



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2011 2487

FINDING INTO DEATH WITH INQUEST

(Amended pursuant to s76 of the Coroners Act 2008 on 16 September 2016¹)

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Deceased:	BRENDA CLAIRE GOUDGE
Delivered on:	16 September 2016
Delivered at:	Coroners Court of Victoria, 65 Kavanagh Street, Southbank
Hearing date:	Direction Hearing: 16 December 2015 Inquest Hearing: 27, 28 & 29 April & 2,3,4,5,6 & 9 May 2016 Submissions Hearing: 22 June 2016
Findings of:	CORONER CAITLIN ENGLISH
Counsel assisting the Coroner:	Ms Naomi Hodgson instructed by the Coroners Court In-House Solicitors Service
Representation	Colin Mandy, Cara Foot and Lisa Papdinas instructed by K & L Gates on behalf of Mr Adam Goudge Shane Gardner instructed by Galbally & O'Bryan Lawyers on behalf of Mr Paul Callaway

¹ Amendments are in paragraphs 123 and 317 (represented with underlying) and paragraph 347 (removal of 'Further, a DNA profile of an unknown female was obtained from the white cup in the kitchen of Mrs Goudge's house.')

Catchwords

Homicide,
evidence

self-incrimination,

circumstantial

I, CAITLIN ENGLISH, Coroner having investigated the death of Brenda Claire Goudge

AND having held an inquest in relation to this death on 27 April 2016 to 9 May 2016

at Melbourne

find that the identity of the deceased was Brenda Claire Goudge

born on 23 December 1949

and the death occurred between 7 and 8 July 2011

at 12 Newstead Way, Wantirna South, Victoria

from:

1 (a) ASPHYXIA IN THE SETTING OF UPPER AIRWAY OBSTRUCTION, NECK COMPRESSION AND IMMERSION

in the following circumstances:

Background

1. Brenda Goudge was 61 years of age at the time of her death. She resided on her own at 12 Newstead Way, Wantirna South, Victoria. Mrs Goudge had married Graeme Goudge in 1970 and together they had three children, Adam, Vanessa and Rebecca. Mrs Goudge performed home duties until she separated from her husband in approximately 1993. She raised her three children on her own and subsequently enjoyed six grandchildren. She was not in a relationship at the time of her death.
2. After separating from Graeme Goudge, Mrs Goudge undertook various fields of employment to support her family. In 2001 she started working at Jay Dee Auto Cables where she was employed to manage the warehouse packing room. In 2007, the owner sold the business to Mrs Goudge, and another employee, James Duffus, and Mr Duffus' wife's cousin, Paul Callaway. The business partnership was not a happy one and there was friction in the workplace, particularly between Mrs Goudge and Mr Callaway.

Mrs Goudge's last known movements on 7 July 2011

3. Mrs Goudge was at work as normal on 7 July 2011. She left work at about 10.40am as she was having a new antenna installed at her house and returned to work at about 1.30pm.²
4. After leaving work at around 5pm, she went home and rang Rebecca Goudge (who also worked at Jay Dee Auto Cables as a book keeper) from her home phone. They spoke for about 40 minutes about work related matters until approximately 6pm.³

² Coronial brief Statement of Rebecca Goudge dated 8/7/2011 p 105.

5. Following their phone call, Rebecca Goudge anticipated that her mother would have had dinner and then put her pyjamas on.⁴
6. Mrs Goudge's sister, Susan McCormack, gave evidence that she communicated via text to Mrs Goudge at 9.30pm and that Mrs Goudge was heading off to bed.⁵ They had exchanged texts for approximately 5 minutes about some photos Ms McCormack had sent.
7. Mrs Goudge's computer had been logged on 7 July 2011 at 5.24pm and logged off at 9.33pm.
8. Ms McCormack stated of an evening Mrs Goudge would normally shut the curtains at the back door.⁶ Ms McCormack described her sister as very safety conscious at night. The front door and screen door were always locked and if she were to open the front door, the screen door would remain locked.
9. Ms McCormack stated Mrs Goudge would usually go to sleep at around 11pm each night.⁷

8 July 2011

10. On 8 July 2011, Mrs Goudge was expected to arrive at work at 8am. It had been pre-arranged that she would bring in morning tea to farewell a colleague, Cameron Ferris, who was leaving the company. The morning tea was scheduled for 10am. She was also collecting the mail.⁸
11. At approximately 9.35am Mrs Goudge had not arrived at work. Her daughter, Rebecca Goudge, became concerned. Rebecca had made unsuccessful attempts to contact her from about 9.30am by texting and calling her mobile phone which went straight to message bank.⁹ She had looked on Facebook to see if her mother had left a birthday message for her sister, Vanessa's son. She also exchanged texts with her sister Vanessa as to her mother's whereabouts.
12. Rebecca Goudge spoke with her boss, one of the business partners, Mr Callaway regarding her concerns. It was her evidence that Mr Callaway suggested he drive her over to her mother's house to check on her.¹⁰
13. At approximately 9.50am they arrived at Mrs Goudge's house. The front of the premises was secure. Mr Callaway pressed the bell.¹¹ They both heard a thud from inside the house, which

³ Coronial brief Statements of Rebecca Goudge dated 8/7/2011 and 13/7/2011 p 105 & 115.

⁴ Coronial brief Statement of Rebecca Goudge dated 8/7/2011 p 105.

⁵ Transcript p 236

⁶ Transcript p 240.

⁷ Transcript p 248.

⁸ Transcript p 42.

⁹ Transcript p 112.

¹⁰ There are discrepancies in the evidence which will be considered in greater detail under the heading 'Disputed facts' at paragraph 219 ff.

¹¹ Transcript p 92.

Rebecca Goudge described as seeming to emanate from quite close to the front door.¹² At this point Mr Callaway tried the handle of the locked screen door.¹³

14. Rebecca Goudge feared her mother may have fallen and her panic and worry was escalating.
15. It was Rebecca Goudge's evidence that they first approached the fence on the garage side when Mr Callaway said to her, '*we will be able to get over the other side*'¹⁴ and they went over the fence on the eastern side. The chock of wood positioned on one side of the fence to help get over the fence was no longer on the garage side as the fence had been replaced. The fence on the eastern side had rails which allowed a foothold to climb over.¹⁵
16. They then went down the side to the back of the house. Whilst Rebecca Goudge looked for a spare key¹⁶ in the back shed, Mr Callaway called out to her that the back door was open.
17. By the time Rebecca Goudge came out of the shed, Mr Callaway was already inside the house.¹⁷ Rebecca Goudge described herself and Mr Callaway as '*bolting*' and '*running*'¹⁸ in their urgency to get inside the house.
18. When she got to the backdoor, Mr Callaway was already '*over the threshold of the house*' and was inside the house between the family room and the kitchen.¹⁹
19. They entered the house and proceeded to Mrs Goudge's bedroom. In the bedroom they saw blood on Mrs Goudge's bed on the mattress and bed head. The bed had been stripped of bed clothes and there was clothing on the floor. Believing Mrs Goudge to be injured, Mr Callaway suggested they contact nearby hospitals in an effort to ascertain her whereabouts. Whilst Mr Callaway was on the phone Rebecca Goudge noticed her mother's handbag and personal belongings on the coffee table in the living room and went outside to check that her mother's car was in the carport.
20. As Mr Callaway was on a call to Knox hospital, he handed Rebecca Goudge the phone and told her that he needed to call James Duffus, his business partner. Rebecca Goudge stated she then tried another number for Maroondah Hospital and Mr Callaway announced he had not checked the en suite which was situated off Mrs Goudge's bedroom. Mr Callaway went up the hallway to check the en suite. Rebecca Goudge also entered the bedroom a second time to

¹² Transcript p 49.

¹³ Transcript p 101.

¹⁴ Transcript p 52.

¹⁵ Transcript p 116.

¹⁶ It was Rebecca Goudge's evidence she in fact had the spare keys to her mother's house sitting in the bottom of her hand bag which she had forgotten about and only found when she was at the police station. Transcript p 46.

¹⁷ Transcript p 54-55.

¹⁸ Transcript p 116.

¹⁹ Transcript p 118.

check through the window to see if a neighbour across the road was home. At no point up to this time did Rebecca Goudge consider calling the police.²⁰

21. Back in the kitchen area and as she was about to call Maroondah Hospital, Rebecca Goudge looked towards the back yard and noticed something red protruding from underneath the blue pool cover.²¹ She went outside, through the open pool gate and noticed pillows were bunched up, poking out of the side of the pool cover and ‘*something bubbling*.’²²
22. She pulled back the pool cover and discovered her mother floating in the pool amongst her bedding, face up. She screamed and Mr Callaway, who was inside on the phone, came outside quickly. Seeing Mrs Goudge, he hugged her and took her inside the house.
23. Rebecca Goudge stated she kept repeating ‘*Why is she in the pool? She can’t be in the pool, I need to get her out of the pool.*’²³ In her statement she said to Mr Callaway ‘*I said to him that he had to get her out of the pool. I said this a few times to him.*’²⁴
24. Mr Callaway called 000 for police attendance.
25. Mr Callaway then got Mrs Goudge out of the pool.²⁵

Police investigation

26. Police attended the scene and the Homicide Squad investigated Mrs Goudge’s death. After an extensive investigation, no charges have been laid and her homicide remains unsolved. The case remains an open criminal investigation.
27. On 16 July 2015, Victoria Police delivered a coronial brief to the Coroners Court of Victoria. The brief includes statements from 65 witnesses and 89 exhibits.

Coronial investigation in the context of a homicide investigation

28. Mrs Goudge’s death is a ‘reportable death’ pursuant to section 4 of the *Coroners Act* 2008 (the Act) as her death was both violent and the result of injury.
29. In accordance with section 52(2)(a) of the Act a coroner must hold an inquest into a death if the death occurred in Victoria and the coroner suspects the death was the result of homicide.
30. Section 67(1) of the Act sets out the findings which a coroner must make, as a result of an investigation into a reportable death, if possible. They are, the identity, the cause of death and the circumstances of death.

²⁰ Transcript p 60.

²¹ Transcript p 105.

²² Transcript p 120.

²³ Transcript p 61.

²⁴ Coronial Brief p 120.

²⁵ Transcript p 64.

31. Requests for inquest were filed with the court by Mrs Goudge's son, Mr Adam Goudge, Ms Bronwyn Cleary (Adam Goudge's mother in law) and Mr Raymond Asbury (Mrs Goudge's father).
32. On 28 July 2015 I advised Victoria Police, Mr Adam Goudge and Mr Paul Callaway that a mandatory inquest would be held into Mrs Goudge's death.
33. On 15 December 2015, a Directions Hearing was listed. Applications for Interested party status were granted to Mr Adam Goudge and Mr Callaway. The scope of the Inquest was determined to clarify aspects of the medical cause of death and the circumstances surrounding the death, including the identification of the person or persons who were causally involved in Mrs Goudge's death. A list of 27 witnesses was compiled and the matter listed for a nine day inquest.
34. Section 69(1) of the Act prevents a coroner from making any statement in a finding or a comment that a person may be guilty of an offence.
35. However, the Victorian Court of Appeal in *Priest v West* [2012] VSCA 327 stated:
'If, in the course of the investigation of a death it appears that a person may have caused the death, then the coroner must undertake such investigations as may lead to the identification of that person. Otherwise the required investigation into the cause of death and the circumstances in which it occurred will be incomplete; and the obligation to find, if possible, that cause and those circumstances will not have been discharged.'
36. To that end, the coronial investigation and subsequent inquest attempted to identify any person who may be causally responsible for Mrs Goudge's death.
37. It is not common for an inquest to be held in a homicide case prior to a person being charged. The conduct and scope of the Inquest and the witness list reflected my obligation to pursue all reasonable lines of inquiry with the prospect that the evidence may reveal or suggest or open new lines for the criminal inquiry to identify the person who caused Mrs Goudge's death.
38. The Coronial Brief contains the Victoria Police 'case theory' at the conclusion of the summary. The theory is that Mr Callaway is the only remaining suspect.
39. I reviewed the Coronial Brief, prepared by the Homicide Squad, to ascertain what further investigations should be undertaken and whether evidence already in existence required clarification prior to the conduct of the Inquest.
40. My inquiries were not solely focused on whether Mr Callaway was involved in Mrs Goudge's death, as was (and remains) the police theory. I sought to probe all other possible avenues of inquiry and met with Homicide investigators for that purpose. It was clear that an active and thorough homicide investigation had been undertaken over the 4 years subsequent to Mrs Goudge's death.

