

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: 2012 / 2038, 2039, 2040

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

(Paragraphs 44 (dot point 3), 139, 150 amended pursuant to s76 of the *Coroners Act 2008* on
Tuesday 15 December 2015)

Inquest into the Deaths of: ANITHA MATHEW, PHILIP GEORGE AND MATHEW GEORGE

Delivered On: 30 November 2015

Delivered At: Coroners Court of Victoria
65 Kavanagh Street, Southbank

Hearing Dates: 11 May 2015

Findings of: JUDGE IAN L GRAY, STATE CORONER

Representation: Mr G Phillip on his own behalf

Police Coronial Support Unit Sergeant David Dimsey

I, JUDGE IAN L GRAY State Coroner, having investigated the deaths of ANITHA MATHEW, PHILIP GEORGE, MATHEW GEORGE,

AND having held an inquest in relation to this death on 11 May 2015 at Melbourne

find that the identity of the first-named deceased was ANITHA MATHEW, born on 28 March 1975

and the death occurred 1 June 2012

at 30 Main Road, Clayton South

from

1 (a) EFFECTS OF FIRE

AND

find that the identity of the second named deceased was PHILIP GEORGE

born on 18 November 2002

and the death occurred 1 June 2012

at 30 Main Road, Clayton South

from

1 (a) EFFECTS OF FIRE

AND

find that the identity of the third named deceased was MATHEW GEORGE

born on 13 October 2006

and the death occurred 1 June 2012

at 30 Main Road, Clayton South

from:

1 (a) EFFECTS OF FIRE

in the following circumstances:

FOCUS AND SCOPE OF INVESTIGATION

1. The unexpected and violent death of a person is a devastating event. Violence perpetrated by family member is particularly shocking given the family unit is expected to be a place of safety and protection.
2. In this finding I will explore whether any lessons can be learnt, which might prevent similar deaths in the future. This role is one of two parallel functions of the modern coronial system. The first involves the findings that I must make under the *Coroners Act 2008* (Vic), which requires, if possible, that I find the:

- identity of the person who has died
- cause of death (for our purposes this usually refers to the medical cause of the death) and
- circumstances surrounding the death.

RELEVANT HISTORICAL FACTS

3. Anitha Mathew (Ms Mathew) was born in Kochi India on 28 March 1975. Ms Mathew had one sibling, her younger brother Anil Mathew. Ms Mathew's father is Mathew Chelippallil Koshyoonnoony and her mother is Reethamma Pullan Thomman.
4. Ms Mathew grew up at her family home, which is located in the suburb of Thevara in the city of Kochi, India.
5. Ms Mathew was highly educated. She obtained a Bachelor of Science degree specialising in mathematics, and a Masters degree in computer applications. In 1998, after obtaining her Masters degree in computer applications, she commenced work as a lecturer at the Sacred Heart College located in Thevara India.
6. In April 1999, when Ms Mathew was 24 years of age, Ms Mathew's family answered an invitation from George Philip's (Mr Philip) family for her and her family to meet Mr Philip and his family for the prospect of an arranged marriage. After meeting Ms Mathew, Mr Philip's family informed Ms Mathew's family of Mr Philip's willingness to go ahead with the marriage, which was reciprocated by Ms Mathew's family. Ms Mathew and Mr Philip got engaged within a month of first meeting in April 1999. As per Christian culture in Kerala India dictates, the engagement was organised by Ms Mathew's family and was held in a church cathedral in Kochi.
7. In April 1999, after the engagement, Ms Mathew's fiancé Mr Philip returned to Melbourne to continue working while Ms Mathew remained in India. It is an Indian custom that you do not live with your partner until you are married.
8. In July 1999, Ms Mathew's fiancé Mr Philip returned to India to marry Ms Mathew. On 26 July 1999, Ms Mathew and Mr Philip were married at the St John's Cathedral, in Thiruvalla, in the state of Kerala, India.
9. After Ms Mathew and Mr Philip were married, they lived together between Ms Mathew's family house in Thevara and Mr Philip's family house located in the suburb of Chittady, in the state of Kerala, India.
10. Ms Mathew and Mr Philip lived together in India until the second week of October 1999, when Mr Philip flew to Toronto Canada as he had obtained a Canadian permanent residency

visa. Mr Philip filed for Ms Mathew's Canadian spousal residency visa once he arrived in Canada.

11. Ms Mathew continued working as a lecturer at the Sacred Heart College in Thevara, India until she obtained her Canadian spousal residency visa in June 2000. She then flew to Toronto Canada to join her husband Mr Philip.
12. On 18 November 2002, Ms Mathew gave birth to her first son Philip George (Philip) who was born at the Mississauga Hospital in Canada. Philip was born by natural delivery without any medical complications. Ms Mathew's mother Reethamma, flew to Canada for the birth of Philip and stayed with Ms Mathew and Mr Philip at their residence in Mississauga for six months before returning to India.
13. In late 2005, Ms Mathew and Mr Philip decided to relocate to Melbourne Australia. Mr Philip was working for a multinational company and he applied for a position at his company's Melbourne Office, which he successfully obtained.
14. In February 2006, Ms Mathew, Mr Philip and their son Philip left Canada and flew to Melbourne. When they arrived in Melbourne Ms Mathew discovered she was pregnant with her second child.
15. In mid April 2006, Ms Mathew, Mr Philip and Philip moved into a rental unit in Hawthorn East where they lived for four months until August 2006 when they moved into one of Mr Philip's work colleague's vacant houses in Carnegie.
16. On 13 October 2006, Ms Mathew gave birth to her second son, Mathew George (Mathew) at the Jessie MacPherson Private Hospital, part of the Monash Medical Centre, Clayton. Mathew was born healthy and there were no known medical problems following the birth. Ms Mathew's mother Reethamma arrived in Australia over a month prior to Mathew's birth. Reethamma lived with Ms Mathew, Mr Philip, Philip and Mathew for three months before returning to India.
17. In August 2007, Ms Mathew and Mr Philip bought their home at 30 Main Road, Clayton South.
18. In November 2007, after taking possession of their new house in Clayton South, Ms Mathew, Mr Philip, and their two sons left Australia and flew to India for Ms Mathew's brother, Anil Mathew's marriage. Mr Philip returned to Australia before Ms Mathew and their two sons due to work commitments.

19. Also in 2007, Ms Mathew went to a data warehouse training institute in Melbourne to enhance her employment prospects in Australia.
20. In late 2008, prior to Mathew turning two in October, Ms Mathew and Mr Philip had an argument about Ms Mathew's cooking and food. Mr Philip contacted Ms Mathew's mother, Reethamma, and informed her of the problems he was having with her daughter, as Mr Philip was apparently confident Reethamma would sort out the problems they were experiencing.
21. A few days later, Ms Mathew and Mr Philip argued over meal preparation. According to Mr Philip he angrily tapped Ms Mathew on the thigh because she was "doing nothing". There were family conversations about issue, involving relatives in India.
22. At about the same time, one evening, Ms Mathew left the family home. Mr Philip recalls an unknown male policeman contacting him by telephone and telling him that Ms Mathew was at the police station. Ms Mathew returned home later that evening.
23. Mr Philip believes Ms Mathew was sometimes frustrated because she was at home looking after their sons Philip and Mathew, was doing all the cooking, and wanted to go out and work and earn money. Mr Philip stated that Ms Mathew was angry and upset about not having a good job, given her high level of education.
24. In late 2009, Ms Mathew attended Northern Melbourne Institute of TAFE to further her qualifications.
25. Sometime between March and April 2010, Mr Philip sent Ms Mathew and Philip to Ms Mathew's family home in Kochi, India. The purpose of this trip was for Ms Mathew to enhance her training in data warehousing at a training institute in the city of Chennai, and for Philip to spend some time with Ms Mathew's family. Ms Mathew and Philip stayed in India for at least three months before returning Australia.
26. From September or October 2011, the electric hotplates in the kitchen of the family home in Clayton South stopped working correctly. Mr Philip states that Ms Mathew and he agreed to not repair or replace the hotplates to save money, because he was in the process of organising the kitchen to be remodelled. Mr Philip bought Ms Mathew a portable/camping stove from the Oakleigh South Bunnings Store, for her to cook meals on. Ms Mathew didn't like using the portable stove, which was set up under the back veranda because she had to go outside to use it, and would have to bend over to use it, causing a sore back. Ms Mathew complained to her friends and family about having to use the portable stove.
27. In October 2011, Ms Mathew commenced casual work as a software tester/gaming tester for a company named 'Itech Labs' located in Glen Waverley. The casual work was organised by a

family friend named Shiny Shaju. Ms Mathew worked for the company for almost three months finishing in December 2011. Ms Mathew told Mr Philip that she didn't like the type of work at the company because the tasks were game testing and she was actually a software developer/programmer. However Ms Mathew did state she did enjoy going to work because was able to get out of the house, interact with others and develop her social skills.

28. On 7 November 2011, Ms Mathew attended at the Monash Doctors Surgery in Centre Road, Clayton and was seen by general practitioner Dr Thurairajah. Ms Mathew told Dr Thurairajah that she had started a new job and was unable to sleep. Dr Thurairajah provided Ms Mathew with a prescription for Stilnox.
29. On 8 November 2011, Ms Mathew attended at the Clayton Chemist Warehouse and obtained Stilnox.
30. Between late December 2011 and early January 2012, Ms Mathew and Mr Philip had further arguments about Ms Mathew's cooking. At this point Mr Philip ceased speaking to his wife other than for formal purposes. He stated that he intended not to talk to her until he returned from a trip to India in May 2012.
31. On 21 March 2012, Ms Mathew attend at the Monash Doctors Surgery in Clayton and obtained a second prescription from Dr Thurairajah for Stilnox due to insomnia. On the same day, Ms Mathew attended at the Clayton Chemist Warehouse and obtained the Stilnox.
32. At about 8.00 pm on 10 May 2012, Mr Philip handed his son Philip \$500 Australian dollars and left the family house to travel to Canada and India without directly telling Ms Mathew where he was going or the duration of his intended absence from the family home.
33. On 13 May 2012, Ms Mathew requested her friend Ancilla D'Souza attend her house in Clayton South to take digital photographs of the portable/camping stove situated outside under the veranda. The purpose of this was it seems, to show to Ms Mathew's family how she had been living and why it was unacceptable.
34. On 21 May 2012, Ms Mathew contacted the Teachers Support and Community Liaison Officer at her sons' primary school. Ms Mathew informed Ms Nash that her husband had left the family home on 10 May 2012 and hadn't told her he was leaving. Ms Mathew stated to Ms Nash, that she had heard from a relative that her husband was in Canada and her husband wanted to take their sons to India. Ms Mathew stated that she didn't want her sons to go to India and requested to have the teachers delay him if he attended the school until she arrived. Ms Mathew was advised to seek legal advice.

35. Between 22 May 2012 and approximately 27 May 2012 there were a number of family conversations about the conflict between the couple. It appears that on 22 May 2012, Ms Mathew told her Aunty (believed to be Suzy Thaklokaren) that she had been told that her husband had told her own family (Ms Mathew's father) that he, the husband, didn't want to live with Ms Mathew anymore and that she could go back to India and that their sons would stay in Australia.
36. On 25 May 2012, Ms Mathew told Ms Nash that a relative had rung her from India and wanted her and her two sons to go to India to discuss the problems within the marriage. Ms Mathew had told Ms Nash that she would not go to India because women have lesser rights and that she wanted to stay in Australia with her sons.
37. At approximately 1.30 pm on 31 May 2012, Ms Mathew contacted the Clayton Police Station and spoke to Senior Constable (SC) Joanne Thompson. Ms Mathew stated to SC Thompson that she had separated from her husband and that she had heard through family members that her husband had gone to India and was planning to return to Australia and take her children to India without her consent. SC Thompson advised Ms Mathew that her husband could not take her children out of the country without her consent and if he attended at her premises to remove the children, she could ring 000 and request police attendance.
38. At approximately 2.12 pm on 31 May 2012, Ms Mathew was contacted by Shainy Shaju on her mobile telephone after Ms Shaju had received missed calls from Ms Mathew's mobile. Ms Mathew told Ms Shaju that she was driving and she called her because her Aunty in Canada had told her that Mr Philip was travelling back to Australia and would be home the next day or day after. Ms Mathew told Ms Shaju that she had to go to the shops and then go to the school to collect her sons.

