

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 1640/07

Inquest into the Death of DUKE MATAKU TERA

Place of death: 18 Navarre Drive, Cranbourne, Victoria 3977

Hearing Date: 13 October 2010

Appearances: Senior Constable Kelly Ramsey, PCSU - Assisting the Coroner

Findings of: AUDREY JAMIESON, Coroner

Delivered On: 2 December 2010

Delivered At: Melbourne

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 1640/07

In the Coroners Court of Victoria at Melbourne

I, AUDREY JAMIESON, Coroner

having investigated the death of:

Details of deceased:

Surname: TERA

First name: DUKE

Address: 17 Todd Court, Cranbourne West, Victoria 3977

AND having held an inquest in relation to this death on 13 October 2010

at the Country Court of Victoria at Melbourne

find that the identity of the deceased was DUKE MATAKU TERA

and death occurred on 1 May 2007

at 18 Navarre Drive, Cranbourne West, 3977

from

1a. HANGING

in the following summary of circumstances:

1. On 1 May 2007, at approximately 5:00am, Duke Mataku Tera was located hanging in a small vacant park land at 18 Navarre Drive, Cranbourne West.

BACKGROUND CIRCUMSTANCES:

2. Duke Mataku Tera was born on 21 December 1987. He was of Maori descent. At the age of approximately 5 years, Duke moved from New Zealand to Australia with his family. At the time of his death, Duke was 19 years old. He lived with his parents and 10 siblings at 17 Todd Court, Cranbourne West.

3. Duke had a history of substance abuse and had problems with anger management. He also had a history of depression and previous suicide attempts.

4. Duke was known to the Department of Human Services through notifications to Child Protection and through his involvement with Youth Justice. On 24 February 2006, Duke was convicted in the Dandenong Children's Court on a number of charges related to offences against the person and to property. Sentencing was deferred to enable the involvement of Youth Justice with the Magistrate ordering the preparation of a Pre-Sentence Report from Southern Youth Justice Unit (SYJU).
5. Duke subsequently attended weekly supervision appointments with SYJU, participated in an anger management program, engaged with other services on recommendation of SYJU and attempted to secure employment.
6. On 17 March 2006, Duke presented to SYJU with injuries to the neck caused by an attempt to hang himself. He entered a suicide contract with his Case Manager and Forensic Assessment and Intervention Services (FAIS) were consulted.
7. On 7 April 2006, Duke failed to appear at Dandenong Children's Court. A warrant for his arrest was issued and executed on 11 May 2006 when he voluntarily attended Cranbourne Police Station. He was bailed to attend court on 9 June 2006. On that date, the matter was further adjourned to 23 June 2006.
8. On 24 May 2006, Duke participated in a neuropsychological assessment performed by neuropsychologist, Dr Ian Stuart from the Alcohol Related Brain Injury Australian Services (ARBIAS). Dr Stuart reported concern about Duke's depressive state and recommended he attend his family doctor.
9. On 23 June 2006, Duke received a 12 month Probation Order with no special conditions. His allocated Probation Officer was Mr Ravi Narayan, SYJU.
10. On 8 August 2006, Duke advised Mr Narayan that he had attempted suicide 3 weeks earlier. A suicide contract was entered into. A referral for counselling with the Adolescent Forensic Health Service (AFHS) was submitted on 21 August 2006 and accepted on 29 August 2006. Due to a waiting list, Duke's first appointment was not scheduled until 11 October 2006.
11. On 5 September 2006, Duke advised Mr Narayan that he had self harmed. In the following months, his attendance at supervision appointments became sporadic and his relationship with his girlfriend ended in mid October. He failed to attend his first appointment with AFHS and when he attended the following week, again admitted to a further suicide attempt the week earlier.

12. On 9 December 2006, at the family home, Duke kicked and killed a kitten, punched his brother's girlfriend (the owner of the kitten) five times to the face, punched her younger pregnant sister to the face, knocking her out and assaulted other family members who attempted to intervene. Police attended and arrested Duke after initial resistance which necessitated the deploying of capsicum spray. He was subsequently bailed but the terms of his Bail and an Intervention Order, prevented Duke from living in the family home. Duke moved to Dandenong to reside with a cousin.

13. In January 2007, Duke completed a 2 week residential detoxification program.

14. In February 2007, Duke secured employment with Thiess Services, a recycling company. He agreed to participate in Be Real About Violence ("BRAVE"), an anger management program facilitated by AFHS for Youth Justice clients. On 20 February 2007, Duke appeared at Dandenong Magistrates' Court in relation to the charges arising from the incident on 9 December 2006. The matter was adjourned until 3 April 2007. He applied to have his bail conditions varied so he could reside in the family home. He admitted to the continued use of cannabis.

15. In late March 2007, Duke missed a week of appointments as he had been using large quantities of cannabis.

16. On 3 April 2007, Duke attended the Dandenong Magistrates' Court where matters were further adjourned to 17 May 2007. The breach of probation due to re-offending case was adjourned to 18 May 2007. Later that day, Duke attended the BRAVE program and made comments about self harm and suicide. On 10 April 2007 he advised the BRAVE program that he had attempted to hang himself earlier that day and his girlfriend had intervened to stop him. On 13 - 16 April 2007, Duke's presentation was more positive. He completed a Self Care Monitor worksheet which indicated that he was experiencing low stress levels.

