



CORONER'S COURT

Name of Deceased: Jean Vincent Didier GOVINDEN

File Number: 2012/83234

Hearing Dates: 17 – 19 April 2013 and 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:**

The publication of the names, current residential address and any information (including photographs, video footage or voice recordings) identifying, or tending to facilitate the identification of, the children of Anthony and Veronica Ghalloub is prohibited.

**Orders made in accordance with Section 75 Coroners Act
2009:**

**Orders made in accordance with Section 75(2) that continue following
the delivery of these Findings:**

The publication of the names, current residential address and any information (including photographs, video footage or voice recordings) identifying RF, RF2, LG, MG, MH, BH and JG and other relatives of the deceased Jean Vincent Didier Govinden is prohibited.

**Orders Made in accordance with section 75(5) allowing the publication
of a report of the proceedings:**

Subject to the non-publication orders made in accordance with Section 74 and 75 Coroners Act 2009 a report of the Findings and the Reasons in these proceedings may be published.

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

Jean Francis Didier Govinden (born 4 September 1979) died on 14 March 2012 at 63 Winbourne Street, West Ryde in the State of New South Wales. The cause of his death was a gunshot wound to the head. His death was self-inflicted.

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

To: The Minister of the Commonwealth of Australia responsible for the administration of the Telecommunications Act 1997 (Commonwealth) or other relevant legislation:

That the Government give consideration to requiring that, before a person is able to purchase a SIM card for use in a mobile telephone or other similar device, that person establish their identity by the provision to an appropriate authority of evidence in a similar manner to that required when opening an account with a bank or other financial institution.

Paul MacMahon
Deputy State Coroner
25 February 2015

Introduction:

Jean Vincent Didier Govinden (who I will refer to in these Reasons as 'Govinden') was born in Mauritius on 4 September 1979. When he was about eight years of age he moved with his family to Melbourne and two years later to Sydney.

In 1998, during his final year at school, Govinden came to the attention of police following the commission of two offences for which he was dealt with by the District Court. He was not charged with any criminal offences thereafter.

In about 2005 Govinden commenced a relationship. This relationship developed and in 2010 he became engaged to be married. He and his fiancée commenced residing together in Dobson Crescent, Dundas Valley. It was proposed that they would be married in mid-2012.

Govinden had an interest in hunting and archery. In March 2012 both he, and his fiancé, had NSW firearm licences. He owned a registered A Remington 308 Rifle and his fiancé owned a registered .22 calibre rifle. In March 2012 both firearms were stored at the St Mary's Pistol Club. Govinden was also involved with the Northern Archers Club of Sydney. Govinden also enjoyed gambling and attended the Star Casino on a regular basis.

A little after 7pm on 14 March 2012 Govinden attended 63 Winbourne Street, West Ryde. That property was, at the time, the home of Anthony and Veronica Ghalloub and their children. There were CCTV security facilities at the property that recorded what happened thereafter on the front porch.

Govinden knocked on the door which was answered by Veronica Ghalloub. Govinden held himself out to be a police officer investigating an incident that had recently occurred in the area. About 7.10pm Anthony Ghalloub returned home. There was a conversation between the Ghalloub's and Govinden on the front porch of the property. During the course of the conversation Anthony

Ghalloub recognised Govinden as a person who was engaged to his second cousin.

At 7.26pm Anthony Ghalloub and Govinden were the only persons on the front porch. The CCTV footage shows Govinden put the notebook in which he had been making notes into his backpack and then withdraw a gun out of the backpack and stood over Anthony Ghalloub. He then quickly ushered Anthony Ghalloub to the front door and forced him inside at gunpoint.

On the evening of 14 March 2012 Anthony and Veronica Ghalloub were to attend Mrs Ghalloub's parent's home to celebrate her father's birthday. At 8.11pm Veronica Ghalloub phoned her sister Julianne Boyagi and explained that she would not be able to attend the function. The call was ended abruptly. Ms Boyagi thought the call was unusual and discussed her concerns with her sister Claudia Shashati. They decided to go and visit their sister and check on her.