SUMMARY OF FATAL INCIDENT

39. At approximately 2.35 pm on 31 May 2012, Ms Mathew went to the Oakleigh South Bunnings store and purchased a 5 litre red coloured plastic jerry can. At 2.39 pm she attended the Clayton Caltex Petrol Station and purchased 5.7 litres of unleaded petrol.
40. At approximately 3.01 pm on 31 May 2012, Ms Mathew purchased two cakes from the Clayton Cheesecake shop.
41. Between 3.30 pm and 4.00 pm Ms Mathew arrived at St Peters Primary school and collected her two sons Philip and Mathew.

42. At approximately 7.41 pm on 31 May 2012, Ms Mathew contacted family friends Roney George and Smitha Roney from her home telephone number. Ms Mathew stated that her Aunty in Canada told her that Mr Philip was coming back to Australia the next day.
43. At approximately 9.22 pm on 31 May 2012, it is believed that Ms Mathew wrote an email, purporting to be by her son Philip, and sent it to the Principal of the Primary School. The content of the email relates to Mr Philip leaving on 10 May 2012 and him wanting to take the family to India permanently because of problems between Mr Philip and Ms Mathew.
44. Investigators believe:-
- Ms Mathew administered Stilnox by unknown means to both Philip and Mathew sometime between 4.00 pm and 7.40 pm on 31 May 2012, which caused both children to fall asleep;
 - Ms Mathew sent an email greeting card, most likely at some time during the evening of 31 May 2012 stating 'I will try my luck in my next life', to Ms Shaju, which was set to be received on 2 June 2012;
 - Ms Mathew wrote a suicide note, which was placed inside a gift bag which was located situated on the roof of her motor vehicle parked under the carport at her premises, sometime during the evening of 31 May 2012. The note was dated 31 May 2012 and said:-
*"I don't know how to write a will kit and I don't know this writing is legal, but please take this seriously. Myself and 2 kids (Philip, Mathew) are not planning to live anymore. Most of my friends know the reason. If in case any of my kids survive please authorities make sure that my ornaments which was given to me by my parents which is in Westpac Melbourne branch locker should be given to who ever survive. Thanks."*¹
 - Ms Mathew used the unleaded petrol purchased early that day, and petrol from a jerry can situated in a small shed behind the garage to place around the third bedroom situated at the rear of the house where the two children, Philip and Mathew, were sleeping. Also in the room were Ms Mathew and Mr Philip's engagement and wedding photo albums.
45. I accept the investigator's conclusions on these matters.
46. At approximately 12.50 am on 1 June 2012, Ms Mathew is believed to have ignited the petrol by unknown means causing a significant fire resulting in the deaths of her two children Philip and Mathew and herself.

¹ Exhibit 46 - Photo number 8 - suicide note

47. Between 12.55 am and 1.00 am on 1 June 2012, nearby resident Mr James Browell observed the fire at 30 Main Road, Clayton South and could see flames coming up through the rooftop of the house. A number of neighbours also became aware of the fire and Mr Assa Singh contacted 000 and reported the fire.
48. Metropolitan Fire Brigade (MFB) members from the Clayton Fire Station were the first attending fire crew and were subsequently joined by other MFB personnel and appliances.
49. Fire crews gained entry to the premises at 30 Main Road Clayton South by using force to breach the front door of the premises. The premises was heavily smoke logged and the rear third of the premises was un-survivable and the roof over this section had completely collapsed.
50. MFB Commander Dave McCurdy attended the premises shortly after the arrival of the first attending fire crews. Commander McCurdy conducted a search of the rear room of the premises and subsequently located the remains of two deceased bodies. The scene was then secured for processing by police forensic services.

INVESTIGATION

51. The investigation into the deaths of Ms Mathew, Philip and Mathew was conducted by Detective Leading Senior Constable (DLSC) Peter Dechene from the Victoria Police Arson & Explosives Squad. DLSC Dechene was assisted by local police, Crime Command and local Criminal Investigation Unit members, MFB Investigation and Analysis Unit members, Victoria Police Forensic Services Centre personnel, and members from the Canadian Waterloo Regional Police Service.
52. Arson Chemist, Ms Karen Ireland concluded after examination of the scene and forensic analysis of samples obtained, that the fire started in the rear rumpus room by the ignition of stored available materials aided by the spread of petrol about the room. The severe damage to the floorboards and roof suggested that petrol had been spread about in more than one area of the rumpus room. A fuel container was not located inside the house. Any plastic container present within the rumpus room may have been consumed by the fire, however a metal container should have been noticeable amongst the debris. In her opinion, the ignition source was probably a match or cigarette lighter.
53. The bodies of Ms Mathew, Philip and Mathew were all extensively damaged by fire. Internal examinations revealed that Ms Mathew's, Philip's and Mathew's airways all showed evidence of smoke inhalation due to the presence of soot. This indicated they were all alive at the time of the fire.

54. Toxicological analysis of the body fluids obtained from the bodies of Ms Mathew, Philip and Mathew all revealed the presence of hydrogen cyanide and the prescription medication Zolpidem which is an ingredient of the pharmaceutical product Stilnox.
55. The cause of the deaths of Ms Mathew, Philip and Mathew was the effects of fire. There were no recent injuries of significance identified which were unrelated to the effect of fire.

THE INQUEST

Scope

56. The issues considered at inquest were:-
1. The apparent reason for Ms Mathew's actions and her motivation in taking the lives of her children
 2. The influence (if any) of cultural and/or religious factors in her actions
 3. Ms Mathew's actions and Mr Philip's actions seen in a family violence perspective

Family Violence

57. This incident was included in the Court's Victorian Systemic Review of Family Violence Deaths (VSRFVD)². The criteria for inclusion in the Review are:
- a. the death was caused, directly or indirectly, by an offender through the application of assaultive force or by criminal negligence;
 - b. the relevant parties (deceased and offender) were or had been (at any point in time) in an intimate or familial relationship as defined by the *Family Violence Protection Act 2008* (Vic); and
 - c. there was evidence of a history of family violence between the deceased and offender as defined by the *Family Violence Protection Act 2008* (Vic).
58. I was assisted in this case by the evidence of Associate Professor Caroline Quadrio³ in relation to cultural factors and her assessment of the deaths in the context of family violence. I also had the benefit of a report by Dr Ruchita Ruchita.⁴

² The VSRFVD provides assistance to Victorian Coroners to examine the circumstances in which family violence deaths occur. In addition, the VSRFVD collects and analyses information on family violence-related deaths. Together this information assists with the identification of systemic prevention-focussed recommendations aimed at reducing the incidence of family violence in the Victorian community.

³ Associate Professor Caroline Quadrio, is Conjoint Associate Professor, School of Psychiatry at the University of New South Wales. She has a private practice as a Consultant Forensic, Child and Family Psychiatrist. PhD, FRANZCP, DPM, MB, BS. She has held and continues to hold a number of teaching appointments.

⁴ Dr Ruchita Ruchita works at inTouch as an Indian case worker and includes risk assessments, needs analysis, culturally appropriate family violence support, safety planning, court support, support with immigration issues,

59. At inquest evidence was also given by Mr George Philip, husband of Ms Mathew and father of Philip George and Mathew George. The other witness was the Coroner's Investigator, DLSC Dechene.

The Evidence of DLSC Dechene

60. In relation to the purchase of fuel, DLSC Dechene's evidence was:

"We were actually able to obtain footage of her actually purchasing the jerry can and then obtaining footage of her actually purchasing the petrol from the petrol station, which we believe was later on used, so we're basically just trying to eliminate another party being involved, ah, in this incident, that we're unaware of.

HIS HONOUR: Was that your conclusion, that no other party was involved?---Ah, yes, it was, that was my conclusion and the fact that she's also obtained the Stilnox, which came up in toxicology. Um, I am certainly satisfied, ah, that she is responsible, ah, for that incident...

You have purchase evidence and photographic evidence of her buying petrol and also buying a container?---That is correct, Your Honour, yes...."⁵

61. His evidence regarding the use of Stilnox was:

"So investigations follow the track that Stilnox had been purchased by Anitha?---Yeah.

The cheesecakes - - -?---Were purchased - - -

(Indistinct) Anitha?---Yeah. We also had footage of her also - I didn't have footage of her purchasing the actual, but I did have pharmaceutical records of it being dispensed to her and I also have the medical records of a doctor prescribing it to her on two occasions."⁶

62. In relation to the suicide note, DLSC Dechene referred to the use of handwriting expertise and said:

"I was able to provide that person with what we call reference material, which is in relation to the handbook with Anitha's handwriting, um, for him to do a comparison in relation to the suicide note and the handwriting.

Um, one of the reasons we also do that, Your Honour, is to make sure once again that the scene isn't designed to look like a suicide set-up with, um, a letter which isn't actually written in her handwriting, whereas on this occasion that document was examined...but I believe he was certainly satisfied that the author of the reference material and the author of the letter was one and the same person.

Just in relation to the note or the letter, did that make the intentions of Anitha Mathew quite clear?---Ah, yes, it did, Your Honour. Yes. In relation to, um, when she - she actually does mention in that letter about, you know, if anyone - if anyone survives, which I believe she's referring to her children, that they are to receive, ah, the ornaments that are in the safety deposit box at the bank."⁷

63. Regarding the intensity of the fire, DLSC Dechene said:

assistance with legal issues, referrals to crisis accommodation and other agencies and emotional support. Her qualifications are - Bachelor degree in Law and a Master in Law from the Guru Nanak Dev University in India and these qualifications have been assessed by the Australian Education International-National Office of Overseas Skills Recognition as the equivalent to a Bachelor and Master degree in Australia

⁵ Inquest transcript page 15 & 16.

⁶ Inquest transcript page 16.

⁷ Inquest transcript page 17.

"...I can certainly say from - from my experience of going to fire scenes and seeing the preparation of the scene and seeing how well-secured that house was, um, there was - there was definitely, um, well, in my opinion there was no chance of surviving that fire.

HIS HONOUR: For any of the three?---Yeah, no, yeah any of the three, absolutely no chance whatsoever and even the fire brigade...⁸"

64. As to the responsibility for causing the fire, DLSC Dechene said: *"I definitely believe Anitha is responsible, um, for the incident taking place."⁹*

66. In relation to the fire itself, he said:

"...approximately 12.50 am on 1 June 2012, Anitha has ignited by the petrol by unknown means which has caused significant fire resulting in the deaths of her two children Philip and Mathew and herself?---Ah, that's - - -

That's your conclusion?---That - yes, that is correct, Your Honour. Um, from - from the scene too, Your Honour, from what I could tell and my experience of working at the Arson and Explosives Squad, um, the temperatures that that - that room was subjected to were extremely high. Um, it was either a fire that had been going for a significant period of time, in my opinion, or it's certainly been aided by some type of flammable liquid to get that type of intensity, ah, in such a quick duration.

