

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 2009 / 0394

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 60(2)*

*Section 67 of the Coroners Act 2008*

I, Judge Ian Gray, State Coroner having investigated the death of BARBARA LUBIK

without holding an inquest:

find that the identity of the deceased was Barbara LUBIK

born on 28 March 1972 aged 36

and the death occurred on 25 January 2009

at 8 Julius Crescent, Noble Park North, Victoria, 3174

**from:**

1 (a) STAB INJURY TO NECK

Pursuant to section 67(2) of the *Coroners Act 2008*, I make findings with respect to the following circumstances:

**Introduction**

1. At 2.00pm on Sunday 25 January 2009, Barbara Lubik<sup>1</sup> aged 36 was stabbed in the neck during a domestic dispute with her husband whilst in their family home located at 8 Julius Crescent, Noble Park North. Her husband, Peter Lubik contacted emergency services at approximately 9.42pm. On arrival at the scene emergency services determined that Barbara was deceased and did not attempt resuscitation. The time of death has been unable to be established.
2. Peter Lubik was arrested and conveyed to the Dandenong Police Station and on 30 January 2009 he was charged with the murder of Barbara Lubik.

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<sup>1</sup> For the purpose of this finding, I will refer to Barbara Lubik as Barbara.

3. On 16 March 2012, after a Supreme Court trial Peter Lubik was found guilty of involuntary manslaughter. On 13 April 2012, His Honour Justice Robson sentenced him to imprisonment for 9 years and 6 months with a non-parole period of 6 years and 6 months.<sup>2</sup>

#### **Background of Barbara Lubik**

4. Barbara Lubik was born Basia Stryczek on 28 March 1972 in Bielsko-Biala, Poland. Her elderly father and two sisters reside in Poland. Her mother died as a result of a motor vehicle accident in Poland when Barbara was 21 years old.
5. In October 2004 Barbara visited Australia under the provisions of a student visa. She studied English and was working as a seamstress under the conditions of her visa.
6. Ms Regina Theiss, a close friend described Barbara as a very caring, happy girl.<sup>3</sup> She was also described as a “responsible, helpful, organised and ethic(ally) minded girl.”<sup>4</sup>

#### **Background of Peter Lubik**

7. Peter Lubik was born in Poland. When he was 14 years old he left Poland for Australia with his family as a refugee, he has a younger brother Paul. Peter Lubik became an Australian Citizen on 24 February 1986. In January 1994 Peter Lubik married his first wife however, that marriage only lasted until September 1996 when she returned to Poland.
8. Peter Lubik had previously worked as a butcher at Gruner Butcher and Deli in St Kilda. He also worked for Rider Fresh Smallgoods in the production area until he was injured in a work place incident. In 2006 Peter Lubik received a shoulder injury which prevented him from working. He was not employed at the time of the fatal event.
9. Peter Lubik has a history of alcohol misuse along with Type 2 diabetes. His medical history includes mental health issues including depression and past threats of suicide.

#### **Background circumstances of Barbara and Peter Lubik’s Relationship**

10. In May 2006, Peter Lubik placed a classified advertisement in the Polish Weekly newspaper. Barbara responded to the advertisement and they formed a relationship as a result of their meeting. In April 2006 Barbara moved in with Peter Lubik. Barbara applied for a temporary

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<sup>2</sup> *R v Lubik* [2011]VSC 137. A Coroner is not required to hold an inquest when a person has been charged with an indictable offence in respect of the death being investigated pursuant to section 52(3)(b) of the *Coroners Act* 2008.

<sup>3</sup> Statement of Regina Theiss, Inquest Brief, p.129

<sup>4</sup> Statement of Danuta Nowakowski, Inquest Brief, p.136

spouse visa with Peter Lubik being her sponsor. This required that her spouse be an Australian citizen and provide financial support.<sup>5</sup>

11. On 15 July 2006, Barbara and Peter Lubik married at their home address in front of approximately 15 people. A number of people who knew Barbara and Peter Lubik said that the marriage was at times turbulent, and although Peter Lubik was normally a good husband, this would change when he had been drinking.
12. In September 2008, Barbara gained permanent residency in Australia which allowed her to gain full time employment at City White Alterations at the Southland Shopping Centre.

