



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest: Bondi Junction Inquest

Hearing dates: 28 April 2025 – 30 May 2025

Date of Decision: 4 May 2025

Place of Decision: Coroners Court of New South Wales, Lidcombe

Findings of: Magistrate O’Sullivan, State Coroner

Catchwords: CORONIAL LAW – Non-publication orders – open justice

File number: 2024/138781, 2024/138782, 2024/138783, 2024/138784,
2024/138791, 2024/138792, 2024/138795

Representation:

1. Counsel assisting, Dr Peggy Dwyer SC, Ms Emma Sullivan and Mr Christopher Murphy instructed by Ms Amber Doyle of the NSW Crown Solicitor's Office.
2. Families of Dawn Singleton, Jade Young and Ashlee Good: Ms Sue Chrysanthou SC and Ms Tanya Harris-Roxas instructed by Giles George.
3. Family of Faraz Tahir: Mr Lester Fernandez SC and Mr Paul Townsend instructed by Legal Aid NSW.
4. Families of Pikria Darchia and Yixuan Cheng: Mr Daniel Roff instructed by Mr Paul Blake, KPT Defence Lawyers.
5. Queensland Police Service: Dr Ian Freckelton AO KC and Ms Christine Melis instructed by Mr Jonathan Paratz of the Queensland Police Service.
6. NSW Ambulance: Mr Hilbert Chiu SC and Ms Maddison Summerhayes instructed by Makinson d'Apice Lawyers.
7. Commissioner, NSW Police Force: Ms Sophie Callan SC and Ms Amber Richards instructed by Ms Rebecca Atherton, Office of the General Counsel NSW Police Force.
8. Scentre Shopping Centre Management Pty Ltd: Mr Dean Jordan SC and Ms Ann Bonnor instructed by Holding Redlich Lawyers.
9. Glad Group Pty Ltd: Mr Adam Casselden SC instructed by McCabes Lawyers.
10. Falcon Manpower Solution Pty Ltd: Ms Linda Clarke instructed by Numair Malik, I-Global Lawyers.
11. Five Queensland Police Service Officers: Mr Calvin Gnech.
12. Dr Richard Grundy, Dr Nathan Ruge and Dr C: Ms Ragni Mathur SC instructed by Moray and Agnew Lawyers.
13. SafeWork NSW: Mr Justin Pen instructed by Department of Customer Service.
14. Two nurses: Ms Sally Robb KC instructed by QNMU Law.

15. Dr John Pietsch: Mr Ben Wilson instructed by Ms Marianne Nicolle of Meridian Lawyers.

16. Dr A: Mr Mark Lynch instructed by Avant Law.

Introduction

1. This inquest concerns the deaths of seven people at Westfield Bondi Junction on 13 April 2024.
2. A number of parties have made applications seeking non-publication and/or non-disclosure orders pursuant to ss 65(4) and 74(1)(b) of the *Coroners Act 2009* (**the Act**) and the Court's implied powers. The applications seek orders over the names of certain individuals and documents (or parts of documents) in the brief of evidence.
3. During the first day of the hearing of this inquest, counsel assisting indicated that the applications would be determined in accordance with the following procedure:
 - a. Interim non-publication orders would be made in respect of the applications that had been made (other than certain orders sought by counsel assisting which were made on a final basis);
 - b. Any further submissions of no more than five pages concerning the non-publication orders in respect of names of individuals were to be provided by 5:00pm, Tuesday 29 April 2025;
 - c. Any further submissions of no more than five pages concerning the non-publication orders in respect of documents or information were to be provided by 5:00pm, Thursday 1 May 2025; and,
 - d. I would then determine those matters in chambers.
4. Following receipt of further submissions from the parties, I determined it was appropriate for the applications to be the subject of oral argument, which occurred on 1 May 2025.
5. The applications are made by the following:
 - a. Counsel assisting;
 - b. The families of Pikria Darchia and Yixuan Cheng;
 - c. The families of Ashlee Good, Jade Young, Dawn Singleton and Faraz Tahir;
 - d. Commissioner, NSW Police Force (this application also seeks non-disclosure orders);
 - e. Scentre Shopping Centre Management Pty Ltd (**Scentre**);
 - f. Glad Group Pty Ltd (**Glad**);
 - g. NSW Ambulance;
 - h. Mr Cauchi's primary treating psychiatrist (**Dr A**) (including anything that would identify Dr A's practice);

