

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2020 003777

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

Section 67 of the Coroners Act 2008

Findings of:	Judge John Cain, State Coroner
Deceased:	Elaine Pandilovski
Date of birth:	26 July 1975
Date of death:	14 July 2020
Cause of death:	1(a) Compression of the neck
Place of death:	11 Hawkes Drive, Mill Park, Victoria, 3082
Keywords:	Family violence; Intimate Partner Homicide

INTRODUCTION

1. On 14 July 2020, Elaine Pandilovski was 44 years old when her body was discovered by police underneath her place of residence. At the time of her death, Mrs Pandilovski lived with son, [REDACTED] [REDACTED] at 11 Hawkes Drive, Mill Park, Victoria.
2. Mrs Pandilovski graduated from Lalor Secondary College and went on to complete a degree in Marketing from the Royal Melbourne Institute of Technology. Mrs Pandilovski took up employment in the marketing industry and met her husband, Zoran Pandilovski whilst attending Lalor Secondary College together and they married in 2002.
3. Mrs Pandilovski continued working fulltime until the birth of her son on [REDACTED] 2008. Mrs Pandilovski did not return to full time employment whilst raising her son until 2018 when she re-entered the workforce and sought employment as a part time teachers' aide at a local primary school.
4. Following a family violence incident on 13 November 2018, Mr and Mrs Pandilovski separated and Mr Pandilovski moved out of the Hawkes Drive address to stay with his parents in Epping, Victoria. Mrs Pandilovski and her son remained at the Hawkes Drive address until the fatal incident.

THE CORONIAL INVESTIGATION

5. Mrs Pandilovski's death was reported to the Coroner as it fell within the definition of a reportable death in the *Coroners Act 2008* (the Act). Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
6. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
7. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.

8. Victoria Police assigned an officer to be the Coroner's Investigator for the investigation of Mrs Pandilovski's death. The Coroner's Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as family, the forensic pathologist, treating clinicians and investigating officers – and submitted a coronial brief of evidence.
9. This finding draws on the totality of the coronial investigation into the death of Elaine Pandilovski including evidence contained in the coronial brief. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.¹

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE

Circumstances in which the death occurred

10. On 14 July 2020 at 7.44am, Mr Pandilovski drove to Mrs Pandilovski's residence on Hawkes Drive and parked on the roadway directly outside the house.² A few minutes later, Mr Pandilovski entered the address.
11. The available evidence suggests that between 7.45am and 9.22am,³ Mr and Mrs Pandilovski had an altercation at some point during this period which resulted in Mr Pandilovski fatally assaulting and choking Mrs Pandilovski with his hands which resulted in her death. Mr Pandilovski then carried Mrs Pandilovski's body to the lower level of the house and placed it in a storage room.
12. Mr Pandilovski left the residence at approximately 9.22am⁴ and was involved in a head on traffic collision with another vehicle not long after departing the residence.⁵ Mr Pandilovski was taken to the Royal Melbourne Hospital and discharged the following day into police custody.
13. After Mrs Pandilovski failed to attend work or respond to text messages on 14 July 2020, some colleagues attended her residence that afternoon and were unable to find her. Mrs Pandilovski's

¹ Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

² *Coronial Brief*, Exhibit 35 – CCTV footage taken from 8 Hawkes Drive, Mill Park.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Coronial Brief*, Statement of Nathan Kirley dated 16 July 2020, 261-262

mother attended the property that same afternoon with Mrs Pandilovski's son and let themselves inside the residence but were unable to find Mrs Pandilovski.⁶ In the evening of the 14 July 2020, police attended the property and discovered Mrs Pandilovski's body in the storage room underneath the property.⁷

14. On 30 August 2023, in the Supreme Court of Victoria, Mr Pandilovski was convicted for the murder of Mrs Pandilovski and was sentenced to 24 years imprisonment with a non-parole period of 17 years.⁸

Identity of the deceased

15. On 17 July 2020, Elaine Pandilovski, born 26 July 1975, was visually identified by her sister, Jody Arnarellis.
16. Identity is not in dispute and requires no further investigation.