### **Events leading up to the incident**

13. On 25 January 2009, Elizbieta Wijas, a friend of Barbara contacted her and asked her to go shopping. When Barbara informed Peter that she was going shopping with Ms Wijas, he told her he would go too. All three attended the Dandenong area where they went shopping for furniture. According to Ms Wijas, Peter Lubik appeared happy and relaxed. After a short time they noticed Peter was not with them. Barbara and her friend tried to look for Peter however were unable to locate him. Barbara attempted to contact him by mobile phone over a two hour period however he did not respond. Barbara and her friend continued shopping. Once they had finished shopping, and as they were unable to locate Peter, Ms Wijas drove Barbara to a street corner near her house. Ms Wijas refused to drive her directly home as she was scared of Peter Lubik.<sup>6</sup>

### **The fatal actions of Peter Lubik**

14. Later in the evening, some time after 6pm and before 9.42pm a physical confrontation occurred between Peter and Barbara Lubik occurred. This unfolded in the dining room of their home which resulted in a fatal stab wound to the neck of Barbara Lubik.
15. During the evening, several phone calls were made from the Lubik home phone and Peter Lubik's mobile phone. One of these calls was to Dandenong Taxi at 6.58pm, registering an order for a taxi for a pick up from the Lubik address to drop off at Crown Casino. The taxi driver knocked on the door when he arrived at the Lubik house but there was no answer and no pick up was made.<sup>7</sup>

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<sup>5</sup> Statement of Helen Friedmann, Inquest Brief, p.233

<sup>6</sup> Statement of Elizbieta Wijas, Inquest Brief, p.93

<sup>7</sup> Statement of Aijaz Massan, Inquest Brief, p.113

16. At 7.05pm Peter Lubik rang his friend and asked him to meet him at the casino however his friend refused. This same friend received another call from Peter Lubik again requesting to meet him at the casino however he again refused.
17. At 9.42pm Peter Lubik telephoned 000 for an ambulance to attend their address as a result of a fight with his wife. During the call Peter Lubik told the operator his wife tried to choke him and he broke out and hit her.<sup>8</sup> When asked how long ago this occurred Peter Lubik replied 20 minutes ago. Peter Lubik did not advise 000 that Barbara had sustained a knife wound to the neck, however he did say there was a lot of blood. Emergency services gave Peter instructions on how to resuscitate and administer CPR to Barbara. Ambulance officers arrived a short time later and found Barbara deceased.<sup>9</sup>
18. The evidence of the police is that they found Peter Lubik kneeling down next to Barbara who was lying face down in a large pool of blood. Peter was described as prodding and talking to her, whilst also crying. Peter Lubik appeared to be drug or alcohol affected and was very vague and hard to understand when he spoke.<sup>10</sup> He smelled of alcohol and was unsteady on his feet.<sup>11</sup> Peter Lubik was conveyed to the Dandenong Police Station.
19. An examination of the crime scene revealed a blood stained white handled knife on the kitchen table. This was later found to have Mr Lubik's DNA on the handle. Police also found a black handled knife covered in blood lying next to Barbara.

## **INVESTIGATIONS**

### **Forensic Medical and Scientific Investigation**

20. On 30 January 2009, Dr Matthew Lynch, Senior Forensic Pathologist at the Victorian Institute of Forensic Medicine (VIFM) conducted an autopsy on the body of Barbara Lubik and provided an opinion that Barbara Lubik's cause of death was 1a) stab injury to neck.<sup>12</sup>
21. Dr Lynch made the following comments:
  - a. The wound transacted the left common carotid artery and the approximate wound depth was 5cm.

