INTERACTIONS WITH MS REID’S FAMILY AT THE HOSPITAL

75. Cross examination of Constable Brown by the family’s representative challenged statements which he was said to have made at the hospital about the mental state of Ms Reid. The questioning was directed to whether Constable Brown agreed that he had said Ms Reid was depressed and “she had done this to herself” and there was no ‘foul play’ associated with her death. Constable Brown disputed that he had ever said that and agreed that it would have been inappropriate given the short amount of time he had spent with Ms Reid, and being such a junior officer of only 10 months standing at the time, he would not have made such a claim (T 68). He went on to say he could not recollect saying anything like that and perhaps there was a misunderstood communication (T69 L35).

76. I accept that both Constables Fayers and Brown attended the hospital on the 19 September 2006. In my view, the evidence of what happened on that day is not crucial to the matters that I have to determine, and I am not able to determine precisely what was said by each police officer. There was no evidence from the family on that point, although it is referred to in the family’s earlier letter to the Coroner. If comments about Ms Reid being depressed (as distinct from being upset or distressed) were made by police officers who had had only limited interactions with her, they would not have been appropriate as that would have been a clinical diagnosis not appropriately made by a police officer, even if the officer had had prior nursing experience.

77. If a police officer made comments to the family at the hospital about there being no ‘foul play’, to the extent that any such comments may have been made to try to console or reassure the family, regrettably that did not succeed. I am not satisfied on the evidence that any (and, if so, which) police officer made comments suggested in the family’s letter.

8. STATEMENTS ASCRIBED TO, AND INCIDENTS INVOLVING, KENNETH BONE AFTER MS REID’S DEATH

78. Shana Doyle (age 10) gave evidence via a taped interview with a female police officer. Her evidence included that she had heard Kenneth Bone speak at Ms Reid’s funeral while they were in the church saying words to the effect that Ms

Reid's death was an accident. The construction to be put on the words is equivocal and cannot be taken to suggest any specific wrongdoing by Kenneth Bone.

79. Donna Reid's evidence referred to a physical altercation involving Kenneth Bone and his brother Keith and sister Belitta in Tully apparently a consequence of an allegation by Keith Bone that his brother Kenneth had murdered Kylie. Assuming the altercation was preceded by the words alleged by Ms Donna Reid, even on her version of the incident, there was no response by Kenneth Bone. In my view, evidence of this allegation in the absence of a definitive response from Kenneth Bone does not assist in the determination of any of the issues with which I am concerned and I make no findings about it.
80. Robyn Reid (transcript p. 114) described seeing Kenneth Bone at the hospital while Kylie was a patient saying "Kylie, I'm sorry, I'm sorry" and this occurred after Kenneth had gone in to see Ms Reid and came out accompanied by his mother. She could not recall that anything was said about what Kenneth Bone was sorry about. He was wiping his eyes at the time.
81. Kenneth Bone gave evidence. Contrary to the allegation apparently made by 10 year old Shana Doyle, Mr Bone denied having said at Kylie's funeral the words: "I'm sorry, it was an accident", but rather he says the words spoken were along the lines of "my baby, my baby, my baby. I love you. Why did you leave me?" (Day 3 T2-37).
82. In the internal police investigation, the two police officers described how Kenneth Bone was visibly upset when they returned to Penlington Street to serve him with the application for a domestic violence order. There is a notation on a report number 2006/09/07 that Constable Fayers had reported at 1306 hours that Kenneth Bone "is in an emotional state. They are currently at Accident and Emergency and Bone has indicated to him that if Reid dies, that he will kill himself." Police organised to have Mr Bone assessed under an Emergency Examination Order under the *Mental Health Act 2000*.

9. THE MEDICAL EVIDENCE

83. Dr Nigel Buxton conducted the autopsy on the body of Ms Reid. He is a very experienced forensic pathologist. Given the importance of the medical evidence in this case, I intend to refer in some detail to his evidence. I apologise to Kylie's family if this causes more pain and distress.
84. Dr Buxton referred to bruising on Ms Reid's face that he believed pre-dated the ligature marks that he also observed. He noted the colour of these to be moving into the 'yellow part of the bruise healing' whereas the small bruise in the area of the ligature at the back of the neck that still had 'its blue-ish discolouration'. Although he could not be precise as to when the facial bruises were caused, they would have been anywhere between 24 and 72 hours prior to the neck bruising. Of the older bruises, he described them as "really quite trivial. There was no real thickness to them."