Medical cause of death

17. Forensic Pathologist Dr Noel Woodford from the Victorian Institute of Forensic Medicine (VIFM), conducted an autopsy on 15 July 2020 and provided a written report of his findings dated 16 October 2020.
18. The post-mortem examination revealed the following:
 - a) There was evidence of compression of major vessels in the neck, compression of the airway in the neck and stimulation of the carotid sinus leading to profound bradycardia and cardiac arrest;
 - b) The mechanism of application of compressive force to the neck was not able to be determined with certainty. There was evidence of focal linearity to the pattern of injuries on the neck, this raises the possibility of application of a ligature at some stage. In addition, areas of relatively discrete abrasion are also suggestive of manual application of compressive forces;
 - c) There was further evidence of marked congestion and petechiae superior to the region of the neck involving the face, mucous membranes and conjunctivae, as well as

⁶ *Coronial Brief*, Statement of Jody Arnarellis dated 15 July 2020, 237-238

⁷ *Coronial Brief*, Statement of First Constable Liam Rickard dated 20 July 2020, 297-299

⁸ *DPP v Pandilovski* [2023] VSC 514

bruising to the deep (soft tissue) structures in the neck and fractures of laryngeal skeleton; and

d) There was no evidence of natural disease identified of a type that likely would have caused or contributed to death.

19. Toxicological analysis of post-mortem samples did not identify the presence of any alcohol or any common drugs or poisons.
20. Dr Woodford provided an opinion that the medical cause of death was 1 (a) Compression of the neck.
21. I accept Dr Woodford's opinion.

FURTHER INVESTIGATIONS AND CORONER'S PREVENTION UNIT REVIEW

22. For the purposes of the *Family Violence Protection Act 2008*, the relationship between Mrs Pandilovski and Mr Pandilovski was one that fell within the definition of 'spouse'⁹ under that Act. Moreover, Mr Pandilovski's fatal actions in taking Mrs Pandilovski's life meet the definition of 'family violence'.¹⁰
23. In light of Mrs Pandilovski's death occurring under circumstances of family violence, I requested that the Coroners' Prevention Unit (CPU)¹¹ examine the circumstances of Mrs Pandilovski's death as part of the Victorian Systemic Review of Family Violence Deaths (VSRFVD).¹²

History of family violence between Mr and Mrs Pandilovski

24. Mr Pandilovski had a history of perpetrating reported (two incidents) and unreported family violence towards Mrs Pandilovski and other family members.
25. On 31 January 1999, the Mr and Mrs Pandilovski were engaged and celebrating at Crown Casino with several friends and Mrs Pandilovski's sister.¹³ An argument took place that resulted

⁹ Family Violence Protection Act 2008, section 8(1)(a)

¹⁰ Family Violence Protection Act 2008, section 5

¹¹ The Coroners Prevention Unit is a specialist service for Coroners established to strengthen their prevention role and provide them with professional assistance on issues pertaining to public health and safety

¹² The VSRFVD provides assistance to Victorian Coroners to examine the circumstances in which family violence deaths occur. In addition the VSRFVD collects and analyses information on family violence-related deaths.

Together this information assists with the identification of systemic prevention-focused recommendations aimed at reducing the incidence of family violence in the Victorian Community

¹³ *Coronial Brief*, Statement of Jody Amarellis dated 15 July 2020, 238

in Mr Pandilovski hitting Mrs Pandilovski across the face with such force, it dislodged one of her teeth, that later required medical intervention to repair. During the same incident, the Mr Pandilovski kicked and damaged his sister in law's vehicle.¹⁴

26. The incident was reported to the police and an interim Family Violence Intervention Order (**FVIO**) was taken out on behalf of Mrs Pandilovski.¹⁵ Mr Pandilovski was charged and convicted of criminal damage related to his sister in law's vehicle, however the complaint related to the assault was withdrawn and no final FVIO was sought.¹⁶
27. After the marriage of Mrs Pandilovski and Mr Pandilovski in 2002, the relationship was reported by Mrs Pandilovski to have '*instantly*' changed in nature.¹⁷ Mrs Pandilovski disclosed to close friends that Mr Pandilovski reverted to being controlling, abusive and manipulative, similar to how he had been leading up to the Crown Casino incident.¹⁸ This behaviour continued throughout their relationship and escalated as time went on.
28. During the relationship, Mrs Pandilovski would often present at her parent's house with bruises and scratches.¹⁹ When queried about these injuries, Mrs Pandilovski would deny that Mr Pandilovski was responsible and provided what appeared to be fictitious reasons for the injuries. It was suspected that Mr Pandilovski was assaulting Mrs Pandilovski.²⁰
29. Throughout the period that Mrs Pandilovski and Mr Pandilovski resided at the Hawkes Drive address, they were often overheard by neighbours arguing with each other over various matters.²¹ On two or three occasions Mr Pandilovski was observed assaulting Mrs Pandilovski. These assaults took place within the home and were witnessed through an adjoining window.²² These matters were not reported to police.
30. On 13 November 2018, Mrs Pandilovski attended at the Mill Park Police Station and reported that Mr Pandilovski on two occasions over the previous days physically assaulted her, threatened to choke her and that throughout the course of the relationship had been verbally and emotionally abusive towards her.²³ A Family Violence Safety Notice (**FVSN**) was taken out on

¹⁴ Ibid.

