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CORONER'S COURT

Location of Fire: 1 Bankshill Street, Carlingford NSW 2118

File Number: 2013/48300

Hearing Dates: 4 – 8 November 2013, 1-2 December 2014

Location of Inquest: Coroner's Court, Glebe NSW 2037

Date of Finding: 25 February 2015

Coroner: Paul MacMahon
Deputy State Coroner

Representations: Mr G Craddock SC and Mr C McGorey –
Counsel Assisting

Mr S Stanton – Anthony and Veronica
Galloub

Mr M Spartalis – NSW Police Force

Non-publication order made pursuant to Section 74(1) (b) Coroners Act 2009:

Nil

Findings made in accordance with Section 81(1) Coroners Act 2009:

I find that a fire occurred on 15 December 2012 involving a Mercedes Benz motor vehicle NSW registration number AFS90J that was parked at 1 Bankshill Street, Carlingford in the State of New South Wales and that the fire was caused by the deliberate action of persons unknown.

Recommendations made in accordance with Section 82 (1) Coroners Act 2009:

Nil

Paul MacMahon
Deputy State Coroner
25 February 2015

Reasons for Findings:

Introduction:

On 15 December 2012 shortly after midnight a fire occurred in the garage area of 1 Bankshill Crescent, Carlingford (the property). The property is a multi-story house that was the residence of Raymond and Nola Ghalloub and their daughter Amanda.

The fire caused extensive damage to a champagne colored Mercedes Benz motor vehicle NSW Registered number AFS90J that was owned by Raymond Ghalloub.

The circumstances in which the fire commenced were captured on footage from security CCTV that was installed at the property. That footage showed the fire was deliberately lit by certain persons using accelerant.

The fire was reported to the Office of the State Coroner on 18 December 2012.

Jurisdiction of Coroner:

The relevant Legislation is the Coroners Act 2009 (the Act). All legislative references in these Reasons will be to the Act unless otherwise specified.

Section 30 provides that a coroner has jurisdiction to hold an inquiry concerning the cause and origin of a fire or explosion if the coroner is satisfied that the fire or explosion has destroyed or damaged property in New South Wales.

Section 81(2) provides that where a coroner holds an inquiry concerning a fire or explosion he or she must record in writing the coroners findings:

- a) As to the date and place of the fire or explosion, and*
- b) In the circumstances of an inquiry that is being concluded – as to the circumstances of the fire or explosion.*

Section 82 provides that, at the conclusion of an inquiry a coroner may make such recommendations he or she considers necessary or desirable.

The Inquiry:

The Inquiry was conducted in conjunction with the Inquest into the death of Jean Vincent Didier Govinden as it appeared that there was a relationship between the occurrences of the two events. The fire occurred at the property of the parents of the person at whose property Mr. Govinden died.

At the Inquiry a Brief of Evidence prepared by Senior Constable Peter Thomas, the officer in charge of investigating the cause and origin of the fire, was tendered as an exhibit. In addition evidence was taken from five witnesses.

Raymond Ghalloub gave evidence. He said that he was the owner of the motor vehicle that was the subject of the fire. He did not know of any reason why anyone would set his vehicle on fire. He said that he did not have any enemies that he was aware of. He said that the CCTV security was installed at his house in 2012. He is the father of Anthony Ghalloub. He knew of his son's finance business but did not know that his address was given as the registered address of that business. As to the fire he said that he was woken by his wife and she told him that there was a fire.

Nola Ghalloub gave evidence. She is the wife of Raymond Ghalloub and mother of Anthony Ghalloub. She was aware that her son was involved in a finance business. She was also aware that people were upset and complaining about matters associated with her son's business. She said that she was not aware of any threats that had been made towards her son and

had not been told of any by her son or daughter in law. She was, of course aware of the events at her son's home on 14 March 2012 when her son and his family had been held at gunpoint by Jean Govinden.

Concerning the fire she said that on the night it occurred she was at home watching TV. Her daughter Amanda went to the shops for a period of time and then came home. Her daughter then went to bed. She heard whispering outside. She then heard a bang like a window being slammed. She looked out the window and saw that Raymond's car was on fire. She called her husband and daughter Amanda. Mrs. Ghalloub subsequently viewed the CCTV of the fire and did not recognize either of the persons responsible.

Amanda Ghalloub also gave evidence. She is the daughter of Raymond and Nola Ghalloub and sister of Anthony Ghalloub. At the time she resided at the property. On the evening she used the car at about 10pm to go to the shops returning at about 11pm. She then went to bed shortly after 11.30pm. She said that about 15 minutes later she heard a car coming down the street which sounded like it had something stuck in its exhaust. A little later she heard a thump just under her bedroom window. She then heard the same car driving up the street towards Marsden Road. She looked out the window and saw the car was on fire and called the fire brigade.

Amanda Ghalloub said that she was not having any disputes with anyone and thought the fire was motivated by the disputes that her brother Anthony was having with his business clients. She said that she understood her brother's business involved investment in loans and that he was in financial difficulties but denied any specific knowledge of the details of the business itself. She said that she was not involved in her brother's business activities.

The CCTV footage of the fire was an exhibit in the proceedings. It shows two persons were involved in setting fire to the car. Whilst the film makes it clear that the fire was deliberately lit it does not assist in identifying the persons responsible for the fire.