85. In relation to a recent abrasion over the left eyebrow, Dr Buxton's view was that it was about the same day as the right eye and "it probably wouldn't have even caused any staggering or disruption to the person's consciousness".
86. There were marks on the back of the leg that could, according to Dr Buxton, have happened when Ms Reid was being taken down from her hanging position. Those marks were more consistent with the time of the ligature marks.
87. As to what Dr Buxton looks for when conducting an autopsy involving a hanging, the following extract of his evidence is apposite (Day 3 T 2-58 L15):

"There are two particular emphases I place when I'm looking to assure that a hanging is a genuine hanging. One, is, does the angle of the ligature match the history supplied. If a rope or a ligature around the neck is used by a second person to garrotte or choke, the ligature line is usually more horizontal.

... There may be more marks where the - in this situation, a victim, would be struggling against the ligature.

... If you put a noose or a rope around somebody's neck, unless you've actually got the hands pinioned, their instinctive reaction will be to try and put their fingers in between the noose and the neck to try and prevent it tightening.

... And in that situation, you'll find a series of vertical scratches around the noose.

... Around the ligature line. That was not present. And, as I say, the ligature line would be more horizontal than vertical, coming to a point.

... That is assuming that the person was conscious at the time of the garrotting, or the strangulation. If the person has been subdued prior to being hung up, ... , there is usually some evidence that the person has been restrained. Whether it's marks around the ankles, whether it's marks around the upper arms, whether it's marks around the wrists or whether it was a physical blow to the back of the head, the side of the neck, somewhere to stun or incapacitate the person to make it possible to lift them, put their neck through a noose, and then pull down tightly. It is an unusual event. "...

88. Dr Buxton did not attend the house in Penlington Street. He stated how, during the autopsy, he checked for whether the larynx had been compressed or broken or whether the little Hyoid bone was broken. He explained that that bone sits above the larynx and rarely breaks in a hanging but is commonly broken in manual strangulations, although, in a young woman, the Hyoid bone being very soft and flexible may not always break with manual strangulations but one would expect to find little bruises nearby.
89. His examination and dissection of the arteries in the neck found no injuries consistent with an aggressive compression of the neck, usually either by a long drop with a noose around the neck and coming or a "vicious garrotting".

90. Dr Buxton described Ms Reid as having been subjected to a “venous hanging”. He explained:

“In other words, the occlusion was to the vena circulation, that she hadn’t fallen a long way and she was a light person, so the extra force on the noose would not cause some occlusion of the arteries and therefore, you do not see some of that trauma. ...

This young lady, her brain had been devoid of oxygen for a long time and although she hadn’t medically died on arrival, her subsequent prognosis was not going to be good.”

91. He continued on what other matters he is looking for which might support the impression that a second person has played a physical role. These included “evidence of forced injection” which would produce “bruises or puncture wounds in areas that a person would not normally reach for themselves”, but he could not find any such puncture marks.

92. In summary, Dr Buxton’s evidence was that the autopsy did not indicate that any other person played a role in Ms Reid’s hanging. I accept Dr Buxton’s evidence about the lack of any indication that another person played a role in Ms Reid’s hanging.

10. POLICE PROTOCOLS AND COMPLIANCE

93. Schedule B to these reasons sets out relevant extracts from the Police Operational Procedures Manual (OPM). Section 9.3 of the Manual refers to officers being “responsible for assessing and evaluating all domestic violence issues with the paramount aim of protecting the victims”.

94. The assessment by police that the presence of Mr Bone’s mother and the fact that the latest physical assault was the day before were factors considered by police in deciding not to take Mr Bone into custody, as was Ms Reid’s wish not to pursue criminal charges. Opinions will differ on the appropriateness of reliance on those factors. The police had not, on their evidence, confirmed with Ms Albury that she was intending to remain at the premises. It was not clear from the evidence whether the most recent assault on Ms Reid by Mr Bone had occurred at the house whilst Ms Albury was present. If that had been the position, reliance on Ms Albury as a protective factor would have been misplaced. The attending officers knew there had been no previous domestic violence issues reported to police, which is consistent with the statement of Ms Lippitt in her first letter to the Coroner where she states:

“She was constantly abused, threatened and alienated from her family and friends. In all this time, Kylie never once asked for police assistance.”