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<sup>8</sup> Inquest brief, p.296

<sup>9</sup> Statement of Matthew Shepherd, Inquest Brief, p.63

<sup>10</sup> Statement of SC Marie Krands, Inquest Brief, p.50

<sup>11</sup> Statement of LSC Les Kelly, Inquest Brief, p.45

<sup>12</sup> Autopsy Report of Dr Matthew Lynch. Inquest Brief, p.9 of report

- b. With respect to the assessment of the requisite force to produce this injury a number of variables warrant consideration including the sharpness of tip and blade of knife, the resistive effect of clothing, skin and underlying tissue and the relative kinetic energy conferred on the blade. In this instance given the absence of any significant bony injury the requisite degree of force is in my view best assessed as at least moderate applying a three tier scale of mild/moderate/severe.
- c. No defence type wounds were identified.<sup>13</sup>
- d. Forensic toxicological analysis was negative for drugs and alcohol.<sup>14</sup>

### **Criminal Investigation**

- 22. Peter Lubik was arrested and conveyed to the Dandenong Police Station at approximately 10.30pm on the night of the incident where he was placed in an interview room. At the time of his arrest, Peter Lubik was wearing a pair of shorts which were covered in blood. Various parts of his body were also covered in blood. His clothing was seized and the blood on his body was photographed and swabbed.<sup>15</sup>
- 23. During the record of interview process, it became apparent Peter Lubik's health was deteriorating. Peter Lubik was assessed by Dr Ryan Tan, Forensic Medical Officer with VIFM. Dr Tan found no injury to Peter Lubik's head, neck, chest or back.<sup>16</sup> Dr Tan tested his blood sugar levels and advised that they did not adversely affect him. Further, on examination Peter Lubik seemed rational and had no significant cognitive impairment. However, Dr Tan formed the opinion that Peter Lubik was not fit to be interviewed and informed police.<sup>17</sup> Dr Tan does not provide a reason for his belief that Peter Lubik was not fit to be interviewed.
- 24. Peter Lubik was subsequently conveyed to the Dandenong Hospital where he was admitted. Peter Lubik remained in hospital for four days. During this time he spoke in Polish to a former friend, Mark Cieslak who was also a security guard at the hospital. Peter Lubik stated to his friend that Barbara became angry when he told her that he was going to the casino and as a result she grabbed a knife from the kitchen. He stated that when he tried to take the knife from her a struggle ensued. He then claimed that she slipped and cut her own throat.<sup>18</sup>

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<sup>13</sup> Autopsy Report of Dr Matthew Lynch, Inquest Brief, p.9 of report

<sup>14</sup> Ibid p.10

<sup>15</sup> Statement of LSC Les Kelly, Inquest Brief, p.47

<sup>16</sup> Statement of Dr Ryan Tan, Inquest Brief, p.83

<sup>17</sup> Statement of Dr Ryan Tan, Inquest Brief, p.82

<sup>18</sup> Statement of Mark Cieslak, Inquest Brief, p.198

25. On 30 January 2009 Mr Lubik was discharged from hospital and conveyed to the offices of the Homicide Squad where he was interviewed in relation to these matters and made a no comment record of interview. He was charged with the murder of Barbara.

### **Supreme Court Trial**

26. On 16 March 2011, after a trial in the Supreme Court Peter Lubik was found guilty of one count of involuntary manslaughter involving an unlawful and dangerous act.
27. On 13 April 2012, His Honour Justice Robson sentenced Peter Lubik to serve a term of imprisonment of 9 years and 6 months, with a non parole period of 6 years and 6 months.
28. Her Honour Justice Robson stated:

your deliberate stabbing of Barbara involved a deliberate intention to harm her, although as I have said previously, I accept that, as the jury found, you did not intend to kill or seriously injure Barbara. It was a shocking and cowardly crime. You were duty bound to protect her. You are a big man. She was small. There was not the slightest justification for taking up a knife against her in her own home. You should never have raised a hand against her, let alone a knife. Your wife trusted and honoured you. She was entitled to feel safe and secure in her own home, with her husband. She constantly forgave you for your abusive, bullying and boorish behaviour. Despite her loyalty, love, forgiveness and companionship, you cruelly and deliberately stabbed her with a knife, killing her. I can discern no reason for your conduct other than your repeated abuse and bullying of your wife. Your past aggressive and abusive behaviour towards Barbara diminishes any mitigating suggestion that your conduct was part of an isolated event.<sup>19</sup>

### **History of Family Violence**

29. This investigation was assisted by the Victorian Systemic Review of Family Violence Related Deaths (VSRFVD) in order to identify any opportunities to strengthen the response to family violence in this State.<sup>20</sup>
30. Peter Lubik had a history of perpetrating violence against his intimate partners, including his first wife. Police attended three family violence incidents involving Peter Lubik and his first wife and she obtained an intervention order against him in 1994. Their marriage ended in 1996.