Those conclusions of yours are consistent with and derived from the other investigators - - -?---Yeah, our - ah, the - yeah, the arson chemist who attended, Karen Ireland, she was very much - her report is very much the same opinion as mine, but it's - it's been - to get what we call basically where the plot - you lose your - the roof's gone and the floor's burnt out, um, a fire of that - that magnitude where it's in - in a metropolitan suburb where you've got fire response crews who are heavily trained and attended so quickly to when it was first noticed and we had neighbours noticing it what I would think would be within minutes of it occurring, um, it was a substantial fire. Substantial."¹¹

67. In relation to Ms Mathew having contact with Victoria Police, DLSC Dechene said in evidence that he understood that there was a contact in 2008 at, or through, the Clayton Police Station. He then said:

"Unfortunately due to, um, the passage of time and the fact that Anitha was never recorded on our law enforcement application program, as soon as someone's checked it, it does create an audit trail and we can actually look at who's checked who. We can do that for up to seven years. But unfortunately in this circumstance, because she was never recorded with us - and when I say recorded, I don't just mean criminally, I mean as a witness or a victim.

HIS HONOUR: Yes?---Um, because she'd never been recorded before, I was unable to do an audit trail in relation to her to see if that member had actually physically checked her details because she wasn't recorded with us at that stage."¹²

⁸ Inquest transcript page 17.

⁹ Inquest transcript page 18.

¹⁰ Inquest transcript page 18.

¹¹ Inquest transcript page 19.

¹² Inquest transcript page 20.

68. He then confirmed that as far as he knew and as far as his investigation was able to reveal, there had been no other police contact between Ms Mathew and Victoria Police except for the contact on 31 May 2012 when she contacted SC Thompson.

69. At the end of his evidence, DLSC Dechene made these observations:

"The only one thing I will say, Your Honour, is what - what was, um - what became apparent during the investigation was she was definitely telling one person one thing in relation to the children either staying in Australia and she going back to India, or there was the - or other people she was speaking to say, "No, no, no, both her and the children are going back to India", and that was all in a very, very short period of time. Um, that was the only thing that was - what I found to be quite a discrepancy, ah, in relation to what she was telling people. Obviously I don't have an explanation in relation to that, um, and I certainly - I certainly don't have any explanation to - as to why if it is the case, why she felt that - I mean it's certainly outside my expertise as to why - why she had to take the children's lives. To me, um, there wasn't a clear indicator that, um - that there was any necessity for that..."

The question remains open and the motivation on the face of it at least unexplained?--- Absolutely, and I think the only - I guess one critical part of the brief was the fact that her own cousin who she'd spoken to in, ah, Canada, um, Joseph Roy John, ah, where she's actually expressed to him in relation to, um, the difficulties she was having with getting what she deemed to be suitable employment for someone of her, ah, education level...

Um, and he's the only witness who has been able to provide that sort of in-depth sort of thought pattern in relation to, um, what Anitha's thoughts were at the time and that - I guess that did sort of fit the picture, why have we got someone who's so highly educated saying to her doctor, "Oh, I need Stilnox because this job I'm starting, it's causing me anxiety and insomnia", when she was so grossly overqualified to do that job it would have been almost a meaningless - a meaningless task for her."¹³

70. He then stated:

"Um, and the fact that she obtained those Stilnox in the November and then obtained them again, um, in the March, um, I'm not sure what her thought process there was, but to me - and taking into context what, ah, her cousin in Canada was saying, and listening to his interview because it was audio recorded, I actually did put a fair amount of credibility in that, because he's not someone who - if you listen to that, the way he speaks, he's certainly not in favour of George by any measure. He's actually quite, um - he seems quite - in some ways, quite negative against George. So I believe the credibility in what he's saying that his cousin has said to him, I do believe that to be true, and I certainly do believe that things were obviously going on in her mind leading up to this situation. It's - in my opinion as an investigator, it's definitely been a series of events that has caused this catastrophic event to take place, and that's how I - how I view this incident in its entirety."¹⁴

71. DLSC Dechene then explained the reference to the evidence obtained in Canada. The evidence was in fact contained within a record of interview conducted at the Waterloo Regional Police Station in Canada on the 27 November 2012. On that occasion, Detective Constable Mark Leinweber interviewed Mr Joseph John. Mr John was Ms Mathew's first

¹³ Inquest transcript pages 21, 22, 23.

¹⁴ Inquest transcript page 23.

cousin. DLSC Dechene considered him to be an unbiased witness and accepted the truth and cogency of what he said when he was interviewed.

72. At the end of his evidence, DLSC Dechene volunteered the following opinion about what had happened:

"...a view, yes?---Yeah, is that it's provided a catalyst for her to - obviously what was in her - toying in her mind back in, you know, the four or five months prior to the incident taking place, to then what's occurred with the lack of communication, the information received from her family from India, whether it was accurate or inaccurate, it was basically - and then knowing that George's imminent return and what was in her mind, and then what she's been saying to family and friends and to the, ah, school counsellor and to the local, um, police member, it just feels like - it's definitely been a sequence of events which has then led to what she's done.

What you've just said, that sequence includes those particular events you've just mentioned?---Absolutely, yes.

In the last thing you've just said. I see, yes?---So I certainly don't. ---

*That's your assessment of the trajectory of what took place?---Yes, Your Honour."*¹⁵

73. I accept the evidence of DLSC Dechene. He appeared to me to have given great thought to the case, which made his opinions and conclusions persuasive. He placed significant weight on the statement of Mr John and this is understandable. I agree with his overall assessment of the sequence and combination of factors that appear, in the end, to have brought Ms Mathew to the decision to take her own life and that of her sons. It is important to note here, (and I refer to this again later in these findings) that I accept that it is incomprehensible to Mr George Philip that his wife decided to take the lives of their two sons when she took her own.

The evidence of Mr Joseph John

74. This is contained in the record of interview referred to above.
75. In the long interview that took place, Mr John spoke of his relationship with Mr Philip and Ms Mathew, referred to their time in Canada and their decision to move to Australia. He dealt in some detail with the circumstances in which the news of the fire was received in Canada, and the visit to him by Mr Philip at that time.
76. Mr John was asked to tell the interviewing detective about his last conversation with Ms Mathew. The transcript of the interview on that issue is as follows:

Q O.K. And as I understand it now, you were close with Anita

A Yes.

Q O.K. Tell me about your last conversation with her.

A The last conversation was, like, probably four months ago, before this incident.

Q Yep.

¹⁵ Inquest transcript pages 24 & 25.

A *I don't remember exactly the date and everything, but she – she called me from – she said she's calling from a park or somewhere outside.*

Q *O.K.*

A *You know, because she don't get the phone from her house or whatever.*

Q *Mm'hm.*

A *So she's saying she's calling from outside and she was very upset about all the – she doesn't have work, she doesn't get any food, like, money to go out and he give just some payment to her, not her, buy some grocery or whatever, and he got to do live with everything so he doesn't – she doesn't have money.*

Q *Mm'hm.*

A *An I said, "Go to work." You know, that's what I – you know, "go to work and make your money."*

Q *Yeah.*

A *"You know, why are your depending on other people? You know, it's your husband but it's – you are to make your own money that's why all the issues."*

Q *Mm'hm.*

A *And she said she wants to go back to India or, you know, everything like that.*

Q *O.K. So she said she wanted to back to India.*

A *Yeah.*

Q *She told you that?*

A *Yeah, yeah.*

Q *O.k. And ---*

A *And, again, again, she's saying, like, "My kids have education here. If I go to India, then their education will get jeopardised." And again, what do your call? She wanted to study in India.*

Q *Mm'hm.*

A *"So what – what I do, like with the kids and everything?" And she was so concerned about all these things and she's asking kind of help thing.*

Q *Yeah.*

A *And I said, "You know, go to work and then, you know, and then you go from there." That's what I basically tell her, yeah.*

Q *O.k. so ---*

A *And again another conversation I remember that she said, "I'm so upset that I'm going to kill him and I'm going to die."*

Q *O.K. we're going to come back to that.*

A *Yeah.*

Q *But in your last conversation you were encouraging her to get a job.*

A *Yep-¹⁶*

77. Ms Mathew then told Mr John that her concerns for her sons' education with her preference for that continuing in Australia. She also discussed bringing her mother to Australia to look after her sons while she herself continued her education. Mr John agreed that Ms Mathew was "always confused". She referred to her husband not speaking to her, not speaking to the family.

78. When Mr John asked was Ms Mathew considering any other plans the interview went as follows:

"Q *Just that one plan?*

¹⁶ Record of Interview – Waterloo Regional Police, Canada – Mr Joseph John – 27 November 2012 pages 16-18.

A No, no, she said, like, "If nothing happens, I am going to kill him, I am going to die, I am going to kill everybody." That's what she said.

Q When did that conversation occur?

A You know, on the - through that - when we are talking about. "I am, I'm trying my many options, if nothing happens this is what's going to" - I said, "Are you crazy, you know, you know, go pray and relax and then find a good job. That's the best option you have right now." And then that's it, yeah.

Q O.K. So it - it's basically the same conversation.

A And again ---

Q Right?

A Yeah, the same conversation, the same time, yeah, the same - the same conversation.

Q And the same conversation and she said, "If none of this works, none of these plans work out" ---

A Yeah, yep.

Q That she's going to kill him, kill the kids ---

A Yep.

Q --- and kill herself

A Yeah. Yeah. And also she said, like you know, her - her - he's more concerned about his father. He - she - you know they have - they didn't have a good relation either..."¹⁷

79. Further on the same theme, the questions and answers were:

Q About ah, killing him and the kids, had she ever made any statements like that to you before?

A No. Ah yeah, she always, you know, yeah, I believe, yeah.

Q O.K.

A But that time, yeah, that time pretty strong, like you know, she was so angry to say that, yeah, you know.

Q Mm'hm.

A Sometimes we say like, you know, "I'm going to kill him", you know, it's not that - not like that I feel that time.

Q O.K.

A Yeah.

Q So your really felt that that meant something?

A Yeah.

Q In that conversation.

A Yeah. Yeah.

Q O.K. And you said that she had mentioned stuff like that before.

A Yep.

Q But you - you didn't think that there was the same meaning or emotion behind it.

A Yes. Yeah.

Q O.K. I'm going to ask you then, did she ever say how she would do that?

A No.

Q Just - Just ---

A Yes, yes, yes ---

Q ---made - just that statement.

A Just - just made that statement, yeah.

Q O.K. Great.

A I ask her, "Why are you saying like that?" "What else I do?"

Q Mm'hm.

¹⁷ Record of Interview - Waterloo Regional Police, Canada - Mr Joseph John - 27 November 2012 pages 21 & 22.

A That's what, you know, she is – her answer was, yeah.
 Q And how did you calm her down from making ---
 A I said, you know, "Go pray, go pray and then find some work. If you have an income then you know, you will ---"
 Q Yeah.
 A "--- yare are – the situation changes, right."
 Q Mm'hm. Do you know if she ever made these statements to Shaji himself?
 A No, I don't ---
 Q Has she ever told this to him?
 A No, no. He never saw – he didn't say anything like that, you know.
 Q O.K.
 A Yeah.
 Q No, I'm saying, you don't know if she said that to him?
 A No, I don't know. I don't know."¹⁸

80. When asked how long he had since spoken seen Ms Mathew, he indicated that it was 5, 6 or even 7 years ago. He was vague on the point. Mr John went on to say that Ms Mathew would call often and it was "always the same thing"¹⁹. He explained that that referred to the fact that they were fighting and that Ms Mathew was complaining about her husband.

81. He was then asked questions about the last telephone call from Ms Mathew which involved a repetition of what she had been previously saying. He went on to say that the last call was four months before the fire:

Q O.K. And in that you – you thought she was calling from outside a park. Did she tell you she was at a park or ---
 A Yeah, she – she said she's outside and she's walking, and she's not at home.
 Q O.K.
 A Yeah.
 Q So what time of day would that have been to Canadian ---
 A Yeah, around 8.30, 8 o'clock.
 Q At night.
 A At night, yeah.
 Q So she said she was outside. Did she say where the children were or Shaji at that time during that conversation?
 A I think Shaji – Shaji at work or something. And she – I don't remember exactly what she – yeah.
 Q And – and you told Detective Leinweber the content of that conversation was she was very upset, you said because she didn't have a job.
 A Yeah.
 Q and I'm just going to clarify what you've already said, but you tell ---
 A Mm'hm.
 Q ---me if – if I', wrong, she said she didn't have any money.
 A Mm'hm.
 Q And she said she wanted to go back to India, but because she might jeopardise the children's education in Australia.
 A Yep.

