

LTS:DAT

IN THE NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER O'SULLIVAN

5 TUESDAY 29 APRIL 2025

2024/00139002 - BONDI JUNCTION INQUEST

NON-PUBLICATION ORDERS MADE

10

PART HEARD

15 AUDIO VISUAL LINK COMMENCED AT 10.00AM

DWYER: Your Honour, just before we call the first witness this morning--

20 HER HONOUR: I'll just make sure we sort out that echo first. Try again,
Dr Dwyer.

25 DWYER: Thank you, your Honour. The team assisting have prepared three
chronologies to assist your Honour and parties and witnesses. They relate
broadly to firstly, the New South Wales Police Force. Secondly, New South
Wales Ambulance. And then thirdly, the security aspect, that is Scentre and
Glad, in particular.

30 They were circulated in draft form to all the parties, so that the parties would
have the opportunity to comment on them if there were any additional entries
that they wanted. Might I hand up to your Honour this morning the New South
Wales Ambulance and New South Wales Police Force chronologies.

HER HONOUR: Yes. Thank you.

35 DWYER: I ask that they be tendered as exhibits 2 and 3.

HER HONOUR: New South Wales Ambulance chronology will be exhibit 2,
and New South Wales Police Force chronology will be exhibit 3.

40 DWYER: They're tendered really in the nature of aide memoires. I wonder if
your Honour might mark them "A" and "B" just in thinking about it, as
aide memoires, rather than formal brief items.

45 HER HONOUR: Certainly. So they're not exhibits, they're aide memoire A is
New South Wales Ambulance.

DWYER: Yes. Thank you, your Honour.

50 HER HONOUR: And aide memoire B is the New South Wales Police Force
chronology.

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MFI #A NEW SOUTH WALES AMBULANCE CHRONOLOGY

MFI #B NEW SOUTH WALES POLICE FORCE CHRONOLOGY

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DWYER: The security chronology has been distributed. Comments have been sought by 1 May and we'll tender that the next day. Your Honour, I call Inspector Amy Scott.

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<AMY LOUISE SCOTT, SWORN(10.04AM)

DWYER: The Inspector's interview is found in vol 14, tab 737.

5 <EXAMINATION BY DR DWYER

Q. Could you please tell the Court your full name?

A. Amy Louise Scott.

10 Q. Before I ask you too many questions, I think there's something that you wanted to say before we start. Is that right?

15 A. Yes. Thank you. I'd like to offer my sincere condolences to the family and friends of the victims. I cannot, and I don't even begin to imagine what every day since 13 April 2024 has been like for you all. But please know you're always in my thoughts, and I offer - I avail myself to you in any way, shape or form that you need to move forward and address any questions that you may have for me at any time. So, please reach out. Additionally, I'd just also like to mention the survivors from that day that have suffered both psychological and physical injuries. I wish you, and send you, hope, courage and support in your recovery.

20 Q. Thank you, Inspector Scott.

HER HONOUR

25 Q. Thank you, Inspector Scott. That's really so lovely for you to say that.

DWYER

30 Q. I think everybody is pretty familiar now with your role, and you have set out your role on 13 April by way of an interview that was conducted with New South Wales Police on 16 April 2024. That's at tab - I think I said 737. It's tab 736, and there's some diagrams. I'll take you to it shortly. Most people won't have the opportunity to read that interview, so I'm going to ask you some of the same questions there, starting with the same issues. Can you tell us, firstly, where were you working on 13 April 2024?

35 A. So, Eastern Suburbs Police Area Command as the duty officer on that shift.

40 Q. Can you give us an overview, really, of your history as a police officer in New South Wales?

45 A. Yes, sure. I graduated from the police academy in August 2005 and I was posted to Kings Cross, which was Local Area Command back then. I served nine years in general duties policing, so in uniform, before transitioning to the detectives in 2014. I continued in the detectives at Kings Cross before winning a promotion to the rank of sergeant in 2017 at Kings Cross Police Area Command it was known then. And then in 2022, in the November, I attained a promotion to the rank of inspector, and that was at Eastern Suburbs Police Area Command.

50 Q. Towards the end of your evidence, I want to ask you some questions about

dealing with people in the community who are mentally ill. Just reading through your history, you spent time in general duties, am I right, from 2005 to 2014 initially?

A. Correct.

5

Q. That's some nine years. And then you returned to general duties in 2017 when you took on the role as a sergeant. Is that right?

A. Correct.

10

Q. How long did you work in general duties after that time?

A. Another five years.

Q. So 14 years as an officer in general duties?

A. Well, as a duty officer I'm general duties as well. So, even longer again.

15

Q. Where are you currently stationed?

A. Eastern Suburbs Police Area Command.

Q. Are you effectively in the same role that you were in in April 2024?

20

A. That's correct.

Q. You're attached to the Waverley Police Station, Eastern Suburbs Police Area Command?

25

A. So, we've got four 24 hour stations. We've got Waverley, which is what I would consider the main hub station. So, it's where our general duties work out of. We've also got Bondi Police Station. Our detectives work out of there. We've got Rose Bay Police Station, and that's got some ancillary units. And then at Paddington Police Station, we have a station constable and there's some highway patrol that work out of there as well.

30

Q. Again, some just general questions before I come to your role on the day. I think people are pretty familiar with the fact that police commence their training in the academy down at Goulburn. Is that right?

A. That's correct.

35

Q. Obviously, a significant component of your training involves tactical engagement with members of the public when they're suspected of committing a crime?

A. Yes.

40

Q. You set this out in your interview: "Tactical engagement can involve everything from using verbal commands", is that right?

A. Yes.

45

Q. "Through to a kit that you carry on you in general duties", for example?

A. That's correct.

Q. What are the weapons that police carry?

50

A. So, the Glock pistol. We've got OC spray; a baton; handcuffs; taser; and I also carry a Leatherman, but that's not exactly a weapon, but - a radio.

Q. A Leatherman is a tool. Is that right?

A. It's a tool. Yeah.

5 Q. And a radio. Each scenario is different, obviously, but is there general training in relation to what a police officer does when confronted with a knife, or edged weapon?

A. Yes.

10 Q. Or does it depend on the scenario?

A. It just - the scenario dictates the response.

Q. Because of course an edged weapon can be anything from a tiny pair of nail scissors to something much bigger?

15 A. Correct.

Q. And you can also - in terms of the confrontation, it can depend on how much space you have between the offender?

20 A. That's right. And it's the nature of what that incident is at the time as well. So, any high risk situation would normally involve contain/negotiate.

Q. I see. So it depends also on what you know of the offender, in terms of what they've done in the past, and also any other condition that they might suffer from, or their level of dangerousness?

25 A. That's correct.

Q. I take it that at the academy, in your training, you deal with various scenarios to try and equip police with the knowledge of how to respond?

30 A. Yes.

Q. But you then have to apply that training in the very real world scenarios that you're faced with?

A. That's correct.

35 Q. Are you required to do an annual training session in terms of the use of your Glock?

A. Yes.

Q. What does that involve?

40 A. So, it's every financial year. It will consist of what we call DEFTAC first, and you'll do some dry fire during that DEFTAC. And that changes and varies year to year based on the training needs and what may have happened in the past. And then you turn into a live - what we call a live fire. So, you go to a range, wherever that may be, and you will go through a series of shooting sequences, and a scored shoot.

45

Q. In New South Wales, do all police now undertake training to deal with an active armed offender?

A. Yes.

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Q. When did you do that training?

A. 2016.

Q. What can you tell us about that training in general?

5 A. It was very intense. It was over a four day period. I remember it was out at Castle Hill, and the big change and shift in that it was a set of circumstances around shifting away from that contain/ negotiate. So, the rapidity of what an offender might be doing. So, if they're actively using a weapon of some form to take lives quickly, contain/negotiate, the traditional method, is not suitable in
10 responding to that. So, it was about training us on methods to use in that active armed offender situation and how to respond. It's, "Don't wait. Go", basically. "Stop the killing. Stop the dying." And the methods that are considered relevant in that sense.

15 Q. Those phrases that you just used, "Don't wait. Go", and "Stop the killing. Stop the dying." Is that something that you're specifically trained in?

A. Yeah.

Q. For the active armed offender?

20 A. In short. Yes.

Q. You mentioned it in your interview. Is it something that was at the forefront of your mind once you heard about the incident at Bondi Junction?

A. Yes.

25

Q. I'll come to that now. In terms of your shift, you started at 6am, I think, on that day?

A. That's correct.

30 Q. You were due to finish at 6.30pm?

A. Correct.

Q. What were your duties on that day?

35 A. So, I was the duty officer on shift. I was responsible for all the staff; managing the shift and what occurred; making sure they were appropriately tasked; attending to the jobs; co-ordinating staff and resources throughout the day; any major incident that required a response, I was to take command and control of. It varies.

40 Q. When you say, "co-ordinating staff", do you mean across the stations that are attached to Waverley Police Station PAC?

A. Yeah. That's correct. Eastern Suburbs PAC, yes.

45 Q. That means that you were mobile to different stations in that PAC. Is that right?

A. Yes.

Q. You had a marked car, Eastern Suburbs 10?

A. Correct.

50

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Q. Is that a car that can effectively go lights and sirens to a job?

A. Yes. It is.

5 Q. You explain in your interview that you had a number of jobs that day that required you to go to the different police stations to check on your officers there. Is that right?

A. Yeah. There were a number of different jobs, and I also like to go to the station and visit the constables that are on shift there. Make sure that they're travelling well, and if they need anything from me.

10

Q. And in fact, I won't go through everything that you did that day leading up to about 3 o'clock, but one example you give is there was a sexual assault investigation going on and you wanted to give some advice to officers who were involved in that?

15

A. Yes.

Q. Another job, you direct what detectives should be involved in, so you have some oversight of that, and where the resourcing should be allocated in those circumstances?

20

A. That's correct.

Q. You effectively make your way to the stations in Paddington, Rose Bay and Bondi?

A. Correct.

25

Q. Sometime after 3pm, or thereabouts, you were driving away from Bondi, up Bondi Road?

A. Yes.

30

Q. When you heard about this job at Bondi Junction. Is that right?

A. That's correct.

Q. You will have heard me just refer to the chronology that has been tendered. Can I remind you in terms of timing. You'll see on page 3 of that chronology, at 3.35pm--

35

HER HONOUR: Sorry, just one moment. Does Inspector Scott have that?

DWYER: No. I can just direct her to the terms, or I can hand her a copy. It might be best if I hand a copy up. That's aide memoire B.

40

MFI #B SHOWN TO WITNESS

Q. If you could have a look at page 3. I won't read all those names again, save to note that, in terms of the timing, at 3.34pm and 51 seconds, Ms Darchia, who is the 15th victim who was hurt by Mr Cauchi, is stabbed, do you see that?

45

A. Yes.

Q. She goes on to pass away, and then there's a 16th victim that's injured.

50

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At 15.35, so just 19 seconds after Ms Darchia is stabbed, you acknowledge the job on police radio?

A. Yes.

5 Q. What information do you recall receiving on the police radio?

A. So there was what we call a double beeper, and that meant - means that going to - they're going to broadcast a job that requires an urgent response, and we share a channel with Eastern Beaches, so it could be either PAC.

10 At the time, I actually pulled over because I knew where most of my staff were and most of them were a little bit tied up, so I thought I might be the first officer that will be able to get wherever I needed to go if it's for us. And I remember the radio operator said, "Eastern Suburbs car, any car in the vicinity, we're getting multiple calls, multiple stabbings, multiple locations at Bondi Junction Westfield", and I knew right then that it was very real.

15 Q. I'll just pause for a moment. We have the CAD police transcripts at tab 521A of the brief of evidence. You are Eastern Suburbs 10, so where it says "10, copy" they're referring to you, is that right? Volume 9. Sorry, I don't need to show you this.

20 A. Yeah, that's fine.

Q. But effectively - I'm not going to take you painstakingly through it - you're getting information that there's this urgent job?

A. Yes.

25 Q. You describe it as a double beeper?

A. Yeah.

Q. What does that mean?

30 A. So the radio will go "beep beep", and essentially that's to - for police to acknowledge that a job is about to be broadcast that requires an urgent response, so it sort of is used to draw attention to the broadcast by our radio operators. You hear that double beep and your ears prick up immediately and you start listening harder than what you probably were previous to that.

35 Q. At volume 9 - this is just for the reference of everybody else, I don't need to take you to it - you are ES10 and you copy the job, and you then go on to speak with the operator about where you are. For example, at 3:37 you say, "I'm off now. I'm getting directed into the location. The male has gone
40 upstairs". So you're effectively transmitting back to the radio what you're doing as you're directed inside?

A. Yes.

45 Q. So, 3:35 you acknowledged the job, and then at 3:37:15 effectively, you arrive at the corner of Oxford Street and Adelaide Street?

A. That's correct.

Q. Do you recall that? I'm just going to ask if Bronwyn will assist with a map. We've just found a Google map which we think identifies your location.

50 A. That's correct.

Q. That's at street level.

A. Yeah.

5 Q. Are you able to just, looking at that map, indicate - is there something that shows you on that map close to the area where you arrived?

A. Yeah, in the left-hand one you can see where those bikes are parked, it was roughly there.

10 DWYER: I'll tender that map shortly your Honour. We'll get a copy of that at morning tea.

HER HONOUR: Yes.

15 DWYER

Q. That looks at ground level and then you enter - I'll ask you about levels in a moment - but you enter Westfields in what direction if you're looking at the bike?