On arriving at 63 Winbourne Street, Ermington Ms Boyagi and Ms Shashati knocked on the front door and got no response. They then went around the property. The property was closed up. Ms Shashati then had a phone conversation with her brother after which Ms Shashati called triple zero to report her concerns.

That call was made at 8.45pm and during the course of the call Ms Shashati stated to the operator that her sister's family had been:

'...having some threats, some life threats and ...threats and my sister hasn't been answering the phone at all, they're in the house...I think there is a man inside the house holding them hostage because I have a picture of a man that's been there...'

A police attended 63 Winbourne Street in response to the call to triple zero with initial vehicles arriving at 8.53pm and 8.55pm. Following police being deployed at the front and rear of the property Sergeant Gary Lawler approached the front door. As he did so the front sensor light was activated. He could hear voices coming from inside the house. He heard an attempt to

open the front door. The door then opened and Veronica Ghalloub and her children came running out of the house. They began to cry hysterically. The CCTV recording shows them running onto the front porch at 8.59pm.

Sergeant Lawler followed by Senior Constable Tanti and Constable Thomas entered the property. Sergeant Lawler saw Anthony Ghalloub standing in the hallway adjacent to stairs that led down to a lower level in this house. Mr Ghalloub identified himself as the owner of the house. When asked if anyone else was in the house Anthony Ghalloub denied that there was.

At about this time Veronica Ghalloub told Claudia Shashati that there was a gunman in the house. Ms Shashati told police who were at the front of the house. The CCTV shows Ms Shashati running up to a police officer who was standing at the front of the house and point inside. The information was given to Sergeant Lawler and Senior Constable Tanti. When challenged with this information Anthony Ghalloub confirmed the existence of the gunman in the house. He was then told to sit on a couch in the lounge room. Sergeant Lawler and Senior Constable Tanti then began searching the house.

On entering the ensuite bathroom Sergeant Lawler found Govinden lying on his back on the tiled floor. Govinden had blood on his face and on the floor under his head. To Govinden's left was a sawn off .22 calibre Long Rifle Stirling Model 22 self-loading rifle. Sergeant Lawler checked for a pulse and found none.

Sergeant Lawler then contacted police radio and requested that an ambulance be called. The NSW Ambulance Service records show that call was received at 9.03pm. Ambulance officers arrived at the property at 9.14pm.

When he arrived Paramedic Van Katwy observed a large pool of blood beneath Govinden's head. He found Govinden to be without pulse and asystolic.

Govinden's death was reported to the Office of the NSW State Coroner on 14 March 2012 by Detective Senior Constable Ram.

Jurisdiction of Coroner:

The relevant coronial legislation is the Coroners Act 2009. All legislative references will be to that legislation unless otherwise indicated.

Section 6 defines a "*reportable death*" as including one where a person died a "*violent or unnatural death.*"

Section 35 requires that all *reportable deaths* be reported to a coroner.

Section 18 gives a coroner jurisdiction to hold an inquest where the death or suspected death of an individual occurred within New South Wales or the person who has died or is suspected to have died was ordinarily a resident of New South Wales.

Section 23 (c) provides that a senior coroner has exclusive jurisdiction to conduct an inquest where the person has died '*as a result of or in the course of a police operation.*'

Section 22 defines a senior coroner as being the State Coroner or a Deputy State Coroner.

Section 27(b) provides that where a death occurs in circumstances to which Section 23 applies an inquest is mandatory.

Section 74(1) (b) provides a coroner with the discretion to prohibit the publication of any evidence given in the proceedings if he or she is of the

opinion that it is in the public interest to do so. Section 74(3) provides that it is an offence to breach such an order.

