

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 1345 - 1348 / 10

**REDACTED FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

**Inquest into the Death of: RAJESH ROHIT RAM OSBORNE (1345/10)  
ASIA CHARLOTTE OSBORNE (1346/10)  
JAIRUS NICHOLAS OSBORNE (1347/10)  
GRACE CHEYANNE OSBORNE (1348/10)**

Delivered On: Tuesday 8 May 2012

Delivered At: Melbourne

Hearing Dates: Thursday 8 March and Tuesday 8 May 2012

Findings of: Judge Jennifer Coate, State Coroner

Representation: AB – Self-represented

Counsel Assisting the Coroner: Jacqui Hawkins, Principal In-House Solicitor

I, Judge Jennifer Coate, State Coroner having investigated the deaths of  
**RAJESH ROHIT RAM OSBORNE (1345/10)**  
**ASIA CHARLOTTE OSBOURNE (1346/10)**  
**JAIRUS NICHOLAS OSBORNE (1347/10)**  
**GRACE CHEYANNE OSBORNE (1348/10)**

AND having held an inquest in relation to these deaths on Thursday 8 March 2012 and Tuesday 8 May 2012

At Melbourne

Find that the identities of the deceased were:

**RAJESH ROHIT RAM OSBORNE (1345/10)** born on 24 April 1973, aged 36 years

**ASIA CHARLOTTE OSBOURNE (1346/10)** born on 12 February 1998, aged 12 years

**JAIRUS NICHOLAS OSBORNE (1347/10)** born on 10 August 2000, aged 9 years

**GRACE CHEYANNE OSBORNE (1348/10)** born on 24 October 2002, aged 7 years

and that the deaths occurred on Saturday 10 April 2010

at 21 Johnson Court, Roxburgh Park, Victoria, 3064

from:

**RAJESH ROHIT RAM OSBORNE (1345/10)**

1 (a) GUNSHOT WOUND TO THE HEAD

**ASIA CHARLOTTE OSBOURNE (1346/10)**

1 (a) GUNSHOT WOUND TO THE HEAD

**JAIRUS NICHOLAS OSBORNE (1347/10)**

1 (a) GUNSHOT WOUND TO THE HEAD

**GRACE CHEYANNE OSBORNE (1348/10)**

1 (a) GUNSHOT WOUND TO THE HEAD

**in the following circumstances:**

#### **INTRODUCTION**

1. On the morning of Saturday 10 April 2010, at approximately 1pm, the bodies of Rajesh Osborne, aged 36, and his three children, Asia aged 12, Jairus aged 9, and Grace aged 7, were found deceased in their home located at 21 Johnson Court, Roxburgh Park. The investigation into their deaths confirmed that Mr Osborne intentionally inflicted fatal gunshot wounds to the children before turning the gun on himself. This scene of carnage was discovered by Mr Osborne's mother, Ms Rameshari Devi, and his partner, Ms Rima

Elbayad upon their return from shopping. Ms Elbayad's young son was in the company of his mother at the time.

2. The focus of this coronial investigation is to provide an understanding of the circumstances in which these deaths occurred. The medical causes of death and identities of the deceased persons are not in issue.
3. This investigation is not one that can determine guilt. Nor does it seek to attribute blame or apportion liability in connection to the actions or inaction of any person or agency or entity. An important aspect of this coronial investigation has involved trying to identify any aspect of this tragedy which may provide an opportunity to strengthen practice or understanding around the response to family violence in the community.<sup>1</sup>

### **RAJESH OSBORNE**

4. Rajesh Osborne ("Mr Osborne") was born in Fiji in 1973 and was one of four children, born to Ms Rameshari Devi. Mr Osborne had lived in both Fiji and New Zealand prior to moving to Australia in 2004. At the time of his death, he was employed as a caravan builder.
5. Mr Osborne married Ms CD in Fiji in 1996. During their marriage the couple had four children: Asia (born 12 February 1998); Jairus (born 10 August 2000); Grace (born 24 October 2002) and Aaroaha.
6. While pregnant with their first child, the couple moved from Fiji to New Zealand where Ms CD's mother was living. They resided in New Zealand for several years, during which time Jairus and Grace were born. Mr Osborne and Ms CD subsequently decided to relocate to Australia to pursue employment opportunities. Mr Osborne's mother, Ms Rameshari Devi, was already living in Australia at this time. While the necessary arrangements were being made, the couple's youngest child, Aaroaha, was born. Sadly, Aaroaha died approximately four weeks after her birth due to bronchial pneumonia.<sup>2</sup> In the months following Aaroaha's funeral, all members of the family moved to Melbourne.
7. Ms CD's written statement provides a description of her marriage to Mr Osborne.<sup>3</sup> According to Ms CD, this featured violence in the form of physical, verbal and sexual abuse

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<sup>1</sup> This is a mandatory inquest into the deaths of the Asia, Jairus and Grace as their deaths appear to have been the result of a homicide pursuant to section 52(2)(a) of *Coroners Act 2008*. A coroner is permitted to conduct an inquest into multiple deaths, pursuant to section 54(a) of the *Coroners Act 2008*.

<sup>2</sup> Statement of Ms CD, Inquest Brief, pp55 – 58

<sup>3</sup> Ibid

perpetrated by Mr Osborne upon her over many years. She states that as a result of this violence and Mr Osborne's involvement in relationships with other women, the couple separated on several occasions. After moving to Melbourne, their relationship continued to deteriorate leading to a final separation in 2005 at which time Ms CD left the children with Mr Osborne. Ms CD's statement indicates that this was an extremely difficult decision for her to make. However, she held growing concerns about her children's exposure to family violence, her social isolation and the profound effect Mr Osborne's behaviour was having upon her own mental health.<sup>4</sup>

8. It was revealed during the coronial investigation that there were two previous family incident reports on the LEAP system from 2005. These related to verbal arguments with Mr Osborne's ex-wife, Ms CD, regarding living arrangements and custody for the children. In both incidents, physical violence was not reported.<sup>5</sup>
9. In 2006, Mr Osborne met AB. Ms AB had two children from a previous marriage. Mr Osborne and Ms AB were married in April 2007 and they lived together with Mr Osborne's children. Ms AB also reported that Mr Osborne was violent to her during her marriage to him.<sup>6</sup> The couple separated in 2008 and Mr Osborne moved out with his children. Mr Osborne and Ms AB were divorced on 1 March 2010.<sup>7</sup>
10. At the time of his death, Mr Osborne was in a recently established relationship with Ms Rima Elbayad.