95. On balance, in my view, there is no sufficient evidence from which I can find that the police who first attended the house at 92 Penlington Street failed to comply with the OPM.

96. I am not satisfied that the current OPM provision dealing with domestic violence requires changing.

97. As to whether further training may be required in dealing with domestic violence situations involving indigenous people, I note the information received from the Queensland Police Service in response to the submissions of Counsel Assisting the Coroner:

“Information specific to Aboriginal persons is available to officers through the QPS Cultural Advisory Unit and QPS publications such as Competency Acquisition Program books QC1004 ‘Aboriginal & Torres Strait Islander Peoples in Australian Society – Race Relations’; QC 1005 ‘Aboriginal & Torres Strait Islander Peoples in Australian Society – Government & the Law’ and QDC 1007 ‘Aboriginal and Torres Strait Islander Peoples in Australian Society – Social Issues. ... It is respectfully submitted that the QPS is taking all reasonable steps, and actively undertakes review of these steps, in seeking to address policing issues specific to Aboriginal people”.

98. The Competency Acquisition Program book QC 1007 identifies various issues for officers dealing with Aboriginal and Torres Strait Islander people including suicide and suicide prevention. At page 39 of the book, it states:

“Personnel should remain aware of suicide and self harming behaviours as well as the risk factors and warning signs not only for the wider community, but especially those that have been recognised as specific factors relating to Aboriginal and Torres Strait Island people. This needs to be accompanied with an awareness for the support agencies available in their area.”

99. It is not clear whether the particular officers had undertaken studies toward that competency, but in any event, I am not satisfied that there are systemic gaps in police training in the cross-cultural awareness field that would have assisted in preventing Ms Reid’s death. She had not demonstrated suicidal tendencies to another person and I am satisfied that she had not threatened self harm on the morning of 18 September 2006.

11. LITERATURE ON SUICIDE

100. There are many studies of suicide which identify the factors that are often relevant to why a person may be driven to take her or his own life. Of course, the studies cannot identify what Kylie’s state of mind was when, for the last time, she left the bedroom she had shared with Kenneth Bone. The literature identifies the impulsive nature of many suicides. Without attempting to undertake a review of the available literature, I set out below some extracts from articles (that I have provided to the parties) that I consider particularly notable, having regard to the evidence received during the inquest.

101. In *Australian Aboriginal Suicide: The need for an Aboriginal suicidology?* Elliott-Farrelly observed (p. 2) that suicide was not known in traditional Aboriginal society but by 1990 “the younger age group of 15-29 years and the elderly of 75 years and over became the high-risk age cohorts”. In 1998, the rate of suicide

per 100,000 was 17.2 for males aged 15-19 and females 5.5 per 100,000. The article refers to Professor Colin Tatz's report² where he had reported little evidence of clinical depression in the Aboriginal suicide cases he investigated, and little or no correlation between Aboriginal suicide and diagnosable mental illness. Often there were no warning signs to alert family members of the impending suicidal behaviour.

102. In reviewing the literature about unplanned acts of suicide, Conner³ notes:
"... partner-relationship disruptions tend to cluster in the last weeks of life, ... particularly in the week preceding suicide ... [which] suggests they may increase risk dramatically for a relatively short period of time."

103. Speaking of 'impulsive attempters' of suicide, Wyder and De Leo⁴ stated they were:

"More likely to be characterized by the absence of depression, to be motivated by the desire to reduce tension, to attempt in the presence of somebody, and to commonly assume that they will survive their attempt."

104. Wyder and De Leo noted that 27% of self-defined "impulsive" attempters also reported making plans and that one study suggested that "suicide risk is likely to vary from day to day and maybe from hour to hour and call into the question the traditional suicide "continuum" model on which many suicide prevention strategies are based".⁵ Further, Wyder and De Leo indicated that impulsive attempters were less likely to believe that their attempt would cause death and to report depression.