¹⁸ Record of Interview – Waterloo Regional Police, Canada – Mr Joseph John – 27 November 2012 pages 23-25.

¹⁹ Record of Interview – Waterloo Regional Police, Canada – Mr Joseph John – 27 November 2012 page 29.

- Q So her other option was, potentially bringing her mother to Australia to help care for the children.
- A Yeah.
- Q While she studied where?
- A She's studying in India to get more ---
- Q O.K. But that wasn't really an option because her mum was ill.
- A Yeah.
- Q And then she said -- she talked about in that conversation, her not really wanting to take a job for minimum wage work because the Australian government would provide a similar amount of money if she wasn't working.
- A Yeah.
- Q And then you -- you had said -- first you said it was in another conversation she said she was so upset that she was going to kill him and that she was going to die, but then you corrected yourself and said it was that same conversation.
- A Yeah, the same conversation, yeah, the same day, yeah.
- Q She said if nothing happens, if -- basically if she's out of options as you were describing. What exactly did she say? "I'm going to kill, I'm going -- I'm going to die" and what was the last part?
- A Yeah, I'm going to kill him, I'm going to die and I'm going to destroy everything." Yeah.
- Q "I'm going to destroy everything"?
- A I don't exactly remember what said but basically, you know, "I'm going to die." That's what -- yeah, "I'm going to kill him, I'm going to die and even the kids."
- Q Even the kids?
- A Yeah.
- Q O.K. And you said that she's made comments like that to you before on previous conversations, but this time you felt it was different.
- A Yep.
- Q Yeah. Can you just tell me again why you felt that time was different? What was different about it?
- A Because -- because she's saying, "I have nobody to help. Like, my father" they -- she called her father, "There's no help coming, so I have nobody to help. What do I do?" That's kind of the tone that I -- I felt."²⁰

82. The last time Mr John's wife had spoken to Ms Mathew was about a year before this interview.
83. As indicated earlier, DLSC Dechene accepted the credibility of Mr John and the truth of the answers he gave. There is no reason not to accept the matters set out above in Mr John's record of interview. They are sufficiently consistent with the known facts of the relationship, the known frustrations of Ms Mathew, and in particular her frustration about her inability to obtain employment at a level suitable to her qualifications.
84. I am prepared to accept the overall accuracy and reliability of the content of Mr John's answers in his Canadian record of interview. I do so because of the consistency of those answers with the known facts of the case.

²⁰ Record of Interview -- Waterloo Regional Police, Canada -- Mr Joseph John -- 27 November 2012 pages 33-35.

85. The critical aspect of this evidence is the reference in the interview to what Ms Mathew said in the final conversation with Mr John about taking her own life and that of her children. They was sadly prophetic.

Evidence of Associate Professor Carolyn Quadrio

86. A/Prof Quadrio was requested by the Court in November 2014 to provide an expert opinion on this family violence homicide. She was provided with the brief of evidence and was asked to provide an expert opinion²¹ on the impact family violence factors may have, or would have had (in her opinion) on Ms Mathew's emotional wellbeing and decision making. A/Prof Quadrio summarised the evidence in terms consistent with the summary in these findings. She then dealt with the topic of "Individual Risk Factors", firstly by reference to "Culturally and Linguistically Diverse Background".

87. I set out below parts of her report²².

"2.1.1 Culturally and Linguistically Diverse Background.

*It is noted that violence against women in India is recognised as a widespread social problem, particularly in marriage, that it is a patriarchal society with structural gender inequality. There are many examples of cultural factors which impacted on the couple's relationship. The marriage followed an advertisement and involved payment of a dowry, approximately \$20,000 Australian. It appears that issues relating to her cooking were prominent. There are a number of references to suggest that George had greater authority in the relationship including that he knew she had a poor relationship with her father yet sought to involve him in their problems. In 2008 after an incident he had said she would be sent back to India if things did not improve. It is apparent that Anitha Mathew understood that she would be in a disadvantaged position if she returned to India, particularly the rights for women and in Australia she had limited social support, was without employment and had no means of independently evaluating what was being said or arranged without her consent or knowledge. She was still experiencing barriers to service engagements by virtue of her background."*²³

88. Under the heading, "Relationship Factors: History of Family Violence", A/Prof Quadrio stated:

*"In summary it appears the couple had experienced problems for some time. Most Anitha Mathew did not discuss her concerns with friends in Australia but just before the fatal vent she made some disclosures that George had left Australia without letting her know and was possibly planning a separation. It appears she was a very private and cautious person and provided limited information. She apparently never mentioned thoughts of self-harm. (Note problems of disclosure in situations of family violence, especially with migrant status.)"*²⁴

²¹ A/Prof Quadrio's report is informed by considerable clinical experience in the assessment and clinical management of the psychiatric sequelae of trauma, particularly the trauma of family violence and abuse, and on a body of knowledge and research with which she is familiar and to which she refers to where appropriate. She has provided expert opinion on numerous cases of family violence, including providing evidence to the courts and including seven cases where there was a fatal outcome.

²² Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015.

²³ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, pages 5 & 6.

²⁴ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, page 7.

89. Under the heading "Service Contact", A/Prof Quadrio stated:

"In the days preceding the fatal event Anitha Mathew was seeking information and support from service advisers but it appears she was reluctant to proceed. (I note this is a common issue with traumatised migrant women and is elaborated later.)"

3.1: St Peter's Primary School:

The school her children attended: Mrs Nash had advised Anitha Mathew to seek legal advice but apparently she hadn't. Apparently on the final day she sent an email to the school indicating that the boys were going to be sent back to India and requesting assistance to remain in Australia. (This issue has been noted already and relates to difficulties with disclosure and with accessing services that are common to all women in situations of family violence and are magnified for migrant women.)

3.2: Victoria Police:

On 31 May Anitha Mathew call the police station but didn't give her name and she was given some advice. She did state that physical violence had not occurred. However it is noted that this treatment of her in terms of silence and controlling behaviour would arguably constitute family violence as defined in the Family Violence Protection Act 2008 (Vic) so it is possible that had she sought advice she may have been advised that she could apply for a protection order. It is not known if Anitha Mathew was aware of actions she could take through the Family Court to prevent the children being removed. (I note that silence and controlling behaviour are extremely relevant to understanding family violence and this is elaborated later.)"²⁵

90. She then referred to the details of Ms Mathew's medical consultations from July 2009. She noted that there was no reference to mental health problems such as depression or to family violence and also noted that:

"...women who experience family violence may consult a GP and not raise the issue by may complain of insomnia and back pain; Anitha Mathew had complained of back pain but it would be impossible to identify family violence on that information alone"²⁶

91. Under the heading "Discussion", A/Prof Quadrio stated:

"There is one admission of physical violence in the past and it appears that George demonstrated controlling and psychologically damaging behaviour towards Anitha Mathew. There is strong evidence that suggests he was planning for her to be sent back to India. His secret trip to India involved meeting with her father with whom she had a difficult relationship and this undoubtedly would have been a cause of great concern and stress for her."²⁷

92. A/Prof Quadrio then stated that she had been asked to provide an expert opinion on:

"The impact that the family violence experience would have had on Anitha Mathew's emotional wellbeing and decision making, with reference to the science on this issue, to improve the community's understanding on how exposure to family violence adversely impacts people."²⁸

93. A/Prof Quadrio set out the provisions of the *Family Violence Protection Act 2008* (Vic) and the United Nations Definitions relating to family violence. She then went on to describe how family violence adversely affects people by reference to the topics of power and control,

²⁵ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, page 8.

²⁶ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, page 9.

²⁷ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, page 9.

²⁸ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, page 10.

coercive control, psychological compared to physical violence and the nature of psychological violence.

94. Under the heading, "Power and Control: Coercive Control" she stated:

"...There is limited evidence of physical abuse, perhaps one occasion, but it is not an essential component of family violence, 'it is just one of the tools' used to gain power (Dutton et al, 2006) and it does not bear upon from the seriousness of the impact of FV on the physical and mental health of victims: coercion itself has a serious traumatic impact as evident in the observation that PTSD is more prevalent in situations of coercion alone than in those involving physical violence (Dutton, 2009).

It is apparent the use of power and control, 'coercive control', was a significant issue in the relationship between Anitha Mathew and her husband. The consensus amongst experts is that it is the critical element in FV (Johnson et al, 2000, Stark, 2007); control is described as 'the overarching behavioural characteristic' in DV and is said to be achieved with criticism, verbal abuse, financial control, isolation and cruelty, while 'entitlement' is described as the 'the overarching attitudinal characteristic' of the perpetrator of FV; it is the expectation of 'special rights without responsibilities' (Baker et al, 2004).

There is consensus too that in coercive control, power is asserted through isolation, intimidation, threats, and withholding of necessary resources such as money. Isolation deprives the woman of 'social connectedness' and the support of family or friends and denies her access to resources; it may be imposed on her and it is also self-imposed because of shame, secrecy and constant fear. In depriving a woman of control over her life, coercive control is said to represent 'liberty harm', in contrast to 'bodily harm'. (Stark, 2007); based on gender inequality, it is described as an assault on liberty and identity (Kuennen, 2007; Stark, 2007; Williamson, 2010).

It is apparent that these issues are applicable to the situation in which Anitha Mathew found herself, especially over the last weeks of her life.

Child custody issues are often critical in situations of FV: taking away a woman's children is described as 'the ultimate in coercive control' (Stark, 2007). This too appears to have been an important issue for Anitha Mathew; it seems she feared that she would be sent back to India where she would have few rights and/or that her husband would take custody of their children."²⁹

95. As to mental health, her evidence was:

"It is apparent from these data that Anita Mathew was likely to have been suffering problems of mental and possibly physical ill health as well a consequent of the psychological abuse she had been suffering. More specifically, the experiences that would be described by experts as abusive or traumatic were: the husband's cessation of communication (not speaking); his abrupt and unheralded departure for overseas; followed by his discussions with both their families in India and in Canada, and her understanding that these discussions included complaints about her and an intention to send her back to India and perhaps to retain the children in Australia.

The highly damaging impact these experiences are likely to have had on Anitha's mental status are described by MacKinnon (2008) whose concept of psychological or 'non physical

²⁹ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, pages 14 & 15.

contact abuse' includes, verbal, psychological or emotional abuse or violence or maltreatment, all of which are characterised by: one partner attempting to dominate and control the other and there is a power differential between them and/or one partner fears the other. I note that this conforms with the definition of FV referred to earlier (Family Violence Protection Act 2008 0 Sect. 7), emotional or psychological abuse is defined as 'behaviour by a person towards another person that torments, intimidates, harasses or is offensive to the other person'.³⁰

96. Under the heading of "The process of psychological abuse" she referred to the conventional descriptions of that process including "a pattern on domination, oppression, unrealistic expectations, verbal attacking or silent withdrawal..." and said:

"Again it is apparent that much of the above description is applicable to the situation of Anita Mathew: The silent withdrawal, the demeaning, belittling and criticising behaviour would have been highly damaging to her sense of self.