#### **ASIA, JAIRUS AND GRACE OSBORNE**

11. Asia, Jairus and Grace Osborne lived with Mr Osborne and their paternal grandmother Ms Devi at 21 Johnson Court, Roxburgh Park. The children attended the Roxburgh Park Primary School. Their school reports are evidence that they were progressing well academically and socially.<sup>8</sup> In the wake of their lives being lost to their school community, copies of some of the written tributes from teachers and students to the children were

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<sup>4</sup> Statement of CD, Inquest brief, p59. It should be noted that this evidence was not tested at Inquest. However, it was contained in a formal statement made by CD to police for the coroner's investigation. Making a false statement in these circumstances makes one liable to the penalties of perjury.

<sup>5</sup> Victoria Police LEAP summary

<sup>6</sup> Statement of AB, Inquest brief, p64

<sup>7</sup> Certificate of Divorce dated 1 March 2010, Inquest Brief Further Investigation Volume 2, Tab 4

<sup>8</sup> Roxburgh Park School Reports 2009, for Asia, Jairus and Grace Osborne Inquest Brief Further Investigation Volume 2, Tab 15

provided to the Court. The written tributes are deeply moving expressions of the regard and affection the school community had for each of the children and what the loss of each of them has meant to their school community and no doubt to their surviving family. Through the school reports, the school tributes to the children and the statements contained in the inquest brief, a picture is painted of three beautiful young children, each with their own talents and personality.

12. Asia was described by her teacher as a very bright student, who extended herself in the classroom. She was described as able to communicate well with others and have meaningful conversations with her friendship group, class peers and teachers.
13. Jairus was described by his teacher as having great enthusiasm for life. Jairus was described as an intelligent and compassionate child, who was always available to help his classmates and enjoyed playing football with his friends.
14. Grace's teacher described her as a bright, friendly and polite child, who was full of life. She was described as having a great many friends in her class and was always eager to learn and help her classmates.

#### **PRECEDING EVENTS**

15. Throughout 2009, Ms AB was making efforts to distance herself from Mr Osborne. She filed for divorce in November 2009, however, according to Ms AB, Mr Osborne was persistent in his efforts to maintain contact and involvement with her. He sent text messages to her and tried to make arrangements to see Ms AB.<sup>9</sup> It is the evidence of Ms AB that Mr Osborne was becoming increasingly controlling and threatening in his contacts.
16. On 1 March 2010 a Certificate of Divorce was granted in the Federal Magistrates Court, formalising the end of the marriage between Mr Osborne and Ms AB. On 5 March 2010, Ms AB attended a weekend trip to Torquay with Mr Osborne. During the course of the weekend, Ms AB stated that Mr Osborne showed her a knife that he was carrying and on one occasion physically assaulted her by slapping her face and threatening her. Many of Mr Osborne's actions toward Ms AB during the weekend caused her to feel intimidated and hold increasing concerns about his behaviour.

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<sup>9</sup> Statement of Ms AB, Inquest Brief Further Investigation Volume 2, Tab 1

17. On 8 March 2010, following the trip to Torquay, Ms AB stated that she telephoned Crime Stoppers to report her concerns about Mr Osborne.<sup>10</sup> Evidence obtained from Crime Stoppers confirms that an anonymous call was made to Crime Stoppers on this date. Mr Osborne's name, address and car registration details were provided by the caller. It indicates that Mr Osborne was known to carry a prohibited weapon, namely a knife. Furthermore, the report records that Mr Osborne had '*bragged in the past that he tried to get guns from Sydney. Further details are not known.*'<sup>11</sup>
18. Between 24 and 26 March 2010, Ms AB states that Mr Osborne sent several text messages to her. Ms AB states that she did not respond to any of these messages.
19. On the morning of 28 March 2010, Ms AB alleges Mr Osborne contacted her by telephone and inquired as to her whereabouts. Although she did not reveal her location, he arrived at her residence shortly thereafter. Ms AB requested him to leave. Ms AB alleges that Mr Osborne then exited his car and followed her into her premises where she alleges that he sexually assaulted her. Mr Osborne left Ms AB's residence following this incident.<sup>12</sup>

#### **Complaint by Ms AB to Victoria Police**

20. At 12.40am on 30 March 2010, Constable Steven Murphy was performing watch house duties at Broadmeadows Police Station when Ms AB attended to report the events that occurred on 28 March 2010. Constable Murphy immediately and appropriately liaised with Leading Senior Constable Kerry Gilroy from Diamond Creek Sexual Offence and Child Abuse Unit (SOCAU) and arranged for Ms AB to attend the Royal Women's Hospital for a medical examination.<sup>13</sup> Whilst this was being attended to, Constable Murphy also appropriately made an application pursuant to the *Family Violence Protection Act 2008* (Vic), on Ms AB's behalf, to an after hours Magistrate, for a complaint and warrant against Mr Osborne.<sup>14</sup>
21. It is the evidence of Constable Murphy that Ms AB was initially unsure if she wanted to make a complaint about the sexual assault, due to the effect this could have on her personal

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<sup>10</sup> Ibid at p7

<sup>11</sup> Crimestoppers Information Report made on 8 March 2010, Inquest Brief Further Investigation Volume 2, Tab 16

<sup>12</sup> Ibid at p68

<sup>13</sup> Statement of Constable Steven Murphy, Inquest brief, p63

<sup>14</sup> Statement of Constable Steven Murphy, Inquest Brief, pp62 - 63

life. He stated: *“that she just wanted him out of her life, just wanted him to stay away from her and she initially attended the police station to get some intervention.”*<sup>15</sup>

22. Ms AB states that she was not sure about obtaining an intervention order, however she eventually agreed to it being made because she thought it was her only available option and that it might give her some protection.<sup>16</sup>
23. Information recorded in the narrative on the Victoria Police LEAP<sup>17</sup> system states the following *‘The AFM [Aggrieved Family Member] believes that the respondent’s behaviour is escalating and is fearful of what could occur in the future. The respondent has threatened further violence if police are made aware of the violence.’*<sup>18</sup>
24. Ms AB states that she advised Constable Murphy that she thought Mr Osborne might have a gun.<sup>19</sup> Constable Murphy states he is firm that there was no mention of a firearm.<sup>20</sup> Constable Murphy’s notes were called for and examined. These notes confirm the contents of Constable Murphy’s statement. The notes contain no entry about an allegation or concern that Mr Osborne might have a gun.
25. When Ms AB returned to the station with LSC Kerry Gilroy after her attendance at the hospital, Constable Murphy explained to Ms AB that he had obtained the warrant and explained its conditions and informed her that she would be required to attend Broadmeadows Magistrates Court on 1 April 2010. Constable Murphy then appropriately facilitated contact with the Northern Advocacy Crisis Response Service (NCARS) for Ms AB and enabled her to speak to a worker.<sup>21</sup>
26. Constable Murphy arranged for the complaint and warrant to be served on Mr Osborne. This was done on 31 March 2010.