12. THE INQUEST AND THE CORONER'S ROLE

105. An inquest was held in Rockhampton, with evidence taken on 1 May, 2 May 2008 and 14 August 2008. Submissions were provided by all parties given leave to appear at the inquest, and also on behalf of Kenneth Bone.

106. The Queensland *Coroners Act 2003* (s. 45(2)) requires a coroner to, if possible, make findings about:

- a. who the deceased person is; and
- b. how the person died; and
- c. when the person died; and
- d. where the person died, and in particular whether the person died in Queensland; and
- e. what caused the person to die.

² Colin Tatz, *Aboriginal Suicide is Different – Aboriginal Youth Suicide in New South Wales, the Australian Capital Territory and New Zealand: Toward a Model of Explanation and Alleviation* A Report to the Criminology Research Council on CRC Project 25/96-7

³ Kenneth R Conner, *A Call for Research on Planned vs. Unplanned Suicidal Behaviour* Suicide and Life-Threatening Behaviour 34(2) Summer, 2004

⁴ Marianne Wyder and Diego De Leo *Behind impulsive suicide attempts: Indications from a community study* Journal of Affective Disorders, 104 (2007) at page 168

⁵ *Ibid* p. 170

107. The inquest into Ms Reid's death was intended to look at the following matters about which notice had been given in the requisite advertisement in the newspaper:

- To confirm the identity of the person believed to be Kylie Maree REID, where and how she died and what caused the death
- Whether Ms Reid was exhibiting suicidal tendencies on or before 18 September 2006
- Whether a second person played a role in an incident at 92 Penlington Street, The Range, Rockhampton on 18 September 2006 which resulted in Ms Reid receiving injuries to her neck on that date
- Whether Queensland Police Service officers complied with the Operational Procedures Manual and whether the protocols set out in the Manual are appropriate.

108. An inquest has as its focus the discovery of:

“what happened, not on ascribing guilt, attributing blame or apportioning liability. The purpose is to inform the family and the public of how the death occurred with a view to reducing the likelihood of similar deaths. As a result, the Act authorises a coroner to make preventive recommendations concerning ... ways to prevent deaths from happening in similar circumstances in the future.”⁶

109. A Coroners Court is not bound by the rules of evidence (s. 37). The Coroner has power under section 46 of the Act to make comments following the inquest, but is not allowed to include that a person is, or may be guilty of an offence or civilly liable for something (s.45). A Coroner must give information to the Crime and Misconduct Commission, if there is information about official or police misconduct (s. 47).

110. A Coroner should apply the civil standard of proof in respect of the matters to be found under s.45 of the Act applying the *'Briginshaw'* test. This may be briefly stated as requiring, where the more significant the issue to be determined, the more serious an allegation or the more inherently unlikely an occurrence, the clearer and more persuasive the evidence needed for the trier of fact to be sufficiently satisfied that it has been proven to the civil standard (*Briginshaw v Briginshaw* (1938) 60 CLR 336 at 361 per Sir Owen Dixon J).

13. CONSIDERATION OF THE EVIDENCE, FINDINGS AND CONCLUSIONS

111. Kenneth Bone attended the inquest in response to a summons. Early in his evidence he gave evidence that he had spoken to a lawyer about his giving evidence. At no stage did he seek to claim privilege against self incrimination. He gave some evidence which included statements against interest in so far as they referred to his physical assault of Ms Reid on Saturday and Sunday, 16 and

⁶ *Inquest into the Death of Wait et al* (17 March 2008, State Coroner Barnes.)

17 September 2006, and on limited occasions during their 3 year relationship. He stated at one time that he was 'not proud' of those matters. He was clear in his evidence about some aspects and less clear about others (particularly the nature of the discussions held between him and the police who attended the scene when Ms Reid was still there).

