Rule 70(3)
Form 44A

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2019 006410

IN THE MATTER OF THE DEATH OF SHONA O'CONNOR

ORDER ON OWN MOTION TO SET ASIDE FINDING

1. On **31 January 2023**, Coroner Katherine Lorenz made findings without inquest into the death of Shona O'Connor in accordance with the **Coroners Act 2008** ('the Act').

Grounds to set aside finding

2. Section 77 of the Act provides that the Coroners Court may, on its own motion, order that some or all of the findings be set aside, with or without re-opening the investigation, if the Court is satisfied that there are new facts and circumstances that make it appropriate to do so.

3. The findings made under section 67(1) of the Act, which are the subject of this order, are as follows:

   (a) the death occurred in the circumstances described in the finding.

4. On **9 November 2026** the ABC *Four Corners* episode titled "Unprofessional" aired. During that episode reference was made to a statement of Inspector Zorka Dunstan, including that approximately a month prior to Shona's suicide '*Sergeant Shona O'Connor made an allegation of bullying by Simon [Payne] and I asked for evidence of this at the time. I informed her that pending the information provided, that I would action the complaint appropriately*'.

5. The Coronial Brief filed with the Coroners Court of Victoria, and considered by Coroner Katherine Lorenz, *did not* contain any statement from Inspector Zorka Dunstan.

6. On **12 November 2026**, the Court received the statement of Inspector Zorka Dunstan dated 2 September 2020 from the Chief Commissioner of Victoria Police.

Decision to set aside finding

7. At paragraph 72 of the Finding, Coroner Lorenz, in referencing various Professional Standards Command investigations, found that '*investigators also conducted email audits and re-canvassed multiple witnesses however were unable to locate any evidence that Shona had been harassed or bullied within her workplace*'.

8. Within the statement of Inspector Zorka Dunstan dated 2 September 2020 the following evidence is given:

> [42] *... ... but later, approximately early October 2019, she would inform me that she felt that Simon was bullying her. She stated that she couldn't return to work at Melton under Simon's direct command. I personally did not observe anything that I would suggest was bullying, however I was rarely in a position to witness either of them interacting, nor was I advised of anything at that point that would lead me to believe bullying was occurring. There was only an email Simon sent on 11 September 2019 (I submit email* ***Attachment 2),*** *where I felt a couple of the queries Simon raised within the email were included to intentionally cause angst with Shona and Nathan.*
>
> *... ... ...*
>
> [47] *It was around this stage that Shona had sought me out to speak to me about concerns she had about Simon. I did not record the exact date, but I recall it was near the date Rosie had the meeting with Shona as I recall informing Rosie of the concerns Shona had about Simon and her unwillingness to return to Melton. Shona had informed me that she felt she was being bullied by Simon. Nathan was aware that Shona was approaching me to have the conversation as he invited her into his office and left us alone after stating that he would let Shona inform me of her concerns.*
>
> [48] *Shona did not relay any specific incidents or evidence but told me that she felt Simon was bullying her and that she can't return to Melton. I probed Shona for specific evidence, where she did not have anything available at the time. She did raise the email Simon had sent on 11 September 2019, outlining that she felt he had included the line about others interested in the Roster and Planning role to upset her. Simon was aware that Shona was hoping to stay in that role for an extended period.*
>
> [49] *I informed Shona that I had already spoken to Simon about that. Shona was unable to provide further information at the time. I asked her whether she had been taking notes, where she inferred that she hadn't. I suggested that she put in writing what her concerns are and to commence taking contemporaneous notes going forward. I stated that I would wait until she provides further information before I would action her concerns. She agreed with this course of action.*
>
> [50] *I suggested that if I was to question Simon, I would need evidence to support that. Shona agreed. I asked her how she was travelling, and she stated that besides the issues with Simon, she was going well. I asked her whether she needed welfare, where she assured me that she was fine. I genuinely believed that she was coping fine. I told her that she had my full support and depending on what information she provided, I would address it appropriately, including formal notification if it warranted that. Shona informed me that she was happy with the advice.*

… … …

[54] *I had a subsequent discussion with both Nathan and Shona separately regarding this email, where I outlined my decision, including the advice from the Injury Management Consultant. I also note that in questioning both regarding the unfair treatment inferred in Nathan's email, neither could provide me with specific examples; I was informed that generally both Sergeant Cook and Sergeant Golding were giving Shona a hard time. I suggested to Shona, that if there was evidence of mistreatment, that I welcome her complaint and I would follow it up; this was the same advice I gave her regarding allegations by her that Simon was bullying her. Shona suicided on 22 November 2019 and I never received a formal or written complaint.*

9. On the basis of the above, I am satisfied that there are new facts and circumstances that make it appropriate to set aside some of the findings. In *Mortimer v West*,[1] the Court of Appeal confirmed the position that 'new facts and circumstances' was not qualified and each case will turn on its own facts applying a broad common-sense approach. The question of what might be 'appropriate' was also inherently broad and left to the judgement of the coronial decision maker.[2] That decision maker is one whom:

> *The legislature can be taken to expect the coroner to have specialist knowledge and experience and to have consciously entrusted him or her to make judgments as to what is required or desirable by way of investigation to achieve the purposes of the Act as applied to a particular death or event*.[3]

This approach was re-affirmed within *Hii v Coroners Court of Victoria*.[4]

10. The statement of Inspector Dunstan suggests that the month prior to her suicide, Shona complained to Inspector Dunstan that she believed she was being bullied by Senior Sergeant Simon Payne. It currently remains unclear what evidence is available as to whether Shona was being bullied or harassed within the workplace, and whether there is a causal connection between that, and her decision to suicide. At this point however that is *not* the question I am required to determine. On the basis of the statement of Inspector Zorka Dunstan, and the evidence contained therein, I am satisfied that these new facts and circumstances make it appropriate to re-open the investigation so that further investigation can be undertaken in respect of these matters.

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[1] [2018] VSCA 188.
[2] Ibid [64-72] approving *Hecht v Coroners Court of Victoria* [2016] VSC 635.
[3] *Mortimer v West* [2017] VSC 293 [49] cited with approval in *Mortimer v West* [2018] VSCA 188 at [71].
[4] [2025] VSC 279.

Orders and directions

11. I order that paragraph 72 of the finding of Coroner Katherine Lorenz dated 31 January 2023 be set aside and the investigation be re-opened under section 77(2) of the Act.

12. I direct that a copy of this determination and order be provided to the following:

    (a) Jessica Gellie, Senior Next of Kin; and

    (b) Mike Bush CNZM, Chief Commissioner of Victoria Police; and

    (c) Professional Standards Command, Victoria Police; and

    (d) Sergeant Ben McCauley, Coronial Investigator.

Signature:





Judge Liberty Sanger
Date: 18 November 2026