- i. Two nurses who worked at Dr A's practice;
- j. Dr Richard Grundy (general practitioner), Dr Nathan Ruge (general practitioner) and Dr C (a psychiatrist who saw Mr Cauchi on one occasion in 2021);
- k. Dr John Pietsch (general practitioner); and,
- l. Five officers of the Queensland Police Service (**QPS**).

Relevant Principles

The Coronial Jurisdiction

6. The objects of the Act relevantly include the following matters:
 - a. to enable coroners to investigate certain kinds of deaths or suspected deaths in order to determine the identities of the deceased persons, the times and dates of their deaths and the manner and cause of their deaths (s 3(c)); and,
 - b. to enable coroners to make recommendations in relation to matters in connection with an inquest or inquiry (including recommendations concerning public health and safety and the investigation or review of matters by persons or bodies) (s 3(e)).
7. A coroner has jurisdiction to hold an inquest in relation to deaths: ss 21 – 24 of the Act. A coroner must hold an inquest in certain circumstances: ss 23, 27 of the Act.
8. Upon the conclusion of an inquest, a coroner must record in their findings the deceased person's identity, the date, place, manner and cause of their death: s 81(1) of the Act.
9. A coroner may make such recommendations as considered necessary or desirable in relation to any matter connected with the death or suspected death which an inquest or inquiry is concerned. Without limitation, this includes matters of public health and safety: s 82 of the Act.
10. The coronial jurisdiction differs to that of traditional court proceedings. Coronial proceedings "are inquisitorial more than adversarial".¹ The power to make recommendations is one key feature distinguishing the coronial jurisdiction from that of traditional curial processes.
11. A coronial inquest involves "what might be called therapeutic jurisprudence".² Therapeutic jurisprudence recognises that the law can affect the wellbeing of participants and emphasises consideration of *all* participants in the legal process.

¹ *Atkins v Attorney General of New South Wales* [2016] NSWSC 1412 at [47].

² *Commissioner of NSW Police v Deputy State Coroner for NSW* [2021] NSWSC 398 at [3].

Conduct of coronial proceedings

12. The 'default position' in coronial proceedings is that hearings will be open to the public, with any person present entitled to report on the evidence given, and submissions made, in open Court.
13. This is reflected in s 47(1) of the Act which provides that: "*Any hearing conducted in coronial proceedings is to be open to the public, except as provided by this section and section 74.*"
14. This reflects the principle known as 'open justice'. It is a fundamental precept of the common law that justice will take place in an open Court.³
15. In *Telstra Corporation v Attorney General for New South Wales* [2021] NSWSC 1521, Beech-Jones J confirmed at [38] that:

...a hearing in coronial proceedings will be open to the public, and any person who is present is permitted to publish a report of the evidence and submissions heard in open court... It is not erroneous to state that, absent an order under s 74(1), the position will be as described as the "default position"

16. The *Court Suppression and Non-publication Orders Act 2010* (**CSNPO Act**) does not apply to coronial proceedings.⁴ A coroner is not required to consider the test of 'necessity' as set out in the CSNPO Act in determining non-publication orders in this jurisdiction.
17. Section 74(1) of the Act sets out a specific power to limit the publication of information and evidence in coronial proceedings. It relevantly provides:

A coroner in coronial proceedings may, if of the opinion that it would be in the public interest to do so, order--

...