112. Kylie Reid and Kenneth Bone had been in a de facto relationship for about 3 years. The relationship was marred by intermittent incidents of domestic violence, predominantly inflicted by Kenneth Bone towards Ms Reid. I accept Mr Bone's evidence about occasional incidents of violence inflicted by Ms Reid on him. In my view, Mr Bone downplayed the level of violence inflicted by him and lacked a real appreciation of the significant harmful consequences of domestic violence.
113. There is no evidence of Kylie being depressed or of her receiving any treatment for depression at any time. Her mother Gloria Kiem gave evidence that Kylie had indicated she was not happy in the relationship with Mr Bone, although she would not talk openly about it, but Mrs Kiem did not think Kylie would harm herself. To all those who knew her, and to the attending police, she gave no indication of suicidal tendencies either on the morning of Monday 18 September 2006 or earlier.
114. I accept Mr Kiem's evidence that the issue of Ms Reid possibly moving in with him and his partner had been raised, but there is no evidence about the certainty or timing of when that was to occur. Ms Reid's actions in raising with her brother an intention to move out is consistent with her viewing the relationship as moving to an end.
115. Ms Reid's and Mr Bone's relationship had reached a cross-road by Sunday, 17 September. Mr Bone's evidence was that he had told her "to go" – that is to leave the Penlington Street home they had shared – on the Sunday. She had not left. I have no doubt that the imminent breakdown of a 3 year relationship would have been a significant matter occupying Ms Reid's mind at the time. She had taken preliminary steps to move out on the Saturday night (by the conversation with her brother Steven Kiem) and again on the morning of Monday, 18 September by requesting the police to attend. What prompted her to change her mind about leaving the house after the police arrived can only be speculation.
116. Her plans consistent with an intention to move out of the home she shared with Mr Bone and to terminate the relationship with him, are not inconsistent with the approach taken by a significant percentage of people who were subject of the Wyder and De Leo study of impulsive attempters of suicide referred to above.
117. Ms Lippitt's second letter includes the following:

"We have been told that the talk amongst the Aboriginal Community in Rockhampton is that Kenny has told people he had done this to Kylie but that it was an accident as he had only wanted to scare her. This confirms what Kenny said when he was standing over Kylie's grave side on the day of her funeral when he was overheard by several people as saying "I'm sorry Kylie, my baby, I didn't mean to do it; it was an accident".

118. Clearly, there is animosity between Ms Reid's family and Mr Bone. This was palpable during the inquest. Mr Bone on his own admission has admitted inflicting violence on Ms Reid during their relationship. While that is clearly unacceptable and probably criminal behaviour, it does not amount to an admission that he was a direct contributor to Ms Reid's death. Despite the various adverse and accusatory remarks made about him in correspondence to the Coroner, the evidence adduced in the inquest does not establish facts to prove the allegations to be true.
119. Adopting the approach referred to in *Briginshaw's* case, I am not satisfied that the evidence establishes that there has been anything which amounts to an admission of wrongdoing by Kenneth Bone. Further, the highly emotional state exhibited by Kenneth Bone is entirely consistent with genuine grief at what had happened to his long term partner, possibly coupled with guilt at the violence he had inflicted on her during the relationship and as recently as the day before.
120. Ms Reid's family feel the police failed in their duty of care by letting Kylie return to the house by herself to retrieve her belongings. I do not accept that to be so. The police waited at the premises allowing Kylie the chance to retrieve her possessions; they were at all relevant times close by. Kylie had only reluctantly disclosed to police the violence inflicted on her by Kenneth Bone. Having taken the initiative to seek the attendance of police at the house, there was nothing to prevent her from calling to police had she felt threatened at any stage whilst still at the house. Further, given the subsequent opportunity when she provided proof of her identity at a time when she was apparently alone, that was an opportunity for her to have raised any concerns and to have changed her mind about remaining at the house. I am satisfied that she freely decided to remain at the Penlington Street house, and that she conveyed to the police her wish to remain there.
121. Although the attending police may have had the power to take Kenneth Bone into custody (noting the physical injuries visible on Ms Reid) I consider that they were entitled to act on her wishes that no charges be brought against Mr Bone. Given that, and noting Ms Reid's voluntary decision to stay at the house, the failure of police to properly check on the suitability of Dorothy Albury as a protective factor becomes of less significance.
122. I am satisfied that the two attending police officers, Constables Fayers and Brown complied with the Operational Procedures Manual in relation to domestic violence matters. I am not satisfied that there should be a blanket rule about taking into custody a person who appears to have committed domestic violence. By its nature, domestic violence often occurs within a framework of a complex relationship where the 'norm' is not fixed. To take a perpetrator of domestic violence into custody when the aggrieved victim is not supportive of that is often problematic.
123. After considering the obligations imposed upon police by the *Domestic and Family Violence Protection Act 1989* and the *Police Powers and Responsibilities Act 2000* and the Operational Procedures Manual, I am satisfied that there was no negligence, breach of discipline or misconduct by Constable Fayers and

Brown and that those officers followed the procedures competently in the circumstances.