¹⁵ *Coronial Brief*, Exhibit 79 – Intervention Order Extracts, 497-498

¹⁶ Ibid.

¹⁷ *Coronial Brief*, Statement of Carolyn Stamp dated 3 September 2020, 209-210

¹⁸ Ibid

¹⁹ *Coronial Brief*, Statement of Kathrina Dafopoulos dated 28 July 2020, 230

²⁰ Ibid

²¹ *Coronial Brief*, Statement of Caroline Violato dated 14 July 2020, 214-215

²² Ibid

²³ *Coronial Brief*, Exhibit 65 – Family Violence Brief – November 2018, 392-393

behalf of the Deceased, which excluded Mr Pandilovski from returning to the Hawkes Drive address. The FVSN was subsequently converted to a final FVIO on 15 January 2019 with full exclusionary conditions.²⁴

31. At the time of the report, Mrs Pandilovski declined to provide police with a formal statement in relation to the incident. On 19 December 2018, Mr Pandilovski was interviewed in relation to the incident, during which he denied some of the allegations and provided a no comment response in relation to others. Based on the combination of these factors, criminal charges against Mr Pandilovski were not pursued.²⁵
32. Mrs Pandilovski would go on to tell several friends that an intervention order had been taken out against Mr Pandilovski because he had threatened to choke her.²⁶
33. During the period of separation as a result of the intervention order and up until the time of her death, Mrs Pandilovski disclosed to several friends that being with Mr Pandilovski she had become akin to walking on eggshells and that she never knew when or how he would explode.²⁷ Whilst initially fearful of how Mr Pandilovski would respond to the intervention order, Mrs Pandilovski took it as an opportunity to move forward without Mr Pandilovski in her life. Mrs Pandilovski disclosed on multiple occasions that she had no intention of reuniting with Mr Pandilovski or to allow him to move back into the Hawkes Drive address, which was contrary to what Mr Pandilovski would tell mutual friends.²⁸

Family violence risk factors

34. As a result of the reported family violence that occurred on 11-12 November 2018, Mr and Mrs Pandilovski separated and Mr Pandilovski stayed with his parents. Mr Pandilovski made numerous attempts to get Mrs Pandilovski to return to the relationship. Mrs Pandilovski was adamant that the relationship was not going to resume but was under pressure to rely on Mr Pandilovski for financial support to pay for the mortgage for the home she was living in.²⁹ Whilst the FVIO excluding Mr Pandilovski from the matrimonial home expired in January 2020, Mrs Pandilovski did not seek to renew it and Mr Pandilovski continued to reside with his parents.

²⁴ *Coronial Brief*, Exhibit 79 – Intervention Order Extracts, 499-500

²⁵ *Coronial Brief*, Exhibit 66 – Criminal Brief – November 2018 Non Authorised, 406

²⁶ *Coronial Brief*, Statement of Adele John dated 4 August 2020, 205

²⁷ *Coronial Brief*, Statement of Carolyn Stamp dated 3 September 2020, 210

²⁸ *Coronial Brief*, Statement of Kathy Falzon dated 4 August 2020, 201

²⁹ *Coronial Brief*, Statement of Carolyn Stamp dated 3 September 2020, 212

35. Statements from close work colleagues and telephone/text message history in the weeks leading up to the fatal incident showed evidence of Mr Pandilovski's attempts to get legal advice from various family lawyers as he anticipated that Mrs Pandilovski wanted to formally separate from him and seek majority care of their son and remain in the matrimonial home.³⁰ Mr Pandilovski was noted to have said to a work colleague that the *'breakup was going to ruin him financially'*.³¹
36. The current MARAM framework notes that planning to leave or recent separation is a risk factor that indicates increased risk of the victim being killed or almost killed (serious risk factors). Throughout the relationship, it was noted by close colleagues and family friends that the couple would argue over finances and there was strong evidence of financial abuse by Mr Pandilovski who belittled Mrs Pandilovski for choosing to stay home and take care of their autistic child and delay returning to the workforce.³² Mr Pandilovski also emptied all the bank accounts accessible to Mrs Pandilovski when she separated from him and sought protection with a FVIO.
37. The Royal Commission into Family Violence³³ also noted that separation (or attempted separation) by a woman from her partner is also a time of heightened risk for family violence: *'Indeed, the period after separation can be a very dangerous time for a victim, because the perpetrator may perceive a loss of control over her and may become more unpredictable'*. If the relationship is characterised by a history of violence like in this case, the violence can persist after separation and often escalates; it can culminate in the man killing his former partner and/or children.
38. Violence after separation can include financial abuse, which is *'a particularly common strategy used to control partners post-separation and has long-term implications for survivors' economic security'*.³⁴ The Commission heard that financial control and manipulation begin at separation for many women—particularly in relation to withholding child support payments and property settlement. Whilst the available evidence shows a flurry of activity for Mr Pandilovski contacting and arranging family law advice, there was no evidence of Mrs Pandilovski doing the same. Available evidence also indicates that Mr Pandilovski was highly secretive and did not provide Mrs Pandilovski any information about his family's assets.³⁵ Yet,