41. Following consideration of the evidence in the brief, areas of particular interest included: who was (and remained) a suspect during the police investigation; the shoeprint located on the side of the pool; the beige car spotted in Mrs Goudge's street; the capacity of the motion detector in the rear of her property²⁶; the tyre marks at the rear of her property; the damage to the ensuite door in Mrs Goudge's bedroom; the thud which was heard by Rebecca Goudge and Mr Callaway; the fingerprint located on the bedroom bedside table; the Friday paper which was apparently missing;²⁷ whether Mr Callaway's bank records had been interrogated; whether the police were able to confirm whether there were available properties for sale in Paton Hill; whether there were any work emails between Mr Callaway and Mrs Goudge; whether there was any evidence of injuries to Mr Callaway; whether Mr Callaway's telephone records had been interrogated and the outcome of that interrogation.
42. I note that almost all of these evidentiary points were the subject of further interrogation during the Inquest.
43. All interested parties, including Mr Callaway, participated in the directions hearing I convened prior to the inquest, at which time they were given an opportunity to make submissions about the scope of the inquest, the witnesses to be called and any further evidence or documents that should be obtained.
44. In addition to the brief, the following documents were obtained prior to the commencement of the Inquest:
 - A statement of a Telstra System Specialist regarding the movement of Mr Callaway's phone;
 - A statement from the owner of the Soap Hand Carwash regarding the car cleaning which occurred on 9 July 2011;
 - All notes of police officers involved in the investigation of Mrs Goudge's death; and
 - A further statement from Rebecca Goudge.
45. Mr Callaway was on the witness list but sought to be excused under section 57 of the Act from giving evidence on the basis of self-incrimination. He also indicated that he would not give evidence with the benefit of a certificate under section 57(5). After considering written and oral submissions I determined the interests of justice did not require me to compel him to give evidence at Inquest.²⁸

²⁶ Detective Lenihan's evidence about CCTV footage from Swinburne University at the rear of Mrs Goudge's house categorically ruling out the possibility of a person jumping the back fence (T 340) was corrected and clarified by Det Adams.

²⁷ Coronial brief p 176.

²⁸ See Ruling dated 3 May 2016

46. No inference is drawn against Mr Callaway on the basis of him exercising his privilege against self-incrimination.
47. In the absence of Mr Callaway's oral evidence and cross-examination I have had regard to his two written statements and the transcript of his significant witness interview. The two statements have been acknowledged by Mr Callaway as true and correct and the contents of the interview described by him as 'true, accurate and correct.'²⁹ The statements and interview carry less weight having not been adopted on oath nor tested under cross examination. Where they are in conflict with sworn evidence of witnesses who gave evidence at the Inquest I may prefer the sworn evidence.

Police theory

48. The police theory against Mr Callaway has a number of bases.
49. Of the people with an apparent motive, Mr Callaway benefitted financially from her death, as well as benefitted from no longer having to work with her. The motive relates to the nature of his relationship with Mrs Goudge prior to her death.
50. Investigators believe the person responsible for Mrs Goudge's death was known to her and appeared to have prior knowledge about the swimming pool and that Mrs Goudge lived alone.
51. Placing her body and bedding in the pool '*appears to be an attempt to destroy any DNA evidence. It suggests the attacker had some knowledge or concern regarding DNA evidence.*'³⁰ Mr Callaway had a working knowledge of DNA evidence as a result of him being a former police officer and having developed a DNA sampling patent.
52. Further, after Mrs Goudge's death, Mr Callaway '*demonstrated deceptive behaviour throughout the investigation.*'³¹

Standard of proof and the evidence

53. The evidence consists of scientific evidence, direct evidence (first hand evidence from a witness about a fact or an original document) and circumstantial evidence (a circumstance from which a fact in issue can be inferred).
54. I agree with submissions of Counsel Assisting, Ms Hodgson and Counsel for Adam Goudge, Mr Mandy that the evidence should be weighed and considered as a whole rather than each piece of evidence being considered in isolation.
55. The authority for this is in the Victorian Court of Appeal in *Nolan v Nolan & ors* [2004] VSCA 109 at paragraph 120:

²⁹ Coronial Brief p 154.

³⁰ Summary Coronial brief, p 40.

³¹ Summary Coronial brief, p 40.

“...both in the civil and criminal law context, the evidence in question must be evaluated as a whole and that the object of the exercise in a case such as the present, where direct proof of the disposition contended for is not available, is to ascertain:

(citing *Tadgell J A in Longmuir*) ‘whether the evidence paints a picture to be derived from an accumulation of detail. The overall effect of the detailed picture can sometimes be best appreciated by standing back and viewing it from a distance, making an informed, considered qualitative appreciation of the whole. The overall effect of the detail is not necessarily the same as the sum total of the individual details.’ Thus it seems plain enough that, when a court is asked to infer a fact from various items of indirect evidence, it must consider the combined or cumulative effect of the evidence.”

56. There are agreed facts in this case, as well as disputed facts. I will make findings on the disputed facts and consider their evidentiary significance.

57. I accept the submission by Counsel Assisting that coronial findings must be made as to the proof of relevant facts on the balance of probabilities. In determining whether a matter is proven to that standard, I should give effect to the principles in *Briginshaw v Briginshaw*³² when considering the weight of evidence.

58. Justice Dixon stated:

‘The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters ‘reasonable satisfaction’ should not be produced by inexact proofs, indirect testimony, or indirect inferences.’

59. I am not bound by the rules of evidence and ‘may be informed...in any manner the Coroner reasonably thinks fit.’³³ In *Priest v West & Anor* [2012] VSCA 327 at 329, Maxwell P and Harper JA stated:

‘Parliament has, in particular, exempted the Coroner’s process from the rules which limit the admissibility of evidence in court proceedings. Far from justifying a narrow view of the scope of an investigation, these provisions oblige the Coroner to take an expansive or inclusive approach, in our view.’

Identity

60. The Deceased’s identity is Brenda Claire Goudge.

³² (1938) 60 CLR 336

³³ S 62 Coroners Act 2008

Cause of death

61. A post mortem autopsy was performed by Forensic Pathologist Dr Matthew Lynch at the Victorian Institute of Forensic Medicine on 9 July 2011. Dr Lynch formulated the cause of death as '*Asphyxia in the setting of upper airway obstruction, neck compression and immersion*'.
62. Dr Lynch prepared a Medical Examiner's Report which reflects his findings. He gave evidence at Inquest to explain and expand on those findings.
63. At autopsy a number of injuries were identified.

The Face

64. In his Medical Examiner's Report Dr Lynch noted the face appeared suffused and there were conspicuous petechial haemorrhages noted on the skin, on the forehead and in both peri orbital (around the eye socket) and peri auricular (surrounding the external ear) regions and also on both cheeks and on the perioral skin (around the mouth) extending to the neck. He explained in his evidence that 'petechial haemorrhages' refers to pin point sized areas of bruising and were apparent over Mrs Goudge's skin, involving her forehead, skin around both eyes, skin around both ears, cheeks, skin around her mouth and also onto her neck .
65. There was a linear area of haemorrhage on the inner part of the lower lip. In evidence Dr Lynch stated this was a bruise reflective of some form of blunt trauma.
66. There was conspicuous petechiae noted on the buccal mucosa (this is the inside lining of the cheeks). Dr Lynch explained the significance of petechiae is that '*they are often seen in the forensic setting ...often seen in the setting of an individual that's died as a result of an asphyxia process, so in this instance it's like some form of neck compression.*'³⁴
67. Bruising and haemorrhage were noted over the left body of mandible (jaw) and left masseter (the chewing muscle) and an ill-defined area of petechial haemorrhage was observed on the neck. Dr Lynch indicated this bruising is seen in the setting of some sort of blunt trauma, '*... also when there's some kind of external obstruction of a person's airway so they're attempting to open their mouth against resistance. It's a situation where I've seen bruising in that muscle.*'³⁵
68. There was a laceration at the junction of the left ear lobe with the cheek and a small amount of blood within the auditory canal. Dr Lynch was asked if it was possible to tell whether the blood staining in Mrs Goudge's bedroom, on her mattress protector and electric blanket could have been sourced from this wound. Dr Lynch noted there were two possibilities, firstly, the

³⁴ Transcript p 11.

³⁵ Transcript p 13.

only breach of her skin was this injury over her left ear.³⁶ The second possible source, in the setting of airway obstruction and neck compression could have broken small blood vessels within the nose so there could have been bleeding in her nose and mouth, evidence of which was washed away in the swimming pool.³⁷

The Neck

69. Haemorrhage was noted within the strap muscles of the neck involving the right sternomastoid muscle and the cricothyroid membrane. Dr Lynch described the bruising as within the structures of the neck, within muscle and then a little deeper within membranes between cartilage and bone.³⁸ Dr Lynch concluded the bruising was reflective of some form of blunt trauma.
70. Dr Lynch noted the presence of conspicuous sub conjunctiva³⁹ petechial haemorrhages and petechiae on the skin of the neck which is seen in the setting of mechanical obstruction of the upper airway. This might comprise external obstruction of the nose and mouth or choking or external neck compression. There was no evidence of injury to the neck to suggest the application of a ligature or bruising seen in manual strangulation, but such a mechanism could not be excluded. Dr Lynch was of the view that although the larynx was intact, as was the hyoid bone and thyroid cartilage, the absence of damage does not exclude pressure having been applied to the area.⁴⁰

Defensive injuries

71. Dr Lynch detailed bruises to the back right hand and fingers and the left forearm, wrist and back of the left hand. He described five separate injuries to the back of Mrs Goudge's right hand. Whilst he could not say whether the injuries were caused individually or from one application of force he stated it could be caused by Mrs Goudge forming a fist and punching something, or adopting a defensive stance and attempting to fend off a blow.⁴¹ *'That single impact could produce multiple injuries over that particular surface.'* He thought probably more than one impact caused those injuries.
72. Mrs Goudge had discoid bruises on her left forearm and wrist extending to the thumb and index finger. The term 'discoid' is used to describe small round areas of bruising. Dr Lynch

³⁶ Transcript at p 14 Dr Lynch states 'the only breach in her skin that I identified was the injury over her left ear.' Having regard to his previous evidence and the Medical Examiner's Report I am of the view he meant to say 'under her left ear' rather than 'over'.

³⁷ Transcript p 14.

³⁸ Transcript p 16.

³⁹ Conjunctiva is the mucous membrane that covers the front of the eye and lines the inside of the eyelids

⁴⁰ Transcript p 18

⁴¹ Transcript p 20.

indicated that whilst discoid shape invites the inference it had been produced by a grip, ‘...a grip mark would be in my view a likely mechanism, but not the only possible one.’⁴²

73. With respect to timing, Dr Lynch stated that all the injuries had the appearance of recent injuries, occurring around the time of Mrs Goudge’s death.

The Skull

74. There was a 5 cm bruise to the right occipital region (back right side) and a 5 cm bruise to the left front temporal region (left side of the forehead) of Mrs Goudge’s skull. The areas were concealed by hair and the overlying skin was intact. Dr Lynch could see the injury under the skin. These were bruises reflective of some sort of blunt trauma. There was no bleeding in the skull or injury to the brain.

Conscious or unconscious?

75. Dr Lynch stated it was ‘*very possible*’ where an individual has evidence of blunt force trauma to the head, as is present here, that there may have been an alteration in conscious state.’⁴³ ‘*So it’s not possible to – for me to say that Mrs Goudge would’ve been rendered unconscious, but it’s equally quite possible that she was.*’⁴⁴
76. Dr Lynch was of the view the injuries he noted were sufficient to kill Mrs Goudge however he could not definitively say she was dead when she entered the water.⁴⁵
77. Dr Lynch noted that the possibility that Mrs Goudge was unconscious at the time her body entered the swimming pool and subsequently drowned could not be excluded, therefore the term ‘immersion’ is included in the cause of death. Hyper expanded lungs as seen in this case are often seen in cases of drowning but are nonspecific as they are also seen in individuals who have not drowned. Further, the possibility that she was deceased prior to entering the water could not be excluded.
78. Dr Lynch was unable to say whether the bruise to Mrs Goudge’s left shoulder blade could have been caused when she was dragged but opined it was reflective of some kind of blunt trauma.
79. Dr Lynch stated he deliberately adopted a narrative cause of death because there was a number of components that might have contributed.
80. Dr Lynch was not able to estimate a time of death other than the time frame established by the police investigation.

⁴² Transcript pp 21-2.

⁴³ Transcript pp 23.

⁴⁴ Transcript pp 23-24.

⁴⁵ Transcript p 33.