(b) *that any evidence given in the proceedings not be published...*

18. Section 74(2) of the Act provides that:

³ *Rinehart v Welker* [2011] NSWCA 403 at [29] – [33], citing *John Fairfax & Sons Ltd v Police Tribunal (NSW)* (1986) 5 NSWLR 465 at 476–477.

⁴ *Commissioner of NSW Police v Deputy State Coroner for NSW* [2021] NSWSC 398 at [23].

For the purposes of subsection (1), the coroner may, in forming an opinion as to the public interest, have regard (without limitation) to the following matters—

- (a) the principle that coronial proceedings should generally be open to the public,*
- (b) in the case of an order that is proposed to be made in relation to a witness in the proceedings—the likelihood that the evidence of the witness might be influenced by other evidence given in the proceedings if the witness is present when that other evidence is given,*
- (c) national security,*
- (d) the personal security of the public or any person.*

19. In summary, s 74(1) sets out a single matter that a coroner must consider in determining whether to make a non-publication order: that is, whether the coroner is of the opinion that it would be in the public interest for such an order to be made. In forming that opinion, a coroner may have regard to the matters in s 74(2). But a coroner is not constrained only to those matters.

20. So much was identified by Chen J in “*OFFICER A*”, *a pseudonym v State Coroner of New South Wales* [2024] NSWSC 1531 at [33] (emphasis added):

*In relation to s 74, the following matters should presently be noted. First, s 74(1)(a) deals with the power of a coroner to “clear the court”, whereas ss 74(1)(b) and (c) concern material “in proceedings” — either evidence given or submissions made — and their non-publication. In each situation, whether an order should be made turns upon the coroner being “of the opinion that it would be in the public interest” to make the order. Secondly, in forming an opinion as to whether it would be in the public interest to make an order under s 74(1), the coroner “may” have regard to the matters referred to in ss 74(2)(a)-(d). Thirdly, the order referred to in ss 74(1)(b) and (c), informed by s 73, is what might be described as a non-publication order: the “evidence given”, or “any submissions made” in the proceedings is an order that such a matter “not be published”. Fourthly, by its terms, the section does not empower a coroner to make a suppression order — that is, an order, in effect, preventing or restricting publication or disclosure of a particular matter covered by the order. (It is unnecessary on the current application to address this issue further, but it was accepted that there is such an implied power to do so: see *John Fairfax & Sons Ltd v Police Tribunal (NSW)* (1986) 5 NSWLR 465 (‘Police Tribunal’) and *Australian Broadcasting Corporation v Local Court of NSW* [2014] NSWSC 239 at [93]).*

21. The public interest imports a wide range of considerations. In *Telstra Corporation*, Beech-Jones J observed:

[9] Subsection 74(1) enables the Coroner to make orders if in her opinion "it would be in the public interest" to do so. In *Pilbara Infrastructure Pty Limited v Australian Competition Tribunal* (2012) 246 CLR 379; [2012] HCA 36 at [42], French CJ, Gummow, Crennan, Hayne, Heydon, Kiefel and Bell JJ stated:

"It is well established that, when used in a statute, the expression "public interest" imports a discretionary value judgment to be made by reference to undefined factual matters. As Dixon J pointed out in Water Conservation and Irrigation Commission (NSW) v Browning ... when a discretionary power of this kind is given, the power is "neither arbitrary nor completely unlimited" but is "unconfined except in so far as the subject matter and the scope and purpose of the statutory enactments may enable the Court to pronounce given reasons to be definitely extraneous to any objects the legislature could have had in view."

[10] A consequence of that statement is that the formation of an opinion on what is in the public interest is an evaluative matter that is "not readily susceptible to review for error of law" (*Minister of Immigration and Ethnic Affairs v Teoh* (1995) 57 FCR 194; [1995] FCA 246 at 199G).