While ongoing physical violence is not necessary to this process, MacKinnon notes that the fear of a man's anger and its potential to escalate into physical violence mean that 'even a one-off instance' early on in the relationship in which she is hit, pursed or shoved is enough to establish his ability to intimidate her thereafter. I note that this appears to have been Anitha Mathew's experience."³¹

97. Under the heading "Cognitions and mind sets in perpetrators", she said:

"...Husbands with a 'dismissive' attachment pattern are noted as the most controlling: more often actively invalidating their partners; and using 'distancing' behaviours, including, stonewalling, active tuning out of the partner, contempt and 'an icy, distancing stance' (Babcock et al, 2000). A pattern like this is evident in Mr George's withdrawal and silence."³²

98. Under the heading "Immigrant women", A/Prof Quadrio made the following observations:

"The impact of coercive control is even greater on immigrant women: they are more vulnerable to abuse, more readily controlled by abusers and experience more barriers to seeking and receiving help (Raj et al, 2002), including in Australia (Rees et al, 2007). For immigrant women, domestic violence is often exacerbated by language and employment difficulties, isolation from family and community, uncertain legal status, and their experiences with authorities in their countries of origin (Menjívar et al, 2002). It is evident that much of this is applicable to the situation of Anitha Mathew.

For abused women generally, feelings of shame and guilt and alienation are prominent, with loss of belief and trust in systems, including justice systems, and less ability to utilize social support; belief in self-efficacy or resourcefulness is undermined and there is often a sense of futility and of 'mental paralysis' (Ebert et al, 2004). All of these issues apply to immigrant women (Reina et al, 2014) and are heightened further since immigrant women face higher levels of perceived risks and barriers to leaving an abusive relationship (Amanor-Boadu et al, 2012) and to accessing the services they need, including law enforcement (Gilroy et al, 2014). Specific barriers include their immigration status and often an inability to understand domestic violence within given cultural norms (Reina et al, 2014).

³⁰ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, pages 15 & 16.

³¹ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, page 17.

³² Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, page 19.

Again, it is apparent that most of these factors were operating in the case of Anitha Mathew, especially the fear of being made to return to India where she understood she would have fewer rights.”³³

99. Under the heading “The Indian diaspora”, A/Prof Quadrio states:

“As well as these issues for immigrant women in general, there are more specific studies of women in the Indian diaspora that assist also in understanding the position of Anitha Mathew, as follows:

For women in the Indian diaspora, immigration policies and regulations interact with cultural identity, gender, family values and forms of marriage and their experiences of migration and domestic violence. Immigration issues include fear of deportation, especially when the husband has permanent residence, which adds to the elements of power and control. In transnational arranged marriages the husband has considerable power and control; these women usually have no family in the host country so are isolated and likely to feel emotionally and socially alone, economically constrained and culturally disconnected. They feel particularly vulnerable when they have no support system or when the abuser threatens to abandon them or creates problems for their family back home or threatens to take children away or otherwise harm; thus they are more vulnerable to abuse from the husband (Abraham, 2005). It is evident that most of these factors are relevant to Anitha Mathew’s situation...

These difficulties arise also out of the way that Indian women are ‘socialised to accept subordination’; self-sacrifice, loyalty and endurance are central values: they accept suffering, have a fatalistic outlook and a desire for family harmony and avoidance of conflict; they conceal family violence because of loyalty and honour and fear of losing face and are likely to feel more shame than anger. Thus, an Indian woman will be afraid of leaving or speaking out because of the shame this brings to hers and also to her husband or family and because of the stigma and loss of status that attaches to failed marriage and divorce and alienates a woman from her community. She is likely to be blamed for leaving and to suffer isolation from the community and the temple as well, which is said to preach that maintenance of the family unit is of primary importance and frequently denies problems like marital violence (Kang, 2006)

The difficulties Indian women face with accessing help also relate to the position of their menfolk: in much of the diaspora, police are racist towards Indian men and this creates a particular dilemma: in taking action against them, women risk further compromising cultural esteem; also many will have had negative and fearful experiences with a gender biased justice system in India, so they lack trust in police and justice services (Kang, 2006).

Thus, even if Anitha Mathew had had some ideas of her entitlement in law in Australia, these socio-cultural issues would have posed very significant barriers to her taking action.”

³⁴

100. Under the heading “Suicide in Indian women”, A/Prof Quadrio noted:

... there are particular issues for Indian women that are relevant to understanding Anitha Mathew’s fatal decision, as follows:

In the Indian diaspora suicide rates are high in young women, especially by burning, which in India has ‘a long history’, as in ritual self-immolation, and is often associated with marital and family problems (Rao et al, 1989), most commonly, currently, dowry disputes

³³ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, pages 19 & 20.

³⁴ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, pages 20 & 21.

(Kumar, 2003). These observations may help to explain Anitha Mathew's decision to use burning as the fatal act.

Factors relevant to suicides in the diaspora are: stress and social isolation related to family or marital conflict, especially restricting relationships, and pressure to conform to traditional expectations (Raleigh, 1996); submission and deference to males and elders, arranged marriages, the financial pressures imposed by dowries, and ensuing marital and family conflicts (Raleigh et al, 1992). Clearly all of these issues were not only relevant for Anita Mathew but were also reaching a head over the weeks when her husband was in India having discussions with the families and, presumably, complaining about her and possibly arranging for her return to the family."³⁵

101. Under the heading "Filicide in India", she states:

"The suicides of Indian women may also involve filicides, again often by burning, and also by drowning. While it is not clear what Anita Mathew was thinking about the future for her children, the observation has been made that usually these filicides are the 'altruistic' type, where the woman seeks to save her children from suffering rather than acts out of revengefulness towards her abuser, reflecting the traditional values for Indian women of tolerance and sacrifice (Gupta et al, 2008)."

102. In her supplementary report³⁶, A/Prof Quadrio commented upon the evidence of Mr Joseph John (referred to above). I set out her report on the point as follows:-

I note that Mr Joseph lives in Canada and is a first cousin of Anita Mathew; he had contact with the couple when they lived in Canada and after they moved to Australia he had telephone contact with Anita. She spoke to him of the difficulties in the relationship with her husband, that she had little money and was unable to secure appropriate employment. Some months before her death they spoke again and she went over the issues again and said that her mother was too ill to help and her father would not help and if the situation did not improve she would kill her husband and herself and the children. She had made similar statements in the past but Mr Joseph had felt they were not serious until that last occasion when he felt there was a different tone and it was more serious; he had protested then and she had said: 'What can I do?'

When Mr George left Australia on that final occasion and visited Canada, Mr Joseph had met with him and spoken with him about the issues in his relationship with Anita. He had suggested that they call her on the telephone to discuss this further but it seems that Mr George was reluctant to facilitate that, suggesting that he was still determined not to communicate with her. As I previously suggested, such 'freezing out' of Ms Mathew would have intensified feelings of isolation and despair.

Comments

This further information would suggest that Ms Mathew had been feeling desperate about her situation for some months and feeling that there was no escape, as indicated by her statement to Mr Joseph: 'What else can I do?' I note that this illustrates the sense of entrapment that I described in my previous report as a critical element in situations of family violence such that death may seem the only form of escape. In that report I also referred to the literature regarding Indian women and how family violence affects them and that if they do seek death as a last resort they may feel that they need to take the children with them.

In essence this further information does not alter my previous opinion."³⁷

³⁵ Exhibit 6 – Report – A/Prof Carolyn Quadrio 29 January 2015, pages 21 & 22.

³⁶ Exhibit 7 – Supplementary Report - A/Prof Carolyn Quadrio, 8 May 2015.

³⁷ Exhibit 7 – Supplementary Report - A/Prof Carolyn Quadrio, 8 May 2015 pages 1 & 2.

103. A/Prof Quadrio gave evidence at inquest in terms entirely consistent with her reports. At inquest she was cross examined by Mr Philip.

104. In evidence in chief, she agreed that her reference to *“migrant women experiencing trauma have difficulties accessing services”*, she agreed that this was obviously a *“broad brush proposition”*³⁸

105. In evidence in chief, she referred to the coverage of the issues in her reports. She said:

“So a - most of those (indistinct) issues that have been, um, suggested in the research literature I think are applicable to this case. There are also other issues that are talked about in the literature, um, that women, um, like this may have experienced, um, racism in the - in the host country. Um, so that - that they're doubly, um, stressed then by the - not only what's happening at home but in the - in the - in the host culture. That can also increase their vulnerability to trauma.

*Um, also other items that have been noted in migrant women, women in domestic violence generally, um, feel shame and guilt and alienation and lose trust in systems, including the justice system and this is all magnified for migrant women. Um, the fact that they often have a sense of futility or helplessness. Um, that they often see or - or perceive that there are barriers to leaving the abusive relationship and don't understand their rights. Um, and they may not be able to, um, appreciate how domestic violence is understood in the host country compared to their own cultural norms. So all of that seems to me relevant to this case. Then I also had a look at the literature, particularly on women from India.”*³⁹

106. As to leaving the relationship, A/Prof Quadrio said in evidence:

“They're likely to be afraid of leaving or speaking out because of the shame and stigma that this might bring and they're also fearful of divorce because that's also something that will stigmatise her and, um, the literature suggests also that, um, their - the religious teachings also reinforce the idea that family unity is of primary importance. Um, again they talk about the racism in the host country and how that can exacerbate the problems.

*Um, so the woman might feel obliged to protect her husband as - as - um, and that may also hinder her from taking action. Um, and whether they have their - a good idea of their entitlement in law in the host country and then finally I looked at the - the research on suicide in Indian women, um, and that there's a significant - there's a significant rate of suicide in domestic violence anyway generally but there are particular issues for women of an Indian background.”*⁴⁰

107. In relation to filicide, she said in evidence:

“Um, it's not really clear what was on, ah, Anitha Mathew's mind about her children. But I note that the literature said that these - um, these filicides are often of the altruistic type. Um, altruistic type meaning that, um, when a parent kills the children in - in a situation of, ah, conflict with the other parent, it may be altruistic in that the person who kills themselves and the children may feel that they're sparing the children from future suffering or doing the right thing by the children or taking the children to a better life or a variety of understandings like that.

³⁸ Inquest transcript page 67.

³⁹ Inquest transcript page 70.

⁴⁰ Inquest transcript pages 71 & 72.

*That's called an altruistic filicide and that contrasts where the killing of children is - is an act of vengefulness designed to punish the surviving - the surviving parent. Um, so I don't know that we're clear about that in this case but I noticed that the, um, research literature suggests that with Indian women it's more often an altruistic, um, killing rather than a vengeful one. So that summarises, ah, my reading of the research literature on the subject."*⁴¹

108. A/Prof Quadrio went on to say that she based her opinions, on her research into the Australian family violence legal context, in particular in relation to emotional and psychological abuse.

109. I accept A/Prof Quadrio's evidence on each of these matters.

Evidence of Mr George Philip

110. Mr George Philip was Ms Mathew's husband and father of Philip George and Mathew George. He appeared at court unrepresented and was assisted by Sgt Dimsey as much as possible. He gave evidence in chief and then, after the evidence of A/Prof Quadrio, asked questions of her and gave further evidence.

111. Mr Philip made two statements.⁴² In evidence-in-chief he in essence confirmed the content of the statements.

112. He stated that Ms Mathew had never been to see a psychologist or psychiatrist, to his knowledge.

113. In relation to her frustrations about having employment at an appropriate level to her qualification, he said:

*"employment?---Yeah, because always - always I believed the frustration came out of sitting at home doing, you know, the homely work. So that was - that's what I'm rewinding back now, at the moment - at that moment, I wasn't aware of it. But now I rewind it, that was my assumption, maybe that was the reason she was making all kinds of, you know, these arguments."*⁴³

114. In relation to going to India without telling her what he was doing, he said:

*"When you made the decision to go to India and you didn't tell her about that decision, what was the purpose of not talking to her about your trip and going to India. Why did you do that?---I told her, but the only thing in the - in her - not specifically, I directly - I didn't told. But, ah, as I indirectly - I mention that I'm travelling and, ah, we live in the same house, you know? My preparation, everything, is going on. She - she saw all that stuff, so only thing I didn't told specifically because we were not talking."*⁴⁴

115. In relation to communication when he was overseas, his evidence was:

⁴¹ Inquest transcript pages 72 & 73.

⁴² Exhibits 4 & 5.

⁴³ Inquest transcript page 55.