Conclusions from Dr Lynch's evidence

81. In summary it appears from Dr Lynch's findings, although impossible to say in what order, that Mrs Goudge was hit or sustained blunt trauma to the front and left of her face, causing bruising, including to the inner bottom lip. The blood on her bedding suggests she was attacked whilst in bed and the blood may have emanated from either the laceration at left ear lobe and cheek junction or from a blood nose caused by airway compression.
82. It appears she has defensive injuries to her hand and forearm and she may have fended off her attacker with the back of her right hand. A grip appears to have been applied to her left forearm and wrist.
83. She was hit to the front left of her skull and to the right back of her skull which caused internal bruising and possible loss of consciousness. Some sort of external smothering pressure was applied which obstructed her nose, mouth and throat causing petechial bruising and deep internal bruising within her neck. The pressure may well have been through the application of a hand or hands over a soft covering such as a doona or pillow.
84. The combination of her injuries was sufficient to have killed Mrs Goudge, however, it is impossible to say whether she was dead, conscious or unconscious when she entered the water. The hyper inflated lungs are a nonspecific finding and not conclusive of drowning.
85. In the circumstances, I accept the narrative cause of death formulated by Dr Lynch.

CIRCUMSTANCES

Crime scene investigation

Crime scene examination

86. Sergeant Tracey Starr was the crime scene examiner and took fingerprint expert Caitlin Sinclair on a walk-through points of interest at the scene.
87. The areas of interest were '*around the pool gate and the areas there, the front doors, the back doors and any surfaces within the bedroom, en suite and walk in robe and inside the safe...the coffee cups in the sink and sink area.*'⁴⁶
88. Sergeant Starr was not aware when she examined the scene that Rebecca Goudge and Mr Callaway had exited the house by the front door.⁴⁷ The door stopper for the front door was ajar and was an '*anomaly within the scene to be recorded.*'⁴⁸ Had she known the front door had been used, she would have made further inquiries about the position of the door draft stopper.

⁴⁶ Transcript p 425.

⁴⁷ Transcript p 427.

⁴⁸ Transcript p 427.

89. Black tights were seized from the kitchen bench (position marked 2836).⁴⁹ She stated ‘...it was just something that seemed to be an anomaly within the scene that everything else was so neat and orderly.’ Sergeant Starr could not say if the tights had been analysed.⁵⁰
90. She was asked about the pile of clothes next to Mrs Goudge’s bed. She agreed the pile might have been inconsistent with the orderly state of the house but could be consistent with her ‘just getting undressed and dropping her clothes there and move them in the morning.’⁵¹
91. Within the clothes was Mrs Goudge’s lower denture with blood on it. Sergeant Starr’s evidence was this was swabbed and sent for analysis, but she was unable to say what the results were.

Scientific evidence – Fingerprints

92. Caitlin Sinclair, fingerprint expert, gave evidence that 29 items in and around Mrs Goudge’s house were tested for latent prints.⁵² She explained, as noted above, that she was guided by crime scene officers, taking her through the scene, to determine what items should be tested.
93. Ms Sinclair had finger prints from Kevin Tran, Adam Goudge, Rebecca Goudge, Marino Babuder, Benito Babuder, Graham Goudge, Craig Jardine and James Duffus, as well as access to the National Automated Fingerprint Identification System, which included Mr Callaway’s prints.
94. Ms Sinclair developed latent prints on the pool gate and the glass window next to the rear door which were identified as belonging to Vanessa Goudge. A latent print taken from the side of the chest of drawers in Mrs Goudge’s bedroom was not able to be identified. A latent print from a cup in the sink was identified as Mrs Goudge’s print as well as one on a drinking glass from the lounge room coffee table. There were no prints on the spare key from the hanging basket, nor on Mrs Goudge’s reading glasses.
95. There were no prints on the inside or outside of entry/exit rear glass door and she was unsuccessful in her attempts to get prints from metal security door.⁵³ There were no prints on the inside of the wooden front door. She did not examine the outside front door or the doorbell.
96. In Mrs Goudge’s bedroom, there were no fingerprints detected on the door and surrounds leading to the walk in robe, the digital safe or the sliding door and surrounds leading to en suite.⁵⁴ Ms Sinclair tested the whole of the bed head and the bed frame but could not detect any fingerprints.

⁴⁹ Transcript p 434.

⁵⁰ Transcript p 435.

⁵¹ Transcript p 435.

⁵² Transcript p 204.

⁵³ Transcript p 213.

⁵⁴ Transcript p 215.

97. The National Automated Fingerprint Identification System has finger prints of about 3 million people including both criminal and non-criminal sets of prints. The non-criminal sets come from people applying for, for example, civil visas or potential employees for government or Victoria Police.
98. Mr Gardner, on behalf of Mr Callaway, clarified that the database included the prints of retired or no longer serving police officers, if they do not request them to be destroyed. Mr Callaway was excluded as the unidentified person who placed the fingerprint on the side table in the bedroom.⁵⁵
99. At the conclusion of her evidence Ms Sinclair explained it is not unusual to find few fingerprints at a crime scene, as was the case here. She explained that she determines what would be a good surface to hold fingerprints, *'and that seems to be in the forefront of when we examine things.'*⁵⁶
100. She indicated that anything that was smooth or a clean surface was good for holding prints but it also depended on the donor of the print and environmental factors.

DNA evidence

101. Kate Outteridge, forensic officer at the Victoria Police Forensic Services Centre in the forensic biology unit gave evidence to the Inquest.
102. Ms Outteridge stated that submersion in water affects the ability to obtain a DNA profile from an item: *'Any biological material is water soluble and therefore having been exposed to or soaked in water the DNA can be removed that way.'*⁵⁷
103. Ms Outteridge had reference DNA samples from Brenda Goudge, Michael Gazzola, Vanessa Goudge, Craig Jardine and Samantha Goudge. Mr Callaway gave a voluntary DNA sample.⁵⁸ There were other reference samples received for this case that were destroyed under section 464 of the *Crimes Act 1958*, but were tested against the evidentiary material prior to destruction.⁵⁹
104. The sample tested from underneath Mrs Goudge's left hand fingernails indicated two contributors, including Mrs Goudge. Only one DNA site out of a possible 21 sites showed evidence of another contributor therefore it was unsuitable for comparison to other reference samples as 'single sites' are not tested for a particular characteristic. In addition, *'it wasn't the sex indicating site....'*⁶⁰ She further clarified that it represented one number, so only one DNA type out of a possible 42, *'There's just not enough information there to be able to give*

⁵⁵ Transcript p 223.

⁵⁶ Transcript p 224.

⁵⁷ Transcript p 791.

⁵⁸ Coronial Brief p 631. Mr Callaway attended Knox Police Station on 25 August 2011.

⁵⁹ Transcript p 793.

⁶⁰ Transcript p 794.

*any kind of high statistical weight regarding that person being the source of that DNA type so therefore it wasn't compared.'*⁶¹

105. Ms Outteridge explained 'P Plus' was the old DNA profiling system which was replaced in 2013 with 'PP21' which allows tests on 21 sites as opposed to 10 sites. The 10 sites are within the 21 sites so the two systems are comparable. The newer test was deployed, where appropriate, in relation to the evidence in this matter.
106. The DNA profile of an unknown female was obtained from the white cup (item 55).⁶²
107. The arms of Mrs Goudge's reading glasses⁶³ were identified as having a mixed DNA profile of three contributors, including Mrs Goudge. All remaining donors of reference samples and item 55 (the white cup)⁶⁴ were excluded. The two contributors therefore remain unidentified. Mr Mandy, on behalf of the Goudge family, established that three or four values, (other than Mrs Goudge's), at each of the other sites meant that if there was a reference sample with the same DNA to compare to those two contributors, Ms Outteridge would be '*able to provide a reasonably significant statistical opinion as to those people being contributors to the reading glasses.*'⁶⁵
108. Mr Gardner established that the one of the two contributors whose DNA was on the arms of the reading glasses had a site, namely, allele 13 which is also in the DNA detected from the sample under Mrs Goudge's fingernail.
109. There was DNA on a pillow case that was in the pool. There was one DNA located at the sex indication site but the only DNA type seen in that profile is an 'X', so it could be male or female.
110. From the swabs from the safe keypad a single source DNA profile was obtained that matched the profile of Mrs Goudge.
111. There was a white mug with gold rim and the DNA profile matched Michael Gazzola.⁶⁶ The other white cup matched Mrs Goudge's DNA.
112. Of all the other items tested, nothing else could give a strong statistical weighting regarding other donors contributing to the DNA.⁶⁷
113. Detective Adams gave evidence that the other five reference samples were from Rebecca Goudge, Kevin Tran, Adam Goudge, Graeme Goudge and Paul Callaway.⁶⁸

⁶¹ Transcript p 795.

⁶² Coronial Brief Statement of Kate Outteridge p 552.

⁶³ The reading glasses and a book were located on top of a bed side dresser on the en suite side. Coronial brief p 615.

⁶⁴ Transcript p 788.

⁶⁵ Transcript p 806.

⁶⁶ Michael Gazzola is the antenna repairman who attended Mrs Goudge's house on 7 July 2011.

⁶⁷ Transcript p 799.

⁶⁸ Transcript p 1010-11.

114. Ms Outteridge was asked about hair samples collected from the scene. She indicated hair samples can only be useful if at a particular point in the growth cycle, which these hairs were not.

Conclusions from the crime scene

115. There was very little scientific evidence from the crime scene, which is suggestive of pre-planning by Mrs Goudge's attacker who was careful to avoid leaving any incriminating evidence at the scene.

116. There was no forced entry ⁶⁹nor valuables taken. A DNA sample swabbed of the safe's keypad belonged to Mrs Goudge.

117. Rebecca Goudge gave evidence that Mrs Goudge was usually tidy and the pile of clothes on the bedroom floor next to her bed was unusual.

118. The blood on the mattress and bed head suggests Mrs Goudge was attacked whilst she was in bed. As she was still wearing her dentures it is likely she was still awake, although not conclusive of this as she may have fallen asleep

119. The force of the attack was sufficient to knock her lower denture out of her mouth and onto the floor where it was found amidst the pile of clothes.

120. Mrs Goudge's lower denture had blood on it. Detective Starr was not able to give evidence about the results of any biological testing.⁷⁰

121. Dr Lynch opined that some sort of soft covering may have been placed over Mrs Goudge's nose, mouth and throat. There was a pair of black tights which were found on the kitchen bench. Detective Starr was not able to say if they had been forensically tested.

122. Ms Outteridge was also unaware whether the pair of black tights had been tested⁷¹ for DNA material, although there was no evidence to suggest that a ligature was used in the attack

123. There is unknown DNA from a female on a white cup, which was not obtained from the crime scene.

124. There is an unknown fingerprint under the left bedside table in Mrs Goudge's bedroom, although there is evidence that Mrs Goudge had recently refurbished her bedroom and the bedside table was new. The placement of the fingerprint is consistent with it being deposited on the item when it was being moved.

125. There is evidence of a single source of DNA other than Mrs Goudge under her fingernails.

⁶⁹ Detective Sergeant Jason Poulton: '...checked all doors and windows for signs of forced entry or attempts to force entry. There were no signs of that type.' Coronial Brief p 615.

⁷⁰ Transcript p 463.

⁷¹ Transcript p 808.

126. This was insufficient for comparison purposes. However it was the same single allele, number 13, as that unidentified DNA on Mrs Goudge's reading glasses making it possibly from the same DNA contributor.

Dynamics at Jay Dee Auto Cables

Mrs Goudge's relationship with Paul Callaway

127. Rebecca Goudge stated it was '*a common occurrence at work*' for her mother and Mr Callaway to raise their voices at each other. She described them as having '*their little barney*' and that someone in the office had described them as '*just like an old married couple*.'⁷²

128. She described this as happening quite often at '*the old premises*' from where they moved at the end of 2010. She described a '*very different atmosphere*' at the new premises. '*All the big arguments happened at the old premises, not the new one*.'⁷³

129. This suggests there was six months in the new workplace absent of arguments, at least openly, prior to Mrs Goudge's death.

130. Mrs Goudge's sister, Susan McCormack gave evidence about what Mrs Goudge had told her about her relationship at work with Paul Callaway. She stated the minute she heard she had died she thought about the problems at work and the problems Brenda had with Mr Callaway, '*...because of all the phone calls she made to me, the many times she rang up, she'd left work and she'd ring up in tears, the emails she sent me, the private messages on Facebook, the phone calls*.'⁷⁴ Ms McCormack estimated she spoke with Mrs Goudge three times a week about her workplace issues and every time the conversations related to '*Paul....She had no problems really with anybody else to the same extent*.'⁷⁵

131. When describing the type of workplace issues Mrs Goudge faced, Ms McCormack stated: '*...it was not being involved with decisions, it was not being treated as an equal partner, it was...a fact that Paul was telling junior staff, take no notice of what ...she tells you to do, ignore her, just demeaning her and - and I felt bullying*.'⁷⁶

132. Mr Mandy put to Ms McCormack that Mrs Goudge had started to 'push back' in asserting herself to Mr Callaway and said so in an email that was part of Ms McCormack's statement. Ms McCormack agreed that her sister was handling the work place stress better, by controlling her emotions and resisting attempts to marginalise her within the business.⁷⁷

⁷² Transcript pp 64-65

⁷³ Transcript p 65.