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<sup>19</sup> *R v Lubik* [2011]VSC 137, Sentencing Remarks at para 65 & 66

<sup>20</sup> Positioned within the Coroners Court of Victoria the VSRFVD provides assistance to Victorian Coroners to investigate the circumstances in which family violence deaths occur. In addition, the VSRFVD collects and analyses information of family violence-related incidents. This contributes to the development of a broader knowledge base for dissemination to the community and agencies working in the area family violence.

31. Following this Peter Lubik had a relationship with another woman. She also sought assistance from police in respect to Peter Lubik's violence and obtained an intervention order against him in 2005.
32. Peter Lubik's abusive behaviour towards woman was known within the broad Polish community. A former friend observed
- I heard that he had treated the girl he went out with before he got married badly too. When I say badly, I mean smacking and shoving. Within the Polish community, Peter has a reputation of treating women he was with at the time badly.<sup>21</sup>
33. Similarly, Danuta Nowakowski stated: "Peter had a reputation as a drunk, even the priest ....warned us that he was an alcoholic and used to mistreat his ex-wife."<sup>22</sup>
34. Investigations have established that Peter Lubik's violent and abusive behaviours emerged not long after he married Barbara in 2006. These appear to have been exacerbated by his consumption of alcohol, although not entirely confined to periods of intoxication.
35. Throughout their marriage, Barbara informed friends of episodes of physical, verbal and emotional abuse perpetrated by Peter Lubik. Further, he threatened her pets, damaged her property and made threats to withdraw his support of her visa application.<sup>23</sup> Several witnesses described instances of Barbara having to flee the home or being forced to leave by Peter Lubik. The evidence also contains descriptions of Peter Lubik being possessive, jealous and suspicious of Barbara having been involved with other men.<sup>24</sup>
36. A recognisable pattern of violence existed in Barbara and Peter Lubik's relationship, whereby a serious violent incident would occur, followed by Barbara leaving (or being forced to leave) the home. A few days would pass before Peter Lubik would make contact and persuade his wife to return.<sup>25</sup> Despite her ongoing exposure to abuse, friends described Barbara as committed to her marriage and having felt a sense of obligation to her husband and concern for his health problems.<sup>26</sup>

### **Contact with Victoria Police and the Magistrates' Court of Victoria**

37. Barbara and Peter Lubik both had multiple contacts with police over a two year period, as either an affected family member or defendant in relation to family violence incidents.

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<sup>21</sup> Statement of Mark Ciesiak, Inquest Brief, p.197

<sup>22</sup> Statement of Danuta Nowakowski, Inquest Brief p.138

<sup>23</sup> Statement of Elizbieta Wijas, Inquest Brief p.91

<sup>24</sup> Statement of Regina Theiss, Inquest Brief p130-131

<sup>25</sup> Statement of Anna Stainwald, Inquest Brief p222

<sup>26</sup> Statement of Danuta Nowakowski, Inquest Brief, p.140 and Halina Kowalczyk, Inquest Brief, p.158