Section 75 deals with proceedings concerning self-inflicted deaths. Section 75(1) authorises a coroner, during the course of an inquest where it appears to him or her that the death may be self-inflicted, to make certain specified non-publication orders. Where, at the conclusion of an inquest, a finding is made that the death was self-inflicted Section 75(5) prohibits the publication of a report of the proceedings unless the coroner makes an order permitting the publication of such report. Section 75(6) permits a coroner to make such an order where he or she considers that it is desirable in the public interest for such a report to be published.

The primary function of a coroner at an inquest is set out in Section 81(1). That section requires that at the conclusion of the inquest the coroner is to establish, should sufficient evidence be available, the fact that a person has died, the identity of the deceased, the date and place of their death and the cause and manner thereof.

Section 82 (1) of the Act provides that a coroner conducting an inquest may also make such recommendations, as he or she considers necessary or desirable, in relation to any matter connected with the death with which the inquest is concerned. The making of recommendations are discretionary and relate usually, but not necessarily only, to matters of public health, public safety or the conduct of services provided by public instrumentalities. In this way coronial proceedings can be forward looking, aiming to prevent future deaths.

Section 81(1) matters:

Govinden's identity as well as the date, place and cause of his death were not matters of contention at inquest.

Identity:

The deceased person found by Sergeant Lawler at 63 Winbourne Street on 14 March 2012 was identified by Leading Senior Constable Simon Searles as being that of Jean Govinden. Leading Senior Constable Searles is a fingerprint expert attached to the Police Fingerprint Operations Branch. The identification was made by comparing the fingerprints of the deceased person found by Sergeant Lawler with the fingerprint records held in respect of Govinden by NSW Police. I accept the evidence of Leading Senior Constable Searle. I am satisfied that the deceased person found by Sergeant Lawler on 14 March 2012 was Jean Vincent Didier Govinden who was born on 4 September 1979.

Date and Place of Death:

The evidence of Sergeant Lawler was that when he found Govinden's body at 63 Winbourne Street, West Ryde about 9pm on 14 March 2012 he had no pulse. This was confirmed some fifteen minutes later by Paramedic Van Katwyk. I accept the evidence of both Sergeant Lawler and Paramedic Van Katwyk and am satisfied that Govinden died on 14 March 2012 at 63 Winbourne Street, West Ryde in the State of New South Wales.

Cause of Death:

Following Govinden's death his body was taken to the Department of Forensic Medicine at Glebe where an autopsy was conducted by a forensic pathologist Dr Istvan Szentmariay. Dr Szentmariay commenced his examination at 63 Winbourne Street, West Ryde prior to Govinden's body being removed to

Glebe. At the scene Dr Szentmariay noticed a single gunshot wound to the head. On further examination during autopsy Dr Szentmariay found:

'A contact gunshot wound (with soot deposition and partial muzzle imprint) to the right side of the head (temple).'

On the basis of his examination, and taking into account the information he had been given by police, Dr Szentmariay recommended that the cause of Govinden's death be recorded as being:

'Gunshot wound to the head (contact range of fire).'

I accept the evidence of Dr Szentmariay and having regard to the evidence available to me I am satisfied that the cause of Govinden's death was a gunshot wound to the head.

Issues for Inquest:

The evidence at Inquest focused on the manner of, or the circumstances that led to, Govinden's death, the involvement of police in those circumstances and whether it was necessary or desirable to make any recommendations in accordance with Section 82 in relation to any matter connected with Govinden's death.

Police Involvement:

Where a death occurs and there is a police involvement in the circumstances of that death it is important that such involvement be independently and publically examined so as to ensure that the actions of police officers in the course of their duties are fully accountable to the public. This is why the NSW Parliament has enacted in the Coroners Act 2009, and previous Coronial legislation, a requirement that all deaths arising *out of or in the course of a police operation* are to be the subject of a mandatory inquest. The rationale for

this being that, as described by former State Coroner Waller, it provides a positive incentive to (police to act appropriately) and satisfies the community that deaths in such (circumstances) are properly investigated. It also has the effect of protecting the police involved in such circumstances from false or malicious allegations.