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<sup>15</sup> Ibid at p62

<sup>16</sup> Statement of Ms AB, Inquest Brief Further Investigation Volume 2, Tab 1, pp8-9

<sup>17</sup> LEAP is the Victoria Police ‘Law Enforcement Assistance Program’ primarily designed for operational policing purposes.

<sup>18</sup> LEAP System Report

<sup>19</sup> Statement of Ms AB, Inquest Brief Further Investigation Volume 2, Tab 1, p8

<sup>20</sup> Email from SC Murphy, Inquest Brief Further Investigation Volume 2, Tab 9

<sup>21</sup> Inquest Brief Further Investigation Volume 2, Tab 13

## **Family Violence Intervention Order**

27. On 1 April 2010, Mr Osborne appeared at the Broadmeadows Magistrates' Court where a Family Violence Intervention Order (intervention order) was made by consent. The intervention order was due to expire on 31 March 2011. The certified extract of the intervention order states that Mr Osborne was not to do the following:
- a. Commit family violence against the protected person [Ms AB];
  - b. Intentionally damage any property of the protected person or threaten to do so;
  - c. Follow the protected person or keep her under surveillance;
  - d. Publish on the internet, by email or other electronic communication any material about the protected person;
  - e. Contact or communicate with the protected person by any means;
  - f. Approach or remain within 5 metres of the protected person;
  - g. Go to or remain within 200 metres of the protected person's address or any other place where protected person lives or works;
  - h. Get another person to do anything he must not do under this order.<sup>22</sup>
28. It was noted in the intervention order that Mr Osborne agreed to contact the Men's Referral Service to obtain advice and information about services that may have been of assistance to him. Inquiries made with the Men's Referral Service for the purpose of this investigation could not establish if Mr Osborne contacted this organisation as callers can remain anonymous.<sup>23</sup>

## **Mr Osborne's alleged breach of the Intervention Order**

29. On 3 April 2010, according to Ms AB, Mr Osborne in apparent breach of the conditions of the intervention order, telephoned Ms AB and apologised for his behaviour and stated he still loved her.<sup>24</sup>
30. The following day, on 4 April 2010, Ms AB having decided to proceed with her complaint attended the Fawkner Police Station in order to provide a detailed statement to Detective

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<sup>22</sup> Certified Extract of Family Violence Intervention Order, Inquest Brief Further Investigation Volume 2, Tab 2

<sup>23</sup> Men's Referral Service communication, Inquest Brief Further Investigation Volume 2, Tab 13

<sup>24</sup> Statement of Ms AB, Inquest brief, p69



Senior Constable Lauren Lupi describing the alleged sexual assault of 28 March 2010 and the alleged breach of the intervention order by Mr Osborne by his telephone contact.

31. Whilst at the police station, Mr Osborne rang Ms AB on her mobile phone in the presence of Detective Senior Constable Lauren Lupi. Ms AB activated the loudspeaker to enable DSC Lupi to hear the call. Mr Osborne could be heard stating that he loved Ms AB and wanted to work things out.<sup>25</sup> Ms AB told him to leave her alone and informed him he was in breach of the intervention order. DSC Lupi recalled Mr Osborne saying “*I know I can go to prison for this.*”<sup>26</sup>
32. On Tuesday 6 April 2010, Ms AB contacted DSC Lupi wanting to add further information to her statement. DSC Lupi advised that the information could be emailed to her. At 4.15pm on 6 April 2010, Ms AB sent DSC Lupi a number of pages of notes about Mr Osborne, after DSC Lupi had finished work for the day. These notes include the following extract: *‘He commented that he was getting someone...to purchase a gun for him from Sydney that he was in the process of buying one. He keeps knife/s in his car and house and I wouldn’t be surprised if he has gun/s there too now.’*<sup>27</sup> According to DSC Lupi this information had not been discussed during the interview on 4 April 2010.<sup>28</sup>
33. On 6 April 2010, according to Ms AB, Mr Osborne parked his car outside Ms AB’s office at 5pm. Ms AB left the building at 5.30pm and proceeded to the Broadmeadows Police Station where she reported this apparent breach. Constable Ford accompanied Ms AB back to her office, however, Mr Osborne had already left the area.<sup>29</sup>
34. On 7 April 2010, Ms AB states that she received a text message from Mr Osborne stating he had made a ‘*huge mistake*’ that he had received counselling and wanted to resolve their relationship problems. In this message, he requested Ms AB not to contact police.<sup>30</sup>
35. This was the last contact Ms AB had with Mr Osborne.

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<sup>25</sup> Ibid at p69

<sup>26</sup> Statement of DSC Lupi, Inquest Brief Further Investigation Volume 2, Tab 10

<sup>27</sup> Attachment to statement provided by DSC Lupi, Inquest Brief Further Investigation Volume 2, Tab 10

<sup>28</sup> Statement of DSC Lupi, Inquest Brief Further Investigation Volume 2, Tab 10

<sup>29</sup> Ibid, attachments to statement

<sup>30</sup> Statement of Ms AB, Inquest brief, p71

## **Police interview with Mr Osborne**

36. On 7 April 2010, Detective Senior Constable (DSC) Hayden Beale and Detective Senior Constable (DSC) Isaac Pappadopoulos from the Broadmeadows Criminal Investigation Unit (CIU) contacted Mr Osborne and asked him to attend the police station to participate in a formal record of interview in relation to the alleged breaches of the intervention order and the alleged sexual assault. DSC Lupi was advised by DSC Beale that this was to occur. She provided DSC Beale with further information regarding the alleged breach as reported to her, however, Ms AB's additional notes to DSC Lupi containing allegations about Mr Osborne being in the process of getting a gun were not forwarded to DSC Beale at this time.
37. Mr Osborne voluntarily attended the Broadmeadows Police Station on that same day. Prior to the commencement of the record of interview, Mr Osborne obtained legal advice.<sup>31</sup>
38. DSC Beale states that he had conducted LEAP checks on Mr Osborne, which confirmed he had no prior criminal history and that there were no firearms registered to him.<sup>32</sup>
39. During the interview, Mr Osborne provided information about his relationship with Ms AB stating that they continued to have regular contact, which included a sexual relationship.
40. At the conclusion of the interview, police put to Mr Osborne that he and Ms AB had participated in a series of sexual acts that had, on at least two occasions, involved acts to which Ms AB had not consented. The transcript of this interview reveals Mr Osborne predominantly provided a 'no comment' response in connection to the allegations that were put to him.
41. Police informed Mr Osborne that the investigation into the alleged sexual assault would continue. He was not charged with any sexual offences in the wake of that interview. He was charged with breaching the intervention order which was in place when he made his contacts with Ms AB. Police also reinforced the serious nature of the breach charges and warned him against any further contact with MsAB.
42. Mr Osborne was bailed to appear at Broadmeadows Magistrates Court on 27 July 2010 in connection with the breaching offences. Police did not have any further contact with him prior to his death.