38. On 30 June 2007 police attended the Lubik residence due to a domestic dispute. Police asked both Peter and Barbara Lubik whether they would be prepared to leave the home. Neither of them agreed to this. Police provided Barbara with a WAYSS<sup>27</sup> referral card and advised her to speak to them about support and advice. Police then left the residence. A short time later they were requested to return in relation to the same issues. This time they negotiated with Peter Lubik to leave the family home and go to Sandown Park Motel.<sup>28</sup>
39. On 25 July 2007, Peter and Barbara Lubik had a verbal argument about his drinking. Barbara attended the Dandenong Police Station and reported the matter. Barbara met Leading Senior Constable Monika Kusnierz who spoke to her in Polish. Barbara indicated that she was concerned about her husband making threats that he would contact immigration and have her deported back to Poland.<sup>29</sup> Barbara advised LSC Kusnierz about an incident that had occurred the previous day, which involved a physical altercation. Barbara was reluctant to make a statement on this occasion and indicated that she did not wish to have further police involvement. Nevertheless, LSC Kusnierz applied for an interim Intervention Order on her behalf as she had concerns for Barbara's welfare.<sup>30</sup> Barbara indicated she wanted no further police actions and signed a statement of no complaint. It was LSC Kusnierz's recollection that "Barbara wasn't fearful or concerned about her welfare, she expressed more of a concern for Peter and his drinking problem."<sup>31</sup>
40. A full Intervention Order was subsequently made at the Dandenong Magistrates Court on 19 September 2007 with an expiry date of 19 September 2008. A cross application was made by Peter Lubik as the complainant, and an order made, which was due to expire on 10 September 2008.
41. Police were called to attend the Lubik family home on 8 March 2008 in response to a family violence incident in which Peter Lubik was identified as the aggrieved family member. SC Michael Flower attended the house and found Barbara was in the house crying, whilst Peter was in the shed. Peter Lubik alleged that Barbara had smashed stubbies of beer on the ground, picked up a knife and tried to stab him and then threw the knife at him. Police observed broken glass on the floor and a knife on the ground in the shed. Peter Lubik had sustained a cut on his neck which he alleged to have been caused by Barbara cutting him with glass.

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<sup>27</sup> WAYSS is a support service which offers emergency accommodation and associated support services.

<sup>28</sup> Statement of SC Hunter, Inquest Brief, p.261

<sup>29</sup> Statement of LSC Monika Kusnierz, Inquest Brief, p.259

<sup>30</sup> Statement of LSC Monika Kusnierz, Inquest Brief, p.259

<sup>31</sup> Statement of LSC Monika Kusnierz, Inquest Brief, p.259



Peter Lubik presented himself as the victim of family violence and asked for Barbara to be removed from the house. SC Flower states he requested both Barbara and Peter Lubik to sit together and try to resolve the conflict. He states that he was unable to progress a resolution and decided that one party would have to leave the home. To this end, he obtained a statement from Peter Lubik<sup>32</sup> and then arrested Barbara and conveyed her to Springvale Police Station. Barbara was charged with making a threat to kill and bailed to appear at the Dandenong Magistrates' Court.<sup>33</sup> These charges were later withdrawn due to Peter Lubik refusing to give evidence.<sup>34</sup>

42. On 14 March 2008 Barbara made an application to revoke the intervention order, stating that her husband had an alcohol problem, depression and had an operation and should not stay home alone.<sup>35</sup> Peter Lubik also made an application to revoke the order he obtained against Barbara, stating that his drunken behaviour caused the incident.<sup>36</sup>
43. On 20 March 2008, the intervention order against Peter Lubik was modified to include the condition that Peter Lubik was not to consume alcohol at his home address. Further, the court ordered that he attend the Positive Lifestyle Centre at Dandenong to address his problematic drinking. The expiry date remained 19 September 2008.<sup>37</sup> Enquires made as part of this investigation indicate that although this was a condition of the order, Peter Lubik did not attend or engage with the Positive Lifestyle Centre.
44. On 22 July 2008 police were called to another family violence incident at the Lubik residence<sup>38</sup> in which Barbara was identified as the affected family member. On this occasion, it is alleged that Peter Lubik was intoxicated when he pushed Barbara during an argument. He also attempted to disconnect her mobile phone and threatened to have her visa withdrawn. Peter Lubik then called police and stated that Barbara had a knife. Peter Lubik was arrested and charged with breaching an intervention order and was bailed to appear at the Dandenong Magistrates' Court on 24 November 2008.<sup>39</sup>
45. Following this incident, Barbara had brief contact with the family violence service WAYSS. This occurred between 24 July and 14 August 2008. During this period, several goals were