The first issue to be determined is whether or not Govinden died as a result of the actions of a member(s) of the NSW Police Force.

The evidence is that Claudia Shashati phoned triple zero at about 8.40pm on 14 March 2012 seeking police assistance. Constable's Collis and Armstrong arrived at 63 Winbourne Street, West Ryde at about 8.53pm in vehicle EW35. This was followed by Sergeant Lawler in vehicle EW38 who arrived at about 8.55pm. Veronica Ghalloub and her children are seen to be running from the home on a CCTV recording timed at 8.59pm. Sergeant Lawler, and other police, can be seen on that CCTV footage to enter the house about 10 seconds after Veronica Ghalloub and her children left the house.

On entering the house to undertake the search Sergeant Lawler firstly finds Anthony Ghalloub and then, having told him to sit in the lounge room, continues his search with Senior Constable Tanti. He subsequently found Govinden on the floor of the ensuite and, at about 9.03pm, calls police radio seeking ambulance assistance.

The evidence is that in the period from the arrival of the police to the discovery of Govinden no gunshots were heard by any of the persons present.

I am satisfied that there is no evidence whatsoever to suggest that Govinden's death was the result of any action by an officer of the NSW Police Force. Although on the evidence available the precise time that Govinden received

the injury that led to his death cannot be determined it is likely that it occurred prior to Sergeant Lawler, and other police, entering 63 Winbourne Street, West Ryde on 14 March 2012. I am, however, satisfied that Govinden died *'in the course of a police operation.'*

I am satisfied that the response of NSW Police to these traumatic events both at the time of the events and since has been both timely and professional.

Manner of Death:

I have found that Govinden died as a result of a gunshot wound to the head. In the circumstances the manner of his death can be the result of either a homicide, misadventure or self-inflicted. I am satisfied that the evidence establishes Govinden's death was self-inflicted.

I have reached this conclusion having regard to the circumstances in which his body was found with the firearm nearby, the location of the gunshot wound to the head, the soot deposition and muzzle imprint found on his head showing that the muzzle was close to his head when the firearm was discharged, the existence of no evidence to suggest that any other person at the time had contact with the firearm before it was discharged, and the general circumstances of the events of that evening. On the evidence available it would be unlikely that his death resulted from an accidental discharge of the firearm and, on the balance of probabilities, I am therefore satisfied it was deliberate.

Why did Govinden's commit suicide?

The coronial investigation and the bulk of the evidence led at inquest sought to identify the circumstances that led to Govinden acting to end his life. This

involved an investigation of his background and financial circumstances together with the financial circumstances and events surrounding Anthony Ghalloub at the time.

The Evidence:

Govinden's financial circumstances:

It was apparent that during 2010 Govinden's employment circumstances became unstable. He was also gambling on a regular basis. Between April and August 2010 he was unemployed and had no regular source of income. The evidence showed that he received a series of gifts or loans totalling about \$20,000. He continued however to spend heavily.

In August 2010 Govinden resumed employment. About this time he drew down a loan of \$20,000 from GE Finance.

At the end of July 2011 Govinden was again unemployed. From then until his death in March 2012 he had no apparent income. During this time however he received \$50,000 from his friend David Ng, \$5,000 from his fiancée and \$29,000 from his brother. The police investigation suggests that the bulk of this money was spent on gambling and discretionary lifestyle expenses. In February 2012 Govinden withdrew about \$14,600 from his bank account \$6,200 of which was from ATM's at or near The Stare Casino in Sydney.

In 2011 and 2012 Govinden and his fiancée were residing in a townhouse that was owned by her parents. Neither was paying rent for the property. His ordinary living expensed were apparently not great. On the day of his death however the evidence showed that he had \$950 in the bank and debts of at least \$117,000.