20 A. To - off to the right, so you can see that big open area there, I enter straight through that entry. You can see on the other screen as well, the - next to Glue, the blue doors.

Q. Next to the Glue--

25 A. Yeah.

Q. --G-L-U-E doors?

A. Yeah, you can see the blue doors there.

30 Q. When you were en route, you in fact used your radio to contact your crews as well, is that right?

A. That's correct.

Q. For what purpose?

35 A. So en route, because the locations were spread across the north and the south side and there was no specific location, my first intention was to meet all my staff on the centre of Oxford Street and do a dynamic entry, staff in either side, because we didn't know exactly where anyone was.

40 Q. But instead, when you got there and you parked your car, what happened?

A. So as I turned the corner into Oxford Street, there were people pouring out of that exit, and on the road and waving me down to the point where I couldn't ignore it, so I stopped. As I got out of the vehicle, people started saying to me
45 "There's a guy in there with a knife. They're stabbing people. He's killing people. You've got to help us. Please get in there."

Q. When you were interviewed, you were presented with a map, and you marked on the map various locations where this happened?

A. Yes.

50

Q. I think probably people trying to understand that are more interested in what was said to you and why. Do you now know who was speaking with you?

A. Well, there were people yelling out to me, but I do know now that the two gentlemen specifically were Silas and Damien.

5

Q. Do you recall also being met by a security guard?

A. There was a third person, but I couldn't for sure say it was a security guard because there were a lot of people around.

10

Q. Have you still got that chronology in front of you?

A. Yes.

15

Q. If you have a look at page 4, we've got your arrival looking at the footage and working out from witness statements. At 3:37 and 15 seconds, we note your arrival at Oxford Street and Adelaide Street, and you are met by a Mr Nikolovski, who is a security guard, and Silas and Damien. You don't know any of those three people at that stage, do you?

A. No.

20

Q. But they're all giving you the same type of information about needing to get into the centre--

A. Yeah.

25

Q. --to stop somebody who is attacking others with a knife, correct?

A. Correct.

30

Q. You then go into the Westfields into the direction that you just indicated. You've entered at ground level. Do you know that to be a particular level within Westfields?

A. Yeah, it's actually level 4.

35

Q. You describe that shopping centre as a maze I think, at some point in your interview. Had you been there prior to that time?

A. Yes.

Q. Even if you've been there a number of times, is it fair to say it's sometimes difficult to remember what is where?

A. Yeah.

40

Q. But when you went in, knowing that you're on level 4, what did you first see?

A. When I went in on level 4?

Q. Yes.

45

A. At the time, I was directed by Damien and Silas to the escalators off to the right near Zara. They said that they saw a guy with a knife go up the escalators. So I went in, turned right and it sort of wraps like a really hard U-turn almost off to the right, and then it was at that stage that I unclipped my service firearm because I was concerned that I would meet somebody with a weapon, and I also wasn't sure how many people there were, just by the

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distance and the amount of victims that there were obviously. So we started to proceed up the escalators.

5 Q. I'm going to take you now to some of the footage of you and the reconstruction that is being done.

A. Yeah.

10 Q. But just to help us understand the information that was being given to you, when you say you didn't know how many people there were, you didn't know how many offenders there were, is that right?

A. That's correct. I'd only been given information that there was one, but I guess it's just a natural thought when you consider the distance covered between the north and the south side and the multiple locations, it was in the back of my mind that there might have been more than one person.

15 Q. This is what you say in your interview in terms of some of the information that you got at the time. At answer 107, having been asked "Did anybody say anything to you when you come in", you said:

20 "Multiple people were screaming at me, saying 'There's a guy, there's people, like, getting stabbed, there's a man with a knife in there, you've got to help us. He's killing people, he's hurting people. You've got to get in there, please help us, people are dying.'"

25 Were people saying that in addition to Silas and Damien?

A. Yes.

Q. So then you were asked in the interview what were your thought processes. Tell us what were you thinking at that time?

30 A. So it changed my response immediately. I considered it to be an active armed offender, and I also knew that I couldn't wait anymore for my colleagues to arrive and I just had to go in, and I'm pretty sure I said at radio, "Just so you know, they're active, I'm going in" or something along those lines, and I gave the location that I, I went in at, and it was my intention to try and find the threat.

35 Q. You just told us a moment ago that you unclipped your holster, is that right?

A. That's correct.

40 Q. Ready to get your Glock out. Did you carry a taser with you that day?

A. No.

Q. I'm not suggesting to you that a taser would have been the right thing to draw, but why didn't you carry a taser?

45 A. Because I wasn't Taser 7 trained.

Q. If you had been Taser 7 trained and you had had a taser on, would it have been relevant to you at that time, having received that information?

A. Absolutely not.

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Q. Why is that?

A. Because a taser is less effective than a firearm, and the, the tactical option that you use has to be commensurate to the threat that's in front of you, and a taser just wouldn't suffice in that situation.

5

Q. Clearly in circumstances where you've been told that there were multiple people getting hurt and you didn't know whether or not there was one or more than one offender, a taser didn't seem to be an appropriate appointment in any event?

10

A. Absolutely not, no.

15

Q. We might now just show a map of level 4, which is ground level going into that area where Zara is. If you could take it from me that that faint blue line is showing your movement and the red line is the movement of Mr Cauchi. The police have prepared a flyover which shows your entry into the building and up the escalator. We might show that now. Sorry, the technology is failing us. I might do it another way while that's loading up. I'll remind you of the times.

20

HER HONOUR: It might be working now.

VIDEO SHOWN TO COURT

DWYER

25

Q. I'm loathe to pause it, but does that show the entry into the Westfields?

A. Yes.

30

HER HONOUR: If we can pause for one second perhaps. This is different to the one we saw. It's not the flyer, it's the parallel.

DWYER: It's the combination, which shows Inspector Scott's entry, and then side by side, a reconstruction which shows an animation.

35

HER HONOUR: Just a warning that it shows Mr Cauchi.

DWYER: It shows Mr Cauchi from a distance.

HER HONOUR: Yes.

40

DWYER: It doesn't show any of the victims in situ.

HER HONOUR: Yes, thank you.

45

DWYER

Q. We've got a technology fail, so I might just go back old school and just get you to explain what happened, if that's all right?

A. Yes, of course.

50

Q. And we'll see if we can get the animation that was played yesterday back

on the screen after a break. So, let's just go back to timing and you explaining what happened. At 15.37 and 15 seconds you arrived at the corner of Oxford Street and Adelaide Street, and you were met by the security officer and the other two civilians. At 3.38 when you were broadcasting on your radio, you said, "I've got eyes on him, radio. Towards Rebel, Myer, Harvey Norman, and I'm in foot pursuit".

Tell us what happened from the time that you walked into Oxford Street and then you went up the escalator?

A. Yep, so as I walked in, the two gentlemen - I didn't know who they were at the time that I know now as Damien and Silas - said, "We saw where this guy went", directed me to the escalator. And as we were going up the escalator, and I don't know which one it was, but one of them sort of tapped me on the back and said, "You're on your own, we're coming with you." And I sort of said, "That's, that's great, but can you guys just stay behind me the whole time. I can't have you come in front of me". And they were wonderful, and they said, "Yep, no worries".

As we got to the top of the escalators, because I moved up the escalators quite slowly, because you couldn't sort of see over the railings at the top, so I was mindful that there could have been anybody hiding on the other side. So we moved up the escalators slowly, but as we got to the top, we heard screaming - I heard screaming off to the right, and someone said, "Over there", one of the boys behind me, and that's when I turned and I started to jog slightly.

And then as I sort of ran a little bit around, it was a sort of jutted-out shop, I saw Joel for the first time. His back was to me. It was very evident that he was the person, just by the size of the knife that he was holding. And I yelled out something along the lines of, "Stop". He turned, looked in my direction and ran. And I was just trying to relay to radio at the time that I did have eyes on him and this is where he was, and due to how confusing I did find the shopping centre, I started to sort of yell out shops that we were nearby. And he obviously ran from me, so I called a foot pursuit.

Q. When you yell - he's running away from you, of course--
A. Away from me.

Q. --at that time, you're on the radio calling out shops that you're going past so they will know where you are?
A. That's correct.

Q. At this stage you're on what we know as level 5, is that correct?
A. Yes, that's correct.

Q. You were sitting in court yesterday I think, when the technology was working, and we could see a flyby that showed you going up the escalator onto level 5, is that right?
A. Yes, correct.

Q. When you first saw him, you mentioned the knife then, you could see him

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with a knife in one hand, is that right?

A. Yes.

Q. Were you able to - how far away from you was he at that time?

5 A. When I first saw him, maybe 15 metres, 20 metres. Yeah, that was probably the distance when I first saw him and the knife.

Q. What was your assessment of how big the knife was at that time?

10 A. It - yeah, my assessment was about 30 centimetres. And knowing the size of it and the thickness of it, I knew it could cause some serious damage.

Q. You knew that it had already caused some serious damage in terms of people being injured or killed in the centre?

15 A. Correct.

Q. When you were in foot pursuit of him, were you conscious of other members of the public?

20 A. Yeah, that's correct. So that's why I didn't draw my firearm straight away. I was conscious that I could have had a - what we call a sympathetic body reaction. It was school holidays, so there were a lot of people in the mall at the time, and I didn't want to hurt anybody else.

Q. You just used a term, "sympathetic body reaction"?

25 A. Yes.

Q. What does that mean?

30 A. So, I'll use a comparative. If you're transitioning between, say, a spray or a firearm, your body sometimes will have a sympathetic body reaction, and you might let go of both. So, it's why we always focus on removing our finger off trigger if we're transitioning as well, And that's pretty much the same circumstances, you know. If someone jumps in front of you or bumps into you, and your body just naturally would pull the trigger.

35 Q. I see, okay. So, you're worried about you yourself having a sympathetic body reaction?

A. That's, that's correct. And then injuring people around.

Q. At the time that you were pursuing Mr Cauchi, had you holstered your gun?

40 A. Yeah, so it was holstered, I hadn't drawn it at all, but I'd undone the clip on it.

Q. I see.

A. So, the safety clip. So, I was holding it, but not - hadn't pulled it out.

45 Q. We see in the CCTV footage you in fact having one hand on your Glock. Is that to hold it in place--

A. Correct.

Q. --because the safety clip's undone?

50 A. That's correct.

Q. You're following Mr Cauchi. Are you conscious that people are behind you?

5 A. Yeah, I knew that there were some people behind me, yes. I think it was the two gentlemen that I remember, and I knew there was a third, but I specifically remember those two.

Q. Mr Cauchi was running away from you. At some point he stopped, is that right?

10 A. That's correct. So, as we turned left towards the air bridge, I remember specifically he paused as if he was going to stab some shopkeepers outside of Eckersley's. It's a--

Q. Eckersley's?

15 A. Eckersley's, yeah.

Q. The stationery shop?

20 A. The stationery shop. And he sort of looked back at me and then kept running. So in my head I was like, "As long as I'm chasing this guy, hopefully he's not going to do any damage". But then all of a sudden he got about 10 metres beyond that shop and just sort of stopped, and I stopped instantaneously as well.

25 Q. When he stopped on the, or just beyond the air bridge, how far away from you was he, estimate?

A. About 15 metres I would say.

Q. When he stopped and you stopped, what other, or which other civilians could you see at that stage?

30 A. So there were, there was - I'll start from probably the ones in close proximity to me. So, I knew that those - there were civilians behind me up close, so I started to usher them back behind me, to get right back behind me. The shopkeepers from both the stationery shop, the Priceline, and there was a little mobile phone shop there as well, so I started to try and direct all of those
35 people to lockdown, get in their shops, or get behind me.

40 And then I was very conscious that - of the path that he could continue to take, which was further into the centre, so I was trying to look and see who was ahead there, for multiple reasons. One, who he could injure, and two, if I did have to draw and shoot, you know, it's important that you know what your target is, what's in line with it, what's behind it. Because ricochets, crossfire, pose very real dangers.

45 And I saw a lady and a pram - there were actually two ladies and a pram, but one sort of had run away already, but another lady with a pram had hidden behind a large pot plant about 15 metres on the other side of Joel to what I was. And I signalled, mouthed to her to run and sort of indicated with my hand like this to run as well.

50 Q. And did she?

5 A. Yeah. And for a second he turned as if he was going to go that way, and at that point I sort of yelled out, "Mate", to get his attention back to me. And I started to try and get my body-worn video on at the time, and it was at that moment that I sort of looked - took my eyes off for a second that he was kind of rocking, and then he just sprinted downhill at me with the knife out.

Q. Just a couple of things going back. When you were in foot pursuit of Mr Cauchi, did you feel like you were gaining ground--

10 A. Yes.

Q. --on him? When he stopped, there was a woman with a pram in that area, and Mr Cauchi looked like he was about to follow her, is that right?

A. Yes.

15 Q. That's why you yelled out, to try and engage him?
A. Yep.

Q. And then he turned his attention back on you?
A. Yes.

20 Q. And you were able to direct her away from the scene?
A. Yeah.

Q. Were you using verbal commands or just visual commands?
25 A. I mouthed and, and used a - so I don't know if she knew what I was saying, but I was like "run" and that, because I also didn't want him to hear me say "run" either, because I didn't want him to run again.

Q. Then you say in your interview that - this is around question and answer
30 173 - you said after he stopped and you mark your initials on the map, so when you've turned the corner and you've stopped, you're asked:

"Q. What's your thought process? What's going through your mind
at this stage?
35 A. Straight away he'd stopped. I knew I was about to engage him, but I needed to be cool because there were two people standing outside, workers of the shop".

