



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2011 0762

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Findings of:	JUDGE SARA HINCHEY, STATE CORONER
Deceased:	LES SAMBA
Delivered on:	31 August 2017
Delivered at:	Coroners Court of Victoria, 65 Kavanagh Street, Southbank
Hearing date:	31 August 2017
Counsel assisting the Coroner:	Leading Senior Constable King Taylor, Police Coronial Support Unit
Representation:	Nil
Catchwords:	Homicide, no person charged with an indictable offence in respect of a reportable death, mandatory inquest

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HER HONOUR:

BACKGROUND

1. Les Samba (**Mr Samba**) was a 60-year-old man who lived in South Australia at the time of his death.
2. Mr Samba was born 'Laszlo Zambo' in Salzburg, Austria. As an infant, he immigrated to Australia with his family and they settled in Adelaide, South Australia. At 19 years of age, Mr Samba changed his name by deed poll.
3. Mr Samba left school aged 14 years and obtained employment in the thoroughbred horse racing industry. He obtained a trainer's licence at a young age and was regarded in the horse racing industry as being an expert judge of thoroughbred racehorses.
4. Mr Samba married Deirdre Samba (**Mrs Samba**) in 1980 and they had two children, Victoria and Jonathan. The marriage broke down in 2007 and Mrs Samba moved to New South Wales. Mr and Mrs Samba remained on good terms.
5. In 1994, Mr Samba was charged with drug-related offences arising from a cannabis crop located on a property owned by him in South Australia. Those charges were withdrawn in 1995.
6. In 1995, Mr Samba ceased training racehorses and thereafter derived his income from owning and trading racehorses and gambling.
7. In 2001, the Australian Taxation Office (**ATO**) commenced proceedings against Mr and Mrs Samba over unexplained income of \$1.2 million. Mr Samba was declared bankrupt in 2002.
8. At the time of his death, Mr Samba:
 - (a) lived in South Australia but regularly travelled to New South Wales;
 - (b) was in a relationship with Tania Favaro;
 - (c) maintained involvement in the horse racing industry;
 - (d) possessed significant wealth; and

(e) was associated with persons in organised crime entities.

9. On 26 February 2011, Mr Samba flew from Adelaide to Melbourne for the Inglis Yearling Sales at Oaklands Junction, which ran from 28 February to 3 March 2011. Mr Samba hired a car from the Melbourne Airport and stayed at the Crown Metropol Hotel at Southbank (**Crown Metropol**).
10. Inspection of horses commenced on 26 February 2011 and Mr Samba attended the Inglis Sales Complex at Oaklands Junction (**Inglis Sales Complex**) on both 26 and 27 February 2011.

THE PURPOSE OF A CORONIAL INVESTIGATION

11. Mr Samba's death constituted a '*reportable death*' under the *Coroners Act 2008* (Vic) (**the Act**), as the death occurred in Victoria and was violent, unexpected and not from natural causes.¹
12. The jurisdiction of the Coroners Court of Victoria is inquisitorial.² The purpose of a coronial investigation is independently to investigate a reportable death to ascertain, if possible, the identity of the deceased person, the cause of death and the circumstances in which death occurred.
13. It is not the role of the coroner to lay or apportion blame, but to establish the facts.³ It is not the coroner's role to determine criminal or civil liability arising from the death under investigation, or to determine disciplinary matters.
14. The expression "*cause of death*" refers to the medical cause of death, incorporating where possible, the mode or mechanism of death.
15. For coronial purposes, the phrase "*circumstances in which death occurred*," refers to the context or background and surrounding circumstances of the death. Rather than being a consideration of all circumstances which might form part of a narrative culminating in the death, it is confined to those circumstances which are sufficiently proximate and causally relevant to the death.

¹ Section 4 *Coroners Act 2008*

² Section 89(4) *Coroners Act 2008*

³ *Keown v Khan* (1999) 1 VR 69

16. The broader purpose of coronial investigations is to contribute to a reduction in the number of preventable deaths, both through the observations made in the investigation findings and by the making of recommendations by coroners. This is generally referred to as the Court's "*prevention*" role.
17. Coroners are also empowered:
 - (a) to report to the Attorney-General on a death;
 - (b) to comment on any matter connected with the death they have investigated, including matters of public health or safety and the administration of justice; and
 - (c) to make recommendations to any Minister or public statutory authority on any matter connected with the death, including public health or safety or the administration of justice. These powers are the vehicles by which the prevention role may be advanced.
18. All coronial findings must be made based on proof of relevant facts on the balance of probabilities. In determining these matters, I am guided by the principles enunciated in *Briginshaw v Briginshaw*.⁴ The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about individuals, unless the evidence provides a comfortable level of satisfaction that they caused or contributed to the death.

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

Identity of the Deceased pursuant to section 67(1)(a) of the *Coroners Act 2008*

19. On 28 February 2011, Mr Samba's identity was confirmed through fingerprint comparison to be Les Samba, born 21 April 1950.
20. Identity is not in dispute in this matter and requires no further investigation.

Medical cause of death pursuant to section 67(1)(b) of the *Coroners Act 2008*

21. On 28 February 2011, Dr Paul Bedford (**Dr Bedford**), a Forensic Pathologist practising at the Victorian Institute of Forensic Medicine, conducted an autopsy upon Mr Samba's body. Dr Bedford provided a written report, dated 28 April 2011, which concluded that Mr Samba died from gunshot wounds to the head and chest.