The .22 Long Rifle Calibre Stirling Model 20 self-loading rifle:

The police investigation determined that the sawn off .22 rifle found with Govinden on 14 March 2012 was not one of the firearms registered to either himself or his fiancée. On 16 March 2012 police retrieved the firearms that were registered to Govinden and his fiancée from the St Mary's Gun Club. The investigation was not able to determine where, when or how Govinden was able to acquire the firearm he was found with. It was established that the rifle was manufactured in the Philippines however it did not appear that it had ever been registered. A ballistics investigation found the firearm to be in good working order. It was not known how the rifle barrel came to be sawn off.

Govinden's car:

At the time of his death Govinden owned a Ford XR6. On 16 March 2012 the brother of Govinden's fiancée advised police that he had seen it parked in a shopping centre car-park on the corner of Marsden Road and Victoria Road, Ermington. This was about 650 metres from the Ghalloub residence and 2.5kilometres from his home.

Govinden's car was searched by police. In the boot were located a number of items including a knife set; a set of men's black gloves, a camouflage balaclava; a copy of the Daily Telegraph dated 18 August 2011 (on the front page of which were items relating to the Mosman collar bomber); a reflective vest; a blue rope and Govinden's passport. In addition inside the car were found testamurs of Bachelor of Commerce, Bachelor of Laws and Master of Technology awarded to Govinden by the University of New South Wales. The investigation subsequently established that each of the testamurs were forgeries.

Govinden's Laptop Computer:

On 1 May 2013 Police obtained the computer that Govinden used prior to his death. With the assistance of the State Electronic Evidence Branch the electronic data stored on the computer was examined by Detective Senior Constable Ram. The examination of the computer contents did not contain any evidence linking Govinden, or his known associates, to Anthony Galloub nor did it contain any evidence suggesting that Govinden was engaging in any criminal activity.

The evening of 14 March 2012:

Govinden arrived at the Ghalloub family residence at about 7.07pm on 14 March 2012. He had left his home in Dundas a little after 6pm and had informed his fiancée he was 'going to Star City'.

Govinden engaged in conversation with Veronica and or Anthony Ghalloub on the balcony until 7.26pm when he withdrew the firearm from his bag and forced Anthony Ghalloub to go inside the home at gunpoint. The Ghalloub family were then held at gunpoint until 8.59pm when Veronica Ghalloub and her children ran from the home. After this police entered the house and found Govinden's body in the ensuite a little before 9.03pm. The Ghalloub family were thus held at gunpoint for just over an hour and a half.

That hour and a half was no doubt a terrifying experience for the Ghalloub family in particular the children. The memory of the event given by Anthony and Veronica Ghalloub has been recorded in the evidence tendered during the course of the inquest and it is not necessary for me to repeat it here other than to highlight certain aspects of the conversation that occurred during that time.

Veronica Ghalloub recalled that at one stage Govinden asked Anthony Ghalloub questions about his business and when he was told that it was in finance Govinden responded saying words to the effect of:

'How could it possibly go so wrong?'

Govinden then said:

'You obviously know why I am here.'

When the Ghalloub's said that they did not know why he was there he responded:

'My head's on a bounty. If I don't go back and do what I was meant to do, they'll come after me, so you've got one of two options. Get some money.'

After this there was further conversation about how much the Ghalloub's might be able to have access to and when the amount of 'about' a hundred thousand dollars was mentioned Govinden responded:

Well that's not going to be enough!'

Anthony Ghalloub also recalled that about this time Govinden said words to the effect of:

'If I don't get out of here with money I'm as good as dead.'

Anthony Ghalloub Financial situation on 14 March 2012:

The evidence assembled during the course of the police investigation established that on 14 March 2012 Anthony Ghalloub was in serious financial difficulties. He was late with the payment of his home mortgage. He was also being pursued by persons who had loaned money to him to invest and who had not received interest and loan repayments on time. The evidence is that the amounts that had been invested with Anthony Ghalloub were substantial amounting to millions of dollars.

In March 2012 the evidence shows that Anthony Ghalloub was trying to give the impression to his investors that the investments were secure but that there were delays in repayment due to various reasons that he was endeavouring to resolve however, in about September 2012, he announced to investors that their money had, in fact, been lost.