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<sup>31</sup> Record of interview with DSC Beale and DSC Pappadopoulos dated 7 April 2010

<sup>32</sup> Inquest brief, p226

43. On 8 April 2010, DSC Lupi sent the additional notes provided to her by Ms AB to DSC Beale.<sup>33</sup>
44. Based on the information available during this investigation, it cannot be established if the information provided to Crime Stoppers on 8 March 2010 was examined prior to the interview with Mr Osborne.

#### **Observations of Mr Osborne the week before the deaths**

45. Ms Elbayad reported that in the week preceding Mr Osborne's death, she had argued with him because she believed something was bothering him but he would not discuss it with her.<sup>34</sup> Ms Elbayad stated that she suspected Mr Osborne may have been "depressed", however, it does not appear that she was aware of Mr Osborne's contact with police or court in the weeks preceding his death.
46. On Friday 9 April 2010, Mr Osborne and Ms Elbayad spent the evening together. Ms Elbayad's statement indicates that Mr Osborne made various references to being in trouble as a result of problems caused by his ex-wife and that he was unable to recover from these issues.<sup>35</sup> In addition, Ms Elbayad reported Mr Osborne made reference to how Ms Elbayad could remember him.<sup>36</sup>
47. The statement of Mr Osborne's work colleague, Michael Gibbs, describes a conversation that had taken place in the days preceding Mr Osborne's death. Mr Gibbs recalled that Mr Osborne was speaking about himself, at which time he stated he was going to "*buy a gun and kill himself.*"<sup>37</sup> Mr Gibbs asked him why, however Mr Osborne told him not to worry about it. Later in the conversation, Mr Gibbs recalled that Mr Osborne stated that his "*past was starting to catch up with him.*" When Mr Gibbs asked Mr Osborne if he would see him on Saturday, he said that he would not be at work as he had things to do.<sup>38</sup>

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<sup>33</sup> Statement of DSC Lupi, Inquest Brief Further Investigation Volume 2, Tab 10

<sup>34</sup> Statement of Rima Elbayad, Inquest brief, p90

<sup>35</sup> Statement of Rima Elbayad, Inquest brief, p156

<sup>36</sup> Ibid at p90

<sup>37</sup> Statement of Michael Gibbs, Inquest brief, p74

<sup>38</sup> Ibid

## Events of Saturday 10 April 2010

48. On Friday 9 April 2010, Ms Elbayad stayed the night with Mr Osborne. She reported that he was crying a lot on that Saturday morning.
49. Ms Devi stated that Mr Osborne did not go to work on that Saturday 10 April 2010, and whilst this was somewhat out of character for Mr Osborne, Ms Devi was not overly concerned about this.<sup>39</sup>
50. At about 10.00am on the Saturday morning, Ms Devi left the family home with Ms Elbayad and her son to attend the Preston Market. Ms Elbayad recalled that her young son had wanted to stay at Johnson Court to play with Jairus that morning, however, Mr Osborne had insisted that Ms Elbayad take her son with her to the market, leaving him at home alone with Asia, Jairus and Grace.
51. Ms Elbayad stated that when they left to go shopping, Mr Osborne told her he loved her and told his mother not to buy too much food.<sup>40</sup>
52. Ms Devi, Ms Elbayad and her son were away from the house for approximately three hours.
53. On their return to the home, they found Mr Osborne, Asia, Jairus and Grace all deceased in Mr Osborne's bedroom.
54. The firearm used to kill the three children and himself was found beside Mr Osborne. There is no evidence that any person other than Mr Osborne was involved in these killings. The evidence from the crime scene was that Mr Osborne fatally shot his three children and then himself.

## INVESTIGATION AS TO CAUSES OF DEATH (s.67 (1)(b))

### Forensic Pathology

#### *Asia*

55. Dr Noel Woodford, Senior Pathologist of the Victorian Institute of Forensic Medicine (VIFM) conducted an external examination of Asia and provided his opinion that the cause of death was a single *gunshot wound to the head*.<sup>41</sup>

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<sup>39</sup> Statement of Rameshari Devi, Inquest brief, p81

<sup>40</sup> Statement of Rima Elbayad, Inquest brief, p91

<sup>41</sup> Inquest brief, p47

### ***Jairus***

56. Dr Woodford conducted an external examination of Jairus and provided his opinion that the cause of death was a single *gunshot wound to the head*.<sup>42</sup>

### ***Grace***

57. Dr Woodford conducted an external examination of Grace and provided his opinion that the cause of death was a single *gunshot wound to the head*.<sup>43</sup>

### ***Rajesh Osborne***

58. Dr Woodford, conducted an autopsy on Mr Osborne and provided his opinion that the cause of death was a single *gunshot wound to the head*.<sup>44</sup>

### **Toxicology**

59. Post mortem toxicological analysis did not detect the presence of alcohol, commonly encountered drugs or toxins in either Mr Osborne or the three children.<sup>45</sup>

## **THE HOMICIDE INVESTIGATION**

60. The Homicide Squad attended the scene and commenced an investigation immediately following the deaths being reported to police. The investigating member for the coroner was Detective Senior Sergeant Iddles. DSS Iddles prepared the Inquest Brief and coordinated a number of aspects of the investigation and gave evidence at the inquest as to his investigation.

### **The Firearm**

61. The firearm used in the incident was a sawn-off rifle. It was identified as a Browning make, Trombone Model 22RIMFIRE, Calibre Pump Action RimFire Rifle, serial number 121797. The firearm was not registered in the State of Victoria or elsewhere in Australia.<sup>46</sup> During this investigation, considerable effort was directed at endeavouring to ascertain where the

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<sup>42</sup> Inquest brief, p27

<sup>43</sup> Inquest brief, p37

<sup>44</sup> Inquest brief, p18

<sup>45</sup> Inquest brief, Toxicology Reports for Mr Osborne at p20, Jairus Osborne at p28, Grace Osborne at p38, Asia Osborne at p48

<sup>46</sup> Statement of Sergeant James Peachey, Inquest brief, p139

gun came from and how and when it got into the hands of Mr Osborne. Senior Sergeant Dennis Toccock of the Victoria Police Licensing and Registration Division made further investigations for the coronial investigation and found that the serial number on the firearm could be traced to a sale in London on 26 November 1959 to a firearms dealer called L Le Personne and Company of 99 Cannon Street, London.<sup>47</sup>

