

LTS:DAT

IN THE NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER O'SULLIVAN

5 MONDAY 7 APRIL 2025

2024/00138784 - BONDI JUNCTION INQUEST

10 Dr P Dwyer SC with Ms E Sullivan and Mr C Murphy assisting the Coroner
 Mr D Jordan SC for Scentre Shopping Centre Management Pty Ltd
 Ms S Chrysanthou SC for the Good family, the Young family and the
 Singleton family
 Mr C Gnech for Queensland Police Officers [REDACTED], [REDACTED], [REDACTED],
 [REDACTED] and [REDACTED]

15 Ms S Callan SC with Ms A Richards for NSW Commissioner of Police
 Dr I Freckelton KC with Ms C Melis for Commissioner of Qld Police Service
 Mr H Chiu SC for NSW Ambulance and NSW Health
 Mr D Roff with Mr P Blake for the families of Yixuan Cheng and Pikria Darchia
 Mr B Wilson for Dr [REDACTED]

20 Mr A Casselden SC for Glad Group Pty Ltd
 Ms L Clarke for Falcon Manpower Solutions
 Mr M Lynch for Dr [REDACTED]
 Ms S Robb KC for [REDACTED] and [REDACTED]
 Mr L Fernandez SC with Mr P Townsend for the family of Faraz Tahir

25 appeared via AVL

30 HER HONOUR: Good morning. This is the second directions hearing into the
 coronial inquest into the events that occurred at Westfield, Bondi Junction, on
 Saturday 13 April 2024. Before I hand over to senior counsel assisting for an
 update on the status of the coronial investigation, I'd just like to say a few
 words.

35 I thank the family members who are joining us online today and acknowledge
 those that could not be present. As the anniversary of this tragic event
 approaches, the assisting team and I are aware that this is a particularly
 difficult time for you. I'm immensely grateful to you for your engagement and
 participation in the preparation for this inquest. With your assistance, the
 40 issues to be explored in the inquest have been developed and revised. It is my
 hope that the many questions and concerns you have brought to those
 assisting me can be answered and explored during the inquest.
 Senior counsel assisting will have more to say about those issues shortly.

45 I also acknowledge the many people who have been deeply affected by the
 events of that day. The impact of this tragedy continues to be felt by those
 who were injured, those who bravely responded and rendered aid, those who
 witnessed traumatic scenes, and indeed by the broader community. This is a
 difficult time for many.

50

LTS:DAT

Finally, before I take appearances, I want to thank the interested parties for their engagement in the process and for their assistance and cooperation in preparing this matter on an expedited timetable. I'll now take appearances, please.

5

DWYER: May it please the Court, Dwyer for the record. I appear as your senior counsel assisting with my learned friends Ms Emma Sullivan and Mr Chris Murphy, who are at the bar table. We are instructed by the Crown Solicitor's Office, and Ms Doyle of the Crown Solicitor's Office is seated at the bar table with us.

10

HER HONOUR: Thank you, Dr Dwyer.

CHRYSANTHOU: May it please the Court, my name is Chrysanthou. I appear for the Good family, the Young family and the Singleton family, although excluding Dawn's father, John Singleton.

15

HER HONOUR: Thank you, Ms Chrysanthou.

JORDAN: May it please the Court, my name is Jordan. I appear for Scentre Shopping Centre Management Pty Ltd.

20

HER HONOUR: Thank you, Mr Jordan.

GNECH: May it please the Court, my name is Gnech appearing on behalf of Queensland Police Officers [REDACTED], and [REDACTED].

25

HER HONOUR: Thank you, Mr Gnech.

30

CALLAN: May it please the Court, Callan. I appear with Ms Richards instructed by Ms Atherton on behalf of the NSW Commissioner of Police.

HER HONOUR: Thank you, Ms Callan.

35

FRECKELTON: May it please the Court, my name is Freckelton. I appear with Ms Christine Melis for the Queensland Police Service, instructed by Caroline Harrison of the Queensland Police Service.

HER HONOUR: Thank you, Mr Freckelton.

40

CHIU: May it please the Court, my name is Chiu. I appear for NSW Ambulance and NSW Health, instructed by Makinson d'Apice.

HER HONOUR: Thank you, Mr Chiu.

45

CASSELDEN: May it please your Honour, my name is Casselden. I appear on behalf of Glad Group Pty Ltd instructed by McCabes Lawyers.

HER HONOUR: Thank you, Mr Casselden.

50

LTS:DAT

CLARKE: May it please the Court, Clarke, initial L. I appear for Falcon Manpower Solutions. I'm instructed by Numair Malik of I-Global Lawyers.

5 HER HONOUR: Thank you, Ms Clarke.

LYNCH: If your Honour pleases, my name is Lynch. I seek leave to appear on behalf of Dr [REDACTED].