SURROUNDING CIRCUMSTANCES:

17. Towards the end of April 2007, Duke received a Brief of Evidence in respect of the incident on 9 December 2006. An appointment was made for him to attend Legal Aid on 1 May 2007. He had attended 13 out of 15 BRAVE sessions and was to graduate on 26 April 2007. He completed a Self Care Monitor on that day which indicated he was doing well and was not highly stressed. Mr Narayan advised him that he had been rewarded for this achievement with 5 driving lessons.

18. On 30 April 2007, Mr Narayan telephoned Duke to confirm that he would collect him the following day at 12:00pm to take him to his Legal Aid appointment. During the day, Duke attempted to telephone his girlfriend. Her phone rang during school assembly resulting in her phone being confiscated. At approximately 8:00pm, Duke spoke to his girlfriend. He was angry about being unable to obtain cannabis from a friend. They talked on the telephone until

approximately 10.45pm. Duke indicated that he had left home and walked to a park and was sitting under a tree. He gave no indication that he was intending on harming himself.

19. On 1 May 2007, at approximately 5:00am, Duke was located hanging from a tree in a small block of vacant land at 18 Navarre Drive, Cranbourne West. Attending Police and Ambulance paramedics were unable to render any assistance. Duke had been deceased for some time.

INVESTIGATIONS:

20. Duke's father, Mr Harry Tera, lodged an Objection to Autopsy under section 29 *Coroners Act* 1985 on the grounds that an autopsy was against the family's cultural beliefs.

21. Dr Michael Burke, Forensic Pathologist, at the Victorian Institute of Forensic Medicine, performed an external examination and reported to the coroner that the injury to the neck was typical of hanging and no other significant injuries were identified. Dr Burke attributed the cause of death to hanging.

22. The objection to autopsy was granted.

23. Toxicological analysis identified Δ^9 -tetrahydrocannabinol in blood at a level of 13 ng/mL which strongly suggests the use of cannabis contemporaneous to the time of death.

24. The Police investigation did not identify any suspicious circumstances. No "suicide note" or any other expression of intention, was located either with Duke or at his home. Duke's mother reported that there was no incident in the family home on the evening of 30 April 2007.

25. The Inquest Brief was prepared by leading Senior Constable Colin Pyne.

Inquest:

26. An Inquest was directed to be held pursuant to section 17(1) *Coroners Act* 1985 as at the time of his death, Duke was *a person held in care* as defined in the Act as he was *in the control, care or custody of the secretary of Human Services* by virtue of his supervision by Youth Justice.

27. A summary of the evidence was presented by Senior Constable Kelly Ramsey.

28. *Viva voce* evidence was received from:

29. Ms Catherine Lane, Manager of the Youth Justice Unit in the Southern Metropolitan Region.

30. Ms Lane's evidence reflected an intensive response to Duke's labile behaviours by Mr Ravi Narayan, Probation Officer. His own Pacific Islander descent (Indian-Fijian) along with a period of living in New Zealand, made Mr Narayan cognisant of Maori culture and committed and capable of forming a repaul with Duke. Mr Narayan responded appropriately to Duke's periodic failures to attend appointments by initiating follow-up and implementing strategies to engage with and assist Duke.

31. Duke was attending a psychologist on a regular basis and participating in group counselling sessions during the BRAVE program. When Duke reported a suicide attempt, a risk assessment was undertaken and strategies put in place to provide support. Duke gave verbal and written agreement that he would not harm himself. Appropriate follow-up and communication between the facilitators of BRAVE and Mr Narayan occurred.

COMMENT:

Pursuant to section 67(3) of the **Coroners Act 2008**, I make the following comment connected with the death:

1. Duke experienced a rollercoaster of highs and lows in his personal life. His pattern of engagement with SYJU and the other Agencies and Services he was involved with, generally reflects engagement and participation, particularly with his probation officer, Mr Narayan. Nevertheless, expressions of suicide attempts and self harm continued to be reported by Duke. These events at times appeared to be precipitated by some negative event such as when he received a threatening letter from his brother who was in prison. On other occasions the precipitating event is less obvious.

2. Duke remained at risk of self harm however, I am satisfied that his high level of risk on and around 30 April 2007, was not apparent. A number of positive events had recently occurred. I am unable to identify what more could have been done on or around this date that may have prevented Duke's actions.

FINDINGS:

I accept and adopt the medical cause of death as identified by Dr Michael Burke, Forensic Pathologist. The circumstances support a conclusion of intention.

I find that **Duke Mataku Tera** intentionally took his own life by means of hanging.

Signature:

A handwritten signature in black ink, appearing to read 'AUDREY JAMIESON', is written over a horizontal line. The signature is stylized with a large loop at the end.

AUDREY JAMIESON
CORONER

Date: 22 November 2010

Distribution of Finding:

Mr Harry Tera

Leading Senior Constable Colin Pyne

Ms Catherine Lane, Manager, Youth Justice Southern Metropolitan Region, Department of Human Services