22. The principles of open justice do not ordinarily recognise embarrassment or damage to reputation as a proper basis for a non-publication order: *John Fairfax Group Pty Ltd v Local Court* (1991) 26 NSWLR 131 at 142-143. This position has been more recently acknowledged in the decision of *A Lawyer (a pseudonym) v Director of Public Prosecutions NSW; Nationwide News Pty Limited v A Lawyer (a pseudonym)* [2020] NSWSC 1713 at [55]:

Mere embarrassment, discomfort, reputational damage or even financial loss are not sufficient ... to justify a departure from the principle of open justice ...

23. The application by the NSW Police Force further seeks what may be described as 'non-disclosure orders' in respect of limited information. There is authority to support the proposition that a Coroner has an implied power to make such orders: *John Fairfax & Sons Ltd v Police Tribunal (NSW)* (1986) 5 NSWLR 465 at 476-477.

Reasons for decision

24. As noted above, parties have served written submissions in support of the applications as well as written submissions in opposition to certain applications. Evidence has been relied upon with respect to certain applications. I have read the submissions and evidence.

25. Additionally, I heard oral submissions from parties on 1 May 2025.

Applications made by counsel assisting, the families of Pikria Darchia and Yixuan Cheng, the families of Dawn Singleton, Jade Young, Ashlee Good and Faraz Tahir, Commissioner, NSW Police Force, Scentre, Glad, and NSW Ambulance

26. In summary these applications relate to:

- a. The names of:
 - i. Two Glad employees who were in the CCTV room on 13 April 2024;
 - ii. Two NSW Ambulance employees who attended on 13 April 2024;
- b. Sensitive personal or medical information in relation to each of the deceased (including any evidence of descriptions of the deceased following each stabbing, and the details of assistance or medical treatment provided to each deceased) and other non-parties affected by the events of 13 April 2024;
- c. evidence from police who attended the crime scene and/or postmortems of the deceased persons;
- d. sensitive NSW Police evidence concerning NSW Police Force policies, procedures, training, and operational matters; and
- e. Scentre and Glad policies, procedures, and plans containing information relating to (i) Westfield Bondi Junction and (ii) security responses, which are not otherwise publicly available.

27. There is no opposition to any of these applications.

28. Having regard to the matters in s 74(2) of the Act, the objects of the Act, the need for these proceedings to not cause or exacerbate harm or injury (which may arise if the above information were to be published), as well as the potential for the publication of the material to compromise

the security of emergency services, Scentre, or Glad, I am of the view that it is in the public interest for these applications to be granted.

29. I note that Counsel for the Commissioner, NSW Police Force identified in oral submissions that non-publication orders are sought over the names of two NSW Police Force officers (identified at paragraph 1(b)(v) of the Commissioner's proposed short minutes) on health grounds, of which evidence is to be provided. I have previously made non-publication orders on an interim basis, in relation to those two officers and they will remain in effect until evidence in support of the Commissioner's application has been provided and those applications can be determined on a final basis.

Applications by Dr A and Dr C/ nurses / general practitioners / QPS Officers

30. Several applications have been made by health practitioners (including psychiatrists, nurses, and general practitioners) and members of the Queensland Police Service, each of whom had interactions with Mr Cauchi during the period in which he was in Queensland.
31. The applications by the health practitioners (including Dr A and Dr C, nurses, and general practitioners) are opposed by the families of Ms Singleton, Ms Young, Ms Good, Mr Tahir, Ms Cheng and Ms Darchia. The basis of the opposition is that:
- a. As a general proposition, coronial proceedings should be conducted in open court;
 - b. There is no basis on which I can form an opinion that it is in the public interest that a non-publication order be made (noting the absence of a proper evidentiary foundation for the order);
 - c. To the extent any suggestion is made that health practitioners in the future may not cooperate in coronial proceedings, that concern is overstated, as those health practitioners can be compelled to give evidence and are required to give truthful evidence.
32. In my view it is in the public interest that an interim non-publication order be granted in respect of Dr A (and of the identity of the clinic from which Dr A practiced, which would capture the identities of the two nurses who made their own applications), Dr C and the five QPS officers. In my view, the interim order should relevantly expire following: (i) the expert psychiatric conclave (in the case of Dr A and Dr C) and (ii) the evidence of Inspector Bernard Quinlan (in the case of the five QPS officers).