10 HER HONOUR: Leave is granted. Thank you, Mr Lynch.

ROBB: If it please the Court, my name is Robb. I appear, or I seek leave to appear, on behalf of [REDACTED] and [REDACTED], two registered nurses. I'm instructed by QNMU Law.

15 HER HONOUR: Yes, leave is granted, Ms Robb.

ROBB: Thank you, your Honour.

20 HER HONOUR: And then those online.

FERNANDEZ: Your Honour, my name is Fernandez.

25 HER HONOUR: Thank you, Mr Fernandez. Yes, go on.

FERNANDEZ: I appear with Mr Townsend, and we seek your Honour's leave to appear for the family of Faraz Tahir.

30 HER HONOUR: Yes, leave is granted. Thank you, Mr Fernandez.

FERNANDEZ: I'll just let your Honour know that online from the United Kingdom is Mr Mudasir Bashir, the brother of Faraz Tahir, as well as his sister, Farzana Bashir. Your Honour might see them both. And dialling in, in Australia is Mr Tahir's brother, Mr Muzafar Tahir.

35 HER HONOUR: Thank you Mr Fernandez, and welcome to those family members who I can see and those who are listening in. Thanks very much for participating today.

40 FERNANDEZ: Thank you, your Honour.

WILSON: May it please the Court, my name is Wilson and I seek your Honour's leave to appear on behalf of Dr [REDACTED] and I'm instructed by Meridian Lawyers.

45 HER HONOUR: Yes, thank you Mr Wilson. Leave is granted.

50 ROFF: With your Honour's leave, I appear on behalf of the families of Yixuan Cheng and Pikria Darchia. For the record my name is Roff, and as I understand it various of those family members are online observing these

proceedings.

5 HER HONOUR: Thank you Mr Roff, and to those family members welcome and thank you. Can I just ask everyone who is on line just to go on mute please? Thanks very much. Dr Dwyer?

10 DWYER: Might I just start by acknowledging the family members, some of whom we can see online, like Muzafar who we have met and other family members who we can't see but we know are listening. I want to acknowledge and pay my respects to them before I start.

HER HONOUR: Thank you.

15 DWYER: This is the second and last directions hearing, or assumed to be the last directions hearing before the inquest commences on 28 April this year. The purpose of this directions hearing is essentially as follows, to ensure that everything is on track for the inquest, to reassure interested parties, and particularly the families of those who lost their loved ones, that their concerns have been heard, and the issues that they have raised with the assisting team
20 have been taken into account. To answer any questions that those appearing for interested parties may have at the end of this discussion, and to inform the public about the process that your Honour is about to engage in.

25 I mentioned at the last directions hearing that the counsel assisting team has had the opportunity to meet with members of all the families who have wanted that opportunity, and we are extremely grateful for their patience and their contribution to planning for the inquest. We are grateful to have spoken with some members of each family and we're grateful to have done so, particularly when we acknowledge how difficult it is to do that so soon after their loved
30 ones have passed away.

There is of course no pressure to engage with the counsel assisting team but we are available now and will remain available throughout the hearing and following to make sure that this inquest is conducted in a way that is as
35 sensitive and as thoughtful as it possibly can be. We've had the opportunity to meet with some of the members of the families who live overseas whose loved ones died when they were so far away from home. The family of Ms Cheng, as your Honour knows are in China and they're represented by Mr Roff and Ms Jenny Xu, and they will have the assistance of an interpreter, and we were
40 grateful to speak with Ms Cheng's mother.

The family of Ms Darchia is represented by Mr Roff and solicitor Paul Blake, and Ms Darchia's two sons were previously based in their mother's native country of Georgia and we had the opportunity to speak with them when they
45 were over there, but they will be in Australia for the inquest and they won't require interpreters.

Families cannot be expected to speak with one voice, not even all persons within the same family can have that expectation, but we are committed to a
50 process that ensure that all voices can be heard. I propose to address your

Honour on the following seven issues during this directions hearing. First, the reasons for this inquest, which I have dealt with previously but will do so again, and the efforts made to conduct this inquest in a way that is trauma informed. Second, the specific issues to be addressed, which have been modified to take into account some of the very thoughtful matters that have been raised by family members who want specific issues addressed.

Thirdly, the status of the witness list. Fourth, the status of the brief of evidence, including the expert evidence which has been obtained and the very few matters that are outstanding. Fifth, the applications that have been received by your Honour for the non-publication orders over the names of certain witnesses, and how that will be dealt with going forward. Sixth, to confirm the hearing timetable and the commitment of this Court to finishing this inquest in the five weeks provided. Seventh, a draft timetable for submissions, and your Honour's findings so that parties can be assured that the entire process has been thought out and streamlined.