⁴⁴ Inquest transcript page 55.

"I have not, ah, informed her formally because, ah, we were not in good talking terms. That's the only reason."

I want you to understand that my questions do not imply any criticism. They are open questions. When you were away, did you ever contact your wife at all and say, "Look, I think we can sort this out. I'm sure we can sort this out when I get home. We can make it work"? Did you ever do anything like that or say anything like that to her when you were away?---Yeah, I tried to reach her to talk about, ah, so many things. Like, I made phone calls and, ah, not one - so many times. And, ah, she didn't pick up the phone.

So you never had a - you never ended up having a conversation when you were away?---We had email, email contacts, not verbal conversation...

When you were away, do you think you got any - do you think you succeeded in getting a message to her that you were in fact going to come back and try and make the marriage work? Did you get - did you believe you had communicated that or not?---I have not called her to, to explain all this stuff. But in my mind, it was already resolved.

But do you think she knew that was what was in your mind?---I believe so, but, ah, she was manipulated by others."⁴⁵

116. In relation to whether his wife was able to get help, advice or assistance the evidence was:

"Do you think she felt that she could not get help or advice or assistance? Do you think she felt frustrated about anything like that? Not being able to get help, advice, assistance with her life in Australia?---She was - she was - like, she was working. She was working in, ah, November. Again she was called in February. She didn't - she didn't want to go for the job. So I'm not 100 per cent sure what was - what job she was looking for, but she had a job. She didn't want to continue."⁴⁶

117. Mr Philip was asked about the issue of cultural, religious and related factors as referred to in reports of Dr Ruchita Ruchita and A/Prof Quadrio. He said:

"Yes, because I - I read the, ah, statement and I went through that one also. This - both people are talking about India. MR PHILIP: First of all, I say earlier, we are not - we are from India but we are, we are not directly migrated from India to this country.

HIS HONOUR: Well, I accept that's important.

MR PHILIP: Yes, because what she's talking of - or what the other psychiatrist or whatever that - and the signature and having looked at it - - -

HIS HONOUR: Dr Rashida.

MR PHILIP: Yeah, so they're talking about (indistinct) directly came from India to, to Australia or any other developed nature. We are not in that category. We lived in other countries. Travelled in a lot of countries. We know the cultures. We know the - we know of our rights. Everything is very clear to us. When I say us, I mean the whole family. Not my kids. I'm not...

So what she's talking - everything here is an Indian communities, specifically these people - most of the violence I seen here is the north Indian community. We are not from north India. We are from the southern tip of India. This is a fully liberated 100 per cent (indistinct). And very catholic community. These people - what she's talking about, a Hindu community. Hindu custom. Hindu ritual, Hindu - nothing applicable to me.

HIS HONOUR: Yes - - -

MR PHILIP: We are pure Catholics. So that's why I said even this statement or that statement have zero value in front of me, for me, for my personal - that doesn't mean that everybody should accept what I say. That's what I meant to make the statement."⁴⁷

⁴⁵ Inquest transcript page 56.

⁴⁶ Inquest transcript page 57.

⁴⁷ Inquest transcript page 58 - 59.

118. As Mr Philip was unrepresented at the inquest, I provided him with assistance as to the approach he could take to asking questions and ensured that he was provided with A/Prof Quadrio's reports.⁴⁸

119. Mr Philip cross examined A/Prof Quadrio. At the outset he asked about the meaning of "family violence" in relation to his family. He said:

*"So for establishing, she talked about the family violence. What part of that violence? Family silence is family violence?"*⁴⁹

120. I assisted him with that question and the evidence was:

"HIS HONOUR: What part of the definition of family violence do you say applies to your understanding of the case, Professor?---Well, in the Victorian Act it refers to, um, coercion or any way that the behaviour controls or dominates or causes the person to feel fear for their safety or wellbeing. Um, and it also includes psychological abuse that torments, intimidates or harasses and, um, I think it's the behaviour that's been described does fulfil that definition..."

MR PHILIP: Yes, I want to know, like, if it's physical, sexual, emotional, economical, threatening, coercion, any of this?...

*MR PHILIP: Where did I dominate her? Where did I control?"*⁵⁰

121. I assisted by rephrasing the answer and the evidence was:

'HIS HONOUR: As you understand it, what is the support for those propositions as you understand it on the material that you've got?---The material as I see it, um, complaining to the family, um, is discrediting his partner and that is very damaging to her, to her self-esteem. Apparently saying that she'll be returned to India, when clearly that was not what she wants...

It seems that Ms Anitha Mathew understood that she was - that her husband was trying to get her returned to India. That he was complaining to her family about her. Um, there's possibly an understanding that she's going to not be separated from her children. The information suggests that there was a period of silence leading up to him leaving the country.

Um, and this is very clearly described, um, as I refer to p.17 in the research literature that the silent treatment and withholding necessary information, which is seen as attacks on the person's personhood and not advising the partner directly of the intention to go overseas. Um, these are indications of what I've described on p.18 and 19 as dismissive, invalidating, distancing, tuning out and contempt, all of which is psychological violence...

MR PHILIP: First of all it was mentioned in that I know this is arranged by parents, the marriage was not arranged by parents. It is arranged between us. The parents found the boy and girl, the marriage was arranged by us.

HIS HONOUR: So that's really just a proposition, Professor, the parents arranged the meeting but the two - the couple organised and agreed to get married?---All right.

MR PHILIP: We can decide in the last moment that you don't want to marry. That's not forced marriage here.

HIS HONOUR: They could agree not to, or decide not to, it was not forced, that's your point?

⁴⁸ I invited Mr Philip to make a submission after the inquest and he provided a detailed written submission dated 29 July 2015.

⁴⁹ Inquest transcript pages 75, 76, 77.

⁵⁰ Inquest transcript page 76.

WITNESS: Okay.

HIS HONOUR: You may not wish to comment?---I don't know that that would change the substance of my report.

She understands what you're saying, Mr Philip, but the response is it wouldn't change her report as such. So ask your next question...

MR PHILIP: So my point is we have a lot of cooking equipment at the home, so what was the conflict over cooking equipment? Because if - if I say - what I say I substantiated with that. I have provided the electricity and gas bill of that month and they can even verify the electric equipment was working, the cooking equipment was working, the induction heater was working, the microwave was working. So the equipment, the cooking equipment for two, three people, four people.

HIS HONOUR: So, yes, so you say it's wrong to say there was a conflict over cooking?

MR PHILIP: No problem because there's - let me clarify that, one minute, give me a minute. Because if you know I've got induction heater we've got one induction heater the whole family can cook. I have induction equipment, I have a microwave, I have an oven, I have a grill, then I have four hotplates which is working, not fully working - working.

HIS HONOUR: I understand that. You'll be able to repeat all this to me after the professor's finished. So, Professor, that is simply - really I think in the end that's asking you why do you say there was a conflict over cooking equipment. He says there wasn't one, you say there was one; you must have a basis on the papers for that?---Well, the information I've been provided with suggested that it was an important issue in - in Ms Mathew's mind and there are accounts from members of her family that she's spoken about it. So it seems that - to speak about this to members of the family, um, overseas, suggests that it was, um, an important issue in her mind...

HIS HONOUR: I think, Professor, he's asking why do you characterise the failure to communicate or the refusal communicate or the freezing out of - one of those characterisations as a form of family violence? That's his question. How is it a form of family violence if you can tell it?---Well, it seems to be what the woman herself complained about when she spoke to family and friends she mentioned it. Um, I don't know about, um - I can't say whether she initiated the conversation. I think that was one of the questions you just asked and also I think that Mr George said that leaving sticky notes would be a form of communication. I think that leaving sticky notes as a form of communication would also be very demeaning and would be as damaging, psychology, as not speaking...

MR PHILIP: Yes, that thing that I met a client to meet the family over there to discuss issues. I never planned any of that. It was not my plan...

You heard what he said. Do you wish to comment?---Yes. Well, I can't comment. The documents I received suggests that he went overseas without discussing it with his wife and that he then discussed problems in the marriage with members of her family and his family...

MR PHILIP: Yes, and the next one is my - I already talked about migrant women experiencing - she has the full knowledge of everything in this country, other countries, so for migrant women experiencing trauma and difficulties accessing services.

HIS HONOUR: I'll just - you're talking - this is an important part of Professor Quadrio's report. That's the factors which apply to migrant women in particular?---Yes.

What Mr Philips is saying is that he and she were from another first world country, Canada, and should not be characterised as suffering, if you like, or affected by the same factors that might affect other families from India because of where they came from and because they knew and understood Australian law and customs. Is that what you're saying, Mr Philips? Do you want to say anything about that, Professor?---Well, I think I've already talked about our understanding of migrant women and how even if they - even if they do understand their rights in the host country, they may still feel that they're unable to exercise those rights because of cultural impediments...

MR PHILIP: Yes, she was talking a lot about sending to India. So many paragraphs she mentioned.

HIS HONOUR: Yes.

MR PHILIP: Yes, mostly is talking about children keeping - because I - there's nothing had happened because they cannot be sent to India, so I don't need to ask her again.

HIS HONOUR: No, no, no.

MR PHILIP: I can't make it, because they cannot be.

HIS HONOUR: I think you understand what he's saying, Professor?---Yes.

He's saying that he can't - he actually, legally, cannot send his wife to India or anywhere else if she doesn't want to go. So the point about sending her away is one that he thinks is - I think he's implying, really, is - - -?

---Right.

Or not important but I - do you want to say anything about that?---Well, the information I've been provided with indicates that Anitha Mathew was talking to family and friends about this very issue and repeatedly. So it seems that it was certainly on her mind that she was to be sent back to India and again it may be that - as Mr George is saying, that she may have on the one hand understood that in law she couldn't be sent back to India but in terms of cultural values and so forth she could have well have thought that she would be helpless to resist if her husband made such arrangements.

That she would effectively have no choice practically and socially?---That's right...⁵¹

Evidence of Dr Ruchita Ruchita (inTouch)

122. The Court commissioned a report from Dr Ruchita Ruchita, a case worker at inTouch, Multicultural Centre Against Family Violence. Dr Ruchita examined the coronial briefs in relation to a number of deaths of persons of Indian decent which, were also the subject of inquests. She prepared a report covering those cases. She gave evidence in some cases and her report was tendered in others. In this case her report was read into the Court record by my assistant, Sgt Dimsey. It was also provided to Mr Philip.

123. In relation to this case she made the following observations and comments. She described in her report as follows:

"This report provides anecdotal evidence and an in-depth analysis on the practical aspects of how culture, norms and values manifest themselves into the 'everyday' life of Indians, and how they influence people's choices; decisions and actions in relation to self harm or harm to others within the family context. Factors typical of the Indian society are:

Patriarchal society: Male dominance and unequal status of woman

In Indian culture, men are considered the primary bread winner and household head. It is considered the duty of the wife to serve her husband. A common term used to address a husband is "Pati Parameshwar"; Pati meaning husband and Parameshwar symbolizing God extolling husbands to the same status as Gods. Patriarchy underscores surrogacy of females and supremacy of males and this is then manifested in every day life.

Discrimination

Female and male children are reared and socialised every differently. ...

This normalises women's subordinate role and male supremacy in all stages of her life."⁵²

124. Dr Ruchita then dealt with female infanticide which is not directly relevant here.

⁵¹ Inquest transcript pages 77, 79, 80, 81, 82, 83, 84-85.

⁵² Report of Dr Ruchita Ruchita, 4 July 2014, page 2.

125. Under the heading “Joint family system” she said:

“India is a country where a joint family system has survived through the ages. It is a system under which one’s parents, children, the children’s spouses and their offsprings live together. Although India too is moving towards a nuclear family system, there are still a majority of Indian population live in joint families. A relatively strict hierarchy defines traditional Indian society where elders and parents decisions are respected and hardly questioned. Family values are important in the Indian tradition, and multi-generational patriarchal joint families have been the norm in India.”⁵³

126. Under the heading “Marriage, Separation and Divorce, she stated:

“An overwhelming majority of Indians have marriages arranged by their parents or other family members...In such marriages, the union is not just between the groom and the bride but arrangements are made between two families. There is usually a transaction of monies in the name of gifts which is the same as dowry...