40 And you were telling people to get behind you, you were using your hands. Why did you know that you were about to engage him, or feel that you were at that time?

A. Well, when I say "engage him", obviously that means verbally. Whether I had to use another tactical option there, that's what I meant by engage.

45 Q. I see.
A. But being cool evokes response of the people around you, so if I remained as calm as I could, I hoped that everybody else would remain as calm as they could and listen to my instructions.

50 Q. Did they appear to listen to your instructions?

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A. Yeah, they were fantastic. Everyone was wonderful.

5 Q. Did you - I appreciate there's a lot going on in your mind at that time, but did you observe any shoppers then who looked like they didn't know what was going on at that stage?

10 A. Yeah, well, as we came around the corner, those shoppers that were outside the stationery shop, it was as if they were like, "What, what's going on?" I don't think they realised how close he sort of stopped there, and I don't even know to this day if, if they realised. But there definitely were people that weren't aware of what was happening, and there was also people that were inherently aware of what was happening.

15 Q. At this stage, of course, there's no alarm going off in the centre, there's no notification in the centre, correct?

A. That's correct.

20 Q. According to our timeline, you'll see at page 5 at 3:38 and 34 seconds - so it's 34 seconds after you've been in foot pursuit - Mr Cauchi turns, faces you, and then runs towards you. Only six seconds later, he is shot by you. He's running down the air bridge, is that right, towards you?

A. Yes.

25 Q. You fire three shots, is that correct?

A. Correct.

30 Q. At the time that you fire the shots, are all the civilians behind you?

A. Yes.

35 Q. The point at which you fire the first shot is about - he's about 6 metres away; we know that from doing the calculation with the CCTV?

A. Yes.

40 Q. It might seem like an obvious question, but what was going through your mind when you fired the first shot?

45 A. That he was going to kill me.

50 Q. After you fired the first shot, are you conscious of what happened next?

A. It's a peculiar thing. It's very fast, but in my mind it was extremely slow. I knew my first shot had hit him, but - that was because of the jolt of his body, but he continued to come towards me. And I also simultaneously was saying, "Stop, drop it", and fired two further shots because I had not been able to stop the threat with the first one.

55 Q. This is how you explain it in your interview, consistent with what you've just said. You say at answer 220:

50 "He just turned and started running at me, and when he started running at me all I could get out was, 'Stop, drop it', and he didn't, so I drew my firearm. I shot three times in total. I know that one hit him, because it sort of made his chest - it sort of slowed him a bit,

5 but I continued to back up because he was advancing really quickly. I shot two more times because I didn't stop him straight away and I was trying to stop him, and then he fell to the ground. I actually fell to the ground as well, because I was trying to back up so quickly. He actually fell at that point, at the point that I had first told him to stop and drop it. So he actually advanced that far on me at that time".

10 A. That's correct.

Q. Just so that everybody in the public following, and the families, understand, you were staying at a particular point. When you first fired the shot he was 6 metres away. You're backing up. Why are you backing up?

15 A. Because he was continuing to advance.

Q. At the point at which he falls, where is he in terms of where you first shot?

A. Beyond that point. So he advanced beyond where I was first standing.

Q. If you hadn't have backed up, he would have landed on top you?

20 A. He would have landed on top of me.

Q. After Mr Cauchi was shot, or after you had discharged three bullets, he fell, and you re-holstered and went to him. Two of the bullets landed in Mr Cauchi's body. There was a third bullet that didn't. Were you aware of that at the time that you were discharging?

25 A. I felt it, yeah. I knew that I'd missed one. It's, it's a weird feeling, but you just know when you've missed.

Q. Okay. So you re-holster your weapon straight away. You went straight to Mr Cauchi. You couldn't see the knife. What happened next?

30 A. So the way he's - he'd fallen, the knife was actually underneath him, so I couldn't see it, and I knew I needed to secure it. I wasn't sure if I had completely incapacitated him enough, but I knew I just had to bite the bullet and essentially make sure that that weapon was secure.

35 So I transmitted to radio what had occurred, and then I pulled him up into the recovery position, and the knife was under his body, and it was clear to me that he was significantly injured at that point. And I flicked the knife out, away, towards the phone shop, put him in the recovery position, some more transmissions to radio, and then I started to try and render aid to him.

40

Q. You also directed a security officer to do something.

A. Yeah. That's correct.

45 Q. Do you recall that?

A. So just after I shot him, there were a couple of things. First of all, I directed the security guard to go up and check if the round that I knew had missed had hit anybody.

50 HER HONOUR: Just pausing. Those who are listening in remotely, please

LTS:DAT

would you put your computers on mute. Thank you.

DWYER

5 Q. Sorry. Sorry Inspector.

10 A. No. That's okay. Yeah. So I, I asked him to go up there for two reasons. Obviously to see if I'd accidentally hit anyone with a ricochet or stray bullet; to make sure - and if there were any other victims that were in close proximity that we could render aid to as well. And he came back shortly after and said that no, it was all good. And it was sort of at that point that I started inquiring as to if there were any other offenders with him and other civilians, and it was at that point that everyone was saying, "No. It's just him. It's just him. That's the guy."

15 Q. It struck us, reading your interview, that when you were interviewed with the police, you said you:

20 "Told people not to touch it, to stay back, in relation to the knife. There was a security guard that was close by. I asked him at that point to go and make sure there was nobody else that had been hit up the other end of the centre when I'd shot towards. He came back shortly after. It felt like a year, but it was maybe five minutes that I was with Joel".

25 And you were checking Joel for a pulse. That was an anxious wait that you had to make sure that no civilian had been injured?

A. That's correct.

30 Q. Ultimately, that third bullet that didn't hit Mr Cauchi was located by police crime scene, of course. Do you know now where it was located?

A. I do. I knew on the day it went into that pot plant that that lady had been hiding behind originally.

35 Q. I know you've been commended previously for this, and you don't have to commend yourself, but you effectively directed away the civilian that was standing there with the pram, and if you hadn't done that, she may well have been injured, or a child, by the ricochet?

A. Maybe.

40 Q. From the time that you entered into Bondi Junction Westfields to the time that Mr Cauchi was shot was one minute and 25 seconds. You're aware of that?

A. Yes.

45 Q. I think you covered, during that period of time, around 166 metres. Might we just have the map that shows the course that you took. That will be available if anybody has any follow-up questions. That's the level 5 map. You've seen this before, I think. The blue dots indicate your trajectory. The red dashes are Mr Cauchi's. Does that accurately depict--

50 A. Yes.

Q. --or at least coincide with your oral evidence in relation to the direction that you ran, and the direction that Mr Cauchi ran, on level 5?

A. That's correct.

5

DWYER: I'll tender these shortly, your Honour.

Q. Your role after Mr Cauchi was shot was to establish command and control. Is that right?

10

A. Yeah. That's correct.

Q. Why was that?

A. I was the most senior police officer on the scene at the time.

15

Q. A short period after you had shot Mr Cauchi, two other officers arrived. Is that correct?

A. That's correct.

Q. Did you give them any directions?

20

A. Yeah. So those two officers commenced CPR for me, so that freed me. So they, they continued with that with Joel, and then I began to make some phone calls to my commander, to my crime manager, and then start to put a plan in play as to how to lock down the centre, clear it out, establish a command post eventually.

25

Q. You were saying earlier that there were other civilians in the area who were speaking with you about the possibility of a second offender, or whether this was the offender. Is that right?

30

A. Yeah. So I inquired with civilians in that, in that manner as well, because, like I said, it was something in the back of my mind based off the information and intelligence that was coming through the radio broadcast originally that there might have been a second offender, or third. But I was quite comfortable once I'd started talking to these civilians and the security guard that there was only one offender, although we still had to get down into that CCTV room and ensure that was the case.

35

Q. Did you pass on the information to anybody that you thought there was only one offender?

A. Yeah.

40

Q. Who to?

A. My sergeant.

Q. Who was that?

45

A. Sgt1.

Q. Did you give any directions in relation to the CCTV room?

A. Yeah. So I asked her to facilitate getting someone in there and, and looking after that, because I was very mindful that I was the involved officer in a level 1 critical incident, so - and what comes with that. So whilst I am the

50

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most senior officer, my sergeant, technically, should be in command and control at that point, but it was a unique situation.

5 Q. Sure. Someone took over from you in terms of command and control. Who was that?

A. Inspector Chris Whalley. Chief Inspector Chris Whalley.

Q. Are you aware how long after you were there he took over?

10 A. It would've been no more than 20 or 25 minutes.

Q. Of course, shortly after Mr Cauchi was shot, a number of other police attended on the scene. Is that right?

A. Yeah. That's correct.

15 Q. Apart from the two who performed CPR on Mr Cauchi, did you see other police officers in the area that day?

A. Yes. Yes, I did.

Q. How long did you remain at Bondi Junction for?

20 A. I left I would say minutes after Chief Inspector Whalley relieved me.

Q. Were you directed to go to somewhere in particular?

A. Yes.

25 Q. Where was that?

A. Back to Waverley Police Station.

Q. And to follow through the critical incident guidelines and what was required?

30 A. Yeah. That was in line with the critical incident aspect of it. So it's - it was a unique situation in that there were two different things that we were trying to deal with.

35 Q. During the period that you were there until you were directed to go back to Waverley Police Station, you spoke to some civilians, trying to offer them some comfort, who were in the area. Is that right?

A. Yeah. That's correct.

Q. Did you have any other duties at that time?

40 A. No. I continued to liaise with my commander and crime manager and my sergeant as well. We had a couple of different meetings about(as said) the shops that were locked could stay locked, but anyone in the general area to get them out and clear it out as, as quickly as we could and making sure appropriate tactical units were on their way.

45 Q. Very soon after Mr Cauchi was shot, the alarms at Westfield were activated. What can you tell us about that?

A. They were extremely loud, and did hamper communication significantly.

50 Q. When you say they hampered communication - did you say significantly

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hampered communications?

A. Yep.

Q. Communications between whom?

5 A. Well, between myself and other police, radio - so it was difficult to hear the
radio as well. So just getting general instruction. Like, I had my radio turned
up really, really loud, like as high as it can, and I still was struggling to hear
what other police were communicating. And then when I was communicating
10 with my sergeant, she had to come up to my level and speak face to face with
me there for us to, to plan and organise anything, because it was just
deafening.

Q. Are you aware of whether or not the evacuation alarm was turned off at any
time prior to you leaving Westfields?

15 A. Yeah. So I had begun to make some inquiries in that, in that space. I think
I asked a security guard to facilitate it. And then eventually I was on the phone
with my crime manager and he made a - he goes, "I'll make a phone call right
now." And shortly after that call with him, he had it turned off.

20 Q. Do you recall seeing any security guards or staff in the area after you shot
Mr Cauchi?

A. Yes.

Q. How many approximately?

25 A. It's probably a little bit - definitely one, maybe two. But definitely one. It's a
little bit fuzzy.

Q. Did you give them any direction?

30 A. Yeah. I asked for the - them to - so early on, I gave the direction of seeing
if I'd shot anyone, and I also had asked for the alarm to be turned off and--

Q. And--

A. Sorry.

35 Q. No. Please go on.

A. And that's when we were starting the process of trying to get somebody
into that CCTV room as quickly as we could.

40 Q. Did they appear to co-operate with everything that you asked of them on
that day?

A. Of course. Absolutely. They were great.

45 Q. Can I move to a different topic. I don't have to ask you any questions
about the critical guidelines. That's been covered by Chief Inspector Marks.
You participated in all the testing that you're required to do in terms of drug
and alcohol, et cetera?

A. Yes.

50 Q. And you participated in the interview, which we find in the brief of
evidence?

LTS:DAT

A. Yes.

5 Q. I asked you earlier about your time in general duties, and you had nine years initially, and then another five after you took on that role of sergeant. You were in court yesterday. It would have been no surprise to you to hear about Mr Cauchi's significant history of mental illness. Correct?

A. Correct.

10 Q. During the time that you were working in general duties, did you regularly have to deal, as a police officer, with people with mental illness who were causing disturbances or crime in the community?

A. Yes.

Q. Which PAC were you working in during that time?

15 A. Both Kings Cross and Eastern Suburbs I have.

Q. Did you ever have any situation where there was, in effect, a co-responder model where you could call on mental health workers to come out with you?

20 A. Yes. At Kings Cross we had the, the PACER, which is a mental health clinician embedded into the stations.

Q. We'll hear more about PACER from senior police who are involved specifically with mental health, but do you recall roughly when PACER came to Kings Cross?

25 A. I'm going to say - I couldn't tell you. It was definitely while I was in uniform there.

Q. While you were a sergeant or while you were--

30 A. I think while I was a sergeant.

Q. PACER stands for Police Ambulance Clinical Early Response?

A. Correct.

Q. You have a mental health clinician at the station. Is that right?

35 A. Yes.

Q. And then you can ask them to come out with you on certain jobs?

A. Correct.

40 Q. In what type of circumstances would you have used them?

45 A. So when I was at Kings Cross, we used to use them for several things. Quite often you might have someone in crisis that requires assessment, and that clinician was able to do the assessment at the scene for you. Generally we wouldn't take them to a high risk situation, because it's just too dangerous, and you wouldn't put them in that situation. So they wouldn't ever respond in that capacity. We would use them sometimes for clearances into Corrective Services custody as well. So if they've got a history of mental illness, we could use them to do an assessment there before they may have been bail refused and going into Corrective Services custody.