⁷⁴ Transcript pp 228-9.

⁷⁵ Transcript p 229.

⁷⁶ Transcript p 230.

⁷⁷ Transcript p 261.

133. Lisa Callaway gave evidence that her husband, Mr Callaway, would ‘vent’ about Mrs Goudge at home, ‘...just guess what she’s done this time, guess what she’s suggested ...it wasn’t an angry thing...letting me know so we’d have that chit chat, casual talk...just like normal couples do when they talk about what happened that day.’⁷⁸
134. Mrs Callaway told police in her interview in September 2011 that she thought Mrs Goudge was an idiot, ‘just a stupid old woman...just out to cause trouble.’⁷⁹
135. Mrs Callaway believed that as the other business partner, James Duffus, was ‘on the road,’ her husband took the brunt of the issues Mrs Goudge would cause in the office as employees would complain to him about her behaviour.⁸⁰
136. Vaughan Williams gave evidence that he was a courier employed by ANON Couriers and his first stop each day on his courier run for six years was Jay Dee Auto Cables. Mrs Goudge raised her workplace frustrations involving Mr Callaway with him a ‘handful of times.’⁸¹ He never observed any interactions between Mrs Goudge and Mr Callaway when he was there, although in his statement he said he believed that Mrs Goudge was ‘possibly a bit intimidated by Paul.’⁸² The frustrations he detailed had to do with decisions in the business such as buying items that were not selling or having an IT analyst come in.
137. Valerie Barry, Mrs Goudge’s long standing friend and neighbour gave evidence that Mrs Goudge talked with her about problems in the business in about 2009-10, ‘...she burst into tears one day and told me how bad things had got.’⁸³
138. In addition to being a neighbour, Mrs Barry was a confidante of Mrs Goudge. She expressed her surprise that Rebecca Goudge and Mr Callaway went to Mrs Goudge’s house when she did not come in to work on 8 July 2011 and contrasted the lack of concern shown when Mrs Goudge had broken her foot and no one at work had contacted her or sent her flowers. She stated ‘...I thought if somebody takes her round to see her mum she’s now late for work, it didn’t fit as to when she’d broken her foot.’⁸⁴
139. When asked if Mrs Goudge was intimidated by Mr Callaway, Mrs Barry stated: ‘She wasn’t physically frightened of him but she was fearful of how he seemed to be able to manipulate the workplace...’⁸⁵

⁷⁸ Transcript p 449.

⁷⁹ Transcript p 477.

⁸⁰ Transcript p 478.

⁸¹ Transcript p 619.

⁸² Exhibit 29, CB p 267.

⁸³ Transcript p 638. Mrs Barry could date Mrs Goudge breaking her foot to her being at the new factory.

⁸⁴ Transcript p 641.

⁸⁵ Transcript p 643.

140. Simon Mitton, an employee of Jay Dee Auto Cables gave evidence that there would be raised voices, (as opposed to yelling), between Mrs Goudge and Mr Callaway, but *'it wasn't a regular thing.'*⁸⁶
141. He agreed that in the period before Mrs Goudge died, there were less arguments.
142. He described Mr Callaway as an easy going boss who did not hold a grudge.⁸⁷
143. James Duffus stated they moved into the new factory at the end of 2010. He said that it was a better work environment because Mrs Goudge and Rebecca Goudge were not isolated over one side, and the new factory was more streamlined.
144. Jeanette Munn, also an employee gave evidence that she only witnessed one argument between Mr Callaway and Mrs Goudge at the old factory (in Ramage Street) and did not witness any at the new factory (Dorset Road).⁸⁸ She did say she had occasionally seen Mrs Goudge intimidated in Mr Callaway's presence at the old factory.⁸⁹
145. Cameron Ferris was employed with Jay Dee Auto Cables prior to the new partnership in 2007. His evidence was of witnessing yelling matches or verbal quarrels mainly between Mr Callaway and Mrs Goudge at the old factory.⁹⁰
146. In his initial statement to police on 8 July 2011 he stated: *'I have no idea who may have wanted to hurt Brenda and no idea for any reason why anyone would want to hurt Brenda.'*⁹¹
147. In his significant witness interview with police in September 2012, Mr Ferris stated he thought Mr Callaway was responsible for Brenda's death. In his interview he stated: *'...it's just I see Paul, all the trouble he's had with her, sorry made with her, you know. Everything she's told me and the way he is, the way I don't like him, I don't trust him.'* When asked if that was always the case between himself and Mr Callaway, in evidence he stated: *'Working relationship between us was fine...But what I saw in the background with Brenda is what made me think and say that.'*⁹²
148. Mr Ferris stated he saw Rebecca Goudge on the morning of 8 July 2011 and didn't notice anything different. He thought it, *'...a little strange'* that Mr Callaway took Rebecca Goudge to Mrs Goudge's house that morning because, *'...they weren't the best of friends.'*⁹³
149. In contrast, Ms Munn's evidence was that she thought there was nothing unusual about Mr Callaway escorting Rebecca Goudge to her mother's house.⁹⁴

⁸⁶ Transcript p 657.

⁸⁷ Transcript p 676.

⁸⁸ Transcript pp 838-9

⁸⁹ Transcript p 864.

⁹⁰ Transcript p 873.

⁹¹ Transcript p 893.

⁹² Transcript p 875.

⁹³ Transcript p 888.

⁹⁴ Transcript p 862.

150. Anthony Day gave evidence in the seven month period prior to Mrs Goudge's death and following the move to the new premises about things being improved or '*better than usual*.'⁹⁵ He saw only one argument between Mrs Goudge and Mr Callaway at the new premises in March or April 2011 which was about the mail collection.⁹⁶ He described them as both raising their voices, but '*no swearing or threats or anything like that*.'⁹⁷
151. The evidence suggests there was significant friction between Mrs Goudge and Mr Callaway at the workplace, particularly prior to the move to the new premises at the end of 2010.
152. The evidence suggests that publicly Mrs Goudge could stand up to Mr Callaway and descriptions such as them being '*just like an old married couple*' suggest a degree of mutual combat in the dynamic. Privately however, as revealed through Mrs Goudge's confidences and complaints to her sister, her neighbour and in her private communications on Facebook with Rebecca Goudge, the conflict in the relationship took a high toll on her which she found very upsetting. More than one witness described her as '*intimidated*' by Mr Callaway.
153. The oral evidence suggested there was an improvement in the work relationship after the move to the new premises at the end of 2010 as there were much fewer verbal arguments witnessed between Mrs Goudge and Mr Callaway. However the private communications between Mrs Goudge with Rebecca Goudge on Facebook about work issues supports a picture of Mrs Goudge being intensely unhappy at work. She was clearly having personal issues with many staff members, feeling excluded from business decisions made by Mr Callaway and Mr Duffus and feeling utter contempt for them both.⁹⁸

Mrs Goudge's relationships with other staff

154. Rebecca Goudge's evidence was that her mother had arguments with other staff including Stacey Gibson, Cameron Ferris and also once with James Duffus.
155. Mr Mitton, also an employee, named a number of staff who left because of the way they were treated by Mrs Goudge, including Stacey, Karen, Yolanda, and that he was considering leaving.⁹⁹ James Duffus confirmed this in his evidence.¹⁰⁰
156. Rebecca Goudge also stated that Mr Callaway and Mr Duffus would ask her when her mother she was going to retire. Rebecca Goudge often indicated that her mother had said she had '*at least another 10 years*' before retirement.¹⁰¹

⁹⁵ Transcript p 924

⁹⁶ Transcript p 926 & p 938.

⁹⁷ Transcript p 926.

⁹⁸ Coronial Brief Appendix J pp 7716 – 752, in these Facebook entries date from 17/11/2008 – 1/7/2011 Mrs Goudge referred to her business partners variously as 'stupid,' 'idiots,' 'mongrels' and 'arseholes.'

⁹⁹ Transcript p 674.

¹⁰⁰ Transcript p 750.

¹⁰¹ Transcript 69.

157. Stacey Gibson worked at Jay Dee Auto Cables from November 2007 and left prior to Christmas in 2010. Her evidence was that she left '*because of Brenda.*'¹⁰² She explained it was because of bullying and she '*was having a hard time there.*'¹⁰³ She stated she told Paul Callaway about the everyday things '*that she was doing to me, so I'd go home crying after work and I'd talk to Paul about that.*'¹⁰⁴
158. Although she never saw Mr Callaway and Mrs Goudge arguing, she gave evidence of seeing Mrs Goudge have disagreements with other staff members such as Simon Mitton and Anthony Day.¹⁰⁵
159. Ms Munn stated '*...basically each week she'd have an argument with someone over the space of time I was working there...*'¹⁰⁶
160. The evidence suggests that Mr Callaway did take the brunt of staff complaints about Mrs Goudge's behaviour at work. It appears she was not always easy to get on with and she struggled with the inter-personal aspects of her management role, which was also reflected in the document she created detailing her grievances in the workplace.¹⁰⁷

Mrs Goudge's financial position

161. Mrs Goudge kept a safe on a shelf in the walk in wardrobe off her bedroom with an electronic digital key pad.
162. The safe was closed and locked and ultimately discovered to be empty when it was opened after her death. Sergeant Starr was present when it was opened and confirmed there was nothing in it.¹⁰⁸
163. The police view was there was no financial motive to Mrs Goudge's attack and murder.
164. Nothing was stolen from her house and cash in her handbag was undisturbed.
165. Her daughter Vanessa Goudge believed she had cash in her safe but was unsure how much.¹⁰⁹ She stated she had a conversation with her mother shortly prior to her death and her mother said there was money in the safe in three equal amounts for each child for when she was 'gone' and it would cover funeral expenses.¹¹⁰ The fact that there was no money found in the safe made Vanessa Goudge feel '*very suspicious.*'¹¹¹

¹⁰² Transcript p 818.

¹⁰³ Transcript p 818.

¹⁰⁴ Transcript P 819.

¹⁰⁵ Transcript p 820.

¹⁰⁶ Transcript p 846.

¹⁰⁷ Coronial Brief pp712-5

¹⁰⁸ Transcript p 436.

¹⁰⁹ Coronial Brief p 164.

¹¹⁰ Coronial brief p 176.

¹¹¹ Coronial Brief p 176.

166. Detective Senior Constable Sean Lenihan was the original investigator prior to leaving Homicide Squad in October 2011. He was asked if there was any follow up of Vanessa Goudge's statement about there being money in the safe. He thought that possibly financial checks were done, but could not recall '*the yield*.'¹¹²
167. There was cash at the house on 8 July 2011 in Mrs Goudge's hand bag in a black leather purse and on the coffee table in a black cloth purse which was untouched.¹¹³
168. Mrs Goudge was financially in a comfortable position. She owned her house at 12 Newstead Way which was valued at about \$420,000 with a small mortgage of \$33 706. She had savings, two cars and shares in the business. She had a car loan of \$8000 and a business loan of \$197 227. She had net assets of \$481 270 and her income serviced her debts.
169. The evidence suggests she was generous and supportive of her children, although in approximately 2004, Mrs Goudge refused to lend Rebecca Goudge's partner, Kevin Tran, \$3000 to pay his debts to a drug dealer.¹¹⁴ Rebecca Goudge's evidence was she never believed that her mother's safety was in danger as a result of Mr Tran's illegal activities.¹¹⁵
170. Jeanette Munn stated a week or two prior to Mrs Goudge's death she overheard Mrs Goudge and Rebecca Goudge arguing about Mrs Goudge's refusal to loan Mr Tran money to buy a boat.¹¹⁶ This recollection appears to be inaccurate as Mr Tran confirmed in his evidence the boat was purchased in December 2010, funded in part, by a \$1500 loan from Mrs Goudge.¹¹⁷ He did confirm borrowing a further \$1500 from Mrs Goudge in early July 2011 to buy a carpet.
171. Mrs Goudge had also extended her mortgage so that Rebecca Goudge could buy a car.
172. It is unclear why they were borrowing from Mrs Goudge when they both worked and were living in a premises owned by Mr Tran's father.
173. According to Mr Tran, these debts were not discussed or required by the estate to be repaid after Mrs Goudge's death.
174. Mrs Goudge had also lent money to her daughter Vanessa Goudge in the amount of \$2000 to pay off a credit card.

Who benefitted financially from Mrs Goudge's death?

175. Mrs Goudge's three children, Adam, Rebecca and Vanessa benefitted financially from her death (as they were the beneficiaries in her will) as well as her business partners, Mr Callaway and Mr Duffus.