Coming to the first matter, the reasons for this inquest. It may be important for the public to understand, as we've previously explained, that this is mandatory, meaning that by law under the Coroners Act, a Senior Coroner must hold an inquest into the seven deaths that happened at Bondi Junction on 13 April last year. That is because under the Coroners Act, first the deaths appear to have occurred, or six of the deaths appear to have occurred as a result of a homicide, and second, Mr Cauchi's death was as a result of a police operation. That's not to criticise in any way the police operation, but the Coroners Act requires that an inquest take place after that has happened to look at the circumstances.

Putting aside the mandatory nature of this inquest, it was also the specific request of families that an inquest be held, and it has been the specific request of families that issues that they are interested in be addressed. For example, very soon after this tragedy occurred, more than one of the families was identifying for the Court their interest in an inquest that investigated issues like the effectiveness of Westfield Bondi Junction's security systems, which were challenged by an act of such significant violence that resulted in multiple deaths. And whether there were gaps in the mental health system that led to Joel Cauchi becoming unmedicated and unsupervised for a period of time leading up to this tragedy. Further, a review of the training and protection of security guards, and finally a common theme, to implement any measures possible to protect other families from experiencing such a tragedy.

It is unsurprising that most families expressed their concerns about exactly the same issues, that they want to hear evidence about, and they want to have canvassed in this inquest. I understand that there might be some other parties at the bar table who want to say something about that.

HER HONOUR: Ms Chrysanthou?

CHRYSANTHOU: Thank you Madam Coroner. I just wish to make it plain on behalf of my clients, the family of Ash Good, the family of Dawn Singleton and

5 the family of Jade Young, that they understand the mandatory nature of this inquest and they support it. They are immensely grateful, as are we as their lawyers, for the extreme sensitivity, proactivity and kindness shown by the counsel assisting team. They have been available to us, communicating with us and open with us, including by adding issues to the provisional issues list that you have. We on their behalf are extremely grateful for that cooperation.

10 From their perspective, their lives have been changed in a way that none of us can really comprehend, having not been in their situation. Children's lives have been altered by what occurred, and it's important for them to understand if anything else could have been done, or if any recommendations can be made by you to ensure that if this ever happens again, it won't be as impactful on the family as it has been. We, in particular, have added to the issues list items 15 and 16. The families I represent were very adversely impacted by some members of the media, and how they behaved in the minutes and hours and days after the tragedy occurred.

20 They continue to be impacted, including by reason of a broadcast last night by one of Australia's media companies and they ask that members of the media reporting on the inquest, reporting on the anniversary which is coming up, take extreme care to address the sensitivities of each family, not just my clients, but the other four families involved, because it is incomprehensible to us who are not in their shoes, to understand how insensitive and inaccurate, in the case of last night's broadcast highly inaccurate, media reporting make this process so much worse for them. Thank you.

HER HONOUR: Thank you Ms Chrysanthou.

30 FERNANDEZ: Your Honour might I indicate the following on behalf of the family of Faraz Tahir?

HER HONOUR: Yes.

35 FERNANDEZ: It is almost 1am in the UK where Mr Tahir's brother and sister have dialled in. That's a clear indication of their interest in this inquest, which all members of the Tahir family have a strong interest in. They support this inquest. They support the statement of issues that have been identified in this inquest, and they will do all they can to assist this inquest. I've been asked to thank on behalf of the Tahir family all of your Honour's counsel assisting team, but particularly Dr Dwyer and Ms Sullivan for their common decency, humanity, sensitivity and courtesy in all their dealings. They have felt involved in this process and they would like to be involved in this process, and they thank your Honour for the opportunity to do so as part of this inquest.

45 HER HONOUR: Thanks very much Mr Fernandez.

50 ROFF: Can I simply echo the eloquent and forceful words of my friends' Ms Chrysanthou and Mr Fernandez on behalf of both the Cheng and the Darchia family, and I would also on behalf of each of those families like to thank counsel assisting for their very thoughtful and compassionate and

empathetic assistance throughout the course of this inquest.

HER HONOUR: Thank you Mr Roff. Dr Dwyer?

5 DWYER: As I outlined at the first directions hearing, the objective of coronial
proceedings is not to blame individuals or even organisations, but instead it is
to learn the lessons that may save lives. Mercifully, tragedies like the one that
10 unfolded at Bondi Junction on 13 April are very rare in this country, but that
does not ease the suffering of those who have lost a loved one, and the
purpose of an inquest is to look beyond the surface facts at the circumstances
that led up to the loss of life to identify any opportunity to prevent such a
terrible tragedy in the future.

15 We have now an issues list that has on it 17 large issues, broken into smaller
ones, and I will shortly outline some of the main issues, developed in
consultation with families, that will help to clarify the reasons for this significant
inquest. That issues list will then be published online. Before I do that, as an
experienced counsel assisting team assisting your Honour we've been working
20 in this jurisdiction for many years and we well understand that hearing this
evidence throughout the last week of April and May, and even knowing the
evidence is to be heard, for those who don't want to tune in, even knowing that
can be very painful on the back of so much suffering. So your Honour's
direction to this counsel assisting team is that the inquest be conducted in a
way that is respectful of all those who have been impacted, and that every
25 effort should be made to conduct this inquest, adopting a trauma informed
approach.