33. This is on the basis that:

- a. There is significant media attention in relation to this matter and there has been extensive reporting;
- b. There have already been instances of sensationalised reporting on this matter. This is most evident in relation to the QPS officers, and is set out in detail in the submissions filed by their legal representatives;
- c. Relatedly there is risk that inaccurate reporting may occur in relation to those persons, particularly where these individuals may assume a central importance in the inquest, given their previous interactions with Mr Cauchi;
- d. In respect of Dr A, there is a risk that publication of Dr A's name and clinic without the benefit of the expert evidence assessing the adequacy of Dr A's treatment of Mr Cauchi (in respect of which there are a spectrum of views, in particular on the cessation of medication) may impact upon the therapeutic relationship Dr A has with her patients. This risk applies also to Dr C, whose treatment of Mr Cauchi will also be considered by the expert conclave;
- e. An interim order, expiring as proposed above, would permit any reporting of those individuals to be done with the benefit of evidence concerning them, allowing that reporting to occur in its proper context.

34. In making an interim order over Dr A's name and anything that might identify her practice it follows that the two nurses' names, will also be the subject of a non-publication order on the same interim basis, as publication of their names may lead to the identification of the practice of Dr A.

35. In forming the view that the above orders are in the public interest, in the context of these coronial proceedings, I have had regard to the following considerations:

- a. The objects of the Act, and the power to make recommendations (s 82);
- b. The death prevention role of the jurisdiction;
- c. That coronial proceedings involve therapeutic jurisprudence; and,
- d. That the Coroner's ability to make recommendations is enhanced by witnesses who are willing to reflect and acknowledge what they could have done differently and to identify

areas of systemic improvement. A witness' preparedness to undertake such reflection, and make such acknowledgements, may be facilitated by the making of non-publication orders. Engagement in this way is in the public interest.

36. Further, the ordering of an interim non-publication order will not undermine the public interest in any significant way. As set out in *Bissett v Deputy State Coroner* [2011] NSWSC 1182 at [32] (emphasis added):

The remarks just made are not intended to be a criticism of the media that as businesses have their own interests to serve. The remarks are made simply to put in context the claim that the public interest requires that there be publication. In that connection it is also relevant to bear in mind that the public interest will often not be damaged if publication is delayed.

37. I do not consider it is in the public interest for non-publication orders to be made over the identities of the general practitioners. There is no material that would justify the grant of a non-publication order in respect of those individuals. Further, none of these medical practitioners are likely to face the concerns identified at [33] above.

Orders

38. The application made by counsel assisting is granted.
39. The application made by the families of Pikria Darchia and Yixuan Cheng is granted.
40. The application made by the families of Dawn Singleton, Jade Young, and Ashlee Good is granted.
41. The application made by the family of Faraz Tahir is granted.
42. The application made by NSW Ambulance is granted.
43. The application made by Scentre is granted.
44. The application made by Glad is granted.
45. The application made by the Commissioner of the NSW Police Force is granted other than with respect to the grant of a non-publication order, on a final basis, over the names of two officers. The interim order over the names of those two officers is to remain in effect until that application has been finally determined.
46. The application made by Dr A is granted on an interim basis to expire after the evidence of the expert psychiatric conclave.

47. The application of Dr C is granted on an interim basis to expire after the evidence of the expert psychiatric conclave.
48. The application made by the five QPS officers is granted on an interim basis to expire after the evidence of Inspector Bernard Quinlan.
49. The applications made by Dr Grundy, Dr Ruge, and Dr Pietsch are dismissed.
50. The application made on behalf of the two nurses is dismissed.