50

But quite regularly we would take them out, because you're dealing with mental health crises quite often, and obviously you like - it just would help Ambulance having to respond and convey if the assessment could be done right there at the scene. And that's essentially what they would do. We used it very frequently at Kings Cross.

Q. Did you find it a valuable resource?

A. It was amazing.

Q. You said you wouldn't take them into a high risk situation like what unfolded at Bondi Junction on 13 April?

A. No. That's right. And look, working at Eastern Suburbs, we obviously have The Gap there. It would be inappropriate to put them in a negotiation situation as well.

Q. You followed the situation with Mr Cauchi closely obviously. You're aware that Queensland Police had an interaction with him at his home in January 2023?

A. Yes.

Q. And he actually asked Queensland Police to attend when his father had taken his knives. Is that the sort of situation that a co-responder model would be helpful for?

A. Yeah. Absolutely.

Q. And then in terms of follow-up, we'll hear more from Queensland Police about a service they had where they could have asked somebody to follow-up with Mr Cauchi's mental health the next day. Are you aware of any service like that in New South Wales?

A. We make referrals to mental health support services. So I mean - and I wouldn't want to talk on behalf of Health of what happens in that space, but I know, as police, we do make referrals.

Q. And you hope, in those circumstances then, that Health have the resources to follow up the next day?

A. Of course.

Q. In terms of the PACER model, we'll hear about whether it's currently still funded, but would you suggest that that is something that is important for police?

A. Yeah, absolutely.

Q. Can you talk generally about the burden that police have in terms of mentally ill people who are living in a homeless situation?

A. Yeah, look, it's, it's a difficult topic. It's - I understand that it's a sensitive topic as well, but New South Wales Police are regularly called out to, and required to, respond to people in mental health crisis. I wouldn't like to put figures and facts on it, but I could assure you that my staff every day are dealing with at least one job of that nature.

Q. Do you hear back from your staff about whether or not they feel that there are sufficient supports in the community to be able to refer on?

5 A. Yeah, look, I think it's, it's - the - probably the talking point for them mostly is the fact that it ties up so many resources, because obviously we don't want to be the primary convey, either as police, and Ambulance are very busy as well, so, you know, sometimes we might be waiting a few hours for an assessment and for them to come and do a convey, because the appropriateness of putting them in the police car is not ideal. But then you have to weigh up is it appropriate to wait two hours on the side of the road before getting them to a hospital for assessment? So I think it's more that aspect is the difficult thing for them, is the resources that it's tying up across the State in all organisations.

15 Q. Apart from your situation, moving away from 13 April, have you spoken to any police who have had to discharge their firearm or use other weapons where people have a mental illness in the community?

A. Not that specific - not that specific, no.

20 Q. Are you aware of any fears that police have in relation to dealing with people who are mentally ill and using their weapons?

A. Of course. You know, we ask a lot of young police officers. The term "jack of all trades, master of none", you know, that comes to mind. We ask so much of them, and nobody wants to take a life, and I think it's the criticism and the ridicule that comes after that as well. So it's that two-fold effect. Nobody wants to do it, and in circumstances where they do, they then carry that burden.

30 Q. Two more topics, before I ask for a pause. In terms of your own mental health supports from the police after this terrible tragedy, do you feel that you were supported?

A. Yes, I've been incredibly well supported.

Q. I think you also wanted to have the opportunity to say something about other young police officers in particular on the day?

35 A. Yeah, I do, thank you. I just - I wanted to mention my colleagues and my team on the day. I said earlier we ask a lot of young police, and I think we as a society think that police don't feel fear, don't feel the burden and pressures of what everyday humans do, and I can assure you that they do. I can assure you on that day that they were fearful running in, and whilst I was the person that faced Joel, those young officers ran in with the exact same intentions. Sorry, I may be just emotional talking about them.

HER HONOUR

45 Q. Understandably.

A. Sorry. And I just want to acknowledge their courage and bravery and some of them haven't been able to return, and they have my wholehearted support, love and care, and, you know, I hope that the public does understand that they were absolutely extraordinary. They saved lives on that day. We did unfortunately lose the lives of six beautiful people but they saved lives and they

5 put themselves at risk. And contrary to how well people think we are trained, we still feel fear, but they still went in there, so I want to acknowledge them in that space, and additionally, in that capacity, I send that out to the ambos that attended, and the often forgotten first responders at the hospitals, and those incredible civilians.

10 You know, you had young 20 year old shopkeepers dealing with a crisis, you know, adults turning to them going "What do we do?", you know, and then all dealt with it. And that day, as tragic as it is, it gave me faith in humanity, restored some faith in humanity and the goodness of people. So I just wanted to mention my colleagues and make sure everyone notes down how extraordinary they are. Thank you.

15 DWYER: Is that a good time to take a break at this point, your Honour?

HER HONOUR: Yes, I think so.

20 Q. Thank you for those beautiful words, and it means a lot to everyone I'm sure.

HER HONOUR: We'll come back in 20 minutes so--

DWYER: Could we take until 11.30 to come back?

25 HER HONOUR: We'll come back at 11.30.

SHORT ADJOURNMENT

30 HER HONOUR: Dr Dwyer?

DWYER: Your Honour, we now have the technology working again and I propose to play what I was about to play earlier. Just to explain what that is. There is the 3D animation on the left-hand side, and we can see on the right-hand side, of what is about to be played, some live CCTV which depicts Inspector Scott and a number of civilians in the area in the shops. It goes for around one minute and 25 seconds. So up until the point where Inspector Scott shoots Mr Cauchi. It doesn't show that aspect of it because it's too sensitive.

40 I seek that it be played in fairness to the officer, because it really gives an indication of how dynamic this situation was, how quickly it unfolded, but also the various civilians in the area. We do see at one point in time the next two witnesses who will be called, Silas and Damien, but also other civilians, some of whom are directing Inspector Scott. I expect your Honour will see other civilians who appear to be oblivious to what is going on in the area. So it gives a better picture of the full dynamic of what was happening in the shopping centre.

50 HER HONOUR: Thanks for explaining that. Just before we start, again, a reminder to those listening in remotely to put your computers on mute. Thank

LTS:DAT

you. We'll play that now.

VIDEO PLAYED TO COURT

5 DWYER: And that stops. Just a number of observations, your Honour. I don't
want to have to stop and pause on particular incidents, but that is available to
parties if they would like to. I just ask that your Honour note at the point at
10 which Inspector Scott is coming up the escalator, there appear to be shoppers
still in Zara; some person with some clothes in his hand, who appears to not be
aware of what's going on outside. And we will see depicted in that video, right
at the end there, Damien and Silas are in that area, one of whom has a chair
and is immediately behind Inspector Scott. Inspector Scott, you can see right
at the end, ushers away, using her hands, to ensure that people remain behind
her.

15 HER HONOUR: Yes.

DWYER

20 Q. Thank you, Inspector Scott. Those are my questions.

HER HONOUR

Q. There may be some other questions.

25 CHRYSANTHOU: No questions.

HER HONOUR: I'll just go down the line.

30 FERNANDEZ: No questions, your Honour.

ROFF: I have no questions.

35 HER HONOUR: Dr Freckelton.

<EXAMINATION BY DR FRECKELTON

Q. Ian Freckelton for the Queensland Police Service. You made reference
40 during your evidence to the resources burden that dealing with persons with
mental illnesses imposes, and you talked about officers needing to wait for
significant periods of time, for instance, for ambulances to arrive. When
persons are taken for assessment by a doctor at a hospital, is it necessary also
for the police to remain with the person, lest they leave?

45 A. No. Our, our MOU would dictate that security would be responsible if they
need to be guarded at that time, and we can leave when they're taken for
assessment. But quite often they will remain there waiting until that
assessment period happens.

Q. And can that be quite a while, that they wait?

50 A. Yes.

Q. Again, what are the ramifications of that? I'm asking you in your role as an inspector now, what are the ramifications for managing manpower while persons are waiting for a person to be assessed?

5 A. It impacts general duties specifically, and they're the people that are out in uniform responding all the time. So it'll take a car crew off the road, essentially. So less resources to respond to community concerns and needs.

Q. Is it difficult to make replacements for community needs to be attended to in those circumstances?

10 A. Yeah. If it's 2am in the morning, they're, they're just off the road. We manage with the staff that we have left.

Q. Thank you very much for that, and also for your evidence and the professionalism of your conduct on the day.

15 A. Thank you.

HER HONOUR: Mr Chiu?

20 CHIU: We have no questions. Thank you.

HER HONOUR: You'll go last?

25 CALLAN: I'll go last. Yes.

HER HONOUR: Court 2. Is there anyone in court 2 that would have some questions? Mr Jordan?

30 JORDAN: Yes, your Honour, if I may. Just a few questions.

HER HONOUR: Mr Jordan?

<EXAMINATION BY MR JORDAN

35 Q. Inspector Scott, can you hear me and see me all right?

A. I sure can.

40 Q. Thank you. I won't be long. Just for your information, my name is Jordan, and I act for Scentre, the operator of the Westfield Bondi Junction Shopping Centre. I just wanted to ask you a few things in relation to the evidence you've already given concerning your interactions with the security guard shortly after you shot Mr Cauchi. You remember giving that evidence?

A. (No verbal reply)

45 Q. I just want to read back to you, just so that it's clear, that portion from your record of interview, which is at question 234. This is immediately after you've told people to move away from the knife after you've cleared the weapon. In that context you said this: "There was a security guard that was close by and I asked him at a point to go up and make sure that there was nobody else that
50 had been hit up in the other end of the centre where I'd shot towards." Do you

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recall that?

A. Yes.

5 Q. Do you recall that the security guard you were speaking to was wearing a black shirt and black trousers?

A. I, I can't recall specifically, no. But I would believe so, if that's the case.

Q. Would you accept from me that--

10 A. I accept from you. Yes.

Q. --it does appear to be clear on the closed-circuit television footage?

A. (No verbal reply)

15 Q. Do you recall that in those early exchanges with this security guard, as you've described him, do you recall him saying something to you along the lines of, "What do you need from me?"

A. Yes. Definitely.

20 Q. And it was in that context, perhaps, before you asked him to go and check ahead, you asked him to keep the crowd of people that had formed behind you away?

A. Yes. Absolutely.

Q. And he did that?

25 A. He did. He was helpful.

Q. Then he followed your directions to move forward, on what was obviously a matter of some importance, to see if anybody who'd been inadvertently caught by that first shot?

30 A. I think it was the third shot. But, yes.

Q. Okay. Whichever shot it was, the shot that you were concerned had not stayed with Mr Cauchi, but may have ricocheted further ahead and hit an innocent bystander?

35 A. Correct. Yes.

Q. Do you recall that he completed that task and then reported back to you the good news that nobody had been hurt?

40 A. He did.

Q. Do you recall him saying something to you along the lines of, "It's okay. It's all okay"?

A. I, I would suggest that he probably did say something along those lines. Yes.

45 Q. Do you recall that he gave you a pat on the back to try and console you in that moment?

A. I don't recall specifically, but I, I, I would accept it if that's the evidence that he recalls that it did occur. Yes.

50

LTS:DAT

Q. If you could accept from me that that does again appear clear on the CCTV footage?

A. Yes.

5 Q. Just one final matter, and I fully expect it's not something that is within your knowledge, but I should ask just as a matter of fairness. In relation to the loud volume of the alarms that came on after the shots were fired, are you familiar with the Australian Standard which specifies the required volume for those kinds of emergency alarms?

10 A. No. I'm not familiar with them.

Q. And again, is it safe to assume that you did not know that as at 13 April 2024, the volume of the alarms at Westfield Bondi Junction had been tested and found to be compliant with the Australian Standard?

15 A. I didn't know that. No.

Q. Once again, Inspector Scott, as with everybody, thank you so much for everything that you've done.

20 A. Thank you.

HER HONOUR: Thank you, Mr Jordan. Any other questions? Mr Casselden?

CASSELDEN: I have no questions. Thank you, your Honour.

25 CLARKE: No questions, your Honour.

SPEAKER: I have no questions, your Honour.

HER HONOUR: Ms Callan.

30 <EXAMINATION BY MS CALLAN

35 Q. Inspector Scott, as you're aware, my name is Callan. I appear on behalf of the Commissioner of Police. When you were giving evidence just before the morning tea break you addressed a particular topic important to you about the bravery exhibited by, amongst others, your colleagues and the team on the day. You said that they were fearful running in. Did you mean running into the Westfield Bondi Junction centre?

40 A. Yes.

Q. Did you feel fear when you were running into the centre?

A. Yes.

Q. Fear of what?

45 A. I actually felt nauseous as I ran in because in my head, I'd resigned myself to the fact that I was probably going to die.

Q. Was there something, or information, you'd received in training which informed that fear?

50 A. Yeah. So when you do your active armed offender training, originally they

would talk about your percentages and chance of survival, and you're looking at a 60 to 70% chance of non-survival, and that's if you're partnered up and vested up, and I was neither of those.

5 Q. You also gave some evidence early in response to some questions from my counsel assisting about what you did immediately after you'd shot Mr Cauchi. You referred to two other officers arriving and commencing CPR, and you say you began to make phone calls. You made phone calls to your commander and to your crime manager. You said words to the effect there was a plan in play to lock down the centre, to clear the centre, and to establish a command centre. What did you mean, or what do you mean when you speak of locking down the centre?

10 A. So the shops would shut their doors and remain shut and locked, and people in situ, and then everyone in the, sort of the general area, the common areas, to exit, and nobody, unless you're a responder in the capacity of police or ambulance, was to enter.