Being trauma informed means different things to different people, and it's not
always easy to get it right. But it is a guiding principle in the approach being
30 taken to all aspects of this coronial proceeding. That's why, for example, the
matter will be listed for five weeks only, rather than being spread out
throughout the year. A condensed block of time was the preference of all the
families. It's why the inquest has been listed for a time after the investigation is
completed rather than trying to start earlier, and it's why it's being listed after all
35 expert reports will have been obtained, so that the issues can then be
narrowed and focused and no time is wasted.

It's why although there were hundreds of people who were shopping at
Westfield Bondi Junction on that Saturday and witnessed some of the terrible
40 events, they won't be called to give oral evidence, and the Court can rely on
the written statements that have been so painstakingly taken by a large team
of NSW Police officers. Only two civilian witnesses will be called, and they're
relevant to a specific issue and they have not expressed any concern with
being called.

45 Recognising the need to be trauma informed, and in line with the wishes of
families, it is not proposed to play any sensitive CCTV or body-worn footage in
open Court. That information - that is, that it won't be played in open Court -
has been conveyed to families in writing. The small amount of sensitive
50 material that is even in the brief of evidence may be subject to either

suppression or non-publication orders, so that access will be restricted or limited as appropriate and after your Honour has heard submissions.

5 To the extent that it might be necessary to play any non-sensitive footage - for example there is body-worn video from police officers in Queensland showing their last interaction with Mr Cauchi when they were called to the home of his parents, that was in January 2023 - that may be relevant for your Honour to understand his mental health presentation, and parties may wish to watch that in Court for the purposes of then asking questions. Even when that non-
10 sensitive footage is going to be played, warnings will be provided prior to that occurring, because it may well be upsetting nonetheless, so that persons attending the proceedings can elect not to view that material if they wish.

15 There is, of course, already a significant amount of footage already in the public domain, and most of that footage is not in the brief of evidence. Your Honour cannot suppress that footage, and therefore the Court will have to rely on the good sense and thoughtfulness of the media, an issue that I will return to. Coming to the issues then to be addressed, the issues list has been circulated, and as I said, your Honour has been grateful for the input of the
20 families.

In addition to the statutory findings that your Honour is obliged to make under the Coroners Act, that is, the names of those who passed away or their identity details and the circumstances of the events of 13 April, your Honour will be
25 inquiring into issue number 6, which is whether the treatment received by Mr Cauchi for his mental health conditions was adequate and appropriate leading up to these circumstances. In particular, what were the circumstances around Joel Cauchi ceasing the use of psychotropic medication that was necessary to treat his mental health condition, and how was Mr Cauchi's
30 mental health managed from February 2020 onwards after he ceased medication. That includes what follow up, if any, he received.

Issue number 7 is Mr Cauchi's interactions with NSW and Queensland Police in the lead up to this tragedy and the status of his mental health at those times.
35 An important consideration is whether there were opportunities for early intervention in relation to those interactions with the police, particularly the Queensland Police.

Issue number 8 is the nature and timing of the response of Scentre Group which manages Westfields and the security contractors, Glad Group and Falcon Security, when the events unfolded on 13 April, including the first point in time when staff in the CCTV or control room at Westfield Bondi Junction became aware of an active armed offender in the centre, what timing and actions are relevant to security staff thereafter, and what was the
40 communication like between security staff, and after that what options did they have.
45

Issue number 13 concerns NSW Ambulance and relates to the nature and timing of the NSW Ambulance response to the events on 13 April, including
50 how and when NSW Ambulance became aware of the events, the timing and

response of NSW Ambulance, the nature of the communications between NSW Ambulance, Scentre Group staff and police, the declaration of Bondi Junction Westfield as a hot zone, what that means in the circumstances in which that occurred, and whether there were any impediments to the response by NSW Ambulance.

Ms Chrysanthou has mentioned issues that were added to the list at the request of some of the families that she represents, and that includes number 15, which is the general nature and content of the media response in deidentified form to the events at Westfield Bondi Junction, including media reporting and media activities to obtain information, images or footage in the immediate aftermath. It also includes item 16, which is the impact of media reporting on the families of those who lost loved ones.

A number of families have reported their significant distress at graphic footage being shown in the media. I don't intend to call out any media outlets in particular, and that's not your Honour's intention, and that's why I've referred to it being done in a deidentified form, but it is somewhat ironic that the program last night reporting on the concerns about media played some graphic footage, and that is not what is going to happen in this inquest.