62. This company is known to have 'grey marketed' firearms into Australia. Grey market in these circumstances, according to Senior Sergeant Toccock, means that the company imported firearms into Australia even though they were not at the time approved agents to do so.
63. Licensing requirements for shooters were introduced in Victoria in 1970, followed by the requirement to register firearms in 1986. Senior Sergeant Toccock stated that this system initially relied on the honesty of individuals to comply with the legislative requirements. However, many of the firearms already owned by persons in the community were not registered at this time. These firearms may have been passed through families or between collectors, and in some cases, sold on the black market for illegal purposes.<sup>48</sup>
64. Sergeant James Peachey confirmed his search of the license registry and confirmed that Mr Osborne was not the holder of a Firearms Licence pursuant to the *Firearms Act 1996* and had no firearms registered to him in the State of Victoria.<sup>49</sup>
65. Despite extensive investigations by the Homicide Squad, no evidence was found to indicate how and when Mr Osborne sourced and came to be in possession of the firearm.<sup>50</sup>

#### **The note**

66. Crime scene police attended at 21 Johnson Court, Roxburgh Park. In the course of examining the scene, police located a note in Mr Osborne's clothing.<sup>51</sup> The note appears to have been written by Mr Osborne. I shall return to this note and its contents.<sup>52</sup>

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<sup>47</sup> Statement of Senior Sergeant Toccock

<sup>48</sup> Statement of Senior Sergeant Toccock, Inquest Brief Further Investigation Volume 2, Tab 5

<sup>49</sup> Ibid, p138

<sup>50</sup> Statement of Detective Senior Sergeant Iddles, Inquest brief, p146

<sup>51</sup> Inquest brief, p231

<sup>52</sup> Ibid, p144

## **The workplace**

67. Mr Osborne had been an employee of Concept Caravans in Campbellfield for more than three years. Statements were obtained from Mr Osborne's work colleagues in respect to their impression of him.
68. Clint Magdaro had worked with Mr Osborne for approximately 18 months. He reported he was on friendly terms with Mr Osborne, and had noticed him to be quieter than usual over the two months preceding April 10 2010. When Mr Magdaro spoke to Mr Osborne about this, he had stated he was tired. Mr Magdaro was aware Mr Osborne had attended court in respect to the intervention order, but had never heard him refer to taking his life.<sup>53</sup>
69. Brett Gibbs had worked with Mr Osborne for approximately one week. He stated: "*from what I know of ...[Mr Osborne]he was always smiling and always doing his job. He was always friendly and seemed to get along with everyone.*" As previously mentioned however, on the Friday prior to the incident, Mr Gibbs had a conversation with Mr Osborne in which he stated that he would buy a gun and kill himself, however, the conversation topic soon changed and nothing further was said about the matter.<sup>54</sup>

## **Investigation into actions undertaken by Victoria Police regarding breaches of Intervention Order and alleged sexual assault**

70. The Homicide Squad with the oversight of the Ethical Standards Division (ESD) of Victoria Police investigated the actions of the two police officers, DSC Beale and DSC Pappadopoulos, who were involved in conducting the record of interview with Mr Osborne on 7 April 2010. Both DSC Pappadopoulos and DSC Beale were interviewed by the Homicide Squad and requested to provide an account of their contact with Mr Osborne.
71. DSC Pappadopoulos was interviewed on 14 April 2010 and was asked about how Mr Osborne responded to the allegations. DSC Pappadopoulos stated "*he was pretty amicable in the interview, like he was overly talking and then just every time it came to those allegations, 'No comment'*".<sup>55</sup>
72. DSC Pappadopoulos was asked what his assessment of Mr Osborne's emotional and mental state was and he commented:

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<sup>53</sup> Statement of Clint Magdaro, Inquest brief, p77

<sup>54</sup> Statement of Brett Gibbs, Inquest brief, p.74

<sup>55</sup> Inquest brief, p214

*"I actually – as in people that we deal with, all the time...I rate him pretty high as in a very amicable person, jovial, he was smiling a lot after the interview, he was – you – you could have a conversation with him put it that way, he wasn't like anything untoward or anything like that."*<sup>56</sup>

73. DSC Beale was asked to comment on Mr Osborne's emotional and mental state when he left the police station. He stated that Mr Osborne:

*"was cooperative with the process and he went through it and he was polite and courteous, calm, he – he seemed disappointed more than anything. He wasn't angry or anything like that. He - he just seemed to be – accept the process that he had to go through and pretty much the situation. He - he was aware of the situation he'd put himself in by breaching the intervention orders, but he certainly was surprised about the – the interview for the [sexual assault] matters."*<sup>57</sup>

#### **Previous medical history**

74. Mr Osborne's medical records were obtained as part of the coronial investigation.<sup>58</sup> Medical records dating back to 2004 document presentations for conditions such as asthma, bronchitis and knee osteoarthritis. There was no evidence that Mr Osborne was receiving treatment for any mental health problem at the time of his death. However, Mr Osborne did have a prior suicide attempt in 2005 for which he obtained medical assistance.<sup>59</sup>

#### **Previous suicide attempt**

75. In 2005, Mr Osborne attempted suicide when he took an overdose of Ibuprofen.<sup>60</sup> The medical records pertaining to this event note that he took the overdose two days after separating from Ms CD. He subsequently presented to hospital due to feeling physically unwell, but no longer suicidal. Importantly however, it was noted that he was recommended for admission after Ms CD alleged that he threatened to kill her.<sup>61</sup> During the course of his admission he stated that he had felt overwhelmed with his problems and that when his wife

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<sup>56</sup> Inquest brief, pp215-216

<sup>57</sup> Inquest brief, p227

<sup>58</sup> Inquest brief, pp169-232

<sup>59</sup> Inquest brief, p172

<sup>60</sup> Inquest brief, p189

<sup>61</sup> Inquest brief, p189



had threatened to *'give the children to the government'* he had *'said a few things'* but denied making any threats to harm her or the children.<sup>62</sup>

76. Mr Osborne remained as an involuntarily in-patient for a couple of days in the wake of that intentional overdose. At the time of discharge, Mr Osborne was described as having no psychotic symptoms and had demonstrated insight into his circumstances.<sup>63</sup> Medical records state that *'he was pre-occupied with caring for the children and adamant he had no further thoughts of harming himself or others.'*<sup>64</sup> Mr Osborne was diagnosed with having had an adjustment disorder,<sup>65</sup> but with the crisis resolved, he was *'hopeful for the future.'*<sup>66</sup>
77. There was no other evidence of any other suicide attempts or mental health issues uncovered in the course of this investigation.