Threats towards the Ghalloub family:

Claudia Shashati's evidence was that in about February 2012 Veronica Ghalloub told her sister that Anthony Ghalloub was receiving threats about money. It was said that those threats were being directed towards Anthony Ghalloub, Veronica Ghalloub and their children. In her evidence at the inquest Veronica Ghalloub identified various persons who had spoken to her in a threatening way. The evidence is that each of the persons identified by Veronica Ghalloub as persons who had spoken to her in a threatening way were persons who had invested money with Anthony Ghalloub.

On 14 March 2012 prior to Govinden arriving at the property a person drove onto and stopped in the driveway. Veronica Ghalloub approached the driver and recognised him as being a John Khalil. Her evidence was that she had a conversation with John Khalil and that the conversation was in the following terms:

I said, 'Hi John, can I get you to move your car. Why did you park like this' and he frantically turned around and said, 'Where is he? I want to talk to him. Where is he? I said, 'He's not here', 'I need to talk to him', and I said 'You need to leave. My kids are coming home. You need to leave. He's not here. His words were, 'If you don't get him to call me I can't stop them from coming.'

Veronica Ghalloub then said that her mother arrived to drop something off at her home and Mr Khalil drove away.

John Khalil also gave evidence at the inquest. He said that he was a person who had lost money that had been invested with Anthony Ghalloub. He said that the amount in his case was \$42,000 which he had given to Anthony Ghalloub in cash. He said that the money was his children's money.

John Khalil agreed that he had sent SMS messages to Anthony Ghalloub demanding that his money be returned and saying that he owed other people money who were *'giving him a hard time.'* He asserted, however, that he made this up and he was just telling a story to get his money back. He said that he was trying to scare Anthony Ghalloub into giving him his money back.

Whilst giving evidence John Khalil was shown various SMS messages that had been sent to Anthony Ghalloub from his phone. One such message was sent on 27 February 2012 that said:

Tony, please make sure you're home tonight. It's out of my hand, the boys need to know where the money is. I can't stop them anymore, thanks.'

John Khalil agreed that the message had been sent from his mobile on his behalf however he said that it had been typed by someone who he could not now remember. After intense examination by Counsel Assisting John Khalil eventually asserted that it was written by a cousin however as he has *'so many cousins'* he could not remember which one it was.

It was put to John Khalil that on 8 March 2012 a SMS was sent from his mobile to Anthony Ghalloub in the following terms:

'Tony, people want their money, there's going to be big problems I'm telling you now. They're demanding your address and I'm still defending. I tried calling you. They were right next to me. No more chances. You've got til the end of the day to let me know, otherwise they will come and get twice the payment from you. Ring me, you've got til 5'

Mr Khalil agreed that the message was sent from his mobile on his behalf by a person who had typed it for him but once again he could not remember who that person was. He said that he simply wanted to scare Anthony Ghalloub into giving him back his money and that he had made up the involvement of other people.

Mr Khalil agreed that he had also subsequently caused an SMS to be sent to Anthony Ghalloub in the following terms;

'Tony, call me and stop bullshitting to me, so call me now or I'm coming with the boys to your parents' place, so stop trying to hide. I'm sick of your bullshit so call me no'

He also agreed that on 14 March 2012 he sent an SMS to Anthony Ghalloub saying:

'Tony, please ring me, stop trying to hide, I need to talk to you. I've been good so far so call me back.'

When it was put to John Khalil that on 14 March 2012 he also went to the Ghalloub home and spoke to Veronica Ghalloub he said that he couldn't remember. He agreed that he had been to the Ghalloub home on a number of occasions. He subsequently agreed that on an occasion he had spoken to Veronica Ghalloub at the front of her home and she had said that Anthony Ghalloub was not home.

John Khalil denied that he had ever said to Veronica Ghalloub words to the effect of:

'If you don't get him to call me I can't stop them from coming.'