So, all I can do standing here today is implore the media to be sensitive and thoughtful to the wishes of the family and to understand that a specific issue has been added at the request of families because it has been so distressing so far. And as Ms Chrysanthou says, with the anniversary coming up, the media might want to reflect whether it is in the interests of the public to replay again and again that graphic footage, because that will not be played in this Court, it is not in the brief of evidence and it may not be in the public interest to replay it. But that is not in your Honour's control, and the media will have to reflect deeply on that, we hope.

Ms Chrysanthou also referred to the inaccuracy of some reports, and I won't say more about that, other than to say that as a counsel assisting team, we sympathise deeply with the families in that regard.

Number 17 on the issues list is pursuant to s 82 of the Coroners Act, whether it's necessary or desirable to make recommendations that might save lives in the future, and that includes these specific subject areas. Whether alternatives are available or could be implemented for the treatment of persons suffering from chronic schizophrenia, as we know Mr Cauchi was. The extent to which there should or could be restrictions placed on the sale of weapons, including the KA-BAR knife that was used. The utility of providing additional equipment to security contractors, including any other appropriate security measures that should be implemented at commercial shopping centres. The training of security staff at commercial shopping centres to deal with mass casualty events. How best to educate, advise and alert members of the public who are put at risk in these events. The coordination of emergency services, and the adequacy and appropriateness of codes of conduct that regulate the media.

I come now to the third issue, which is the witness list. There was an initial

5 witness list served on parties on 16 December 2024 that's been superseded. Your Honour initially asked that parties comment on that draft witness list, and also the issues list, by 19 February this year, which the parties have done. A witness has been added at the request of one family member. The witness list has otherwise been refined as the investigation has progressed, having regard to the issues list and the extensive written material that has come in which has meant that some witnesses are no longer required.

10 Your Honour, legal representatives for a small number of witnesses have made applications for persons to be excused on mental health grounds, and when that has been done, it's been supported by psychological or psychiatric evidence, and we are working through that process with interested parties, allowing for procedural fairness, so that the parties at the bar table have an opportunity to consider those issues.

15 Of note, those witnesses who are asking to be excused have assisted this Court significantly already by providing written statements. If further evidence is needed, one approach that might be taken by your Honour is the provision of supplementary statements addressing outstanding factual queries that those at the bar table have, but that is part of a trauma informed approach to these proceedings, and we'll just have to work through those issues sensitively and thoughtfully.

25 If there are different points of view amongst particular representatives for the families and your Honour needs to rule on it, then applications can be dealt with in chambers and affected parties can have the opportunity to put submissions in writing. So, we don't think we will need to trouble your Honour with another directions hearing. It is proposed to publish an overall witness list and the schedule as a timetable on a week by week basis to accommodate any necessary amendment, but of course that will take into account non-publication orders.

35 I come to the fourth issue, which is the status of the brief of evidence. As at 28 March 2025 there were 47 volumes of the brief of evidence, not including the expert evidence, that had been served on parties. That means over 1,600 individual tabs in the brief of evidence. That, your Honour, is a testament to the extraordinary work of NSW Police officers who are assisting your Honour to bring this evidence together in such a short period of time. Two of those officers are in Court who assist your Honour, but of course, as your Honour knows, there's a large team behind them, and we thank them already for the extraordinary work that they have done.

45 It is on any view a very significant brief of evidence. In addition to that, there is expert evidence covering various disciplines, and it will be of interest particularly to the families to understand what that expert evidence is. It includes the reports of four psychiatrists, because of course the issue of mental health and the management, or mismanagement, of Mr Cauchi's mental health looms large in this inquest.

50 We have reports from four psychiatrists who will give oral evidence. Those

psychiatrists include leading psychiatrists from around Australia, but also a Danish expert in schizophrenia whose report has been obtained for the purposes of comparing best practice overseas with Australian practice to see what can be learnt. Their evidence will be called in a hot tub, or a conclave.

5

We also have reports from two general practitioners; one from Queensland and one from New South Wales. We have an expert report from an emergency medicine specialist looking at the triaging and treatment of those who were injured, an expert report from a toxicologist, and finally, a security expert from the United Kingdom who has reviewed the emergency response, including from Westfield staff.

10

Mr Scott Wilson, that security expert, has previously given evidence in inquests around the world who have had to deal with these tragedies more frequently than Australia. That includes the Manchester bombing and the Christchurch incidents. In those incidents, emergency services were managing a large number of civilians in urgent care, and we think that the Court will be significantly assisted by Mr Wilson's analysis of these events.

15

There is one further expert report which is in the process of being obtained, and we anticipate being able to serve early next week. That person is Dr Philip Cowburn. He is a UK based consultant in emergency medicine who will provide a report on a model of triage known as the ten second triage system. A significant amount of material from Dr Cowburn is already online. The ten second triage was introduced in the United Kingdom and around the world to assist in mass casualty events, and it has attracted interest in Australia in private contractors. It may be of significant interest to the NSW Ambulance service and other first responders and to your Honour.