## **WAS THERE EVIDENCE THAT SHOULD HAVE ALERTED ANY PERSON OR AGENCY TO THE PENDING DANGER TO THE CHILDREN?**

### **Family**

78. The evidence obtained in the course of this investigation did not identify any obvious alerts concerning the welfare of the children prior to the deaths.
79. Prior to these events the children lived with Ms AB from November 2006 to October 2008. She was their stepmother during this period and treated the three children as her own. She stated that Rajesh *"rarely raised his voice at the children. I never had any reason to be concerned about [Mr Osborne's] behaviour toward his children nor did I have any concerns for the children's safety around [Mr Osborne]."*<sup>67</sup>
80. Mr Osborne's mother, Ms Devi, lived with the family on a full time basis. She stated: *"We all got along in the house. I would look after the children whilst Rajesh would go to work."*

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<sup>62</sup> Inquest brief, p194

<sup>63</sup> Inquest brief, pp195-196

<sup>64</sup> Inquest brief, p190

<sup>65</sup> The World Health Organisation's International Classification of Diseases (ICD10) describes an adjustment disorder as: 'A state of subjective distress and emotional disturbance, usually interfering with social functioning and performance, and arising in a period of adaptation to a significant life change or to consequences of a stressful life event.' The onset is usually within a month of the occurrence of the stressful event or life change, and the durations of symptoms does not usually exceed six months, except in cases of prolonged depressive reaction.'

<sup>66</sup> Inquest brief, p190

<sup>67</sup> Statement of Ms AB, Inquest Brief Further Investigation Volume 2, Tab 1, p3

*Rajesh was a happy person and his kids were all happy as well.*<sup>68</sup> Ms Devi stated that she observed no obvious signs that could have alerted her to the tragedy that occurred on 10 April 2010. Although it was out of character for Mr Osborne not to attend work the morning of his death, Ms Devi had presumed he was tired due to his girlfriend, Ms Elbayad, staying over the previous evening.

81. Whilst the children's biological mother was not present in their lives at the time of their deaths, she had previously reported that she had no concerns about the safety of the children in Mr Osborne's care. As noted above, she reported that Mr Osborne had been violent towards her during their marriage and also noted that the children were exposed to Mr Osborne's abusive behaviour toward her.<sup>69</sup> The last time they were together as a family was in 2005.

### **Neighbours**

82. Mr Osborne's neighbours state that they had not heard screaming, yelling or arguing coming from the Osborne house. Lloyd Chelvaratnam commented: *"the kids are very playful and seem happy and well behaved."*<sup>70</sup> His wife, Jennifer Chelvaratnam added: *"they seem like a nice family"* and *"like a happy family."*<sup>71</sup> Zoran Dimovski noted: *"I have never heard him raise his voice at his children and had never known of any violence in the family."*<sup>72</sup>

### **School**

83. The investigating member made enquiries with the school and was advised by the School Principal that the children attended school on a regular basis, were model students and there was no indication of anything amiss at home. As noted above, the documentary material provided by the school describes each of the children as happy, well adjusted children who were well integrated into their respective peer groups, enjoying school and participating well. It was further noted that Mr Osborne attended parent teacher interviews and appeared interested in his children.<sup>73</sup>

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<sup>68</sup> Statement of Rameshari Devi, Inquest brief, p80

<sup>69</sup> I note section 5(1)(b) of the *Family Violence Protection Act 2008* states that "behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour" that is defined as "family violence" is family violence.

<sup>70</sup> Statement of Lloyd Chelvaratnam, Inquest brief, p94

<sup>71</sup> Statement of Jennifer Chelvaratnam, Inquest brief, p96

<sup>72</sup> Statement of Zoran Dimovski, Inquest brief, p99

<sup>73</sup> Statement of DSS Ronald Iddles dated 18 November 2011

## **Department of Human Services Child Protection**

84. An examination of the records held by Department of Human Services (DHS) reveals that there had been one notification to Victorian DHS Child Protection about the welfare of the three children. It had been made in 2005 in the context of Mr Osborne's suicide attempt set out above. The notification had been made as a result of the hospitalisation of Mr Osborne in circumstances where he had made an apparent attempt on his life and he was the primary carer for three small children.
85. During the investigation of the 2005 notification, four previous notifications in New Zealand were uncovered. These notifications centred on the children's exposure to emotional harm linked to allegations of Ms CD's mental instability and exposure to violence alleged to have been perpetrated by Mr Osborne on Ms CD. None of these notifications contained any allegations of risk to the children's physical well being. There were several statements attributed to Ms CD throughout the DHS files confirming she did not have any concerns for the safety of the children in Mr Osborne's care.<sup>74</sup>
86. Following Mr Osborne's discharge from hospital in 2005, it was agreed that the children would reside with him and that Ms Devi would move in with the family to assist. DHS remained involved for a period of approximately two months. No further protective concerns were identified during this time. The closure summary prepared in December 2005 documents that the children's school and childcare reported that they were doing well and would monitor their wellbeing. The summary notes that concerns relating to family violence between Ms CD and Mr Osborne were thought to have been reduced as a result of their separation.
87. No further notifications were made to DHS regarding concerns for the wellbeing of the children during the five years until their deaths.

## **Medical evidence**

88. Medical records from the children's general practitioner were reviewed and showed the children had experienced childhood illness typical for their age. There were no documented concerns.

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<sup>74</sup> DHS Child Protection records, Inquest Brief Further Investigation Volume 2, Tab 14

## Contact with police

89. The last contact Mr Osborne had with police was on 7 April 2010 when he was charged with breaching the intervention order and interviewed in connection to the alleged sexual assault against Ms AB. Mr Osborne was considered to be generally cooperative with the police. The evidence from the police was that his presentation on that day did not cause either DSC Beale nor DSC Pappadopoulos to hold concerns about his mental state or the actions to follow, nor take any further action in connection to his safety or welfare or that of the three children.
90. There is no evidence upon which it would be reasonable to form a contrary view to that. The content of the transcript of that record of interview contains no sense of overt distress or agitation or potential threat. The allegations that the police had at that stage of potential threat were all focussed on Mr Osborne's conduct towards Ms AB, not his children or himself.

## CONCLUSION

91. The investigation into the children's deaths examined the relevant events that occurred in the weeks preceding 10 April 2010. A review of the available evidence at this time revealed no person in the children's school community, neighbourhood or friends or family held any concerns for the children in the care of Mr Osborne. There was nothing elicited in this investigation from which one could conclude any person or agency should have been alerted to the pending fatal actions of Mr Osborne towards his children.
92. It is not known when Mr Osborne formed the intention to end the life of his three children along with his own. It is obvious however, that Mr Osborne did form the intention to kill his children and then himself. I conclude this based on the evidence that he kept the children with him on that Saturday and was insistent that Ms Elbayad's child not stay to play with Jarius. The crime scene makes evident that the deaths were not accidental killings. Mr Osborne armed himself with sufficient ammunition in that firearm to fire four lethal rounds. Mr Osborne left a note in which he makes reference to his children in what appear to be his last words.
93. Of course, it is possible now to examine the evidence of Mr Osborne's pattern of violent behaviour in his previous relationships with his partners as some context for what happened

in these final days. The material also contains allegations that Mr Osborne engaged in very controlling behaviour in these relationships.