Q. So when you say clear the centre, were you--

20 A. People.

Q. --at least immediately speaking of people in those common areas--

A. Correct.

Q. --exiting?

25 A. Yes.

Q. You have described speaking with your sergeant, that is, that she had arrived and you were communicating with her, before Chief Inspector Whalley got to you, is that right?

30 A. That's correct.

Q. And in terms of your communications with your sergeant, were they undertaken in person or by radio or some combination?

35 A. Primarily in person.

Q. Did you have an understanding about what your sergeant was doing?

A. Yes.

Q. What's that?

40 A. Stopping the dying, and she was controlling the level below, which was 4.

Q. When you said "stop the dying", that's an expression you referred to earlier in your active armed offender training?

A. That's correct.

45 Q. The first is "stop the killing", and what does that refer to?

A. You're no good to anyone unless you stop that threat, and so that is why you need to stop the killing first by identifying the threat and containing that threat by whatever means necessary.

50

Q. Then - or this might be dynamic - the training is "stop the dying", and what is that directed at?

5 A. And that's rendering aid to those who have been injured and harmed by that, that offender or those offenders, and also rendering aid to that person if needed as well, the offender.

Q. Was it your understanding that your sergeant had, as it were, taken charge of rendering aid to victims?

10 A. Correct.

Q. And you referred to that being down a level on level 4?

A. Yes.

Q. What do you mean it was full at that stage?

15 A. Sorry?

Q. I think you said something in your evidence about it was full at that stage, level 4?

20 A. (No verbal reply)

Q. Maybe I misheard you. You understood she was primarily on level 4 dealing as best as she could with police resources as they were arriving with rendering aid to victims?

25 A. That's right.

Q. When Chief Inspector Whalley arrived, is it correct that you did a handover with him?

A. A very brief one, yes.

30 Q. Was that a verbal conversation?

A. Correct.

Q. Do you recall what you told him?

35 A. It was very brief. It was the fact that I believed there was just one offender and that was him. There were multiple victims that Sgt 1 was facilitating below, and that we had begun the process of trying to get somebody into the CCTV room to review the footage.

Q. You say Sgt 1, do you mean your sergeant?

40 A. Sorry, yes, my sergeant.

Q. You said she was facilitating below. Were you referring to rendering aid to victims on level 4?

45 A. Yeah, and the resources.

Q. The resources that--

A. As in the police resources, co-ordinating them down there.

50 Q. Also in your evidence in answer to some questions from counsel assisting, you described leaving minutes after Chief Inspector Whalley arrived and you

LTS:DAT

went back to Waverley station?

A. Yes.

5 Q. There was reference to that being in accordance with the critical incident guidelines, and you said as part of your answer this was a unique situation; there were two different situations you're dealing with?

A. Yes.

Q. What did you mean by that?

10 A. So it was two-fold in that there was a level 1 critical incident which I was mindful of, and particularly being an involved officer. But secondary to that and more importantly, I, I would feel was that there was a mass casualty event and offences associated with that, so crime scenes as well.

15 Q. Finally, can I come to the topic of the alarms at Westfield that had been activated. You refer to them being extremely loud and that that hampered communication significantly. You described the way in which in your experience it hampered in-person communication as well as effective use of radio?

20 A. Correct.

Q. Did it affect your ability to think clearly?

A. Yes.

25 Q. Can you explain what you mean?

A. The noise itself, it sort of gets into your mind, into your brain, and it's very difficult to block it out and concentrate on the conversations that you're having, and the information that you're receiving and translating. It just distorted everything in the mind a little bit so it made it a little difficult.

30 Q. You referred in your evidence to asking a security guard and then your crime manager to get the alarms turned off?

A. Yes.

35 Q. Can I ask you this. You had recognised that one of the first priority tasks was to clear the centre, that is to have people in the general areas exit?

A. Yes.

Q. That being the case, why did you want the alarms turned off?

40 A. Because those that were remaining, we, we couldn't communicate with the people locked in the stores either. They couldn't hear us, they couldn't understand us and the initial alarm having been activated had served its purpose in the initial stages, and it continuing on didn't really assist us in any capacity, so turning it off allowed us to have communication with civilians still remaining and inside the shops as well.

45

CALLAN: Thank you, those are my questions.

HER HONOUR: Thank you Ms Callan. Dr Dwyer?

50

<EXAMINATION BY DR DWYER

5 Q. Just to pick up that issue about the alarm. The timing of it, if you've still got the chronology in front of you, you'll see that the evacuation alarm sounds for the first time at 15:40:38 seconds. That's on page 6. The entry above you'll see that somebody from Scentre has entered the security control room - item 48 - 3.40, after you've shot Mr Cauchi the evacuation alarm sounds?

A. Yes.

10

Q. Then if you go over on this chronology to page 10, item 78, it's turned off at 4:03:48, so that alarm goes for about 23 minutes. We understand from Scentre that what was supposed to happen was a public announcement rather than the evacuation alarm. Did you hear at any stage a public announcement?

15

A. I do recall hearing a public announcement at a point when I went back into Eckersley's to get a glass of water, because I was - had something in my throat, and I could hear a public announcement at that time, but I couldn't tell you the specifics of it.

20

Q. Was that over the alarm or under the alarm or you don't recall?

A. I can't recall, I'm sorry.

Q. Do you recall whether the alarm was still going or whether it was after 23 minutes?

25

A. I'm pretty sure the alarm was still going because it wasn't turned off until - yeah, it was, it was still going.

Q. Did the alarm itself make it difficult to hear any other announcement that was being made?

30

A. Yeah.

Q. In your mind, you said how the alarm impeded communication. Did it create a sense of panic in you or others?

35

A. Not for me, no. I, I, -and I wouldn't like to speculate on what others felt, but I guess I knew why it had gone off, so it wasn't more so about panic, it was just--

Q. So it was really the volume that impeded any--

40

A. Yeah.

Q. --communication?

A. Yeah.

Q. And the length of time?

45

A. Yeah.

Q. Is that fair to say?

A. Yeah.

50

Q. Thank you Inspector Scott.

LTS:DAT

HER HONOUR

5 Q. Just before you leave the witness box, I just want to say a few words.
There's no doubt you showed incredible courage and leadership on that
terrible day. But I also want to talk about the evidence that you've given today
and the generosity of your evidence in what you've said about your colleagues
and first responders and bystanders. I know many of them will be listening
today and I'm sure your words will help in their healing. So thank you for that.
10 A. Thank you, your Honour.

Q. You're excused.

15 NO EXAMINATION BY MS CHRYSANTHOU, MR FERNANDEZ, MR ROFF,
MR CHIU, MR CASSELDEN, MS CLARKE, MR GNECH, MS MATHUR,
MR PENN, MS ROBB, MR WILSON AND MR LYNCH

<THE WITNESS WITHDREW

20 DWYER: The next witnesses are Mr Silas Despreaux and Damien Guerot,
and I call those two gentlemen to the witness box. Their statements are found
in vol 14 at tab 745 and 746.

25 HER HONOUR: Thank you.

LTS:DAT

<SILAS DESPREAUX AND DAMIEN GUEROT, AFFIRMED(11.55AM)

HER HONOUR: Have you both got cups and water there?

5 DWYER: Damien, could I start with you please to tell the Court your full name?

WITNESS GUEROT: My full name is Damien Jean Louis Guerot.

10 DWYER: How do we spell Guerot?

WITNESS GUEROT: Guerot, yeah.

DWYER: That's G-U-E-R-O-T?

15 WITNESS GUEROT: Correct.

DWYER: Do you mind if I call you Damien?

20 WITNESS GUEROT: Yeah.

DWYER: Thank you. And Silas, your full name please?

25 WITNESS DESPREAUX: My name is Silas Andre Albert Despreaux.

DWYER: Could you spell Despreaux for us?

WITNESS DESPREAUX: D-E-S-P-R-E-A-U-X, Despreaux.

30 DWYER: It will be obvious that my French pronunciation is pretty hopeless, so if you don't mind, if I can say Silas and Damien, that would be of assistance, thank you.

35 WITNESS DESPREAUX: Yes.

DWYER: You both live in New South Wales, correct?

WITNESS DESPREAUX: That's correct, yes.

40 WITNESS GUEROT: Yes.

DWYER: And you live at an address known to police. We don't have to say it on the record.

45 WITNESS DESPREAUX: Yeah.

DWYER: Can I ask you though, Silas starting with you, how long have you been in Australia?

50 WITNESS DESPREAUX: I've been in Australia for about seven years now.

LTS:DAT

DWYER: What about you Damien?

WITNESS GUEROT: It's going to be ten year in July.

5

DWYER: What area do you work in Silas?

WITNESS DESPREAUX: So I, I work in?

10

DWYER: Yes. Are you in construction or what particular--

WITNESS DESPREAUX: Yeah, so I work in construction around Eastern Suburbs, yeah.

15

DWYER: Silas, you're quite softly spoken and I'm quite loud. Can I ask you to keep your voice up? That microphone doesn't magnify you, it just records.

WITNESS DESPREAUX: Okay, yes.

20

DWYER: So you're in construction. And what about you Damien?

WITNESS GUEROT: Same as Silas, I'm a carpenter and I'm in construction.

25

DWYER: Damien, you're the one who has been in Australia longer, is that right, about ten years?

WITNESS GUEROT: That's correct.

30

DWYER: What brought you out here to Australia?

WITNESS GUEROT: I came in Australia to first learn English. That was my goal. Before I was a carpenter in Australia I was, I was also a carpenter in France but I stopped to work in hotel, high hotel, and I needed to speak English to, to get the - a better job.

35

DWYER: Did you know Silas in France?

WITNESS GUEROT: No.

40

DWYER: You met in Australia, is that right?

WITNESS GUEROT: Correct.

WITNESS DESPREAUX: Yes.

45

DWYER: Are you now intending to, both of you, live permanently in Australia?

WITNESS GUEROT: Yes, correct.

50

WITNESS DESPREAUX: Yes.

LTS:DAT

DWYER: In April 2024 on the 13th, you were both going to the Bondi Junction shopping centre. Were you going there together?

5 WITNESS GUEROT: Yes.

DWYER: So you were friends who knew each other prior to April 2024, is that right Damien?

10 WITNESS GUEROT: That's correct.

DWYER: And Silas, you're nodding as well. Both of you have prepared a statement to assist the Court with your role on 13 April, and have you had the opportunity to read those statements recently Silas?

15 WITNESS DESPREAUX: Yes.

DWYER: Yours is dated 14 April 2024, and Damien, yours is dated 13 April 2024, and you've read yours recently too, is that right?

20 WITNESS GUEROT: Yes.

DWYER: I'm just going to take you now briefly through your role, but I understand you were sitting in court when we just played that reconstruction, and the CCTV footage that shows both of you on it, is that right?

25 WITNESS GUEROT: Yes.

30 WITNESS DESPREAUX: Yes.

DWYER: You've seen that?

WITNESS GUEROT: Yes.

35 DWYER: Are you happy if I play that again so I can show you different areas where you were at different times?

WITNESS DESPREAUX: Yes.

40 WITNESS GUEROT: Yes.

DWYER: Silas, around 3pm, you went to Bondi Junction with Damien, is that right?

45 WITNESS DESPREAUX: Yes.

DWYER: You explain in your statement that you entered the shopping centre on the ground level at the intersection of Oxford Street and Grosvenor Street. You walked ahead and directly up an escalator that's close to the entrance.
50 You took the escalator up on one level before walking a short distance and

going up again on another escalator towards level 2. You and Damien were on the escalator going up towards level 2 when you saw people running down another escalator, looking like they were coming from level 2. It looked like a group of young people, and you didn't pay much attention. That group of people who was running, can you estimate how many people were on that - were in that group?

WITNESS DESPREAUX: I think about three, four people, yeah.

DWYER: When that first happened, you didn't realise that anything of significance particularly was happening?

WITNESS DESPREAUX: No.

DWYER: When was the first time that you appreciated that there was an attack of some sort?

WITNESS DESPREAUX: So, when we got up to the level, one lady said "someone is stabbing people". So that's the moment when - we, we didn't realise what was happening, but we, we went to see what was happening.

DWYER: In your statement, Silas, you say you heard someone say, "There's a man stabbing people. I didn't see this person that said that, but they sounded really panicked". Is that right?

WITNESS DESPREAUX: Yes.

DWYER: You said you couldn't tell whether it was a male or female, but after hearing that, you looked at Damien and you said, "Okay, let's go catch him". At that time, you hadn't seen the gentleman who had the knife, is that right?

WITNESS DESPREAUX: No, yes.

DWYER: Did you have any training in self-defence or any techniques--

WITNESS DESPREAUX: Not at all, no.

DWYER: --particularly for catching somebody like that?

WITNESS DESPREAUX: No.

DWYER: What about you, Damien?

WITNESS GUEROT: No.

DWYER: Okay. So, after that, you said, Silas, you wanted to "find an object or a weapon that could help me with fighting this person". What happened after that?

WITNESS DESPREAUX: Actually it's, it's after I see the person.

DWYER: I see, okay. Let's go back a step. You first heard someone say there's someone in there with a - to use your words - "there's a man stabbing people"?

5

WITNESS DESPREAUX: Mm-hmm.

DWYER: What happened after that?

10

WITNESS DESPREAUX: So, after that we walk, and so I looked at Damien and I tell him, "Let's go catch him". So, we went to a junction and at this moment, we see the man standing with the knife, and first time we see him, we just run back. And at this moment, like in my head, I'm like, "I need to find something to, to be able to protect myself against him".