20

25

Again, your Honour, the purpose of obtaining those expert reports is to help explain the circumstances leading up to and surrounding the events of 13 April 2024, and critically, of course, to save lives in the future. That includes preventing these attacks in the first place, as everyone will have gathered from all the mental health reports, and it includes improving systems of response to attacks in the rare circumstances in which they occur. That, of course, is the type of report that Mr Wilson and Dr Cowburn are directing their attention to.

30

35

In terms of further material to be served, it was initially ordered by your Honour that parties were to notify the counsel assisting team by 5 March this year if they intended to provide any expert evidence themselves, and to serve that expert evidence by 31 March. Those dates have passed and we haven't had any indication to date that any other party wants to serve an expert report. That may be because the expert material provided is so comprehensive. But it is suggested that your Honour make an extension so that parties are to notify counsel assisting by this Friday, 11 April, if indeed there is expert material.

40

45

We appreciate that there is a lot of our own counsel assisting material to get their heads around, and it may be that they wish to provide a response. Can I ask that your Honour make an order that parties are to notify the solicitor assisting your Honour by 11 April if they intend to provide any expert reports

50

and to serve such expert evidence by Thursday 17 April 2025. If there is expert material we've got no doubt that if it's not been obtained right now, it will have been in the wings or being considered, and so we ask that 17 April be the date allocated. That will then not affect the dates for hearing.

5

HER HONOUR: Yes, I make those orders now. The parties to notify those assisting me by this Friday the 11th.

10 LYNCH: If your Honour please, there's an expected receipt of a report from Professor Matthew Large, a supplementary report to enhance the report that's already within the brief, and Professor Large has indicated to us that because of the crisis in the mental health system in his area, he expects not to be in a position to finalise the report till 22 April. In that respect I would ask your Honour to extend the time by a further five days for that purpose?

15

DWYER: That won't be any difficulty, and I thank my learned friend, I've neglected to put on the record Dr Large's report. Of course we are assisted by Dr Matthew Large who has provided a report already and he will join the conclave with the other four psychiatrists, so there won't be any difficulty for him to provide a supplementary report by that time.

20

HER HONOUR: Yes, thank you Mr Lynch.

25 CASSELDEN: Could I reserve my client's position in relation to the proposed timetable until such time as we've seen Dr Cowburn's report and whether any expert opinions expressed therein impact my client's position?

HER HONOUR: Yes.

30 DWYER: Can I say this, there are a number of - I don't want to single out any parties in terms of the outstanding material, but Mr Casselden's clients are going to provide executive statements and we are grateful for that and looking forward to that. They may wish to provide a response to Mr Wilson's report. Mr Cowburn's report is a very discrete issue in relation to the helpfulness of a
35 ten second triage and the way it's been implemented in the United Kingdom, and he will provide that evidence in its discrete way without critiquing, as we understand, any of the events or being critical of any individuals. That should not be a reason to hold up the executive statement.

40 Can I ask that your Honour make this order. Relevant material was requested from parties including executive statements from Glad, who Mr Casselden represents, by 31 March 2025. We seek a direction that your Honour require service of that material by no later than 11 April 2025, and separate to that, if
45 there is a need to put on any expert evidence, that should be a separate issue, but it should not be held up in any way by the service of Mr Cowburn's report, because it's really that very discrete issue on the ten second triage tool.

CASSELDEN: Can I be heard on that, your Honour, if I may?

50 HER HONOUR: Yes, Mr Casselden.

5 CASSELDEN: My instructing solicitors have written to those assisting your Honour seeking that that timeline be extended to 18 April 2025, primarily for this reason. The report of Mr Wilson was not served until late on 28 March this year. Mr Wilson is not to be called until towards the end of the inquest, and we don't see an additional seven business working days to be an impediment to those assisting your Honour to meet our executive statements in circumstances where there's no practical injustice by reason of that delay, given the short period of time we've had to consider the detailed report of Mr
10 Wilson and take instructions, and to meet with witnesses and finalise draft statements.

DWYER: There's two separate issues. In relation to the executive statements, I don't see any difficulty with the date of 18 April for the service of those
15 executive statements, so that may ease any concerns that Mr Casselden has.

HER HONOUR: Yes.

20 DWYER: In relation to the issue of expert reports, might I maintain a timetable that parties notify the solicitor assisting by this Friday, 11 April, if they intend to obtain their own expert evidence?

CASSELDEN: I don't argue with that.

25 HER HONOUR: Yes, thank you.

DWYER: And to serve any expert evidence by 17 April. If there is a difficulty with that, then no doubt that will be worked through, and if that expert material has to be 18 April, then no doubt that will be worked through. Because I come
30 to my next point, which is there is some amount of material that is still outstanding from a number of different persons that has been requested, but there has been an overwhelming response of cooperation and collaboration from everybody at this bar table and all the interested parties that are represented. So I don't see any difficulty going forward in being able to work
35 through timetables with my learned friends.