### The note

94. The only direct evidence of what Mr Osborne was thinking is the contents of the note he put into the pocket of the clothes he had on at the time of his death. I have given deep and lengthy consideration to the release of extracts of that note. I have ultimately decided that, despite the inevitable distress to Ms AB, and the risk that a media outlet may opt for the salacious headline only, part of the function of a public hearing is to assist the public to understand what happened. I am satisfied that the majority of the media will strive to do just that. A statutory function of this investigation is to try and uncover why these children and their father died, in an endeavour to help us understand it as best we can and to strive to confront whatever can be done to reduce the possibility of other lives being lost in this way.
95. As stated above, I have considered the distress for Ms AB as the note is directed to her and full of vitriol and anger against her.<sup>75</sup> However, I have made a suppression order which remains in place protecting her identity from being made public. Further, I have reproduced an edited version of the one page handwritten note, leaving out some of the personal vitriol and insult contained therein:
96. An edited version of the note reads as follows:
- “Please let this find my ex wife AB.....You twisted your story to take a revenge on me. You know how wrong your motives are. To get things go in your favour I can’t believe you will go so low. How many times you have dug a hole for me and my kids, only this time you have dug it so deep that I cannot come out of it. Don’t ever do this to anyone. You will live to see another daylight with your twisted mind.....”*
97. Whilst the horror of what happened here is mercifully rare, the sentiment expressed by Mr Osborne is not. I preface these comments by reiterating that no allegations of sexual assault were proved against Mr Osborne. Taking that into account, this note bears the hallmarks of the family violence perpetrator who fails or refuses or is unable to take responsibility for his

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<sup>75</sup> I have given considerable thought to the release of the contents of the note, taking into account MsAB’s expressed deep unhappiness and concern about its public release. However, the contents of the note are the last thoughts of Mr Osborne. The note contains the only explanation, such as it is, for what he did. Its contents bear witness to what he was thinking at that time and allow for at least some analysis of what he was thinking. It is the best evidence available. To strike the balance between what needs to be said to describe what has happened and to endeavour to minimise the trauma and distress to Ms AB, I have removed from the note some contents which contain information which may lead to the identification of the occupation of Ms AB and some gratuitous vitriol. I note that a suppression order will remain in place.

actions and indeed blames his horrendous final acts of violence against his children and himself on someone else for causing or provoking his actions.

98. In this context, it is not surprising that Ms AB fears that she will be 'blamed' by society for what Mr Osborne has done to his children. For as long as the vestiges of such attitudes of blame shifting exist, our community will not succeed in placing responsibility for such violence where it must lie and thereby being able to address the attitudes that underlie such behaviour.

## **DID MR OSBORNE INTEND TO TAKE HIS OWN LIFE?**

### **Previous suicide attempt**

99. Mr Osborne had made a prior attempt to take his life in 2005. At the time he was admitted to hospital, he was diagnosed with having had an adjustment disorder, due to a situational crisis relating to his separation from his wife and having to look after his children.<sup>76</sup> Comments made to Ms Elbayad and revealed in the content of his note indicate that Mr Osborne considered himself to be in a situation of crisis as at April 2010.

### **Family**

100. Mr Osborne's mother, Ms Devi, was aware of her son's previous suicide attempt in 2005. At the time of his discharge from hospital, it is recorded that she held no concerns for further attempts.<sup>77</sup> Ms Devi did not appear to have been alerted to Mr Osborne's suicidal thoughts proximate to his death, however, it appears she was unaware of his legal difficulties and recent police involvement.

### **Ms Rima Elbayad**

101. Ms Elbayad stated that she had noticed a change in Mr Osborne's demeanour in the week preceding the fatal event. She noted: "*he wasn't his normal self, there was something bothering him but he would not tell me what it was. I think something happened. I think he was in trouble. He wouldn't talk to me though.*"<sup>78</sup> She states that she believed Mr Osborne

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<sup>76</sup> The World Health Organisations International Classification of Diseases (ICD10) describes an adjustment disorder as: 'A state of subjective distress and emotional disturbance, usually interfering with social functioning and performance, and arising in a period of adaptation to a significant life change or to consequences of a stressful life event.' The onset is usually within a month of the occurrence of the stressful event or life change, and the durations of symptoms does not usually exceed six months, except in cases of prolonged depressive reaction.'

<sup>77</sup> Inquest brief, p195

<sup>78</sup> Statement of Rima Elbayad, Inquest brief, p90

was depressed, but that he would not go to the doctor. Ms Elbayad further noted that Mr Osborne “*often talked about killing himself*” but she never thought he would do it.<sup>79</sup>

102. The night before the fatal events, it appears that Mr Osborne had at least planned his own death. Ms Elbayad reported that he appeared very sad and told her that he wanted to spend his last night with her. The next morning, Ms Elbayad stated that Mr Osborne cried a lot before they got up. However, it appears Ms Elbayad had no other insight into what was to follow, such that she could have intervened in any way.

### **Workplace**

103. As outlined above, Mr Osborne made a statement to a work colleague in connection to obtaining a gun and taking his own life.<sup>80</sup> It is difficult to understand the context in which such a comment was made. This appears to have been interpreted as a ‘throw away line’, and while some efforts were made to probe Mr Osborne about this, he gave no further information. There appears to have been no immediate concerns held by his work colleagues as to his future intention to take his own life.

### **Further allegation**

104. During the course of this investigation, in the wake of Mr Osborne’s death, a further allegation of serious criminal sexual conduct against Mr Osborne was raised with the Court. This allegation was not reported to police before Mr Osborne’s death. The individual who provided information about this allegation to the Court was adamant that the detail of the information not be made public. The reason for documenting the existence of the allegation in this finding is that, although there is no evidence that it had emerged at the time of Mr Osborne’s death, there is no way of knowing what Mr Osborne knew of this allegation and whether this may have had an impact upon his decision to do what he did.

### **CONCLUSION**

105. Based on the evidence set out above, I find Rajesh Osborne intentionally killed his three children, Asia, Jairus and Grace Osborne, in the circumstances described above. Further, I find that after Rajesh Osborne killed his three children, he turned the firearm on himself and caused the fatal gunshot injury to his head. I find that in so doing he was engaged in a conscious and voluntary and intentional act in which he intended to take his own life.

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<sup>79</sup> Ibid, p90

<sup>80</sup> Statement of Brett Gibbs, Inquest brief, p.74

## COMMENTS

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

106. The deaths of Mr Osborne and the children were examined as part of the Victorian Systemic Review of Family Violence Deaths in order to identify any opportunities to reduce further tragedies of this kind.<sup>81</sup> To this end, there are important reflections that must be made in connection to this case. These are set out in the commentary below.