In marriage, there are certain expectations from the women from her in-laws. The woman is expected to live with the husband’s family after the marriage. She has to serve the needs of not only the husband but also of the whole family. Often she is verbally abused and sometimes kept in slavery-like conditions. Marriage is thought to be for life, and divorce rate is comparatively low. No matter how unhappy the couples are, they are expected to stay together and make their marriage work. There is overwhelming pressure on women to maintain the family structure and failure to do so could result in ostracization for the entire family. Disclosure of abuse might result in her family disowning her. A tremendous pressure to keep the relationship together is exerted on her.”⁵⁴

127. She then went on to explain the social practices of dowry and some religious and other social factors.

128. Under the heading of “Barriers for Indian women living in Australia experiencing Family Violence” Dr Ruchita stated as follows:

“In my practice as a family violence worker in Australia, I have come across many cases similar to the case studies provided by the Coroners Court, where Indian women face abuse including physical, verbal, emotional, financial, psychological, and social.

The non help seeking behaviour is influenced by the following factors:

Perception of Family Violence

Women from an Indian background do not acknowledge the different types of abuse such as verbal, psychological, social isolation, financial control and sexual abuse. They see these acts as obligatory in marriage. Women only recognise family violence as physical abuse.

- i. **Family violence as private matter:** In Indian culture, family violence is seen as a private matter within the family and mainly seen as conflict between a husband and wife only. Indian women experiencing family violence frequently deal with the issue themselves and are usually afraid to disclose the events and its details to family or friends, and do not prefer to seek outside assistance...*
- ii. **Lack of knowledge of the system/legal process:** Women are often not aware about services, but even if they have enough knowledge, she does not want intervention from the Court or Police just to save her marriage.*

⁵³ Report of Dr Ruchita Ruchita, 4 July 2014, page. 3

⁵⁴ Report of Dr Ruchita Ruchita, 4 July 2014, page 3.

While providing Court support in Dandenong Court, I have observed that Indian women not turning up to Court even if it is a Police initiated complaint and opposing the withdrawals. Women are under severe pressure from their husbands and her family, friends and community. It is easier for her to go up against the police and Court system to withdraw their order, than it is to go up against their parents, his family or even her own family...

- iii. ***Social isolation** is a huge factor which limits access to support services. In all four cases there were no references to any agency providing support...In my practice I see a similar trend where faith and community leaders are approached as a first point of contact...*
- iv. *Women fear that they will suffer greater consequences, if they disclose family violence. Fear of consequences back home also stops women from seeking help. The perpetrator may retaliate in some other way. Woman receives pressure from family and community to continue the relationship. Divorced women face humiliation from society...*
- v. *Indian women after migrating to Australia find it difficult to adjust to Australian lifestyle and culture.*
- vi. *Migration status/residency/visa status, financial pressure, unemployment adds to their vulnerability.*
- vii. *Every argument between couple will lead to a threat to the woman to pack her bag and leave the house, knowing quite well that it would shut her up and she would never do that. Passport/legal documents are possessed by the husband.*
- viii. ***Mistrust of mainstream culture and authorities:** Violence is not to be reported to police as they have same notion about police system back in India where it is considered shameful for women to go to police. Woman doesn't want to report violence to police as they will force separation, which is not good for their children. By reporting the matter to police, woman does not find it an immediate solution to their crisis. They feel their husband deserves a second chance to save their marriage, even if they never felt happy, safe, respected or cared for by their spouse.*⁵⁵

129. Whilst Dr Ruchita's comments are necessarily of a general nature, a number of them appear to have clear application in this case. Her opinions are consistent with those of A/Prof Quadrio. The generalised but relevant assessments of the influence of a patriarchal society, the joint family system and cultural factors relating to marriage, separation and divorce are clearly applicable to the relationship between Ms Mathew and Mr Philip. As are the matters she refers to as "family violence as a private matter", the lack of knowledge of the system and the legal process and in particular the social isolation factor.

130. I accept Dr Ruchita's expertise and the general validity of the propositions she has articulated in her report. Taken together they provide a framework within which the reaction of Ms Mathew's to her husband's oppressive conduct can be at least better understood.

131. This evidence and that of A/Prof Quadrio point to the vital need for services such as inTouch to be made available to, and be accessed by women in Ms Mathew's position in particular women suffering the disadvantages from a cultural, language or religious point of

⁵⁵ Report of Dr Ruchita Ruchita, 4 July 2014, page 4 & 5

view that she did. Those women need to be supported and enabled to access relevant services including legal services.

132. In this context, I note the nature of the service provided by inTouch and commend that service for its work.

133. I invited Mr Philip to comment or raise issues based on the reports.

134. By reference to Dr Ruchita's report dealing with the features of a 'patriarchal society', Mr Philip said:

"She talks about patriarchal society. But in my - in my house, I cannot talk about my roof, the people living under my roof. It was fifty-fifty. There was no domination. Everybody - it was kind of, ah, like, if you want to do anything, she can do it. If I want to do anything, I can. If kids want to do anything, they can do it. There was no domination, there was no enforcement...

*And there was no - no violence. No financial issues. No physical violence. No sexual violence. Nothing in my family."*⁵⁶

135. By reference to A/Prof Quadrio's report, Mr Philip said:

"I have full disagreement on this. The facts and figures of - because I am the person who lived under that roof. Nobody can be 100 per cent clear than me, what happened and what were the circumstances. Everybody else can speculate things. They can come to maybe this, maybe that. But I know, I know, why, why and what and I - what all I could elaborate...

No, I'm not talking from - from a generic point of view. Think that I'm the worst person in this world. She had opportunity to ask for a divorce or she can walk out of the house without even taking the - taking because according to Australian law, she will get almost the house plus (indistinct) 70 per cent of my salary. She can live a good life in this country. So she had so many opportunity. She can take in psychology, do evaluation, maybe consultant a good doctor. (Indistinct) get a treator if she had a problem because as I said in my statement, I was - I'm a very busy person during that period, that three months. I almost worked, ah, six months' work, because I had to finish so many projects and fly out because 14 was the pack-up date for me to reach there...

Yeah, because she mentioned - she mentioned in that, ah, statement to her - not statement.

In the conversation with the - her cousin, first cousin in Canada. When everything was good, everybody was in talking terms, everything was happening good. She said on murdering me, "I will self-harm the kids". So I - what she implicated or what she mentioned in that. If I'm not getting a good job, if I'm not happy, I'm now going to take everybody out. I don't know the logic behind that.

*What was - she may have a (indistinct) psychological problem. Another thing, another thing nobody looked at, is why she and her father is not talking? What was the past history of that? What was the reason for that? Nobody asked - no psychologist asked that question. What happened? What about - did anybody went back to her childhood? Did anyone look at that side of it? No. So she had (indistinct) psychological - I don't know because she may have a dual personality, I don't know. In front of me, she was okay. Only minor - you know, any family have a little bit of arguments. There's no family that there is no argument. But I was so busy, you know, I didn't - you know, I didn't thought that's a big issue."*⁵⁷

⁵⁶ Inquest transcript page 89 & 90.

⁵⁷ Inquest transcript pages 90, 91, 92, 93.

136. I also received reports from Domestic Violence Victoria and the Victoria Multi Cultural Commission report. Each report was helpful in providing background in relation to factors effecting both the response to family violence, and the ability to access services on the part of CALD and immigrant women. Those reports do not take the cultural and religious factors any further than those of A/Prof Quadrio and Dr Ruchita, but I thank both organisations for providing this valuable background information.

Submissions

137. A lengthy submission was received from Mr Philip. It is dated 29 July 2015. I set out below passages from that submission.

"I need to know why my wife murdered our boys. Was there any way I could have prevented it? Looking back at the statements from health care professionals, she was taking medication for anxiety. But as a husband I was not aware or not yet convinced she had suffered any medical behavioural problems."⁵⁸

Now regarding the evaluation of the psychiatrist Ms Quadrio, I found her statements completely biased. I understand she is a professional, but she didn't lose anything so close to her heart. She does not have to live rest of her life with indescribable pain of losing everything. My children, my wonderful boys were my life, like any other father, I dedicated my whole life for them. But they are not here anymore."⁵⁹

My wife had no right to cut short their life. They had the right to love and live life to the fullest, but she took that away from them. As a heart broken father I am asking you, did she have the right to do that. Father and mother have the utmost responsibility to safeguard their children, not to harm them, or cut their life off before it began. I am not sure on what basis the psychiatrist is supporting this individual."⁶⁰

138. I accept the legitimacy of Mr Philip's anguished claim on this point – even if there were family violence factors, there could be no justification for taking the lives of the two boys, Philip George and Matthew George. His submission further said:

"My wife had everything that she needed and wanted. I never constrict her from anything that she was pleased to do or not to do. She had all the freedom and money to do whatever. We had joint account in the bank. She had debit and credit cares just like I did. She had a care and knew driving. I always supported her in her decisions, to be a stay home mom and so forth. I made sure she would not have any financial or any other difficulties while staying home. She had full control over our finance. Still she took my heart and soul and crushed it and threw it away in a way that it would not be repairable ever. Why, Ms Quadrio why?"

You said in your statement "silence is family violence", I don't agree with that at all. I chose silence, because that is the most non harmful way of dealing with small disagreements and dislikes...I loved my wife and I never wanted to hurt her in any form, so I kept silent. As a result she ripped my heart apart and left."⁶¹

⁵⁸ Submission by Mr George Philip page 1

⁵⁹ Submission by Mr George Philip page 1

⁶⁰ Submission by Mr George Philip page 2

⁶¹ Submission by Mr George Philip page 2

I kept quiet as I explained above for the betterment of peace and tranquillity in the family. But if Ms Quadrio read the my statement clearly she would clearly understood who ceased the communication, I tried to call my wife numerous times while I was in India, but she didn't answer not even one time."⁶²

139. I note here that in the statement provided to police by Mr Philip, he conceded that he only attempted to communicate with his wife by email when he was away. I note the evidence of Shainy Shaju⁶³ to the effect that Mr Phillip could not reach his wife from India by phone. I accept, from this evidence that he did try to telephone her.

140. Mr Philip's submission further stated:

*"Anitha very clearly knew that because we were Canadian citizens none of us could stay in India for more than 6 months because of the Indian immigration law. Anitha was an educated woman and she knew these facts very clearly. Ms Quadrio claimed that Anitha was an immigrant but truth is she was a Canadian citizen as well as our boys. So the conclusion of being immigrant women who was not aware about her right is utterly wrong. Not only she was a Canadian citizen but she had very good knowledge about all her rights and she discussed these with the police in a prior occasion. Please do not compare her with normal Indian women or a new immigrant. She is a highly educated and qualified Canadian citizen who lived in western world for a long time and was very well aware about all of her rights."*⁶⁴

141. I accept that Ms Mathew may have known and at least theoretically understood her "rights" in Canada and Australia. However in my view, the influence of cultural factors (for example the influence of the joint family in India) can, and did override or at least neutralise her capacity to exercise her rights. I infer from the evidence of A/Prof Quadrio, that this could and indeed did take place despite Ms Mathew's high level of education and relative sophistication.

Mr Phillip further stated:

"This psychiatrist did not have an understanding about the difference between a new immigrant and Anitha, well settled person from India...So please stop comparing Anitha with an average Indian woman who does not hold a Masters level education is not aware of her rights in a western world like Australia. By the way Anitha was employed previously and was offered a job but she turned the offer down, so the court can clearly see employment was not an issue..."