15

DWYER: When you saw that man with the knife, did you see the knife itself?

WITNESS DESPREAUX: Yes.

20

DWYER: Are you able to estimate - I withdraw that. At the time, did you realise that that was a large knife?

WITNESS DESPREAUX: Yeah, yeah.

25

DWYER: When you say you went back to try and find something to defend yourself, were you able to?

WITNESS DESPREAUX: So, yeah, the first thing I saw, actually it was a bollard. So I took this straight away.

30

DWYER: You took that bollard. That was from some sort of expensive clothing shop on what you considered to be level 2?

WITNESS DESPREAUX: Yeah, but it wasn't level 2, I know now, but.

35

DWYER: Do you now know what that level is?

WITNESS DESPREAUX: I'm, I'm not too sure. I think - I believe it was level maybe 4. But I'm not sure.

40

DWYER: We've got the maps. I'll tender a hard copy of those maps shortly. Will you excuse my back for one moment. If you could take it from me that at that stage you were on level 3, did you see the gentleman with a knife on that same level as you were?

45

WITNESS DESPREAUX: Yes.

DWYER: He was on that level at that stage, Silas?

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WITNESS DESPREAUX: The first time we saw him?

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DWYER: Yes.

WITNESS DESPREAUX: Yes.

5

DWYER: Okay. So, you went to grab a bollard. This is what you say in your statement, "I picked up a 1 metre bollard. It was quite heavy. I can't remember much more about that object." Damien, did you also pick something up at that stage?

10

WITNESS GUEROT: Yes.

DWYER: What was that?

15

WITNESS GUEROT: A bollard too.

DWYER: You were also able to get a bollard?

WITNESS GUEROT: Yes.

20

DWYER: Then what did you do next? Silas, if I could start with you?

WITNESS DESPREAUX: So, after that, I was trying to find the, the attacker. So, I saw one man showing me that he's downstairs actually.

25

DWYER: At some point when you two went off to get the bollard, Mr Cauchi had gone down the escalator?

WITNESS DESPREAUX: Yes, yes.

30

DWYER: So, a gentleman showed you where he was?

WITNESS DESPREAUX: Yes.

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DWYER: What happened next?

WITNESS DESPREAUX: So next I remember talking to Damien. At, at that moment I can't really see anything around me. I know Damien is here, so I tell him, "He's downstairs", and so we started to follow him from upstairs. We could see, there is a hole, and you can see all the levels down. And so, yeah, we started to follow him from upstairs.

40

DWYER: Did you go down the escalator?

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WITNESS DESPREAUX: So, no, we didn't. We just followed him all along, and after we lost him, we couldn't see him anymore, but I know that he was going towards Woolworths, and so we run to the escalator that, that was going down to Woolworths. Many people were actually going down there, so I remember we were saying, like, "Come up, come up, don't go down". And when we came to the escalator, actually the attacker was coming up.

50

LTS:DAT

DWYER: I'll just get you to pause there.

WITNESS DESPREAUX: Yep.

5

DWYER: When you were on level 3 looking down and you could see Mr Cauchi at some point on level 2, you made some observations of people on that level 3 where you were. Did it appear to you that some people did not realise that there was an attacker?

10

WITNESS DESPREAUX: For me, it's really hard to say actually, because--

DWYER: Sure, okay. I'll go back a step. Are you able to say roughly how many people you became aware of on level 3? As in were there a couple of people there, were there ten, 20 people there, or it's too hard to remember?

15

WITNESS DESPREAUX: For me, it was like very empty. Just a couple of people, yeah.

20

DWYER: What are your memories, Damien, about it?

WITNESS GUEROT: Same as Silas. Just like everyone - I saw one old lady when we are running up. I just told her, like, to, to go away, like it was dangerous at that moment. And we just saw the, the woman at the escalator going up. But before that, I would say on the old level when people was running and when we are, like, after him with the bollard, we just saw probably like I would say five or six people. Maybe not more than ten.

25

DWYER: Okay. You say this, Silas, in your statement, that you "saw a man on the floor below me walking in the general direction of Woolworths". And you're talking there about Mr Cauchi?

30

WITNESS DESPREAUX: Yes.

DWYER: You said, "I got a good look at him from only a distance of about 5 metres away". And you describe him then as being of tanned skin, 180 centimetres, thin build, short beard, wearing a t-shirt and pants. You knew straight away that he was the attacker. He was walking in a determined way, and his actions were different to anybody else, and you saw the knife in his hand, is that right?

40

WITNESS DESPREAUX: Yes.

DWYER: You say this, "I knew I needed to stop him, even if meant hurting him". You knew then that he was a danger to everybody else in the centre, correct?

45

WITNESS DESPREAUX: Yes.

DWYER: So, you planned to throw the bollard at him from level 3 when he

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was coming up the escalator, correct?

WITNESS DESPREAUX: So in the beginning, I wanted to throw it before that, but it was too difficult actually.

5

DWYER: I see.

WITNESS DESPREAUX: And too dangerous for other people. So I didn't. Like the moment I saw him in front of me, I was like that's the moment that I can do something, yep.

10

DWYER: I'll just clarify. You picked up the bollard. When you see him downstairs, you think you might be able to throw it on him?

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WITNESS DESPREAUX: Yes.

DWYER: But what you explain in your statement is this:

20

"I picked up the bollard off the ground and tried to look for a good opportunity to throw it down at him, however it wasn't safe, because if I missed him, it's going to go even further down to lower levels and it could have hit somebody"?

25

WITNESS DESPREAUX: Yes.

DWYER: You lost sight of him for a few seconds. You and Damien followed him in the same direction he was going, is that right?

30

WITNESS DESPREAUX: Yes.

DWYER: Then you next saw him on the escalator, is that correct?

WITNESS DESPREAUX: Yes.

35

DWYER: You say you saw him at the escalator coming up from the ground - or towards your level. At this time, you were still holding the large bollard, and you were preparing to throw it at him. Were you in front of Damien at that stage?

40

WITNESS DESPREAUX: So, no, Damien was - like I think he remembers better than me. I was in front of the escalator and I believe he was on the side.

WITNESS GUEROT: Yeah, on your left side.

45

WITNESS DESPREAUX: Yeah.

DWYER: So, Damien, tell us what you saw when Joel was on the escalator coming up?

50

WITNESS GUEROT: So when we arrived to the escalator with Silas, was one

lady in the middle of the escalator. We, like, scream at her, with Silas, to come up. She didn't realise at that moment it was like something happened. Then, then we moved the lady on the side. Silas just went right in front of him with the bollard, and I was just going down on the, on the next escalator going down, because I wanted - like when he was going up, I wanted me and Silas to, to try to, to stop him like this. Like push him or stop him or, like, try to really, like, do something. But then I realised, like I saw Silas, he couldn't realise, like, any word about what I say. I think he was like very focused on, on what's happened.

DWYER: You mean Silas or Joel?

WITNESS GUEROT: Silas.

DWYER: Okay.

WITNESS GUEROT: We didn't say anything to, to Joel. I wasn't--

DWYER: Did Joel Cauchi say anything to you?

WITNESS GUEROT: No, nothing. We are just like, I don't know why, to be honest, I don't say anything. I don't like scream at him "Stop" or whatever. I don't know, I was just like, I don't know, we are like - we're full of adrenaline and we're just like try to stop. And when I saw Silas throw the bollard to him and, and touch him but miss him, I was just like, okay, I need to run back the escalator and take the, the spot of Silas. That's what I did.

Then, then he was, like, with a bit of hesitation I think, because he saw the bollard was quite heavy. It was about like 35 kilo, I would say, something like that. And I think Silas did hurt him a bit, so he was just like scared maybe to going up. I was like facing him, like really watching him in the eyes to, to - I wanted to at that moment like stop him. Like, he don't go further, but he don't go away. Like, we just like stop him now and like, I don't know like if something came out, out of this.

But yeah, at the end, he just like came on me for a second, and he just, yeah, jump and go through and I just, like, throw the bollard. But I didn't think it was like, he would be moving, to be honest. Because I was there for a long time, so I was feeling like I got like a guy who won't move on right and left, but yeah, he just, like, I miss it also, I just touch his arm. And we just, like, run like super fast, because we thought he was like after us.

DWYER: Yes. I'll just catch on a few points. Silas, you were the first one to throw the bollard at Mr Cauchi?

WITNESS DESPREAUX: Yes.

DWYER: It hit him?

WITNESS DESPREAUX: Yes.

LTS:DAT

DWYER: It hit him on the leg I think, is that right?

WITNESS DESPREAUX: It's what I think, yeah.

5

DWYER: It appeared to hit him but not to make too much difference to his movements, is that right?

WITNESS DESPREAUX: Yes, yes.

10

DWYER: But you had managed to usher up a lady who was on the escalator who did not appear to realise that she was in danger, is that correct?

WITNESS DESPREAUX: Yes.

15

DWYER: You got her out of the way?

WITNESS DESPREAUX: Mm-hmm.

20

DWYER: Silas, after you threw the bollard, Mr Cauchi looked at you and he appeared to be focusing on you as the target, is that right?

WITNESS DESPREAUX: Yeah, it's what--

25

DWYER: You then at that stage ran for about ten seconds and then exited near the intersection with Adelaide Street and Oxford Street. And I'll come back to that.

WITNESS DESPREAUX: Yes.

30

DWYER: At that time, you had no idea where Damien was?

WITNESS DESPREAUX: Yeah.

35

DWYER: But in fact, what you now realise is that Damien had stepped in also to try and take control of it and use his bollard?

WITNESS DESPREAUX: Yeah.

40

DWYER: Is that right, Damien? Then you threw the bollard down the escalator, and it also hit Mr Cauchi but didn't stop him?

WITNESS GUEROT: No.

45

DWYER: Damien, after you threw your bollard, where did you go?

WITNESS GUEROT: We just - this, this part basically I don't remember so much. I just remember like I was with Silas running outside. When I was in the police officer, that on my statement I thought I run like for a long time basically, but actually it was like, when I come back there, it was like super

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short.

5 Then we were outside with Silas, just like thinking, like Silas was like, "We need to go back inside, we need to stop him". I was like, "We cannot, we don't have anything". And we just like tried to search about something around us. Then lucky the police officer just came with a car and we just, like, very good timing, we just jump on her, like talk to her, and we went back inside.

10 DWYER: I'm going to show you where you were on that CCTV shortly.

WITNESS GUEROT: Sure.

15 DWYER: Just before I come to this topic of you with Inspector Scott, Damien, staying with you, we've already heard Silas talk about the lady who was on the escalator who didn't realise that there was an attack. You also noticed a number of civilians who didn't appreciate that there was an attacker in the centre, is that right?

20 WITNESS GUEROT: Yeah. It was, I would say one person at least when we run to the escalator. Yeah, only one person. Because the rest is like - I remember when we were like - when we found the bollard, we saw two ladies, she knew something happened. They were running to, to escape. One guy get us, and he knew something happened. So only, yeah, I would say two ladies.

25 DWYER: Damien, I think you actually saw somebody who was stabbed and injured by Mr Cauchi. Is that right?

30 WITNESS GUEROT: That's right.

DWYER: Was that somebody who was on the same level as you, or was that when he was the level below?

35 WITNESS GUEROT: At the beginning I believe next to the kiosk the first time I meet Mr Cauchi, I think the name. Yeah. I saw someone going - if I remember what I saw someone going down with some blood. But I saw him stabbing one ladies on the level below me.

40 DWYER: And that lady did not appear to be aware beforehand that there was an attack?

45 WITNESS GUEROT: She wasn't. She was - he just - when he went down the escalator, Silas was already with the bollard on the left and I was on the right, so I could saw everything from the bottom, and Silas - I was just guiding Silas where he could throw the bollard, but actually it was like unsafe. We were hoping he was going around, so even from me I could just like throw to him too. But he wasn't. He just run past the ladies, then he just like went back to her and, yeah. Just like - yeah.

50 DWYER: And he injured her at that time?

WITNESS GUEROT: Yeah.

5 DWYER: You also say this. You saw Mr Cauchi walking at a fast pace when you were following him on the floor above. "I passed an old man who was walking the other way. I told him to run." Did that older man appear to realise that there was an attacker in the centre?

10 WITNESS GUEROT: I thought it was a lady, but, yeah, is a, is a, is a man. Yeah. He didn't know at all about anything, I believe. But I believe also he wasn't, like, speaking English.

15 DWYER: You then say this: "We continued following until he got to another set of escalators" - this is when Mr Cauchi continued to come up the escalator - and then you noticed the old lady riding on the escalator?

WITNESS GUEROT: Actually, yeah, I made a mistake. I think it wasn't old lady. I think it was just a lady about our age. Sorry.

20 DWYER: In any event, that's the lady who you both managed to usher to safety before you contained Mr Cauchi on the escalator for a period?

WITNESS GUEROT: Yeah. Correct.

25 DWYER: Can I just come then to the point at which you both ran out onto that street that intersects Oxford Street and Adelaide Street. Correct?

WITNESS GUEROT: Correct.

30 WITNESS DESPREAUX: Yes.

DWYER: And you waited there, and you saw a police car pulled up with Inspector Scott?

35 WITNESS DESPREAUX: Yes.

WITNESS GUEROT: Yes.

40 DWYER: Were you both together at that time?

WITNESS GUEROT: Yes.

WITNESS DESPREAUX: Yes.