³⁰ Ibid

³¹ *Coronial Brief*, Statement of Mary Boldiston dated 17 September 2020, 187

³² *Coronial Brief*, Statement of Kathy Falzon dated 4 August 2020, 201

³³ Final report, May 2016

³⁴ Ibid, Volume 1, Chapter 2, 21

³⁵ *Coronial Brief*, Statement of Kathy Falzon dated 4 August 2020, 201

he would belittle and make humiliating remarks about Mrs Pandilovski's attempts to re-join the workforce and the salary of her job as a part time teaching aide.³⁶

39. The additional serious risk factors involved in this case include a history of threatening to kill Mrs Pandilovski at various times during their relationship and he allegedly strangled her in November 2018, after which they separated and police sought a FVIO excluding Mr Pandilovski from the matrimonial home. Both threats to kill and history of strangulation are serious risk factors indicating a high risk of fatal outcomes in family violence affected relationships. Women who have been strangled/choked as part of the abusive pattern of behaviour perpetrated against them, are deemed to be 800% more likely to be a victim of domestic homicide whether by strangulation or another forms of lethal assault.³⁷
40. Up to three-quarters of women escaping domestic and family violence and residing in shelters report experiences of non-fatal strangulation from their previous partner.³⁸ Police, prosecutors, lawyers, service-providers and victims often overlook, or misidentify strangulation and this is a concern because the act is both extremely dangerous and a risk factor for future serious harm and death.
41. Non-fatal strangulation is rarely an isolated event. Instead, it often reveals an ongoing and escalating pattern of coercive and controlling behaviour – especially when it occurs in family violence circumstances. This established pattern of family violence risk is noted in past coronial investigations that have involved non-fatal strangulation.³⁹
42. Increasingly, law, policy and research define and understand intimate partner violence as a pattern of behaviour aimed at coercively controlling the victim rather than a discrete incident or set of discrete incidents. Research has demonstrated that an abuser's exercise of coercive control usually involves the use of a variety of methods including physical violence, threats, deprivation of basic needs, surveillance and degradation to hurt, degrade, intimidate, exploit, isolate, and control their victims.⁴⁰
43. On 18 October 2023, the *Crimes Amendment (Non-fatal Strangulation) Bill 2023* was introduced into Parliament in response to advocacy and research showing that '*someone who*

³⁶ Ibid.

³⁷ Glass N, Laughon K, Campbell J, Block CR, Hanson G, Sharps PW, Taliaferro E. Non-fatal strangulation is an important risk factor for homicide of women. Available online at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/>

³⁸ Douglas, H., & Fitzgerald, R. (2022). Women's stories of non-fatal strangulation: Informing the criminal justice response. *Criminology & Criminal Justice*, 22(2), 270-286. <https://doi.org/10.1177/1748895820949607>

³⁹ See COR 2014/1962 – Fiona WARZYWODA, COR 2011/3947 – Joy ROWLEY, COR 2014 0824 – Kelly THOMPSON

⁴⁰ Ibid, 3

survive non-fatal strangulation by a current or former partner is seven times more likely to be seriously injured or murdered by that partner'.⁴¹ The reforms will create two offences, first, an offence of intentional non-fatal strangulation, which does not require proof of injury will carry a maximum five-year prison term. A second more serious offence of non-fatal strangulation where a perpetrator intentionally causes injury, will be created with a maximum penalty of 10 years.

FINDINGS AND CONCLUSION

44. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:

- a) the identity of the deceased was Elaine Pandilovski, born 26 July 1975;
- b) the death occurred on 14 July 2020 at 11 Hawkes Drive, Mill Park, Victoria, 3082, from compression of the neck; and
- c) the death occurred in the circumstances described above.

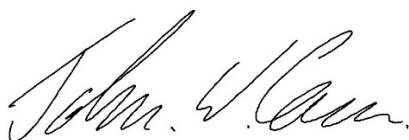
45. Pursuant to section 73(1B) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

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

Kathy Dasopoulos, Senior Next of Kin

Detective Sergeant Damon Abbey, Coroner's Investigator

Signature:



Judge John Cain, State Coroner
Date: 23 January 2024

⁴¹ <https://www.premier.vic.gov.au/non-fatal-strangulation-become-stand-alone-offence>

NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