¹¹² Transcript p 356.

¹¹³ Cash in total was \$ 335 Coronial Brief statement Jason Poulton p 614

¹¹⁴ Transcript p 72.

¹¹⁵ Transcript p 75.

¹¹⁶ Transcript p 830.

¹¹⁷ Transcript p 1125.

176. In March 2009 the directors of Jay Dee Auto Cables had taken out Life Insurance and Income Protection, and the policy holder was Jay Dee Auto Cables.
177. On 18 August 2011 Jay Dee Auto Cables was the beneficiary of cheques for \$330 750 for Mrs Goudge's Life Insurance and \$10 818 for Income Protection Insurance.
178. The Income Protection was paid to Mrs Goudge's estate, less tax.
179. Adam Goudge, as executor of Mrs Goudge's estate, sold his mother's 40 shares (her 33.3% share in Jay Dee Auto Cables) to Mr Callaway and Mr Duffus for \$260,000, which Mr Callaway and Mr Duffus borrowed from Jay Dee Auto Cables.
180. Mr Callaway and Mr Duffus had an increased value in the company and their entitlement to profit increased from 33% to 50%. Jay Dee Auto Cables retained \$70, 750 from the Life Insurance Policy after paying out Mrs Goudge's estate.
181. It was established during Mr Duffus' evidence that the Jay Dee Auto Cables partnership agreement¹¹⁸ at clause 8 required the parties to take out life insurance cover and this agreement was created prior to Mr Callaway being a potential business partner.¹¹⁹
182. This appears to be standard prudent business practice.
183. The Life Insurance for the directors was purchased in March 2009. In his significant witness interview Mr Callaway stated the Life Insurance Policy was set up when he bought into the business in 2007. Police investigations revealed Mr Callaway in fact negotiated the premiums and the policy was taken out in March 2009.¹²⁰ The police rely on this as demonstrative of Mr Callaway's deceptive behaviour and minimisation of his financial motive.¹²¹

Mrs Goudge's circle – other relationships

184. Mrs Goudge's ex-husband, Graeme Goudge, had been in contact with her in February 2010, via Facebook seeking to rekindle a connection. Mrs Goudge told her sister Ms McCormack about this but ultimately declined to pursue the overture.
185. Ms McCormack was not aware of any animosity between Mrs Goudge and her former husband.
186. An email from Graeme Goudge from January 2011 refers to Mrs Goudge as a '*Fuuuuuuuuk'n dead set bitch*'¹²² on account of his belief that she had failed to advise him of a social event, namely a mutual friend's renewal of wedding vows, which he had missed.

¹¹⁸ Exhibit 35

¹¹⁹ Transcript p 761.

¹²⁰ Coronial Brief, Summary p 36-37.

¹²¹ Coronial brief, Summary p 41.

¹²² Coronial Brief p 768.

187. DSC Lenihan said he took a statement from Graeme Goudge and there was nothing that caused him to suspect that he may have been involved in the circumstances of Mrs Goudge's death.
188. Graeme Goudge participated in a video recorded interview with Detective Sergeant Jason Poulton on 25 September 2012 and denied any involvement in Mrs Goudge's death. He also participated in a polygraph test on 27 February 2013 the result of which was assessed as truthful.¹²³
189. Ms McCormack was not aware of a prior romantic relationship Mrs Goudge may have had with a courier driver some years earlier whom she met through Jay Dee Auto Cables, nor was she aware of any other romantic or sexual relationships Mrs Goudge had had in the decade prior to her death.¹²⁴
190. Mr Anthony Day, an employee at Jay Dee Auto Cables stated he heard a rumour that in 2010 Mrs Goudge was seeing '*a delivery guy...He initially worked for McPhee.*'¹²⁵
191. In his evidence he clarified that this driver was keen on her, '*would often chat to her and stay, you know, stay longer than he probably should.*' When he heard the rumour Mr Day believed the relationship had been in the past, but thought when he heard the 'rumour' the same 'guy' was still making deliveries to factory and had been for three or four years.¹²⁶
192. Mr Callaway also refers to seeing Mrs Goudge embracing one of the couriers from TNT '*a few years ago*'.¹²⁷
193. The evidence suggests Mrs Goudge was not in a romantic relationship prior to her death.

Tradesmen doing work at Mrs Goudge's house proximate to her death

194. Approximately two weeks prior to her death Mrs Goudge had her roof repaired by Joseph Hamer. The work involved broken cement tiles being repaired and the roof re-sealed. The three day job was done over a two week period involving Mr Hamer and two workers. In the course of the repairs some disruption was caused to the TV antenna. Mrs Goudge's son Adam Goudge checked the roof and found the antenna cable disconnected. He called Joseph Hamer and asked him to have it fixed.
195. Ultimately Mrs Goudge decided to get the antenna repaired herself and deduct the cost from the bill owed for the roof repairs. Michael Gazzola from a Jim's Antenna franchise repaired the antenna on 7 July 2011. He replaced the antenna and afterwards had a coffee with Mrs Goudge in her kitchen.

¹²³ Coronial Brief pp 61-6 and p 515.

¹²⁴ Transcript p 239.

¹²⁵ Transcript p 929.

¹²⁶ Transcript p 930.

¹²⁷ Coronial Brief Statement Paul Callaway p 137.

196. On the evening of 7 July 2011 Mrs Goudge spoke with Mr Hamer at about 8.30 - 9.00pm and they agreed to reduce his bill by \$140 for the cost of the service call for the antenna.
197. Mr Hamer's evidence was Mrs Goudge paid the amount owing of \$2500 by electronic transfer into his account the same evening.
198. Mr Hamer gave evidence at the Inquest and indicated it was 'very easy'¹²⁸ to access any house through the roof.
199. The police found no evidence to suggest that a tradesman was involved in Mrs Goudge's death.

Other inquiries by police

• Tyre marks

200. Mrs Goudge's home backs onto a car park which is part of Swinburne University.
201. Detective Sergeant Jason Poulton investigated the tyre track marks on the grass at the rear of Mrs Goudge's back fence. He said '*...it was ascertained that vehicles parking in that location was quite a regular occurrence, particularly for longer vehicles with trailer, etc, attached, particularly they would park in that lawn area.*'¹²⁹ He clarified, '*members from the Homicide Squad had returned to the scene and actually observed some vehicles parked in that area of lawn or grass.*'¹³⁰ Whilst he initially thought the tyre tracks were suspicious, '*as it turned out it wasn't.*'¹³¹

• Potential access

202. CCTV footage was obtained from Swinburne University from motion activated cameras in the car park which point towards the back of Mrs Goudge's house. The view is obscured by trees. The vehicles that entered the car park on the evening of 7 July 2011 were married up with security logs and security guards doing their rounds of the car park.
203. At night only car traffic as opposed to foot traffic was captured by the cameras. Only the university security vehicles could be seen travelling through the car park on the evening of 7 July 2011.
204. Detective Adams concluded that she could not rule out any foot traffic that might have gone along the back fence line of Mrs Goudge's property on the night of 7 and 8 July 2011.¹³² She believed someone could have accessed the property over the back fence.

• The beige sedan

¹²⁸ Transcript p 563.

¹²⁹ Transcript p 533.

¹³⁰ Transcript p 546

¹³¹ Transcript p 533.

¹³² Transcript p 994.

205. Mrs Goudge's neighbour, Ben Hemmings made a statement about a beige sedan he saw at 14 Newstead Way on the afternoon of 7 July 2011. The car was also noticed by his brother at around 8pm. The police were unable to identify the vehicle. It was not known to neighbours and it did not match vehicles owned by people known to Mrs Goudge or interviewed by police. Local CCTV footage was reviewed and there were two media releases for potential witnesses.

206. There is nothing to suggest that the vehicle was connected to Mrs Goudge's death.

• **Engine testing & auditory testing**

207. Detective Lenihan conducted audio/visual recording of the engines on all vehicles owned by Mr Callaway.¹³³

208. DSC Lenihan also conducted an auditory test concluding it was very hard to hear someone coming in the back from Mrs Goudge's room.¹³⁴ Although it is likely that Mrs Goudge would not have heard an intruder as the evidence suggests that she took out her hearing aid as soon as she got home.

209. There were no conclusions of evidentiary value drawn.

• **Evidence of Tim Miller, Systems Specialist with Telstra**

210. Mr Miller's evidence was that the mobile phone records from Mr Callaway's phone indicate on 7 July 2011 the phone was not near Wantirna South.¹³⁵ He also indicated that the phone was on at least until 10.00am, 8 July 2011.¹³⁶

211. Mr Miller agreed with the proposition that if a person sought to disguise their location from the mobile phone records, this could be achieved by turning the phone off.¹³⁷

212. Clearly they could also not carry the mobile phone on their person.

• **CCTV footage**

213. Extensive inquiries revealed no CCTV footage of Mr Callaway's car between Hurstbridge and Newstead Way Wantirna on the evening of 7 July 2011.¹³⁸

• **Detective Senior Constable Sean Lenihan**

214. DSC Lenihan was the original investigator from the Homicide Squad. He gave evidence at the Inquest which was frustrated by the fact he left the Homicide Squad in early September 2011, had a poor recollection of his involvement in the investigation and did not make a statement until 2016.

¹³³ Coronial Brief p 631.

¹³⁴ Transcript p 529.

¹³⁵ Transcript p 918.

¹³⁶ Transcript p. 912.

¹³⁷ Transcript p 917.

¹³⁸ Transcript p 1032.

215. He indicated that he made no investigation of Vanessa Goudge's concerns about Kevin Tran.¹³⁹
216. He also reported observing no injuries on Mr Callaway.¹⁴⁰
217. DSC Lenihan followed up Mr Callaway's alibi with his brother Steven Callaway and Steven's partner Karen Brown as well as neighbours who saw Mr Callaway on the morning of 8 July 2011.¹⁴¹ He could not recall telling Mr Callaway not to talk to his neighbours.
218. Rebecca Goudge mentioned to DSC Lenihan that '*something flew out of my mouth*' to explain why her DNA might be at her mother's house. When asked why that was not included in his statement, DSC Lenihan replied because it would be reasonable for her DNA to be there.¹⁴²

DISPUTED FACTS

219. There are a number of disputed facts numbered 1-11 which I will now consider.
220. Some of the disputed facts, namely number 3, the different versions of movements in the bedroom, and number 8, the polygraph test, are part of the police theory involving Mr Callaway's 'demonstrated deceptive behaviour.'
221. I note in determining whether a matter is proven to the standard I am mindful to give effect to the principles in *Briginshaw v Briginshaw* in deciding whether a matter is proven on the balance of probabilities. In considering the weight of evidence, a court should bear in mind that if the allegation involves conduct of a criminal nature, weight must be given to the presumption of innocence, and the court should not be satisfied by inexact proofs, indefinite testimony or indirect references.
222. Chief Justice Latham stated [at 36]:
- 'No court should act upon mere suspicion, surmise or guesswork in any case....The standard of proof required by a cautious and responsible tribunal will naturally vary in accordance with the seriousness or importance of the issue.'*
223. The gravity of the allegation requires proof which is '*clear, cogent and exact.*'¹⁴³
224. The charge of murder is the most serious of criminal charges.
225. I also bear in mind that a coroner is prevented from making any statement that a person may be guilty of an offence (section 69(1) of the Act), however, that does not preclude me from making factual findings concerning the circumstances of death as required by section 67 that may ultimately amount to criminal conduct on the part of a person.

¹³⁹ Transcript p 355.

¹⁴⁰ Transcript p 375.

¹⁴¹ Transcript p 367.

¹⁴² Transcript p 389.