Patrick Sahyoun also gave evidence. He is the brother in law of Anthony Ghalloub. On 30 January 2013 he attended Grandville Police Station to report a series of threatening SMS messages he had received on his mobile phone between 12 September 2012 and 26 January 2013.

The SMS messages received by Mr. Sahyoun threatened both him and his family and demanded that he informs the sender where Anthony Ghalloub was living at the time. Mr. Sahyoun replied that he did not know who sent the threatening SMS's. He also said that he did not have any knowledge as to who had set his father-in-law's car on fire on 15 December 2012.

The police investigation of the source of the threatening SMS's was unable to identify the person who sent them as that person when they purchased the relevant SIM card had given a false name and address.

Theresa Khalil also gave evidence. She spoke to Detective Ram, the officer in charge of the investigation of the death of Jean Govinden, on 13 February 2013 she said that she had information about the fire the subject of this Inquiry. She subsequently made a statement to police on 4 March 2013.

Ms. Khalil said that her husband is Anthony Ghalloub's second cousin. She believed that Anthony Ghalloub's business, AJG and Associates Pty Ltd, was registered at 1 Bankshill Street, Carlingford. She also believed Amanda Ghalloub worked in her brother's business.

Ms. Khalil said that about 8am on 14 December 2012 she received a call on her mobile from a male person. She said that the number of the caller did not come up on the screen of her phone and she did not recognize the caller's voice. She said that the conversation that subsequently occurred was to the following effect:

Caller (C) – Is this Theresa Khalil?

Theresa Khalil (K) – Yes, who's speaking?

C – Does Amanda Ghalloub still live at home?

K – Yeah I think so why?

C – Is that number 1 Bankshill Crescent, Carlingford?

K – Yes, why, who am I talking to?

C – Best that you don't know?

Ms. Khalil said that the caller then hung up. She said that at the time she assumed the call had something to do with the financial disputes that had arisen between Anthony Ghalloub and various people, including herself and her husband William Khalil, following the failure of Mr. Ghalloub's business. She acknowledged that she, and others, was very angry with Anthony Ghalloub following the loss of money that had invested in Mr. Ghalloub's business.

Ms. Khalil said that later that day she was at a Christmas party with her husband in Dundas. They left the party to drive home about 1am on 15 December 2012. To get to her home they had to drive past Bankshill Crescent, Carlingford. As they were doing so they were 'flagged down' by a friend of their son who told them that Ray Ghalloub's car was on fire. She said that it wasn't until the next day that she realized the phone call she had received might have had something to do with the fire. The police investigation was unable to identify the caller.

Consideration and conclusion:

There are a number of matters about which there is little, if any, doubt in this matter. It is without doubt that the fire the subject of the inquiry was deliberately lit. The CCTV footage makes that clear. It is also the case that the police investigation has not been able to identify the persons who lit the fire. The police investigation has not identified any antagonism addressed towards Raymond and Nola Gahlloub, or their daughter Amanda, which would be motive for the car to be set on fire. The reason for the incident must therefore be found elsewhere.

The evidence available discloses that, at the time of the fire, there was significant bitterness towards Anthony Ghalloub arising from a large number of persons losing money that they had invested with him. There is also

evidence that threats had been made towards Anthony Ghalloub and that his family had been held at gunpoint for a period of time by Jean Govenden on 14 March 2012. The circumstances of that incident are recorded in my findings concerning his death the inquest into which was held concurrently with this Inquiry.

On the evidence available I am satisfied that it is more likely than not that the setting fire to Raymond Ghalloub's vehicle on 15 December 2012 occurred as a result of a disaffected investor in Anthony Ghalloub's business as a result of some misguided attempt to intimidate him through his family. The evidence available however has not enabled that person, or persons, to be identified.

The conclusion that the fire was intended as an attempt to intimidate Anthony Ghalloub or his family is supported by the evidence of Theresa Khalil about the telephone conversation she says she took on the morning of 14 December 2012. If that phone call occurred it would seem to suggest that Amanda Ghalloub was perhaps the intended victim. Amanda Ghalloub denies that she had any involvement in her brother's business however Theresa Khalil, and perhaps others, thought that she had an involvement and this belief might therefore be the motive for the fire. Unfortunately however, on the evidence available, we cannot know for what the motive was.

Theresa Khalil's response to the call she says she took was an unusual one. She was aware of the fire from the early hours of the morning yet she did not mention the call to the police until two months after the event. This was notwithstanding that Ms. Khalil was aware there were a lot of persons who were very angry with Anthony Ghalloub over the loss of money invested with him. Ms. Khalil and her husband were among those persons.

One would think that, knowing what Ms. Khalil knew about the anger over the failed investments with Anthony Ghalloub, the Ghalloub family being held at gunpoint on 14 March 2012 and the death of Jean Govinden a person such as Ms Khalil would assume that Amanda Ghalloub was possibly in some danger however Ms. Khalil did not do anything to warn Ms. Ghalloub at the time.

After the fire it also seems unusual that Ms. Khalil, knowing there were police investigations into the cause of the fire and the circumstances of the death of Jean Govinden, Ms. Khalil did not mention it to the police for two months. Ms. Khalil's explanation for her failure to do so - that it wasn't her business - seems to me to be unpersuasive. It is not however necessary, for my purpose as a coroner, to determine whether or not I accept that the call actually occurred however in the circumstances the evidence of Ms. Khalil raises issues as to its veracity and / or completeness.

Paul MacMahon
Deputy State Coroner
25 February 2015