On 12 September 2012 an SMS message was sent to Patrick Sahyoun, Veronica Ghalloub's brother, from an unidentified person concerning Anthony Ghalloub in the following terms:

You are on a list of people investing in or personally involved with Anthony Ghalloub. We are a popular media group preparing action on behalf of all people that have invested with him. Apparently, he has until a Friday deadline to show proof, after that we commence action. You need to join the fast growing group so SMS your name back to this number by Friday to be put on the list. I think you are all living in desperation. I have the resources to expose him. SMS with your purport (sic) it's the fastest way.

On 14 December 2012 two males (wearing hooded jumpers) attended the home of Anthony Ghalloub's parents in Carlingford and set fire to his father's Mercedes Benz motor vehicle. The police investigation of this matter was not been able to identify the persons responsible for that fire. The Inquiry into the cause origin of the fire was conducted concurrently with this Inquest. In my findings in that matter I was satisfied, for the reasons set out therein, that the occurrence of the fire was an attempt to threaten Anthony Ghalloub, or his family, following the failure of his business. (See my Findings and Reasons in *Matter number 13/48300 – Fire 1 Bankshill Street, Carlingford* dated 25 February 2015).

On 26 January 2013 there was a series of SMS messages between Patrick Sahyoun and an unknown person. This was the same unknown person who had sent him an SMS on 12 September 2012. The communication between them (S for sender and PS for Patrick Sahyoun) went as follows:

(S) 5.47pm: *'Patrick. We have been watching you. We are taking over. You have until 8pm tonight to tell us exactly where anthony ghalloub is. Your and your families safety is in your hands. If you open your mouth to the police or family it will be game over. We know more about you than you think. If we do not hear from you, you and your family will be hearing from us.'*

(S) 6.18pm: *'Still waiting on your sms.'*

(PS) *'I don't know who you are but obviously you have been watching the wrong person. I haven't seen Anthony since 26th dec at north shore hospital.'*

(S) *'You have 97 mins to find out. Unless your family is not worth protecting.'*

(PS) *'Like I told you I DON'T know where he is. Leave me and my family alone as we have been burnt just like you have.'*

(S) *'Not good enough 90 mins'.*

(PS) *'Oh we'll call me to discuss and stop hiding behind the messages.'*

(S) 6.31pm: *'You will see me. You have 88 mins you fucking smart arse. Fuck you and your family you fucking cunt. Ill eat you for breakfast.'*

This communication was well after the events of 14 March 2012 however it gives a flavour to the extent of the anger directed towards Anthony Ghalloub and his family.

The police investigation was unable to identify who it was that sent the SMS's to Patrick Sahyoun. The reason was that the person who had obtained the SIM card for the number from which they were sent had given a false name and address when purchasing it.

Govinden / Ghalloub Connection:

Notwithstanding an extensive investigation police have not been able to identify a financial connection between Govinden and Anthony Ghalloub or his business. There is no evidence available to suggest that Govinden had invested money in Anthony Ghalloub's business and there was also no evidence found that identified a connection between Govinden and any other person who had done so.

Discussion and conclusions:

There is no doubt that as at 14 March 2012 many people were very angry at Anthony Ghalloub as a result the apparent loss of their money following the failure of his business. For my purposes, as coroner examining the manner

and cause of Govinden's death, it is not necessary for me to go into the details of that business and the reason for its collapse other than to know that millions of dollars were involved and the resultant anger was considerable.

There is also no doubt that some person or persons resorted to threats in order to try and obtain the return of their money. For the most part those persons have not been able to be identified by the police investigation.