¹⁴³ *Blashki v Anderson* [1993] 2 VR 89 at 96 Gobbo J

226. Mrs Goudge's family has submitted Mr Callaway's conduct before and since Mrs Goudge's death '*provides a compelling picture of a person who is conscious of their own responsibility for Brenda Goudge's death.*'
227. Both Counsel Assisting, Ms Hodgson, and Counsel for Mr Callaway, Mr Gardner submit a finding is not available on the evidence to identify the person responsible for Mrs Goudge's death.
228. I will consider the disputed facts having regard to whether the evidence in support is logically probative.
229. In my consideration, Rebecca Goudge's evidence is pivotal to disputed facts numbers 1 through to 6 (a). In assessing her evidence and other witnesses evidence, I take into account the circumstances in which the statements and evidence is made, whether there is corroboration of the evidence, whether the evidence is hearsay in character and the period of time between events and the statements.
230. Although the coronial process is not bound by the rules of evidence,¹⁴⁴ logic suggests I consider underlying evidentiary principles when assessing the evidence. I note in *Anderson v Blashki* [1993] 2 VR 89 His Honour Gobbo J was considering in the coronial context whether an adverse inference could be drawn from a failure by the plaintiff to give evidence where the allegation was that the plaintiff had kicked and injured the deceased and by reason of those injuries contributed to the death. His Honour stated [at 98]:
'Given the nature of the allegations, it would be proper to apply by analogy the rules in a criminal proceeding and I do not propose in any event to draw an adverse inference against the plaintiff in the circumstances of this case from her failure to give evidence.'
231. One part of the police theory is a proposition based on hearsay evidence. Section 165 (1)(a) of the *Evidence Act 2008* states that hearsay evidence is regarded as inherently unreliable in any proceeding (criminal or civil) and ordinarily would be the subject of a specific warning to a jury. Whilst this provision does not apply in the coronial jurisdiction, it is appropriate to take into consideration the reasons underlying it.
232. This reasoning also applies when considering other disputed facts, namely 6 (b), 7 and 8 which concern Mr Callaway's statements and conduct after Mrs Goudge's body was found.
233. Mr Mandy submitted this conduct was 'capable of constituting 'incriminating conduct' in the criminal sphere.'
234. In the criminal context, the *Jury Directions Act (2015)* applies to evidence of post offence conduct. Post offence conduct can be used as an implied admission where the judge determines on the whole of the evidence the evidence is reasonably capable of being used as

¹⁴⁴ Section 62 of the Coroners Act 2008.

an implied admission. Conduct includes lies and other post offence behaviour, including acts or omissions. Whilst it is not the role of the coroner to determine if conduct alleged against Mr Callaway amounts to ‘incriminating conduct,’ this is raised in the context of assessing the probative value of the evidence of post offence conduct.

235. Finally, I note the police theory against Mr Callaway is circumstantial in nature. As noted, I am not bound by the rules of evidence however they are an important guide to how I weigh and assess the evidence in the case, where there is no direct or scientific evidence. Where a criminal case depends on circumstantial evidence, before guilt can be inferred, it must be the only rational inference that can be drawn from that evidence. If there is a reasonable explanation of the circumstances consistent with innocence the accused must be found not guilty. I bear this in mind when assessing the probative nature of the circumstantial evidence.

ONE: Whose decision was it to go to Mrs Goudge’s house on the morning of 8 July 2011?

236. Rebecca Goudge estimates it was 9.20am when she expected her mum to be at work. She had not been able to contact her by text, telephone or Facebook and had begun to ‘panic.’¹⁴⁵

237. When asked when she texted her sister Vanessa she stated it was probably after she spoke to Paul Callaway, ‘because I wasn’t the one that suggested to go to mum’s in the first place.’ She concedes she cannot be sure about the timing.

238. Rebecca Goudge stated when she approached Paul Callaway she was ‘welling...I was glazed, there were no tears.’¹⁴⁶

239. Rebecca Goudge denied Vanessa Goudge’s statement: ‘I said to my sister to please go to the house, just go to the house.’¹⁴⁷ She wanted to go to her mother’s house, was noticeably upset when she approached Paul Callaway and maintained it was Mr Callaway who suggested they go to Mrs Goudge’s house.¹⁴⁸

240. Neither Ms Munn nor Mr Ferris were aware of or heard the conversation between Mr Callaway and Rebecca Goudge about going to Mrs Goudge’s house.

241. Mr Callaway states in his statement dated 8 July 2011: ‘I offered to drive Bec to her mums to check that everything was alright.’¹⁴⁹

242. In his significant witness record Mr Callaway stated it was Rebecca Goudge’s idea to go over to her mother’s house on the morning of 8 July 2011.

243. I am of the view it was Mr Callaway’s suggestion to drive Rebecca Goudge to her mother’s house on 8 July 2011. All the statements taken proximate to Mrs Goudge’s death are

¹⁴⁵ Transcript p 113.

¹⁴⁶ Transcript p 114.

¹⁴⁷ Coronial brief p 170.

¹⁴⁸ Transcript p 150.

¹⁴⁹ Coronial Brief p 127.

consistent with it being Mr Callaway's idea, including his own statement dated 8 July 2011. This was also confirmed by Rebecca Goudge in her evidence at the Inquest.

244. There are a number of possibilities as to why Mr Callaway suggested taking Rebecca Goudge to her mother's house. These range from the most sinister being he wanted to return to the crime scene to provide an innocent explanation for his DNA at the scene, to the most innocent that he had genuine concern for the whereabouts of his business partner and her upset and worried daughter.
245. Although Rebecca Goudge was cross-examined on the issue of whose idea it was to go to her mother's house, it was not raised in submissions. I find it was Mr Callaway's idea to go to Mrs Goudge's house. I make no finding as to the inference that can be drawn from that fact as there are a number of competing possibilities.

TWO: Did Mr Callaway feign ignorance of how to get to Mrs Goudge's house?

246. Rebecca Goudge stated once they were in Mr Callaway's car they had a conversation about directions to Mrs Goudge's house. *'He said he didn't know how to get there from this way, this side.'*¹⁵⁰
247. In his statement Mr Callaway stated:
- ' I had been to Brenda's place twice each time from a different direction and I knew she lived somewhere near the Knox shopping centre but Bec gave me directions to get there, I just didn't know.'*¹⁵¹
248. It is feasible Mr Callaway did not know how to get to Mrs Goudge's house from Jay Dee Auto Cables. His statements indicate he had been to Mrs Goudge's house twice: the first time he went there was in 2007 when he was buying into the business and the second time was dropping off a desk (in recent months)¹⁵² which had been collected from Mr Tran's workplace, Hankook.¹⁵³
249. In contrast, he told Rebecca Goudge on the way to her mother's house on 8 July 2011 that he had been to her mother's house twice: first when he signed the business documents and second for a business meeting.¹⁵⁴ When cross examined about the accuracy of her recollection of this conversation Rebeca Goudge stated:

'I didn't listen to half the things he was saying to be honest so, no, not all the way there, no.'

¹⁵⁵

¹⁵⁰ Transcript p 151.

¹⁵¹ Coronial Brief p 144.

¹⁵² Coronial Brief p 128.

¹⁵³ Coronial Brief statement of Anthony Day p 334

¹⁵⁴ Coronial Brief p 116.

¹⁵⁵ Transcript p 124.

250. I find the evidence inconclusive and do not accept the submission on behalf of the Goudge family that Mr Callaway ‘was plainly pretending not to know how to get to Brenda’s house.’

THREE: The sequence of events in Mrs Goudge’s bedroom

251. Rebecca Goudge stated that upon entering the house via the open back door, she and Mr Callaway proceeded up the hall to Mrs Goudge’s bedroom and ‘*I pushed him out of the way.*’¹⁵⁶
252. She turned the light on and they both entered the bedroom.
253. The second time she went into the bedroom and opened the curtains to see if the neighbour was home. At this time Mr Callaway was standing at the kitchen bench on the phone to a hospital. She stated that whilst she was heading up to the bedroom for the second time, Mr Callaway called out ‘*What are you doing?*’ She replied, ‘*just checking something,*’ and ran in and opened the blinds and then seeing the neighbour was not home, she shut them leaving a gap. She did not turn the light on or touch the en suite door.
254. Mr Callaway then asked her to speak to the next hospital whilst he called Mr Duffus. He then went back to the bedroom to check the en suite.
255. Whilst Mr Callaway was out of the kitchen/family area but still on the phone, Rebecca Goudge noticed something unusual about the pool.
256. When answering questions by Mr Mandy at the Inquest, Rebecca Goudge was asked when she entered the bedroom for the first time with Mr Callaway, did she see him touch the bed or the bed head? She answered: ‘*I don’t remember...I don’t know.*’¹⁵⁷
257. She told DSC Lenihan on 21 July 2011: ‘*I remember seeing Paul use his left hand, put it in the bed head or somewhere on the bed and then looked at the blood.*’¹⁵⁸
258. In her evidence Rebecca Goudge elaborated: five days after her mother’s death she was back at Jay Dee doing the payroll because no one else knew how to do it. ‘*...then Paul comes in and starts talking to me about the day and what happened and he goes, ‘Remember I went like this. I put my hand on the bed head and I looked at it and went, ‘Oh my God, we need to go and call the hospitals,’ and that’s when he opened the blinds and it blinded him.’ My gut dropped...I felt like I went like a ghost. I knew that didn’t happen. I don’t know whether I’m reacting to him touching the bed or not but I know he was not in the bedroom when I opened that blind.*’¹⁵⁹

¹⁵⁶ Transcript p 92.

¹⁵⁷ Transcript p 103.

¹⁵⁸ Coronial Brief p 630.

¹⁵⁹ Transcript p 104.

259. Her evidence at Inquest was: *'I have gone back and forth in my mind whether he did touch the bed or not...Did it happen? I don't know.'*¹⁶⁰
260. In cross examination by Mr Gardner, Rebecca Goudge stated she believed Mr Callaway could see from the kitchen bench when she went to the bedroom for the second time as he looked up the hallway that led to her mother's bedroom. She was adamant she was alone when she opened the blinds the second time when she went up to her mother's room.
261. DSC Lenihan read from his day book a note of his conversation with Rebecca Goudge on 21 July 2011 at 8.40pm. He notes her as stating: *'I remember seeing Paul use his left hand, put it in the bed head or somewhere on the bed and then looked at the blood.'*¹⁶¹
262. Detective Adams noted in her day book from 5 September 2012 she spoke with Rebecca Goudge. Detective Lenihan's notes were put to Rebecca and she stated *'she was 95% sure Callaway never touched the bed in her presence.'* Later that day Detective Adams received a call from Rebecca at 18.27 and she said she was *'100% certain Callaway never touched her mother's bed in her presence so she is certain of it.'*¹⁶²
263. I am of the view that Rebecca Goudge's evidence on this point is inherently contradictory. If she had such a visceral response to Mr Callaway stating to her that he had touched the bed or bedhead five days after her mother's death, why did she call DSC Lenihan on 21 July 2011 and tell him she recalled seeing Mr Callaway put his left hand on the bed?
264. Over 12 months later she stated to Detective Adams she was 95% or 100% sure he never touched the bed.
265. In evidence at the Inquest on 27 April 2016 she stated to Mr Mandy's direct question, *'I don't remember...I don't know.'*
266. When she was quoted what she had said to DSC Lenihan about Mr Callaway's hand on the bed head, Rebecca Goudge answered: *'This is what I was dreaming and I didn't know what was real and what wasn't.'*¹⁶³
267. In cross examination by Mr Gardner, Rebecca Goudge, excepting the issue of whether Mr Callaway touched the bed, did not make concessions or entertain the possibility of inaccuracies about her recollection of conversations and events of 8 July 2011. Her immutability impacted on my assessment of the accuracy in her recollection of events in 2011. As is clear from further consideration of her evidence there are other examples of inconsistency in her recall. These inconsistencies are explainable in the context of what happened that morning and her desire to assist with the investigation.

¹⁶⁰ Transcript p 105.

¹⁶¹ Transcript p 266.

¹⁶² Transcript p 998.

¹⁶³ Transcript p 168.

268. Mr Callaway also gave extra details of events in the bedroom after making two statements to police. DSC Lenihan stated Mr Callaway telephoned him on 11 July 2011 and 13 July 2011. In the second phone call Mr Callaway stated things such as: when he was in the bedroom with Rebecca Goudge he, *'could have knelt down on the bed to look at what it was...I don't know if I put my arm on the bed or the wall, or knelt on or leant over the bed.'*¹⁶⁴
269. He also gave extra detail of touching things in his significant witness interview.
270. I accept submissions by Counsel Assisting that Mr Callaway's evidence is also inconsistent. A sinister explanation is that Mr Callaway was seeking to provide an explanation in the event that his DNA was found in Mrs Goudge's bedroom. An innocent explanation of Mr Callaway's conduct, as submitted by Mr Gardner, is that he recalled further details after his interviews which he communicated to DSC Lenihan by telephone in the same way Rebecca Goudge did.

FOUR: Removing Mrs Goudge from the pool

271. In her evidence Rebecca Goudge stated Mr Callaway got her mum out of the pool and then called 000.¹⁶⁵
272. In her statement dated 8 June 2011 she stated: *'...Paul went out and pulled my mum out of the pool. He kept yelling at me don't look. Police arrived...'*¹⁶⁶
273. In her second statement to police she said Mr Callaway called police and then told her not to look as he got her mother out of the pool.¹⁶⁷ She also stated: *'I said to him that he had to get her out of the pool? I said this a few times to him.'*¹⁶⁸ She goes on to state: *'Paul then got up off the telephone and I told him again that I wanted mum out of the pool. Paul told me not to look and that he was going to get her out of the pool.'*¹⁶⁹
274. In her significant witness interview she stated *'I can't remember if he got her out of the pool first, or he rang the police first. I believe he rang the police. No he's, no, he got her out first.'*¹⁷⁰
275. Rebecca Goudge's second statement about the order being a call to police and then Mr Callaway removing her mother from the pool is inconsistent with her evidence at Inquest, her first statement and her significant witness interview.