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<sup>32</sup> Statement of Peter Lubik, Inquest Brief, p.464

<sup>33</sup> Statement of SC Mick Flower, Inquest Brief, p.268

<sup>34</sup> Charge sheet, Inquest Brief, p.466

<sup>35</sup> Inquest brief, p.393

<sup>36</sup> Inquest brief, p.398

<sup>37</sup> Inquest brief, p.394

<sup>38</sup> Statement of Constable Elise Toomey, Inquest Brief, p.263

<sup>39</sup> Statement of Elise Toomey, Inquest Brief, p.456

identified in an effort to improve Barbara's safety. These included obtaining an Intervention Order and developing a safety plan; assistance with legal advice, providing family violence education to Barbara and securing her immigration status. Case notes indicate that during telephone contact with the service on 14 August 2008, Barbara advised that she had reconciled with Peter Lubik and that he had commenced medication for depression. She stated his behaviour had improved and that she would contact WAYSS again if needed. Her file was subsequently closed.

46. The last contact Barbara had with police occurred three months prior to her death on 4 November 2008. On this occasion, she attended the Springvale Police Station and spoke to Leading Senior Constable Cassandra Stone.<sup>40</sup> LEAP records describe the incident as involving verbal abuse.<sup>41</sup> LSC Stone's statement indicates that Barbara sought advice in connection to a domestic dispute. Peter Lubik had been drinking during the Melbourne Cup day celebrations and they had argued. Barbara stated she had an intervention order in place that prevented Peter Lubik from drinking at home. LSC Stone searched the police database and determined that the intervention order had expired. LSC Stone advised Barbara that police would not be able to remove Peter because the order had expired and told her to seek advice from a solicitor regarding separation. Barbara had her two pet dogs with her and while at the police station, Peter Lubik called to report the theft of the dogs. LSC Stone stated that she spoke to Peter on the phone and similarly advised him to get advice from a solicitor regarding the ownership of the dogs and further advised both parties to get marriage counselling.
47. The LEAP records indicate that Barbara had money to find alternative accommodation and that she had intended on visiting a friend. It appears Barbara indicated that she would return home when her husband was asleep because then "all will be ok in the morning". The LEAP records also note that Barbara indicated that she would attend the Magistrates' Court the next day to apply for another intervention order.<sup>42</sup>
48. LSC Stone indicates that she compiled a family violence report as per police protocol. The notations in LEAP also suggest she considered Barbara's safety and seemed to conduct a risk assessment which satisfied her that Barbara had somewhere to go and that the complaint was verbal abuse. On this occasion, police did not make an application for an Intervention Order

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<sup>40</sup> Statement of LSC Cassandra Stone, Inquest Brief, p.269

<sup>41</sup> Victoria Police, LEAP records for Peter Lubik

<sup>42</sup> Victoria Police LEAP Records

on Barbara's behalf. It appears that Barbara did not return to the court to apply for a further intervention order following contact with LSC Stone.

49. Shortly after this incident, on 24 November 2008, Peter Lubik appeared at the Dandenong Magistrates' Court for breaching an intervention order (22 July 2008 incident), he was sentenced to an adjourned undertaking for 12 months which was due to expire on 23 November 2009 and ordered to pay \$500 to the Court fund.
50. At the time of Barbara's death there were no intervention orders in existence against either Barbara or Peter Lubik, however Peter Lubik was on a 12 month adjourned undertaking for the breach of the intervention order as described above.