124. For reasons that were never explained, it does not appear that the rope was ever seized by police, or if it was, it cannot now be located. The absence of the rope makes it impossible to ascertain whether there were hairs caught up in it. A close inspection of photograph 6 seems to indicate the presence of dark hair. The presence of the hair is not necessarily indicative of the rope being placed over Ms Reid's head during a struggle. Its presence is equally consistent with the rope being hurriedly removed from Ms Reid, as stated in the evidence of Kenneth Bone and Aaron Albury, whose evidence on that point I accept. I note and accept Dr Buxton's evidence about the absence of scratches on Ms Reid's neck which, if present, would have suggested she had struggled against the rope.
125. The internal police investigation referred to the CIB attending the scene and concluding that Ms Reid had attempted suicide. This, in my view, was a conclusion reached at the time with undue haste. Indeed, given the circumstances that preceded Ms Reid's body being found, with the application for the domestic violence order in the pipeline, the acknowledged physical injuries observed by the original attending police, in my view the conclusion that there had been no foul play was reached too hastily and more than likely contributed to the lack of attention paid to – as a minimum – securing of the subject nylon rope.
126. As terribly sad and, to her family, inexplicable as her death was, the evidence points to Kylie having intentionally taken steps to end her own life. I give my condolences to all those who have been affected and saddened by her death.
127. I make the following findings:
- (a) Kylie Maree REID died at the Rockhampton Base Hospital on 21 September 2006 following the hanging instigated by her;
 - (b) She died from bronchopneumonia due to, or as a consequence of cerebral anoxia due to or as a consequence of neck compression (hanging);
 - (c) Ms Reid was not exhibiting suicidal tendencies on or before 18 September 2006;
 - (d) The evidence does not establish that another person played a direct role in the placing of a nylon rope around the neck of Ms Reid and her hanging from a beam under the house at 92 Penlington Street, The Range on 18 September 2006;
 - (e) I am not satisfied that there is a need for a change to the existing Queensland Police Service Operational Procedures Manual.

14. RECOMMENDATIONS

1. In all hangings or attempted hangings, the relevant rope or other item used should be retained by police until the Coroner determines the cause of death, even where suicide or attempted suicide appears to be involved.
2. Where practicable, the forensic pathologist who is likely to conduct the autopsy be encouraged to visit the scene.

SCHEDULE A

Issues raised by the family

A. From the letter received by the Coroner's office on 3 October 2006 (using the wording of the letter):

- i. Kylie was in an abusive relationship for 3 years. She was constantly abused, threatened and alienated from her family and friends;
- ii. The police attended at the residence ... [and] she had visible evidence of a beating she had received from Kenny Bone
- iii. Why then would Kylie commit suicide when she knew the police were returning and she would be leaving him that day?
- iv. The family has since had conflicting stories from Kenny Bone's family and from the police
- v. The family were attended at the Rockhampton Base Hospital the day after Kylie's alleged suicide attempt by the 2 police officers who ... stated to us:
 - A full investigation had taken place and they believed "No foul play" had taken place. How could anyone know this after only one day of investigation?
 - They believed Kylie was depressed and had done this to herself. How could they know this? They had only met Kylie that morning. ...

B. From the letter received by the Coroner's office on 16 April 2007 (using the wording of the letter):

1. We have talked to residents that had previously lived at 92 Penlington Street and there is doubts as to how anyone could possibly commit this act because of the height of the under house and in the statement supplied there was no mention of an object being used, such as a chair.
2. We have also been told that talk amongst the Aboriginal community in Rockhampton is that Kenny has told people he had done this to Kylie but that it was an accident as he had only wanted to scare her. This confirms what Kenny said when he was standing over Kylie's grave side on the day of her funeral when he was overhead by several people as saying "I'm sorry Kylie, my baby. I didn't mean to do it, it was an accident".
3. We also feel the police failed in their duty of care that day by letting Kylie return to the house by herself to retrieve her belongings. We feel had the police officers escorted her to the room and waited for her she would have left with them, as it is we believe Kenny had the chance to threaten Kylie into staying at the house.