HER HONOUR: Yes, thank you Dr Dwyer. Yes?

40 JORDAN: Just in relation to this issue of further evidence, I just wanted to make it clear to everyone in the room and who might be listening, matters that counsel assisting is well aware of already, but on behalf of Scentre your Honour would be aware that we have provided a large number of very detailed statements, both from witnesses and from executives on behalf of Scentre as an organisation. To date we have been able to meet every deadline imposed
45 in understandable circumstances by counsel assisting.

But in relation to further evidence, I just wanted to make it clear to your Honour in case it had not been communicated yet, that we are anticipating a further statement in relation to security response issues which will have an element of
50 expert evidence to it, and that will come from Mr John Yates, from whom your

Honour already has a statement. Of course what we are seeking to do in relation to that further statement from Mr Yates is to further define, now informed by Mr Wilson's expert report, all the matters of agreement with Mr Wilson, and also of course any outstanding matters of difference, and that's what the purpose of that additional statement from Mr Yates will be.

I just wanted to I guess hedge my bets to this extent in relation to the deadline of the 17th. We are of course giving this our highest priority. There is some detail and work and reflection required in preparing and providing this statement in a way that will provide the most assistance. We will endeavour to meet 17 April, and in the event that we can't quite make it, we will liaise before then with counsel assisting.

DWYER: I don't see any difficulty with that, and as alluded to, we've been liaising with Mr Jordan and his junior counsel and their extensive team, and we already have a significant amount of assistance from Scentre Group and no doubt that will continue. And the most important thing of course is that it doesn't affect the dates--

HER HONOUR: That's right.

DWYER: --of 28 April, and nobody is suggesting that it will, and no doubt everybody's working hard to make sure that that can happen.

HER HONOUR: Thank you Mr Jordan.

DWYER: My learned friends will appreciate the tight timetable that has been necessary, so we understand that a significant amount of pressure has been placed--

HER HONOUR: Yes.

DWYER: --on these organisations to respond, but that is what is required in order to conduct this in a trauma informed way.

HER HONOUR: Ms Callan, you were on your feet earlier?

CALLAN: Yes, it really is in a similar vein. My client and her officers recognise absolutely the priority with which this inquest demands a response by way of executive statement. Can I tell your Honour that the way in which the ten topics sought from those assisting your Honour are to be addressed by my client will take the form of two statements. One I'm instructed will be furnished by, certainly by 18 April, if not the earlier date of 11 April that was mentioned a moment ago.

The other statement which is more fulsome in its form will come from an assistant commissioner and will draw from some nine other commands, and the commanders of those commands are feeding directly, and as it were personally, into the content so as to ensure that your Honour gets a comprehensive statement at the highest level to deal with the various issues

that have been raised. My instructions, having regard to content and availability and the care and reflection required, are that I anticipate 18 April will be optimistic. It may well be that it doesn't come until the following week. I'm in your Honour's hands as to whether the date is adjusted, and we would seek 23 April, or whether we aim for the 18th, but engage in communication with those assisting if there's any slippage.

HER HONOUR: Thank you Ms Callan.

DWYER: Sorry to be the dragon lady, but can I ask that you aim for the 18th, because I can see if we aim for the 22nd it might be pushed out, so that's part of my role.

HER HONOUR: We'll aim for the 18th and if any further time is required Ms Callan, if you would liaise with those assisting me?

CALLAN: Yes, your Honour.

HER HONOUR: Mr Freckelton?

FRECKELTON: Thank you, your Honour. The Queensland Police Service is in a very similar position to the New South Wales Police Force. As yet there hasn't been receipt of a number of individual statements from Queensland Police Service members and inevitably the institutional response will need to take into account what comes from those. We too are more than happy to aim for the 18th, but our position is a little contingent upon the provision of the additional information from others.

HER HONOUR: I understand Mr Freckelton. Yes?

DWYER: Dr Freckelton raises a good point about those statements. They have just come in, literally just come in, so we will provide them today.

HER HONOUR: Yes.

DWYER: And then no doubt Dr Freckelton will do his best to respond in a timely way as he always does.

FRECKELTON: Yes.

HER HONOUR: No doubt, thank you. Once again, thank you to everyone for the efforts that you've gone to, to deal with these timetables that we've been imposing. I'm most grateful.

DWYER: I come now to the fifth issue which is the application for a non-publication order over the names of certain witnesses. Your Honour has received an application for an NPO over the name of one particular witness, and parties have been asked to provide any other applications for NPOs, including over names, by 11 April 2025. The applications will be dealt with individually. In the interim there is a non-disclosure order that your Honour has

made over the entire brief of evidence, which is in place until it is revoked. It is anticipated that will be revoked on the first day of the inquest, because of course your Honour is mindful of open justice and the balancing exercise that has to be done.