⁴ (1938) 60 CLR 336

22. Dr Bedford commented that Mr Samba had received two gunshot injuries that were of a 'distant' (non-contact) range and each injury was fatal on its own.
23. Toxicological analysis of post mortem specimens taken from Mr Samba was negative for common drugs and alcohol.
24. I accept the cause of death proposed by Dr Bedford.

Circumstances in which the death occurred pursuant to section 67(1)(c) of the *Coroners Act 2008*

25. After spending most of Sunday, 27 February 2011, at the Inglis Sales Complex, Mr Samba returned to his room at Crown Metropol at approximately 5.20pm.
26. Mr Samba attended the Giuseppe Arnaldo and Sons restaurant at Southbank before speaking with some acquaintances at the Crown Entertainment Complex. He then returned to his room at approximately 7.00pm.
27. Mr Samba left the Crown Metropol shortly after 9.00pm in his hired vehicle.
28. At approximately 9.35pm, Mr Samba was shot once in the back by an unknown offender outside of 299 Beaconsfield Parade at Middle Park.
29. Witnesses telephoned emergency services.
30. Mr Samba ran onto the east-bound lanes of Beaconsfield Parade, where he collapsed and the offender shot him a second time to the back of the head. The offender was last seen running toward Langridge Street.
31. A second person of interest was observed crouching beside a tree near the footpath, looking intently at Mr Samba and the offender.

VICTORIA POLICE HOMICIDE INVESTIGATION

32. Immediately after Mr Samba's death, Victoria Police commenced a criminal investigation because the death was considered to be a homicide.

33. Mr Samba's death was initially investigated by the Homicide Squad and then transferred to the Purana Task Force. Despite this investigation, no person or persons have been charged with indictable offences in connection with Mr Samba's death.
34. I note the observations of the Victorian Court of Appeal in *Priest v West*,⁵ where it was 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 the 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."*
35. Consistent with this judgment, and mindful that the Act mandates that I must conduct an inquest, one of the purposes of the inquest is to investigate any evidence that may lead to the identification of the person (or persons) who may have caused the death, bearing in mind that I am required to make findings of fact and not express any judgment or evaluation of the legal effect of those findings.⁶
36. Section 7 of the Act specifically states that a coroner should avoid unnecessary duplication of inquiries and investigations, by liaising with other investigative authorities, official bodies or statutory officers. The rationale behind this provision is to allow for consideration of public interest principles that weigh against the potential benefits of any further investigation, such as further cost to the community. It also acknowledges that although a number of authorities or organisations may have the mandate to investigate, some are more appropriately placed than others to do so in any given circumstance.
37. In this case, I acknowledge that the Victoria Police through the Purana Task Force, has conducted an extremely thorough investigation in this matter.
38. In making this Finding, I have been careful not to compromise any potential criminal prosecution in the course of my investigation, mindful that Mr Samba's death is an unsolved and open homicide case.
39. The Coroner's Investigator, Detective Sergeant Mark Butterworth, has provided a statement to the Court in relation to this matter.

⁵ (2012) VSCA 327

⁶ *Perre v Chivell* (2000) 77 SASR 282

40. The confidential nature of the Victoria Police's ongoing investigation prevents me from reciting each and every matter which has been established by the Purana Task Force. However, Detective Sergeant Mark Butterworth's statement indicates that the following important matters have been established and are able to be disclosed:
- (a) an examination of the scene revealed that two separate firearms were used; and
 - (b) despite the extensive homicide investigation conducted by the Purana Task Force, the person or persons responsible for Mr Samba's death have not been formally identified; and
 - (c) no person or persons has ever been charged with an indictable offence in relation to Mr Samba's death; and
 - (d) the homicide investigation into Mr Samba's death is ongoing and the Purana Task Force file remains open.

FINDINGS AND CONCLUSION

41. Having investigated the death of Mr Samba and having held an Inquest in relation to his death on 31 August 2017, at Melbourne, I make the following findings, pursuant to section 67(1) of the Act:
- (a) the identity of the deceased was Les Samba, born 21 April 1950;
 - (b) Mr Samba died on 27 February 2011 outside of 297 Beaconsfield Parade, Middle Park, Victoria, from gunshot injuries to the head and chest; and
 - (c) the death occurred in the circumstances set out above.
42. Despite an extensive criminal investigation conducted by Victoria Police, no person or persons have been identified, to date, as being responsible for causing Mr Samba's death. On that basis, I am satisfied that no investigation which I am empowered to undertake, would be likely to result in the identification of the person or persons who caused Mr Samba's death.
43. I convey my sincerest sympathy to Mr Samba's family and friends.
44. Pursuant to section 73(1) of the Act, I order that this Finding be published on the internet.

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

- (a) Dierdre Samba, senior next of kin;
- (b) Tania Favaro;
- (c) Victoria Samba and Jonathan Samba;
- (d) Detective Sergeant Mark Butterworth, Coroner's Investigator;
- (e) Detective Senior Sergeant Michael J Dwyer, Officer in Charge, Purana Task Force, Victoria Police; and
- (f) Inspector Michael Hughes, Homicide Squad, Victoria Police.

Signature:



JUDGE SARA HINCHEY
STATE CORONER

Date: 31 August 2017