### **The police actions generally**

107. Mr Osborne was charged with four counts of breaching the intervention order involving Ms AB. His death occurred before these charges went through the judicial process. He was also interviewed by police in connection to the alleged sexual assault, but had not been charged for this.

108. Members of Victoria Police who received the complaint made by Ms AB on 30 March 2010 appear to have acted largely in accordance with *Victoria Police Code of Practice for the Investigation of Family Violence*. Arrangements were made to further Ms AB's safety and protection, the station member who took the complaint immediately liaised with a SOCAU member, a medical investigation occurred, and Ms AB was connected with a specialist family violence support service.

109. After allegations were made that Mr Osborne had breached the intervention order, police investigated the matter and charged him. The record of interview made with Mr Osborne on 7 April 2010 reveals he was advised as to the serious nature of the offences, and clearly and firmly warned against further contacting Ms AB. In respect to the sexual assault, he was informed that the investigation was continuing. It should therefore be noted that in connection to the investigation of family violence and sexual assault against MsAB, the material examined as part of this coronial investigation indicates that police were pursuing an appropriate course of action in assisting her as an alleged victim of violence.

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<sup>81</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 on 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 of family violence.



## **Suicide and family violence**

110. The relationship between suicide and family violence is an area of growing inquiry and research. Family violence death reviews operating within international jurisdictions have described perpetrators threatening or attempting suicide as a potential predictor for fatal outcomes.<sup>82</sup> Further, while it is recognised that they occur relatively infrequently, the vast majority of homicide–suicides involve intimate partners and/or other family members.<sup>83</sup>
111. What is not well understood are the factors and characteristics that distinguish homicide-suicide events from a single suicide death, or for that matter, a single homicide occurring within a context of family violence. Clearly, as evidenced by the tragic and unnecessary deaths of these children, there is a need for further analysis in this area, in order to improve understanding as to the complex interaction between family violence and suicide.

## **The firearm**

112. The evidence is that the investigating members, when processing Mr Osborne in April 2010, checked his criminal history and checked that he had no registered firearms and did not have a firearms licence.
113. Ms AB had given information to Crime Stoppers in March 2010 about her concerns about Mr Osborne sourcing a firearm. The evidence is that this information was not available to the investigating members on 7 April 2010 when they interviewed Mr Osborne.
114. Detective Senior Sergeant Iddles gave evidence that as at April 2010, information relevant to police investigations from Crime Stoppers was entered into a Victoria police database known as *Interpose*. This data base is kept separate to the general police LEAP data base. DSS Iddles further stated that as at April 2010, Victoria Police members did not have general access to *Interpose*, only some members did. The evidence of DSS Iddles was that as at May 2012, all Victoria Police members now have access to *Interpose*. He added

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<sup>82</sup> Oklahoma Domestic Violence Fatality Review Board 2011, Domestic Violence Homicide in Oklahoma: A decade of Review 2001-2011, Oklahoma Office of the Attorney General

<sup>83</sup> See for example: J Logan et al. "Characteristics of perpetrators in homicide followed by suicide incidents: national Violent death Reporting System – 17 US States, 2003 – 2005" (2008) *American Journal of Epidemiology* 1056-1064; Marie Virueda and Jason Payne, *Homicide in Australia: 2007 -08*, National Homicide Monitoring Program Annual Report, Australian Institute of Criminology, Canberra

however that he considered that there had not been adequate or appropriate training provided to police members to ensure that they were able to make proper use of this database.

115. Following the making of her statement on April 4, Ms AB provided written information to DSC Lupi on 6 April 2010 about her concerns about Mr Osborne having access to guns. This information was passed on to the two detectives who interviewed Mr Osborne but after they had interviewed him on April 7.
116. Whilst it is acknowledged that the information given by Ms AB on both occasions was equivocal as to whether Mr Osborne in fact had a gun, the facts are that tragically, Ms AB was right in her suspicions.
117. Two issues arise out of the facts surrounding the issue of the firearm in this case. Whilst checking whether or not Mr Osborne was the holder of a firearms licence or had any firearms registered to him was proper and appropriate, had police directly asked Ms AB about any concerns she had about firearms, the evidence suggests she would have alerted police to her concerns, given what she had told Crime Stoppers and DSC Lupi (in her forwarded written notes of 6 April.)
118. The investigation into these deaths raises the need for police to ensure that all sources of information available to police in the various databases are examined and the need to ensure that proactive questioning of complainants about firearms occurs, especially in circumstances where the complainant is voicing concerns about the escalating nature of the violence. Had the Crime Stoppers database been checked, at least the previous concern about a firearm may have been found and alerted the investigating members to pursue this issue with the complainant.
119. To this end, I make the following recommendations:

#### **RECOMMENDATION 1**

I recommend that the Chief Commissioner of Victoria Police review the availability and accessibility of all relevant investigative databases held by Victoria Police to ensure that investigating members are assisted and supported to obtain all information potentially relevant to an investigation in a timely way.

## RECOMMENDATION 2

I recommend that the Chief Commissioner of Victoria Police reinforce the need for members receiving complaints about family violence and sexual assault, to make specific inquiries with complainants in connection to any information that they may hold about alleged perpetrators having access to, or being in possession of, firearms and other weapons.

Pursuant to section 73(1) of the **Coroners Act 2008**, I order that this Finding be published on the internet in REDACTED form (consistent with the Suppression Order).

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

Chief Commissioner Ken Lay APM  
Chief Commissioner of Victoria Police

I further direct that a copy of this finding be provided to the following for information only:

Ms AB

Senior Sergeant Ron Iddles  
Victoria Police Homicide Squad

Detective Senior Constable Hayden Beale  
Victoria Police

Detective Senior Constable Isaac Pappadopolous  
Victoria Police

Senior Constable Steven Murphy  
Victoria Police

Leading Senior Constable Kerry Gilroy  
Victoria Police

Detective Senior Constable Lauren Lupi  
Victoria Police

Detective Senior Sergeant Dennis Tocock  
Victoria Police

The Hon. Robert Clark, MP  
Attorney-General of Victoria

The Hon. Peter Ryan, MP  
Minister for Police and Emergency Services

The Hon. Mary Wooldridge, MP  
Minister for Community Services  
Minister for Mental Health  
Minister for Women's Affairs

The Hon. Andrew McIntosh, MP  
Minister for Corrections  
Minister for Crime Prevention

The Hon. Wendy Lovell MLC  
Minister for Housing

Assistant Commissioner Wendy Steendam and Mr Simon Phemister  
Chairpersons, Family Violence Inter-Departmental Committee  
Department of Human Services

Signature:

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**Judge Jennifer Coate**  
State Coroner

Date: 8 May 2012