5

There is an application for witnesses or some witnesses to give evidence via AVL. I just note for the record that your Honour's preference is that wherever possible witnesses attend in person. There are a number of reasons for that. One, it avoids the technical difficulties that often plague an inquest, which is where a number of people are dialling in. We are very serious about finishing the evidence within the five week period, because that has been communicated so clearly from families that that's what they want, so we don't have time for those technical difficulties.

10

15

Secondly, there are a significant number of documents that need to be provided to witnesses so it's much easier to have them here in person. Thirdly, it enables conferences with witnesses and counsel assisting, if appropriate. Fourthly, our experience is that families and civilians affected want to see and hear and understand from witnesses in person, and want an opportunity to view them in Court, and there are also some informal discussions that take place that can be very healing and therapeutic, and that opportunity is lost for the witnesses and for families if witnesses don't come in person.

20

25

There may be compelling reasons for some AVL, of course if somebody has an illness or if they're overseas, and that will be considered on an individual basis, but your Honour's preference is as a starting point that witnesses come in person. Sixth, might I just confirm the hearing timetable? The inquest will begin on 28 April and the final day is on 30 May, and it's anticipated that there will be family statements in that final week for anybody who would like to engage in that process. I've already mentioned a number of times our commitment to that timetable. Counsel assisting will primarily be responsible for examining witnesses so that is likely to be primarily myself, but also Ms Sullivan and Mr Murphy.

30

35

Counsel for other parties are expected to avoid duplication of questioning, and we understand that there are of course three sets of counsel for the six families who have expressed an interest in appearing in the inquest, and they plan to meet to discuss how best to avoid duplication, and there has been the full cooperation of everybody in that process as well.

40

Given the level of cooperation and experience at this bar table, it's hoped that stopwatch orders will not be necessary, but if they have to be imposed because we are running tight on the timetable, then your Honour will give consideration to them. A case management direction has been drafted, and that will be distributed very shortly. Again, it's likely that we can just deal with all of this by way of cooperation rather than direction, but one will exist to assist everybody.

45

50

It's possible, of course, that there will be some movement in relation to the

witness list. Witnesses won't be just cut out without consultation, but it may be possible that there is some movement, depending on how the hearing unfolds. That's why, as I said at the outset, a list of the upcoming witnesses, or at least a description of those witnesses, will be published on the website. So, the entire witness list will be published and then the timetable week by week to take into account any changes.

Finally, we thought it might be important from the outset to indicate a draft timetable for written submissions and your Honour's findings so that people can see when the process is likely to come to an end. We understand it's important for families to have some certainty about this process, because of course for them the healing will go on and on forever. But these proceedings we want to be able to finish this year, so to that end, we're proposing the following timetable.

After the oral evidence finishes on 30 May, counsel assisting will prepare written submissions, and we aim to provide them by 14 August. Following that, on a staggered timetable we would ask that submissions on behalf of the families be provided by 4 September this year. Following that, other interested parties, some of whom may be the subject of criticism, provide their submissions on 25 September. So, the aim is a staggered timetable so that they have the opportunity to reflect on all of the submissions and provide their submissions by 25 September.

If necessary, we set a day aside for oral submissions, and we are hoping that that could be 9 October. Of course, we will consult with families and other interested parties to see what can be done. It's very difficult, given the number of lawyers around the bar table, to get a date that suits everybody, so I'm not suggesting that's set in stone. We will consult with families and other interested parties.

The purpose of oral submissions is really so that counsel assisting can put on the record for families and interested persons and members of the public what the main issues have been after hearing all the oral evidence, and so that you avoid a repeat cycle of response, written submissions, and really condense it so that parties can respond to the main areas of contention on that date. That would enable your Honour to consider all those written submissions and the oral submissions and to bring down your findings in early December, something like 8 December, so that there is finality to these proceedings.

It may also be important to impose a page limit on written submissions, but we can deal with that in consultation. Can I get the message across; this is going to be a collaborative process. Most particularly, of course we are interested in doing no harm, in trying to minimise the impact of this inquest on families, so we will be paying particular regard to the way in which families tell us we can do things better or run things in a more sensitive way. But there are of course a significant number of civilians who responded on the day and other persons who were employees in Bondi Junction who were asked to do extraordinary things on that day who were also deeply affected and have ongoing trauma, and so we will be listening very carefully and working collaboratively with my

LTS:DAT

learned friends at the bar table.

5 That's been done in an exemplary way, and I thank my friends for their
assistance to date, and I fully expect, your Honour, that that will continue and
you'll get every assistance going forward.

10 HER HONOUR: Thanks very much, Dr Dwyer. Does anyone have anything
that they would like to raise before we rise? Thanks again to everyone for your
cooperation. Thank you to the families who have been listening in today, and
of course our thoughts are very much with you in these coming days, and
particularly on the 13th. We'll adjourn now and resume on the 28th at 10am.

ADJOURNED PART HEARD TO MONDAY 28 APRIL 2025