### **Conclusion**

51. Having considered all the evidence I find that Barbara Lubik was killed by her husband Peter Lubik on 25 January 2009 from a stab injury to neck.
52. I find that Peter Lubik had an established history of violence against women and that he was repeatedly abusive, violent, threatening and aggressive towards Barbara, usually when he had been drinking. Peter Lubik could reasonably be described as a recidivist perpetrator of family violence.
53. Both Barbara and Peter Lubik had multiple contacts with police and the Magistrates' Court over the course of their relationship. The last interaction Barbara had with Victoria Police was on 4 November 2008. The LEAP records indicate LSC Stone had conducted some background enquiries into the reasons for her attendance at the police station. LSC Stone checked LEAP, asked questions of Barbara's safety, discussed obtaining legal advice and was satisfied that Barbara was safe and was going to attend the Magistrates Court the next day. Her death did not occur for another three months and I find that LSC Stone could not have foreseen the escalation of violence which consequently resulted in a fatal outcome. That said, I also recognise that a number of risk factors for violence were an ongoing feature of the relationship, and without some form of intervention, were unlikely to abate on their own.

### **COMMENTS**

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

54. Victoria Police members respond to family violence incidents and outcomes on a daily basis. I acknowledge that much work has been done by Victoria Police in this area over the past

decade, particularly since the introduction of the Victoria Police *Code of Practice for the Investigation of Family Violence* from 2004.

55. As outlined above, family violence perpetrated by Peter Lubik was brought to the attention of police and the courts on several occasions. Following the incident in which police attended the home in March 2008, the LEAP narrative notes the frequent call outs to the home, and the perceived difficulties of permanently ending the cycle of violence. Police determined Barbara to be the primary instigator of violence on this occasion and she was charged. Without second guessing the assessment made by police on this occasion, it is possible, given the history, that her actions were retaliatory or defensive.
56. As noted, additional contacts with the service system also occurred. Barbara's brief involvement with WAYSS identified important goals to help improve her safety and receive legal assistance. Similarly, Peter Lubik's referral to the Positive Lifestyle Centre for the purpose of addressing his alcohol misuse marked an important opportunity to mediate one of the primary factors connected to his offending. Regrettably, ongoing engagement with these organisations did not occur. I recognise that for Barbara, her culturally and linguistically diverse background may have impacted her ability to easily receive assistance. As for Peter Lubik, compliance with court direction for proactive intervention strategies to address problematic behaviour, linked to the perpetration of violence remained unresolved an issue.
57. There was no indication that Barbara Lubik was preparing to leave her husband. However, she was aware of the need for measures to help increase her safety at home, hence her contact with Victoria Police in the months preceding her death. While she was given basic assistance when she attended the police station on 4 November 2008, arguably a more structured and assertive approach was required.
58. I have been advised that Victoria Police have recently implemented the *Enhanced Family Violence Service Delivery 2011- 2014* model, designed to provide a more effective response to recidivist offenders and high risk victims. This strategy clearly recognises that some victims may not leave violent relationships at the first intervention. I understand that this strategy includes a case-management component for both victims and perpetrators, while aiming to improve referral and collaboration with other services to address the underlying causes of violence. Arguably, both Barbara and Peter Lubik could have benefited from such an approach to violence prevention.

59. Given the frequency with which members of Victoria Police encounter family violence in the course of their duties, there is a need for the organisation to continually consider new approaches and ways for effectively responding to this issue. The introduction of the approach described above appears to be one such example, and it would be of great benefit to determine the impact of this program on reducing incidence of family violence via a formal program evaluation in due course.

Pursuant to section 73(1) of the **Coroners Act 2008**, I order that this Finding be published on the internet:

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

Stryczek family

Chief Magistrate Peter Lauritsen, Magistrates Court of Victoria

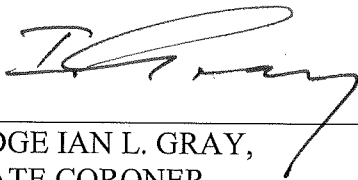
Magistrate Kate Hawkins, Magistrates Court of Victoria

Magistrate Felicity Broughton, Magistrates Court of Victoria

Chief Commissioner of Victoria Police Ken Lay APM

Detective Inspector Kerryn Hynam, Chairperson of the Victoria Police and Magistrates Court of Victoria Family Violence Committee

Signature:



JUDGE IAN L. GRAY,  
STATE CORONER  
Date: 27<sup>th</sup> November 2013