¹⁶⁴ Coronial Brief pp 626-7

¹⁶⁵ Transcript p 62.

¹⁶⁶ Coronial Brief p 104.

¹⁶⁷ Coronial Brief p 120.

¹⁶⁸ Coronial Brief p 120.

¹⁶⁹ Coronial Brief p 120.

¹⁷⁰ Transcript p 482.

276. In his first statement Mr Callaway states he called 000 first and then got Mrs Goudge out of the pool.¹⁷¹ He says the same order in his second statement. He stated '*Bec was begging me to get Brenda out of the pool...*'¹⁷²
277. The transcript of the 000 call Mr Callaway says to the operator '*...any more from me mate? I want to get her out of the pool.*' Towards the end of the call the operator states: '*...if you can just try not to – I know you – you wanna get her out of the pool, but if you can try not to touch any point of entry, the body, or any other evidence or anything that may be there, just to preserve the scene*'¹⁷³
278. DSC Lenihan held the view Mr Callaway deliberately contaminated the scene, '*I would have thought that being a police officer and a prosecutor, his first consideration would be to preserve the scene yet he has done everything from removing Mrs Goudge from the pool to placing his knees or hands on the bed.*' He went on to state '*I personally think Callaway deliberately contaminated the scene.*'¹⁷⁴
279. Sergeant Leanne Rivette gave evidence via video link at Inquest about her attendance with Constable Bell at 12 Newstead Way on the morning of 8 July 2011. She gave evidence of allowing Rebecca Goudge and Mr Callaway to leave the house via the front door as Mrs Goudge's body was still lying by the pool at the back. When she was asked whether, as it was a crime scene, the front door should have been 'breached' she replied '*Look, in a perfect world, no, it shouldn't have but Rebecca was that distressed about her mother, I wasn't making her walk past her mother.*'¹⁷⁵
280. The importance of preserving a scene is axiomatic. Sergeant Rivette's evidence is an example of her empathy overriding what her professional training dictated.
281. I note it was Ms Outteridge's evidence that the submersion of Mrs Goudge in the swimming pool effectively destroyed any prospect of recovering DNA from her body.
282. Mr Mandy on behalf of the Goudge family submitted contaminating the crime scene was one motive, the other was to provide an innocent explanation for the presence of Mr Callaway's DNA on Mrs Goudge's body.
283. The evidence supports the finding that in her highly distressed state, Rebecca Goudge asked Mr Callaway multiple times to get her mother out of the pool, which he did after calling 000.

¹⁷¹ Coronial brief p 129.

¹⁷² Coronial Brief p 149.

¹⁷³ Coronial Brief p 650 & 653

¹⁷⁴ Coronial Brief p 632 and Transcript p 276

¹⁷⁵ Transcript p 400.

FIVE: Location of the spare key

284. As there is no evidence of a forced entry, and the back door was open when Mr Callaway and Rebecca Goudge arrived at 12 Newstead Way on 8 July 2011, the police theory is that entry was gained potentially using the spare key.
285. When they arrived at her mother's house on 8 July 2011 Rebecca Goudge immediately went into the back garden shed to look for the spare key, because *'I didn't remember that she told me she moved it.'*¹⁷⁶
286. She had forgotten she had a spare key in the bottom of her hand bag and also forgotten that her mother had recently told her she had moved the hiding spot of the spare key from the shed to the hanging basket.
287. Rebecca Goudge told DSC Poulton the key was in the hanging basket after her sister Vanessa Goudge had reminded her of the location. In her second statement to police Rebecca Goudge stated that in June 2011 she had a conversation with her mother that she had moved the spare key from the back shed to a hanging pot plant. At the time of the conversation Mrs Goudge was standing in the packing room talking about having locked herself out of the house.
288. In her significant witness interview with police on 28 June 2012 she recalled Paul Callaway overheard this conversation about the location of the spare key.¹⁷⁷
289. When asked at Inquest why she did not report this suspicion earlier to the police she stated: *'Because ...I didn't have suspicion of who did it.'*¹⁷⁸
290. Contrary to her first two statements, after she knew Mr Callaway was the main police suspect, she recalled the conversation with her mother about the location of the spare key took place at work, that Paul Callaway was in his office and *'he looked up just with his eyes and then sort of a little smug look at me and I just sort of went Mm, right and went off to my desk, didn't think anything of it...there's every chance he heard it.'*¹⁷⁹
291. When it was put to Rebecca Goudge she may be consciously or subconsciously moulding what has happened into the police theory against Mr Callaway she denied this possibility and was adamant she was telling the truth.
292. DSC Lenihan noted in his statement a conversation he had with Rebecca Goudge on 18 July 2011. He made a note of that conversation and read from his daybook a note about the conversation Rebecca reported having with her mother at work about the spare key a month

¹⁷⁶ Transcript p 87.

¹⁷⁷ Transcript p 945.

¹⁷⁸ Transcript p 89.

¹⁷⁹ Transcript p 142.

ago and that Rebecca was ‘*wondering if anyone overheard it. Unknown who was at work at the time but remembers being in the packing room at that time.*’¹⁸⁰

293. Mr James Duffus knew about Mrs Goudge having locked herself out of the house in June 2011, but he stated she did not tell him where she had found the spare key or where it was hidden.

294. I am of the view that given the incremental changes to Rebecca Goudge’s evidence as to who may have overheard the conversation about the spare key, I cannot be satisfied that her evidence on this matter is accurate.

SIX: Paul Callaway’s alibi

a) Rebecca Goudge’s evidence

295. Five days after her mother’s death, Rebecca Goudge went to Jay Dee Auto Cables to do the payroll. She states Mr Callaway told her then that on the night of her mother’s death, he was alone and had no alibi.

296. About six weeks after her mother’s death, Rebecca Goudge was back at work and states Paul Callaway told her on the night of Mrs Goudge’s death ‘*Lisa Callaway was home and the kids were at the caravan park.*’¹⁸¹ Rebecca Goudge stated he said to her: ‘*...and she was upstairs and he fell asleep on the couch.*’¹⁸²

297. Rebecca Goudge agreed in cross-examination that she made two statements to police and then a recorded taped interview in which she made no mention of Mr Callaway discussing an alibi with her. It was not until her statement of 1 April 2016 that she put these conversations with Mr Callaway into a statement.

298. Rebecca Goudge stated that she had mentioned this to police officers when she did a second lie detector test in 2015. It was her belief that she had already referred to it in one of her previous statements.¹⁸³

299. The elapse in time between Mr Callaway allegedly making the statement that his wife was home and Rebecca Goudge putting it in a statement for police weakens its credibility and also the accuracy of her recollection. Further, if I accept that he did say it, I query its utility given his statements to police that his wife and children were up at the caravan park on the evening of 7 July 2011.

b) Sergeant Chippindall’s evidence

300. On 8 July 2011 Sergeant Chippindall went to Jay Dee Auto Cables with two other detectives from Knox Crime Investigation Unit. Sergeant Chippindall spoke to James Duffus and

¹⁸⁰ Transcript p 265. (CB 2692)

¹⁸¹ Coronial Brief Rebecca Goudge’s fourth statement p 2907

¹⁸² Transcript p 71.

¹⁸³ Transcript p 145.

Jeanette Munn. As she was leaving, at approximately 4.50pm Mr Callaway came in after making a statement at the police station.

301. Sergeant Chippindall's evidence was '*...he just sort of made this off the cuff comment about, I'm alright, I was home with my wife last night.*'¹⁸⁴
302. She left the premises and as she jumped in the car '*I said to the other two detectives, that seemed a strange thing to say, did anyone hear it?*' Neither of her colleagues heard this comment. Sergeant Chippindall made a note of it in her work diary whilst in the car.¹⁸⁵
303. Sergeant Chippindall stated in evidence: '*I've never forgotten that statement. It's just something that has always stuck in my mind.*'¹⁸⁶
304. It is unclear why it was so significant to Sergeant Chippindall at the time, as she later states in her evidence '*...we sort of regrouped at Knox Police Station and it was at Knox Police station that I found out that his wife was actually away.*'¹⁸⁷
305. She agreed in cross-examination that given Mr Callaway had just made a statement to DSC Lenihan within the previous hour that his wife and children were not home, his comment to Sergeant Chippindall '*... just doesn't seem logical.*'¹⁸⁸
306. No one else from either Jay Dee Auto Cables or other members of Victoria Police who were with Sergeant Chippindall at the time heard this comment.
307. Sergeant Chippindall had a vivid recollection of Mr Callaway making this comment to her. The Court has not had the benefit of Mr Callaway's evidence to hear his response.
308. It is difficult to fathom the potential utility to Mr Callaway of making such a comment when he had just given a statement to police that his wife and children were away at the caravan park.
309. If the statement was made by Mr Callaway I am not of the view it is of probative value as there is no obvious benefit to him and the inaccuracy of it was easily discoverable.

SEVEN: Paul Callaway's conflicting statements about the morning of 8 July 2011

310. In his significant witness interview Mr Callaway gave new information about his movements on the morning of 8 July 2011 which the police hold as significant in the circumstantial case against him.
311. In his first two statements to police he described being at home and having breakfast (toast) on the morning of 8 July 2011 and then going to work, detailing the route.¹⁸⁹

¹⁸⁴ Transcript p 569.

¹⁸⁵ Transcript p 572.

¹⁸⁶ Transcript p 569.

¹⁸⁷ Transcript p 573.

¹⁸⁸ Transcript p 599.

¹⁸⁹ Statements of 8 and 12 July 2011.

312. In his significant witness interview in September 2012, he described on the same morning going to view a property in Panton Hill and stopping at Hungry Jacks on Dorset Road for breakfast. This contradicted his previous statements in respect of what he had for breakfast and his route to work.
313. This contradictory evidence, Detective Adams explained, was significant as Mr Callaway could have disposed of evidence at Hungry Jacks or at Panton Hill.¹⁹⁰ It was at this point Mr Callaway changed in Detective Adam's mind from witness to suspect after his significant witness interview '*where he talks about the morning of and says things that he'd never said previously in the previous 12, 14 months.*'¹⁹¹
314. Mr Gardner submitted that as Mr Callaway volunteered these new pieces of information, against his interest, this should go to his credit rather than against it. He submitted Mr Callaway's mental functioning was affected by finding Mrs Goudge's body and he was sleep deprived, so the prospects for confusion or mistake when he made his second statement are realistic.
315. The submission on behalf of the Goudge family described it as '*extraordinary*' that Mr Callaway would not have recalled these unusual events when he made his statement to police.
316. In my view Mr Callaway's significant witness interview version of his movements on the morning of 8 July 2011 is most troubling. This version of his movements is more likely to be the truth and the purchase of the breakfast he described has been verified, as far as possible, by police with a receipt from Hungry Jacks. This means that Mr Callaway's evidence of his whereabouts and movements on the morning of 8 July are contradictory and the version he initially related to police was untrue. This contradiction in his evidence, without further explanation, appears to suggest that Mr Callaway has engaged in deceptive behaviour in what he has told police. I do not accept Mr Gardner's submissions about him being tired, confused or mistaken, given the clarity and detail in his second statement which was made on 12 July 2011. The concerning disparities in the versions relate to a material issue, namely his movements on the morning of 8 July 2011 prior to the discovery of Mrs Goudge's body. I do not have the benefit of Mr Callaway's oral evidence to explain or clarify this matter any further.

EIGHT: Paul Callaway and polygraph test

317. The police summary in the Coronial Brief states Mr Callaway refused to take a polygraph test and lied to investigators about his psychologist advising him not to do the polygraph test as

¹⁹⁰ Transcript pp 1156-7.

¹⁹¹ Transcript p 1037.

his anxiety would affect the results. I note that Rebecca Goudge, Graham Goudge, Adam Goudge, Kevin Tran and James Duffus all submitted to polygraph tests.