SCHEDULE B

POLICE OPERATIONAL PROCEDURES MANUAL

Relevant extracts

Section 9.3 Domestic violence – general information

... Officers are responsible for assessing and evaluating all domestic violence issues with the paramount aim of protecting the victims

...

In addition, officers should ensure that those subjected to domestic violence are referred to appropriate agencies for additional support and services.

Section 9.5 Domestic violence – receipt of complaint

9.5.1 Procedures on receipt of a domestic violence complaint

ORDER

Officers who receive a complaint of:

- (i) domestic violence
- (ii) ...

are to record particulars of the complaint on a relevant information recording system for future reference.

...

9.5.2 Computer indexes to be checked on complaint of domestic violence

Members receiving an initial complaint relating to domestic violence should:

- (i) where the identity of parties to the domestic violence or the location of the incident is known, check or cause to be checked, where the facilities are available, the following computer systems:
 - (a) Persons of interest systems
 - (b) Domestic Violence Index
 - (c) ...

9.6 Investigation of domestic violence

9.6.1 Police action re domestic violence

POLICY

...

Officers investigating allegations of domestic violence should, where necessary, make use of those investigative powers provided by the *Police Powers and Responsibilities Act* which officers do not have under the *Domestic and Family Violence Protection Act*.

...

ORDER

An officer who reasonably suspects that a person is an aggrieved is to investigate or cause to be investigated, the complaint, report or circumstance, on which the officer's reasonable

suspicion is based, in accordance with s. 67(1) of the *Domestic and Family Violence Protection Act*.

POLICY

An officer, who reasonably believes after investigation that:

- (i) the person is an aggrieved; and
- (ii) there is sufficient reason to take action and there is sufficient evidence to a civil standard – ‘balance of probability’

is to:

- (i) apply for a protection order for the aggrieved. ...

9.6.2 Investigating domestic violence – initial action

PROCEDURE

Where a complaint has been received in relation to domestic violence, the investigating officer should:

- (i) interview the aggrieved
- (ii) ...
- (iii) Interview the respondent ...

9.6.3 Referral agencies

POLICY

The Service recognises that an integrated approach to domestic violence across government and the community is necessary for the effective application of legislation. Officers should be aware of the vital roles carried out by government and non-government agencies in addressing domestic violence.

ORDER

Officers are to provide all parties involved in domestic violence with contact details for appropriate support agencies, if available.

Officers in charge are to ensure that a current Referral Agency Register, identifying domestic violence support agencies and organisation relevant to their division is maintained.

9.9 Application for domestic violence orders

9.9.1 Application for a Protection Order (DV01)

ORDER

When an officer has carried out investigations into a complaint of domestic violence and an application for a protection order is to be made, that officer is to then:

- (i) complete an Application for a Protection Order (DV01) and, if necessary, the attached summons. ...

9. 11 Domestic Violence computer index/CRISP

9.11.1 Responsibilities of officers attending domestic violence incidents – applications for domestic violence orders

POLICY

An officer attending an incident reported as a domestic violence incident, whether the incident is ultimately determined to involve a domestic relationship defined in the *Domestic and Family Violence Protection Act* or not, or making an application for a domestic violence order is to enter to cause to be entered particulars of the domestic violence incident and the application on the domestic violence computer index on the QPS computer system prior to terminating duty that day.

9.17 Transport assistance to an aggrieved

An aggrieved may sometimes wish to leave their place of residence in order to escape a situation involving domestic violence. In some cases the aggrieved may not have access to transport to move to a place of safety.

POLICY

In situations where an aggrieved wishes to leave their place of residence in order to escape a domestic violence situation, officers should, initially, contact their local domestic violence support and referral agencies in order to obtain transport assistance for the aggrieved and children in the care of the aggrieved. ...

Officers may, subject to operational requirements, transport an aggrieved and any children in the aggrieved's care to a place of safety in cases where:

- (i) transport assistance cannot be arranged within a reasonable time through local agencies or the statewide domestic violence telephone service; and
- (ii)** the aggrieved or children in the aggrieved's care would be exposed to danger or other potentially harmful consequences unless they were transported to a place of safety.

The inquest is now closed.

B Springer
8 January 2009