If she had so many difficulties to live with me she could have filed for a divorce. She would have custody of the kids' I would have been paying alimony and child support. How can I threaten her with sending her to India while she was holding all travel documents like passport, citizenship and other relevant travel documents? Without any of these how can I send them to India or to any other country? I have also attached with this statement a copy of Anitha's letter which clearly shows she is aware of the rules and regulations at immigration. So where is this so called existential threat in my family? So if she was being

⁶² Submission by Mr George Philip page 3

⁶³ Inquest brief page 153 – Statement of Shainy Shaju

⁶⁴ Submission by Mr George Philip page 4

*threatened, why didn't she get some help from the law enforcement? There are so many agencies in this country that can assist in this kind of matter. Why didn't she use any of them?"*⁶⁵

142. I refer to my comments earlier and note that, despite isolation and perhaps lack of confidence, Mr Philip is entitled to ask the question:

"Why did she kill her own boys? Can a loving mother kill her own kids because she is not happy? Is that love? Is this the woman whom the psychiatrist trying to portray as an innocent angel? For me she is a cold blooded murderer who killed two innocent, little children. They knew only to love, in return she killed them. They had dreams of their own and due to this woman's selfishness and stubborn nature their lives were perished. Her motto, if I am not happy, no one else should be happy. Was she a wife, a mother?"

She told her cousin in Canada she was not happy due to the lack of communication. She also said to him she was going to kill my children and me. IF she wasn't happy, she had countless options in this amazing country. She is not living in a third world country where she had no options. If she was in need why didn't she take the opportunity to meet with the counsellor's? Why didn't she reach out to helpline and proceed with it, instead she ripped my heart apart, and crushed it? How can she be an innocent victim?"

*I would like to know what was lacking in our family for her to commit this heinous crime. If she was not happy she could have taken so many other alternatives in life to move on. But instead she chose to kill my kids and end her's too. They do deserve to live and they should not be at the mercy of their parents. ...She had everything she wanted, even if I was the only earning member of the family, I made sure that my family should not face any difficulties that other family faces daily. Ms Quadrio talked about abuse of power. What abuse of power did I do, working almost 80 hours a week for my family? I wanted them to have everything and as a husband and father I was responsible to provide and fulfil their needs."*⁶⁶

As per Ms Quadrio, silence is the biggest family violence and also tapping my wife's thigh was physical violence. I just want to know is this psychiatrist out of touch with reality? In the whole statement, this psychiatrist never raised a question about Anitha's upbringing. Whether she has any issues in the past that kept a distance from her father? Did she ever ask why Anitha and her father behave like enemies? Coming to the conclusion that my silence was the biggest crime, is her lack of understanding of a person's mental state and reality..."

Regarding her next invention about my controlling behaviour? What is she talking about? How did I controlled Anitha as I am not home most of the time, I just don't know....

Did the psychiatrist even know that I left the country 21 days ago and why Anitha did pick that particular day to commit the crime as the day of my return? She wanted me to witness the horrible crime, to destroy my whole existence. But her calculations were wrong, as I arrived a day later than the planned date. A mentally unstable person not able to do a crime so well planned and calculated. Her motive was to destroy everything that I dearly hold to my heart for her stubbornness..."

⁶⁵ Submission by Mr George Philip page 5

⁶⁶ Submission by Mr George Philip page 6

*As mentioned earlier "I really do not understand what the psychiatrist meant by difficulty comprehending my behaviour". I don't think I did anything wrong by keeping myself quiet as that was the only way I can continue my job and provide food and shelter for my family. Did the psychiatrist expect me to go mad and get physical with my wife, hurt her and then end up in jail? What would be the end to that kind of behaviour, what impact that would be on my children? So the best thing I was able to do at that circumstance was to be silent expecting her to understand that her behaviour needs to be improved for the sake of family. I just want to make something clear that I never called her family to say anything about her behaviour.*⁶⁷

*This psychiatrist was talking about women's rights and abuse, what about my innocent children's rights? Even in the court of law all the evidence is taken into consideration before a verdict is given. My children were given death sentence without even asking a singly word. What was their crime? Manipulating their innocence and drugging them and burning them alive is that what a mother supposed to do. Is that the definition of a mother? A mother is the one who go above and beyond for her children than anyone. Why she gave them a horrible death, their beautiful little bodies were burned beyond recognition. How conveniently this psychiatrist concluded that she was saving my children by killing them rather has not having the guts to say that she did it purely due to her revengefulness against me.*⁶⁸

*In conclusion, Anitha did not have any cultural, immigrant or health issues. There wasn't any psychological, physical abuse, any financial issues. We also had some likes, dislikes, arguments, lack of communications just like any other normal family. But was that a reason for my wife to kill my boys and herself? If I knew that she has this so called anxiety I would have changed my behaviour of keeping silent, but the privacy law did not let me. At the end my precious boys or I did not get any justice. I know whatever I do or say is not going to bring my loving children back.*⁶⁹

COMMENTS

143. Human relationships, and in particular marital relationships, are complex and great care is required in drawing any conclusions from an analysis, or the scrutinising such relationships, particularly with the benefit of hindsight. The evidence of A/Prof Quadrio and Dr Ruchita is necessarily generalised (about the features of family violence). Their conclusions are contested by Mr Philip. Neither A/Prof Quadrio nor Dr Ruchita ever directly observed the family or spoke to either Ms Mathew or Mr Philip. However the expertise and experience of A/Prof Quadrio and Dr Ruchita place them in a position to make relevant comments about certain features of the relationship based on the evidence in this case. In accepting certain key aspects of their evidence, I am mindful of the need to exercise care in this retrospective analysis.
144. Mr Philip gave evidence about the history of their relationship with his wife, he stressed in particular the fact that they had lived in both Canada and Australia. He stressed also that this

⁶⁷ Submission by Mr George Philip pages 7-8

⁶⁸ Submission by Mr George Philip page 8

⁶⁹ Submission by Mr George Philip page 9

had been over a substantial period of time, in fact effectively from when they were married. As I understood his submission, this was an attempt to assert that the cultural and religious factors referred to by A/Prof Quadrio and Dr Ruchita were either less relevant, or irrelevant to this particular marriage. However, whilst accepting his evidence about how long the couple had lived in both Canada and Australia, and that they should not be simplistically bracketed together with people from other parts (including northern parts) of India; and accepting that their experience in Canada and Australia must have made differences to the way they lived their lives, nonetheless there is evidence to the effect that cultural factors were significant in the way the relationship worked, in particular in the way Mr Philip conducted his relationship with his wife.

145. The evidence of A/Prof Quadrio is compelling and based on expertise. She was tested under cross examination and did not change her assessment that family violence was a feature of this relationship – namely Mr Philip’s control over Ms Mathew was a feature of the relationship. Mr Philip appeared to neither understand nor accept that in Australian law behaviour of that nature can constitute family violence. In my opinion his control over his wife, and her perception of that control played a part in building her frustrations and sense of isolation. Ms Mathew apparently felt unable to advance her own career, frustrated about decisions about her sons’ education, afraid of the social stigma of divorce if she should return to India, and powerless in the face of her husband’s “freezing out” behaviour – in particular not telling her he was going overseas. Clearly Mr Philip does not accept this. Sadly, in my view, it is a conclusion supported by the evidence in this case.
146. It is important to note, as a matter of balance, that Mr John apparently believed Ms Mathew did have some choices, – and this does appear to be a fair assessment of her objective circumstances. It would be speculation to try and assess whether or not she actually believed she had choices but her actions themselves, the suicide note and her expressions of frustration, lead me to infer that subjectively she believed she had run out of choices. None of the features of the relationship however, or the role of family violence factors in this case to the extent that I have outlined, can satisfactorily explain the tragedy of the case; that in reaching a decision to take her own life, she also believed it was necessary to take the lives of her two young sons. The question posed by Mr Philip in his submission – “I need to know why my wife murdered our boys” cannot be answered from the evidence that has been obtained in this investigation. In that submission Mr Philip also said “My wife had no right to cut short their life. They have a right to love and live life to the fullest but she took that away from them. As a heartbroken father I am asking you, did she have the right to do that.” The answer to that question is clearly that she absolutely did not have the right to take the

lives of her sons. The fact that she did, without it being clear why she believed she had to, is the tragedy at the heart of this case.

147. One lesson from this case is the need for people, whether they are immigrants to Australia or not, to understand the meaning and purpose of family violence laws in Australia. In particular it is vital that people understand the types of behaviours that can constitute family violence under Australian law.
148. The escalating threats to harm herself and other family members perhaps could have, or should have, been brought to the attention of Mr Philip or the police. However it is difficult for this to be done, when the person Ms Mathew disclosed to, lived overseas. With the benefit of hindsight, Ms Mathew may have benefitted from assistance and support provided by a psychologist, specialist family violence service such as inTouch Multicultural Centre Against Family Violence or similar, as well as obtaining legal advice. While it can't be concluded that this would have altered the outcome, she may have felt less overwhelmed by her situation if presented with her options and ongoing support.

CONCLUSIONS

149. On the whole of the evidence I conclude:-
- Ms Mathew felt isolated and alone. She was very, even extremely, frustrated about her employment prospects in Australia.
 - Mr Philip had a controlling disposition towards his wife, one that appears to have had a cultural basis.
 - Ms Mathew felt unable to advance her own career and simultaneously ensure the best educational prospect for her sons.
 - Ms Mathew feared the social stigma (in India in particular) of divorce if the relationship should come to that.
 - Mr Philip exacerbated his wife's sense of isolation and powerlessness by his "freezing out" behaviour, in particular not telling her that he was going overseas – it was effectively a "secret" trip.
 - Objectively it was clear that Ms Mathew felt isolated and profoundly frustrated. But she was not without access to support services, and if she had chosen to use them, could have done so particularly in the period of her husband's absence.
 - Subjectively, she appeared to have reached a point of desperation, but on the evidence of Mr John (who reminded her that she had options), her objective circumstances did

not support the contention that she had no alternative other than to take her own life, let alone the lives of her sons.

- Ms Mathews' killing of her two young sons is, on the available evidence, impossible to understand.
- There is no evidence of any medical or psychological condition which might have explained Ms Mathew's actions.

150. Mr Philip asserted that nothing he was doing should be characterised as family violence. However I conclude that some of his actions were controlling within the meaning of the *Family Violence Act* applicable in Victoria- specifically his refusal to speak to his wife and his refusal to tell her he was travelling overseas.

151. Her killing of her two sons is incomprehensible to Mr Philip, who appeared to have a loving relationship with them. I refer again to the submission Mr Philip made on the point:

*"My wife had no right to cut short their life. They had the right to love and live life to the fullest, but she took that away from them. As a heart broken father I am asking you, did she have the right to do that. Father and mother have the utmost responsibility to safeguard their children, not to harm them, or cut their life off before it began."*⁷⁰

152. The anguish expressed in these words is powerful and understandable.

153. I note the evidence of A/Prof Quadrio in relation to ultra autistic filicide. It appears, at least superficially, from the suicide note that this was or may have been a factor in motivating Ms Mathew to take the lives of her two sons. At the same time it is difficult to resist the conclusion that she was also punishing her husband - that there was vengeance in the filicides.

154. I formally find that Ms Mathew caused the deaths of her two sons, Philip and Mathew, with her own. The tragic irony is that in doing so, Ms Mathew has committed the ultimate family violence in this case.

I extend my condolences to the family and friends of Ms Anitha Mathew, Philip George and Mathew George.

⁷⁰ Submission of Mr George Philip page 2

I direct that a copy of this finding be provided to the following:

Mr George Philip, Senior Next of Kin

Senior Constable Peter Dechene

Sergeant David Dimsey

Signature:



JUDGE IAN L GRAY
STATE CORONER
Date: 30 November 2015

AMENDED FINDING

Signature:



JUDGE IAN L GRAY
STATE CORONER
Date: 15/12/15.