318. DSC Lenihan's states that he asked Mr Callaway to do a polygraph test on 1 August 2011. On 2 August 2011 Mr Callaway contacted him and said he had nothing to hide but wanted a bit more information about it as he had high anxiety which could possibly affect the results. At the suggestion of DSC Lenihan, Mr Callaway spoke to the Polygraph Examiner, Steve Van Apren. Mr Van Apren reported to DSC Lenihan that Mr Callaway stated that he would not do the test as he had spoken with his lawyer and a person who had his best interests at heart and both suggested he not do the test.¹⁹² The statements from Mr Van Apren on the Coronial Brief do not refer to this conversation with Mr Callaway. The only reference to psychologist is '*possibly his psych*' in DSC Lenihan's notes of his conversation with Mr Van Apren.¹⁹³
319. Detective Adams gave evidence Mr Callaway was asked to participate in a polygraph examination on numerous occasions and declined to do so.¹⁹⁴ Detective Lenihan's notes and statement indicated he was asked on 1, 2 and 28 August 2011. Detective Adams gave evidence he was also asked by Detective Poulton,¹⁹⁵ Detective Senior Sergeant Steven McIntyre (in September 2012) and Detective Mark Hatt.¹⁹⁶
320. Detective Adams gave evidence when cross-examined by Mr Mandy that the allegation of a lie by Mr Callaway in relation to declining a polygraph test was based on a conversation Detective Damian O'Mahoney had with Mr Bruce Falconer, Mr Callaway's psychologist, when executing a search warrant for Mr Callaway's file. The conversation was to the effect that Mr Falconer said he would not '*give advice not to take a polygraph due to anxiety because he doesn't actually have any understandings of how a polygraph test actually works and what it does measure.*'¹⁹⁷
321. I cannot find a direct reference to Mr Callaway stating that Mr Falconer advised him not to take the polygraph test. It appears to be based on the reference in DSC Lenihan's notes from 2 August 2011 and the fact that Mr Callaway did not see Mr Falconer (aside from five sessions in late 2008) until 3 August 2011 and the conversation recounted to Detective Adams between Detective O'Mahoney and Mr Falconer. There is no note or statement by Detective

¹⁹² Coronial Brief Statement Sean Lenihan pp 630-1

¹⁹³ Coronial Brief p 2719.

¹⁹⁴ Coronial brief p 636.

¹⁹⁵ Although not referred to in his statement, Detective Sergeant Poulton's notes refer to a conversation he had with Mr Callaway to participate in a polygraph test. It was difficult to determine the date of this note but it was prior to an entry dated 21/9/2012. Transcript p 535 and Coronial Brief p 2874.

¹⁹⁶ Transcript p 985

¹⁹⁷ Transcript p 1014 & 1019.

O'Mahoney about this conversation.¹⁹⁸ The conversation between Detective O'Mahoney and Mr Falconer which Detective O'Mahoney told Detective Adams is not referred to in her statement.

322. I am of the view that owing to the hearsay nature of this evidence, it is inherently weak and must be treated with caution.
323. I find the assertion that Mr Callaway directly lied on this point not correct.
324. Not only is there no evidence that Mr Callaway said his *psychologist* told him not to take the polygraph test, Mr Falconer's statement dated 13 May 2016 indicates at his session with Mr Callaway on 2 September 2011 he expressed his concern a lie detector test would '*...exacerbate his symptoms of PTSD...*' and '*would not be helpful to his mental state.*'¹⁹⁹
325. With respect to Mr Callaway's decision not to participate in a polygraph test, I note Mr Gardner's submission he is under no obligation to participate and the result would not be admissible in a criminal trial.
326. Whilst not being satisfied he lied about the reason for not taking a polygraph test, what is the probative value of his refusal to take the polygraph test in a coronial investigation?
327. Mr Gardner's submission described it as 'a bridge too far' to use the refusal as a strand of adverse circumstantial evidence when Mr Callaway was under no obligation to comply and there was evidence it would be detrimental to his mental health.
328. Mr Falconer's statement dated 13 May 2016 establishes there was a medical basis for Mr Callaway's refusal to sit a polygraph test and he refused after legal advice, I draw no adverse inference.

NINE: Evidence of Patrick Jones

329. Patrick Jones made a statement to police in September 2013 alleging Mr Callaway made two statements to him during 2011, firstly, '*that things would be better if Brenda wasn't around,*' and secondly, a general comment about how to '*get away*' with murder.
330. In evidence he admitted feelings of disillusionment, betrayal, bewilderment, anger and dislike towards Mr Callaway when he made the statement.²⁰⁰
331. He admitted three motivations for making the statement, namely, achieving a sense of integrity, as recommended by a counsellor, hearing news on 3AW about the reward offered by Victoria Police and taking that as a 'sign,' and feelings '*weighing on him*' for the friend of a close friend who was Mrs Goudge's nephew.

¹⁹⁸ Damian O'Mahoney's notes were not part of the Coronial brief but Detective Adams' evidence was she reviewed them and confirmed there was no note. Transcript p 1018.

¹⁹⁹ Statement of Bruce Falconer dated 13 May 2016 p 2.

²⁰⁰ Transcript p 1072.

332. Although he knew in August 2011 that Mr Callaway was the ‘main suspect’ he did not make a statement until September 2013.

333. He was an unimpressive witness. I accept the submissions of Counsel Assisting that I cannot be satisfied Mr Jones was a credible witness.

TEN: Mr Callaway’s car detailing on 9 July 2011

334. Part of the police theory is that Mr Callaway had his car detailed on 9 July 2011 in order to remove any forensic evidence and subsequently withheld information from police about having had his car detailed.

335. Mr Callaway was never asked about his movements on 9 July 2011 so I am unsure how the information was withheld. He had his car detailed and made no attempt to hide or disguise this fact, using his name and telephone number.

336. Further, he allowed police to interview Rebecca Goudge in his car on the morning of 8 July 2011 after Mrs Goudge’s body was found.

337. Whilst having the car detailed may be capable of constituting incriminating conduct, I do not accept that his failure to mention the matter to police can constitute such evidence.²⁰¹

338. Mrs Callaway’s evidence was Mr Callaway had his car washed every month or two.

339. There is an explanation consistent with innocence which is available for the conduct of having his car detailed.

ELEVEN: Mr Callaway’s claim of performing CPR

340. Whilst not the subject of direct evidence at the Inquest, part of the police theory of deceptive behaviour is that Mr Callaway provided ‘*differing versions in regard to performing CPR on Mrs Goudge*. According to the account given to police by Mr Callaway, he merely put his head to her chest to see whether she was breathing.’²⁰²

341. In contrast, Mr Falconer said that Mr Callaway “*was concerned that his DNA would be on his work colleague as he has dragged her out of the pool and attempted to revive her. I haven’t made a note about Paul ‘attempting to revive her’ but I recall him saying it and that’s why I wrote it in the report I submitted to*”²⁰³ the Victims of Crime Assistance Tribunal (VOCAT).

342. No explanation has been provided by Mr Callaway other than a submission that the ‘*variation between the police accounts referring to pulse checking and the suggestion of providing CPR are not so dramatic as to create more than mere observations of some inconsistency*.’²⁰⁴

343. Again, I do not have the benefit of Mr Callaway’s oral evidence to explain or clarify this matter any further.

²⁰¹ R v Russo [2004] VSCA 206 Nettle JA at [30], [31]

²⁰² Coronial Brief p. 2168

²⁰³ Statement of Bruce Falconer dated 13 May 2016.

²⁰⁴ Submissions on behalf of Mr Paul Callaway dated 10 June 2016.

344. There is however an inconsistency in the evidence and in my view, Mr Callaway did not perform CPR on Mrs Goudge. Having made that conclusion, there is no reason why I should not accept the evidence of Mr Falconer who made a report to VOCAT on Mr Callaway's behalf. Indeed, Mr Gardner did not urge me to reject Mr Falconer's evidence on this matter. The only likely explanation would appear to be one of a financial nature for Mr Callaway through an application to VOCAT.

Detective Adams' conclusions

345. Detective Adams' evidence was that Mr Callaway remains the primary suspect. She stated based on the crime scene itself there was no evidence of it being a robbery and there was no sexual aspect to the crime. She believes someone took their time in the crime scene, dragged Mrs Goudge from her bed to the swimming pool and then returned to strip the bed. With no signs of forced entry she believes Mrs Goudge's attacker is someone known to her. In Detective Adams' view, victimology supports the attacker being Mr Callaway as '*she didn't have an issue with anyone in her life bar Mr Callaway.*'²⁰⁵

Findings as to circumstances

346. I find Mrs Goudge was attacked sometime after 9.33pm on 7 July 2011 whilst she was in bed. Mrs Goudge was hit or sustained blunt trauma to the front and left of her face, causing bruising, including to the inner bottom lip. She has defensive injuries to her hand and forearm and she may have fended off her attacker with the back of her right hand and a grip appears to have been applied to her left forearm and wrist.

347. She was hit to the front left of her skull and to the right back of her skull which caused internal bruising and possible loss of consciousness. Some sort of external smothering pressure was applied which obstructed her nose, mouth and throat causing petechial bruising and deep internal bruising within her neck. The pressure may well have been through the application of a hand or hands over a soft covering such as a doona or pillow.

348. The combination of her injuries was sufficient to have killed Mrs Goudge however it is impossible to say whether she was dead, conscious or unconscious when she entered the water. The hyper inflated lungs are a nonspecific finding and not conclusive of drowning.

349. I note there are some outstanding unknowns in the investigation, for example, the man employed as a courier from McPhees with whom Mrs Goudge had a relationship has not been identified, the black tights found on the kitchen bench have not been analysed (nor has her lower denture), and the cause of the thud heard by Rebecca Goudge and Mr Callaway when they arrived at Mrs Goudge's house on 8 July 2011 has not been identified.

²⁰⁵ Transcript pp 1009-10.

350. There was very little scientific evidence from the crime scene, suggestive of pre-planning by Mrs Goudge's attacker who was careful to avoid leaving any incriminating evidence at the scene. There was no forced entry²⁰⁶ nor valuables taken.
351. I accept Mrs Goudge's murder was not motivated by theft or of a sexual nature.
352. The killer could have accessed the premises via the rear fence or over the front right hand side fence.
353. I find the house was most likely accessed using the spare key in the hanging pot.
354. I am satisfied Mrs Goudge struggled in the workplace with interpersonal relationships in her management role.
355. I find that she harboured a deep dislike for her two business partners.
356. I find she had a particular dislike for Mr Paul Callaway and that her dislike for him was the only identifiable cause of unhappiness in her life.
357. Upon discovering Mrs Goudge's body on 8 July 2011, I find Mr Callaway called 000 and then removed Mrs Goudge from the pool. Rebecca Goudge who was highly distressed asked him multiple times to get her mum out of the pool.
358. I accept the police theory it is most likely Mrs Goudge was attacked and killed by someone known to her.
359. I find the placing of Mrs Goudge's body and bedding in the pool was, in all probability, a deliberate attempt to destroy any DNA evidence. I also accept Mr Callaway had a greater knowledge about DNA by virtue of his previous profession as a police prosecutor, as also demonstrated by him having developed a DNA sampling patent.
360. Having noted that there are inconsistencies in Mr Callaway's explanations on matters following Mrs Goudge's death, I find that Mr Callaway's evidence of his whereabouts and movements on the morning of 8 July are contradictory and the version he initially related to police was untrue. This contradiction in his evidence, without further explanation, appears to suggest that Mr Callaway has engaged in deceptive behaviour in what he has told police.
361. However, having considered all the evidence available to me, I find on the balance of probabilities and applying the principles in *Briginshaw*, that the evidence does not allow me to conclude that Mr Callaway was involved in the death of Mrs Goudge. Having said that, there is no evidence that positively excludes Mr Callaway as a person who may have been involved in the death.
362. Further, no other person has been identified after an examination of the evidence which suggests, on the balance of probabilities, their involvement in Mrs Goudge's death.

²⁰⁶ Detective Sergeant Jason Poulton: '...checked all doors and windows for signs of forced entry or attempts to force entry. There were no signs of that type.' Coronial Brief p 615.

363. This is a coronial investigation, not a criminal one. Whilst I have clarified aspects of the medical cause of death, I find am not able to reach a concluded position on the applicable standard of proof as to who caused the death of Mrs Goudge.

Unsolved murder

364. Whilst I have concluded my investigation, the murder of Mrs Goudge remains unsolved. If new facts or circumstances come to light in the future, the investigations into her death can be re-opened at a later date for those new matters to be considered.

Reward

365. A reward was announced by Victoria Police for \$500,000 on 22 July 2013.

366. The reward was increased to \$1,000,000 on 23 December 2014 and advertised in the government gazette on 19 November 2015.

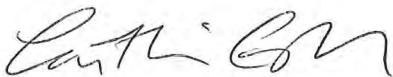
367. The reward is still available for any person who can provide '*information leading to the apprehension and subsequent conviction of the person or persons responsible for the murder of Brenda Goudge*'.

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:

- (a) Mr Adam Goudge, Senior Next of Kin
- (b) K & L Gates on behalf of Mr Adam Goudge
- (c) Galbally & O'Bryan Lawyers on behalf of Mr Paul Callaway
- (d) Detective Megan Adams, Coroner's Investigator

Signature:



CAITLIN ENGLISH
CORONER
Date: 16 September 2016