45 DWYER: We're just going to show that video again which can be frozen where we see you.

VIDEO PLAYED TO COURT

50 DWYER: I just ask that it be paused there. You may not be able to recognise

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yourselves, but - can you recognise yourself on that video?

WITNESS DESPREAUX: Yep.

5 DWYER: You can?

WITNESS DESPREAUX: Yes.

WITNESS GUEROT: Yes.

10

DWYER: Does the area that's highlighted by a circle show both you, Damien, and you, Silas, with Inspector Scott?

WITNESS DESPREAUX: Yes.

15

WITNESS GUEROT: Yes.

DWYER: There are other civilians in that area. Is that right?

20 WITNESS GUEROT: Yeah. That's correct.

DWYER: Were you talking to those other civilians who were there?

WITNESS GUEROT: No.

25

WITNESS DESPREAUX: No.

DWYER: We might just play that through.

30 VIDEO PLAYED TO COURT

DWYER: Can it pause there please. Damien, is that you there with Inspector Scott behind you?

35 WITNESS GUEROT: That's correct. Yeah.

DWYER: Do you recall her giving you any instructions at that time?

40 WITNESS GUEROT: She was just in front of me, so she was like doing her job. I was trying to - she, she, she asked me - she tried to understand the whole situation, of course. I, I believe I was like a bit with pressure talking to her. Maybe it was hard for her to understand my accent at that moment. I was, like, telling her, like, pretty much everything I saw, like "Someone is stabbing people. It's very dangerous", She had to be ready. If I remember
45 where - what I say, I was like - I don't know, I, I forgot like what I said, but it was like, yeah, it's kind of like, "It's a big situation. You're going to have to be ready. You have to, to have your gun ready because this guy is dangerous. He's got a knife and stab people." That's what I was going to say, pretty much.

50 DWYER: I'll just remind you what you said on that day when you were

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interviewed by police. They took a statement from you. You said that, "I started screaming at her, 'We need to get in there. There's a man with a knife stabbing people.'" Something along those lines. Is that right?

5 WITNESS GUEROT: Yeah. That's right.

DWYER: And then you said to her, as she was walking up the stairs, "Take your gun out. He has a knife. He has stabbed people"?

10 WITNESS GUEROT: Yep.

DWYER: Silas, do you remember saying anything to Inspector Scott?

15 WITNESS DESPREAUX: No, I don't. Only at the end after she shot the attacker, and just ask her if she needs anybody to be a witness. That's the only time, yeah.

DWYER: We might just play that video through, because we see you again at the end, both of you.

20 VIDEO PLAYED TO COURT

DWYER: I think it's just been paused there. Damien, do you recognise yourself there?

25 WITNESS GUEROT: Yes.

DWYER: Can you describe yourself?

30 WITNESS GUEROT: I'm the guy with the white shirt and the white chair.

DWYER: Silas, can you see yourself there too?

35 WITNESS DESPREAUX: Yes.

DWYER: Where are you?

WITNESS DESPREAUX: I'm just on the left with the shopping cart.

40 DWYER: Can you describe what you are wearing?

WITNESS DESPREAUX: So I have a cap, blue pants, and a T-shirt.

45 DWYER: Are you close to Damien?

WITNESS DESPREAUX: Yes. Yes.

DWYER: Behind him?

50 WITNESS DESPREAUX: Yeah. Just a, a bit on the side.

DWYER: Do you recall, Damien, being given any instructions, or what Inspector Scott was saying to you as civilians at that stage?

5 WITNESS GUEROT: So at that stage, we could see me on the video right
next to the police officer, and I feel sorry for that, to be honest, because it was
like real stupid about myself when I watched the video, that being close to her
at that situation, because of course she had to, to process the whole thing and
it would be also dangerous for me, for her, and maybe put her also in..(not
10 transcribable)..at that moment too. So if she just, like, did the best job she
have to do.

She just pushed me back, watched me and, like, get away from basically her
space. That's why at that moment I feel sorry, because when she turned me,
15 the guy did one step forward, so that's why I feel like it's stupid by myself to be
there. Then after she just, like, I - as I said, I just..(not transcribable)..I don't
know. I don't recall what I say - what she say exactly, but she just, like,
basically, yeah, say, "Stop him. Don't move", and, yeah, she did all the
process I believe that she had to do.

20 DWYER: You heard her say to Mr Cauchi, "Stop." Is that right?

WITNESS GUEROT: I, I cannot say any word exactly what she say.
I remember when we run she say something like this, maybe, "Stop." But I just
25 noticed that she said something. I'm sure it's the right thing she, she, she did
say. She did - she - I think there was a French police officer..(not
transcribable)..too, so.

DWYER: Damien, you and Silas were following close behind to offer her some
30 assistance because she was on her own. Is that right?

WITNESS GUEROT: Yeah.

DWYER: You recall in your statement you say you heard her say the words of,
35 "Get back. Everyone get back", around that time when Mr Cauchi was
advancing?

WITNESS GUEROT: Yeah.

40 DWYER: Do you recall anything like that, Silas?

WITNESS DESPREAUX: Yes.

DWYER: Silas, in your statement you said:

45 "I can't remember what people were saying around that time. It was
very chaotic. I can't remember exactly when the police officer pulled
out her gun. However, I do remember yelling at the police officer,
'Shoot him. Shoot him.'"

50

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Is that your evidence?

WITNESS DESPREAUX: Yes.

5 DWYER: What you say is that it was clear to you, when Mr Cauchi was advancing towards you, or just before he was shot, that he was targeting the police officer?

WITNESS DESPREAUX: Yeah.

10 DWYER: Is that right?

WITNESS DESPREAUX: Yes.

15 DWYER: Silas, if I can just turn to you, because you have these recollections set out in your statement. You were there when Inspector Scott discharged her weapon. You say you saw her pull the trigger, and at the same time you heard a loud bang. You said:

20 "I remember the first shot didn't seem to do anything. However, I saw the impact from the second shot on the attacker's chest area. As he was hit by this second shot he dropped straight away to the ground and was lying down on the floor."

25 Did you see that, in fact, Mr Cauchi kept coming after that first shot?

WITNESS DESPREAUX: Yes. I mean it was very fast, everything, but, yeah, he was still going. Yeah.

30 DWYER: And then you gave evidence earlier that after that happened and Mr Cauchi stopped, you said something to Inspector Scott. Is that right?

WITNESS DESPREAUX: Yes. So I asked her if she needs any witness about what happened.

35 DWYER: What did she say?

WITNESS DESPREAUX: I don't know if she understood actually what I asked. She just said that we can go out and talk to her colleagues, so.

40 DWYER: You understood that you were going to be important witnesses as to what had just occurred?

45 WITNESS DESPREAUX: I knew that it's important that I, I can say what happened. Yes.

DWYER: After that time, you gave your details to the police who were there. Is that right?

50 WITNESS DESPREAUX: Yes.

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DWYER: Damien, you're nodding. Obviously you did as well?

WITNESS GUEROT: Yeah.

5

DWYER: Sometime shortly after that, you were contacted by police and asked to prepare your statements?

WITNESS GUEROT: Yes.

10

WITNESS DESPREAUX: Yes.

DWYER: You're both nodding. Is that right?

15

WITNESS GUEROT: Yeah.

WITNESS DESPREAUX: Yeah.

20

DWYER: In fact then, Silas, you did prepare a statement on, as I've said earlier, 14 April. And Damien, you did your statement on 13 April?

WITNESS GUEROT: I think it say 14..(not transcribable)..yeah.

25

DWYER: I think I've got your statement, Silas, as the 14th--

WITNESS GUEROT: Yes.

DWYER: --and Damien, your statement's - the top says the 13th, but it was--

30

WITNESS GUEROT: Yeah. The top, the top. Yes. 13. Sorry.

DWYER: It might have been signed on the 14th?

35

WITNESS GUEROT: Yeah. Sorry for that. Sorry for that. My mistake.

DWYER: But very soon after, obviously, you assisted the police by giving your recollection of events?

WITNESS GUEROT: Yep. Correct.

40

DWYER: That's all the factual matters that I wanted to put to you. Damien and Silas, this was an extraordinary event for everybody who was involved, and a tragic one. Silas, had you ever been involved in anything like this before?

45

WITNESS DESPREAUX: No.

DWYER: Had you ever been called on prior to that to deal with somebody who was attacking others with a knife?

50

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WITNESS DESPREAUX: No.

DWYER: Damien, had you?

5 WITNESS GUEROT: No.

DWYER: Damien, perhaps I'll start with you. Is there anything that you wanted to say before I stop asking you questions?

10 WITNESS GUEROT: I just, I just want to say sorry for, for the family, for everyone who lost someone that day.

DWYER: Silas, is there anything you wanted to take the opportunity to say?

15 WITNESS DESPREAUX: Yeah. Sorry for everyone who lost someone that day.

DWYER: I'm sure you have been thanked before for your courage on the day, and perhaps her Honour might like to follow that up?

20 HER HONOUR: Yes. Extraordinary courage you both showed. Thank you for your courage. It was extraordinary, the things that you did on that day. And I hope that you are healing, and I hope that this process helps your healing a little bit as well. I'll just see if there's any other questions from any of the other
25 lawyers before we let you go.

CHRYSANTHOU: No questions from us, your Honour.

30 FERNANDEZ: No questions, your Honour.

ROFF: No questions, your Honour.

FRECKELTON: No questions. Thank you.

35 CHIU: No questions.

HER HONOUR: In court 2?

JORDAN: No questions. Thank you.

40 CASSELDEN: No questions, your Honour.

CLARKE: Likewise, your Honour. No questions.

45 SPEAKER: No your Honour.

HER HONOUR: Damien and Silas, thank you so much. You're free to go. You're free to stay. Whatever you would like.

50 WITNESS GUEROT: Thank you.

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WITNESS DESPREAUX: Thank you.

<THE WITNESS WITHDREW

5

DWYER: Your Honour, might we break now until 2. The reason for that is that we've moved faster than we thought we would, and we've brought one witness forward, who is Chief Inspector Christopher Whalley.

10

HER HONOUR: Certainly. Unless there's anything else, we'll adjourn now and resume at 2 o'clock.

LUNCHEON ADJOURNMENT

15

HER HONOUR: Ms Sullivan?

20

SULLIVAN: Thank you, your Honour. The next witness is Chief Inspector Christopher Whalley. I call Chief Inspector Whalley. Your Honour, his statement is at tab 730. There is an operational log at tab 731. That's at vol 14.

HER HONOUR: Thank you.

LTS:DAT

<CHRISTOPHER WHALLEY, SWORN(2.07PM)

<EXAMINATION BY MS SULLIVAN

5 Q. Can you please state your full name for the record?

A. Yeah. Chief Inspector Chris Whalley, Christopher Whalley. Sorry, what was the rest of it?

Q. We've got your name, and your role please?

10 A. I'm a duty officer attached to the Eastern Beaches Police Area Command.

Q. Before I go any further with your evidence, I understand there's something you would like to say?

15 A. Yeah, thank you. I just note that there's some people in the gallery who are family and friends of, of those and, who, unfortunately, were caught up in what was a terrible scene at Bondi Junction Westfield, and I'd just like to offer my condolences to you all, to your family, and to your friends. Thank you.

20 Q. Thank you, sir. You've prepared a statement for the purposes of these proceedings, and you have a copy of that in front of you, I understand?

A. I do.

Q. You've had an opportunity to review the statement. Are there any corrections you wish to make?

25 A. No.

Q. The statement is true and correct?

A. Yes.

30 Q. Can I just ask you to start with a bit of background about your policing career please. When did you start in police?

A. I was sworn in on 27 July 1989. So I've been a police officer my entire working career.

35 Q. Are you currently in a particular mental health role within Eastern Beaches Police Area Command?

40 A. Yes. Part of my role at Eastern Beaches is that of what's known as, a mental health contact officer. So part of my responsibility is to review each and every COPS event that is recorded by the police at that command which has a mental health incident type each and every month.

Q. I'm going to come back to that towards the end of your evidence.

A. Yep.

45 Q. In terms of your role on 13 April 2024, we understand that you assumed the position of forward commander at approximately 4.01pm, and we'll come to the details of that. But I just want to ask you generally, had you received some training in relation to assuming the role of forward commander in a major incident?

50 A. Yes.

Q. What was the nature of that training in general terms?

5 A. Well in general terms there's a, a number of training opportunities that are afforded to police as you progress through your career. One of those that I completed, and I believe it was around 2015, was a course that was then known as the incident commander's course which covered various matters, but certainly included the management of, of a large scale policing response.

Q. Had you previously undertaken the role of police forward commander?

10 A. Yes. Yes.

Q. Had you previously undertaken that role in a scene similar to what you experienced on that day?

15 A. Not on the level of scope of this particular incident. No.

Q. Let's come to Saturday 13 April. What was your role on that day?

A. I was the duty officer at Eastern Beaches Police Area Command at, at Maroubra Police Station.

20 Q. We know, from paragraph 3 of your statement, at about 3.45, you heard a radio broadcast?

A. Yes.

25 Q. You heard Eastern Suburbs 10 - that's Inspector Scott - state words to the effect that there'd been a shooting involving police?

A. Yes.

30 Q. And you then acknowledged the job and made your way to Westfield Bondi Junction, arriving on scene at around 3.54, so that is within nine minutes of hearing that broadcast. Is that right?

A. Yes.

Q. You drove lights and sirens to attend on an urgent basis?

35 A. Absolutely.

Q. Once you arrived, what happened then?

40 A. Once I arrived, I parked the police vehicle in Bronte Road, just adjacent to an entrance to the Westfield centre, and I made - I tried to make my way to where I believed Inspector Scott was.