John Khalil was a person who had made threats to Anthony Ghalloub saying that he was being pressured by other persons. He agreed that he had tried to scare Anthony Ghalloub into returning the money he had invested in the business but denied that any other persons were involved saying that he had made it up. He denied that he had ever said to Veronica Ghalloub: *'If you don't get him to call me I can't stop them from coming.'*

John Khalil was a most unimpressive and evasive witness. I do not believe that I could rely on anything he said in evidence unless it was supported by other evidence. I do not believe that he was trying to assist the investigation and I do not believe that he was telling all that he knew. Veronica Ghalloub however was more credible on this point. I am satisfied that on 14 March 2012 John Khalil attended the Ghalloub residence and said the words as described by Veronica Ghalloub and that later in the day Govinden also attended the residence. There is, however, no evidence available that would allow me to find that Govinden attended the Ghalloub residence at the behest of John Khalil. It may well be, however, that John Khalil knows a lot more about this matter than he was prepared to admit.

It would, however, seem to be reasonable to conclude that Govinden attending the Ghalloub residence on 14 March 2012 was, in some way connected, with Anthony Ghalloub's failed business. Govinden said as much

to Anthony and Veronica Ghalloub during the time that they were held at gunpoint.

There is no evidence available to suggest that Govinden had a direct personal involvement in Anthony Ghalloub's failed business. On the evidence available it would also seem unlikely that Govinden would have acted on his own behalf in holding up the Ghalloub family. It is therefore probable that he did so at the behest of a third party.

It was well established that Govinden was a gambler and in March 2012 was in considerable debt. It is also possible he had debts that have not been able to be identified by police and that those debts have been used as a lever to get him to do what he did. The evidence available has not, however, been able to identify the person or persons at whose behest Govinden acted on 14 March 2012.

It can never be known why, when police arrived at the Ghalloub residence on 14 March 2012, Govinden chose to end his life? Perhaps the realisation that he was likely to be arrested and then spend some time in prison was too much for him or perhaps his comment to Anthony Ghalloub during the time he held up the Ghalloub family that: *'If I don't get out of here with money I'm as good as dead'* had a significance that we will never understand. Either way the situation he found himself in at the time appears to have led him to take that action that he did to end his life.

Section 82, Coroners Act 2009 Recommendations:

Section 82 gives a coroner conducting an inquest the discretion to make recommendations he or she considers necessary or desirable that is connected with the death the subject of the inquest that is being conducted. In this case the evidence discloses that threatening SMS's were sent to Patrick

Sahyoun, the brother-in-law of Anthony Ghalloub, and his family. Doing so could, if the sender was able to be identified, result in the sender being prosecuted for an offence that carries, in the case of a threat to cause serious harm, a maximum penalty of imprisonment for seven years. (See Commonwealth Criminal Code Act 1995, Section 474.15).

Because, as in this case, the SIM card and number could be purchased using a false name and address such threats were able to be sent with impunity. This situation would seem to me to be contrary to the public interest. In the circumstances I propose to make a recommendation to the relevant Minister in accordance with Section 82 of the Act that when a SIM card for a mobile telephone or other communication device is purchased the purchaser be required to provide proof of identity similar to that required when opening an account at a bank or other financial institution.

Section 75 Consideration:

The Coroners Act 2009 recognises that where a person's death is self-inflicted there can be considerable pain and distress to the deceased's loved ones. The Parliament seeks to address this by providing that when a finding of self-inflicted death is made a report of the proceedings not be published without the specific orders of the coroner conducting the Inquest. The coroner does, however, have the power to allow such a report where he or she is of the opinion that it is desirable to do so.

In this case there are two competing public interests. The first is that of Govinden's family for privacy whilst the second is the public interest in the examination of the actions of the police in this case and the circumstances that led Govinden to take the action that he did. The evidence is that the circumstances of Govinden's death received considerable publicity in the media at the time. In the circumstances I have formed the opinion that in this

case the interest of the public of being informed of the outcome of the Inquest outweighs that of the privacy issues for the family. In this regard I am satisfied that, to some extent, the non-publication orders that I made during the course of the Inquest, and will continue following the delivery of my Findings, are sufficient to protect the public interest in protecting the privacy of the family of the deceased.

Paul MacMahon

Deputy State Coroner

25 March 2015