Q. Pausing there. Did you come across two other officers who had also just arrived?

45 A. Yeah, Sergeant Holland and Constable Jenkins, who are also attached to Eastern Beaches. They arrived at the same time as me in a, in a different vehicle, parked adjacent to me, and we made our way to the - through the centre together.

50 Q. You set out in your statement certain observations of things that you saw on the way to level 5. We don't need to go through any of those details; they're clear.

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A. Understood.

Q. Once you took the escalator to level 5 with those officers, what did you see on arrival?

5 A. On level 5, I met with Inspector Scott who was outside the Eckersley's shop, just north of the air bridge between what I believe are two buildings of Westfield straddling Oxford Street.

Q. Did you speak to Inspector Scott?

10 A. I did.

Q. What can you recall about that conversation?

15 A. First of all, I asked her if she was, if she was okay, and acknowledging that there was a, a clearly deceased person in my view nearby. And I asked her if that was - in my statement I refer - I just say simply, "Is that the crook", and she said, "Yes." I asked her if he was dead, and she said, "Yeah. I shot him." Understanding that Inspector Scott's a senior officer, she's at the same level as myself, it was a weekend, and as she would have been an - what's termed an involved officer in a subsequent investigation, she clearly wasn't in the position
20 to be able to take command of that situation, or the response. So I said words to the effect of, "I'll take, I'll take over."

Q. As set out at paragraph 20 of your statement, at around 4.01pm, you put out a message on VKG - that's police radio - that you're with ES10 - that's
25 Inspector Scott--

A. Yes.

Q. --outside Priceline, and you confirmed that Sgt 1 was co-ordinating a lockdown of the centre. That's right?

30 A. Yes.

Q. That's Sgt 1?

A. Sgt 1, yes.

35 Q. What did you understand by a lockdown of the centre?

A. I understood that to be that there was a perimeter being established at the - around the Westfield centre, focusing on the entry and exit points, that those people who were in public spaces and who were able to evacuate the centre were doing that. And that people who had been - who were sheltering in place
40 in various shops within the centre were remaining there in those locations.

Q. You also broadcast that you were in command at that point?

A. Yes.

45 Q. Did you have a view or a practice in relation to using the radio in that way in a large scale incident?

A. My understanding of the instructions of taking command are that that is - that is the first thing that an officer who is in command is required to do, is to, is to acknowledge that they are in command and to broadcast that, so that's what
50 I did.

Q. Do you recall in the discussion you had with Amy Scott whether there was any discussion about the prospect of a second offender?

5 A. I, I don't, I don't recall that there was a specific - those specific words said, but certainly in what I've said to her and identifying the deceased person outside Eckersley's and her response to that was I was satisfied that in her view in any event that there was one offender.

10 Q. At paragraph 21 you refer to handing Sergeant Holland your notebook and asking him to be a scribe so that in effect he's recording all the important decisions that you as forward commander make?

A. Yes.

15 Q. In fact a copy of those scribe notes appear as an annexure to your statement?

A. Yes.

20 Q. And you've had a chance to read through those and they also informed the preparation of your statement, is that correct?

A. That's correct.

Q. At 4.03pm you advised radio that a command post is being established by Sgt 1 in the Westfield loading dock off Bronte Road, do you recall that?

25 A. I was advised that via police radio, yes.

Q. Did you have any input into the selection of that venue?

A. No.

30 Q. What's the significance of the command post from your perspective of a forward commander?

35 A. That's the place in my view where the person who is in command needs to be located. That's where significant people from specialist agencies who are involved in the response would have a presence to allow for communication between the various agencies or functions, and for decisions to be made about--

Q. Does that also include tactical police or do they generally have a location and separate command post?

40 A. Tactical police would have a presence in the command post. Sorry, I'm not able to comment on what their internal procedures are about, with having their own location. I'm not familiar with that, sorry.

45 Q. At 4.05 you refer to making a call to Superintendent Dunstan who is the central metropolitan region operations manager, and you advised him of the incident and confirmed that you've taken command and he then advises you that Assistant Commissioner Cooke has declared the incident a level 1 critical incident and you provide a verbal briefing, do you recall that?

A. Yes, that's correct.

50

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Q. Then at 4.07 you have a conversation with Chief Inspector Reimer and Acting Inspector Evans. They're from the Kings Cross station, is that right?

A. Acting Inspector Evans is from Kings Cross, yes. Chief Inspector Reimer is from the Police Transport Command.

5

Q. That is a conversation that specifically concerns a second offender?

A. Yes.

Q. A potential second offender. What can you recall about that discussion?

10 A. I asked Chief Inspector Reimer to attend the security office to view the CCTV that was available within the centre, backtracking from the Eckersley's store to identify the route that was taken. Ultimately what time the individual entered the centre, and importantly whether they were with anybody else.

15 Q. Did he immediately seem to go off to do that to your knowledge?

A. Yes.

Q. That was an urgent task in your view?

A. Yes.

20

Q. Then at 4.14 you requested that Acting Inspector Evans seek to identify on the body of the offender any identification that might assist the police, is that right?

A. Yes, with identifying who that individual was, yes.

25

Q. At 4.15 you receive a call from Detective Inspector Marks, Andrew Marks, who is the SCII, the Senior Critical Incident Investigator, and you give him a verbal briefing?

A. Yes.

30

Q. About actions taken?

A. Yes.

35 Q. Then at 4.19pm you have a further conversation with Acting Inspector Evans and ask him to coordinate the security of the crime scene on level 5 outside Priceline?

A. Yes.

40 Q. Pausing there, it's also your role as forward commander to ensure that there is appropriate preservation of the crime scene, is that the case?

A. There was on this occasion, certainly, yes.

Q. And the crime scene as you're aware extended through a number of levels of Westfield?

45 A. There were a number of separate scenes throughout the centre, yes.

Q. Shortly after that you determine that you need to be in attendance at the police command, is that right?

A. At the command post in the loading dock at Westfield, yes.

50

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Q. You then make your way through the centre to attend the command post?
A. Yes.

5 Q. And you arrive at around 4.33pm we see at paragraph 29?
A. Correct.

10 Q. There you have a conversation with an inspector from TOU regarding their search of the centre?
A. Yes.

15 Q. What was the purpose of TOU being involved in the search of the centre?
A. Because of the type of incident that had occurred, the Tactical Operations Unit I understand were dispatched as a matter of course, given the, given the incident that happened. The coordination of the search of the centre by them, the purpose of that was because of the type of incident that had been, that had occurred.

20 Q. Did you continue to liaise with that TOU inspector in the command post at various points in time?
A. Yes.

25 Q. Then at paragraph 30 you referred to a discussion with Chief Inspector Reimer about the outcome of his review in the security room, that is the review of the CCTV?
A. Yes.

30 Q. What do you recall about that discussion?
A. That, I recall that that discussion occurred within the loading dock area of the Westfield centre, so the initial command post that had been established by Sgt 1, and that conversation related to what Chief Inspector Reimer had witnessed on the CCTV.

35 Q. And what had he witnessed?
A. That there was one offender who entered the premises. The time that that occurred. The entrance that was used. The route that was taken, and the various, the location of the various scenes throughout the centre.

40 Q. Could I ask you to please go to page 2 of the operational log, and this is an entry at 4.36pm.
A. These are the notes made by--

Q. The notes made by--
A. --Sergeant--

45 Q. --Sergeant Holland.
A. --Holland. Page 2 of that?

50 Q. Page 2 please, and the entry at 4.36pm.
A. Yes.

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Q. Do you see there that there's reference to "Inspector Reimer on scene, advised review of CCTV footage, watched CCTV footage of offender stab nine people, one offender". Do you see that?

A. Yes.

5

Q. That's the information that was clear by at least 4.36pm, is that the position so far as you were concerned as police forward commander?

A. Yes.

10

Q. Can I ask you whether you heard a broadcast from Chief Inspector Reimer on VKG at around 4.27, 4.28 to this effect, "Just for EB10" - pausing there, that's you, Eastern Beaches 10?

A. Mm-mm.

15

Q. That was your call sign?

A. Yes.

20

Q. "There appears to be the one offender, so confirming there is just the one offender and nine victims. I am in the security office." That's a VKG broadcast. Did you hear that at or around 4.27, 4.28?

A. I, I don't have any recollection of hearing that, no. But shortly after I had a face to face conversation with Chief Inspector Reimer who told me the same information.

25

Q. Whilst you were in the loading dock headquarters at that time, or police command at that time, do you recall whether there were any ambulance officers there?

A. I, I don't recall there being - I'm not saying that there weren't, but I don't have any memory of there being an ambulance officer there. It's not to say that they weren't. There was a lot going on at the time.

30

Q. Understood. You don't recall any discussions that follows with any ambulance officers in the loading dock?

A. I don't have any recollection of any conversations to that effect, no.

35

Q. Do you recall appreciating as you point out that there is a lot going on, do you recall any broadcast from Odin 20 in relation to seeking to get an ambulance inspector to the police forward commander, and for those who have the chronology, I'm referring to item 101. It won't be in your statement. I'm just asking whether you have any recollection of Odin 20 making a broadcast to the effect that he wanted to get an ambulance inspector to the forward commander?

40

A. No.

45

Q. Is it fair to say that VKG has a lot of traffic on it during this incident?

A. Absolutely.

50

Q. And there are some things that are very important for you to attend to and that you hear but other traffic you may not hear?

A. Yes.

Q. Is that an accurate summation?

A. Yes.

5 Q. At paragraph 31 of your statement you refer to a conversation at 4.36 with Westfield centre manager Sce 1?

A. Yes.

Q. Did you know Sce 1?

10 A. No.

Q. He introduced himself to you?

A. Yes.

15 Q. He arranged or access to a meeting room that was more suitable as a command post, is that the position?

A. Yeah, that's correct.

20 Q. Can you explain to us how that came about, why you needed a different command post?

A. When I've walked into the initial command post it was, it's a loading dock. It's open to the laneway. There was no security available, which is critical.

25 There was no security available in that space. It was open to observance from members of the public, from the media. Not wanting to exclude them but it's important for the command post to be secured, and there weren't, there was no access to chairs, tables, phones and other telecommunications and other things that are important to the running of a command post.

Q. Was it your request that there be a change of venue?

30 A. Yes.

Q. Did you also encounter any reception issues, telephone reception issues, to your memory?

35 A. Phone reception was difficult, yes.

Q. You refer to a phone contact at 4.45 with Acting Inspector Evans in relation to the issue of identification of the offender?

A. Yes.

40 Q. That's a further matter that you're contending with?

A. Yes.

Q. Then at 4.50 the new command post is established in the Westfield suite on level 6 of the building?

45 A. Yes.

Q. Is that a reference to when you were in that command post, that's about 4.50?

50 A. That's a reference to when we arrived at that building, yes. So after having asked Sce 1 to identify another suitable room, that had - the Westfield staff had

done that and we'd been escorted to that location because it was in a separate building, and six floors up and there was a particular way that you had to go to get there. It's easy to get lost.

5 Q. When you arrived there, were there any other agencies or senior persons from other agencies in attendance?

A. Not initially, because we were the first to arrive, but they certainly did arrive progressively following, following us, yes.

10 Q. What is your best recollection of your first discussion with a senior New South Wales Ambulance representative?

A. What time, is that what you're asking, what time it was?

15 Q. When you arrive on level 6, you're the first there. When is the first time you can recall engaging with the New South Wales Ambulance senior officer?

A. Um.

Q. Is it, for example, five minutes in, is it ten minutes in, is it during the briefing?

20 A. I don't believe it would have been any longer than ten minutes in.

Q. Do you have a recollection of who that person was?

A. No, I don't sorry.

25 Q. Do you have a recollection of their role? Whether they were the New South Wales Ambulance commander, or whether they had a different role?

30 A. There was - there were three senior ambulance officers present in the command post on level 6. Certainly, maybe not initially, but certainly throughout my period as forward commander there were, I recall there being three, three officers there, and their role is as the representative of the ambulance service and to provide briefings and updates on, on ambulance activities.

35 Q. But you can't recall the intricacies of those discussions, given what's going on, is that a fair assessment?

A. The intricacies, yes. That's fair, yeah.

Q. You can't recall?

40 A. Correct, yeah.

Q. You don't have a specific recollection of engaging with your counterpart, who is Brent Armitage is his name. He was the Ambulance commander?

45 A. I'm not familiar with Mr Armitage. I'm familiar with other senior ambulance officers, one in particular who was there, Ambulance Officer 1, but not with Mr Armitage, no. But certainly, your previous question about the type of information that I was seeking, is that what you were getting at?

50 Q. Whether you have a recollection about it. Whether you have a recollection of those discussions, appreciating that you're in the command post and there's

a lot of information being exchanged?

5 A. Yeah, I mean the information that I wanted from the ambulance officers was specifically in relation to those people who'd been injured. And I wasn't necessarily concerned with specifics about their identity, but certainly what their condition was, if they'd been transported to a hospital, what hospitals they were, and what their prognosis might be as best the ambulance officers could tell us.

10 Q. So you were seeking to obtain that information. Was that being provided on an updated basis as that information came to hand?

A. Updated basis after, yes. Once provided, updated basis, to report up to my superiors.

15 SULLIVAN: Your Honour, I might indicate for the media, there is a non-publication order over Ambulance Officer 1's name, just in case it becomes of significance.

HER HONOUR: Thank you.

20 SULLIVAN: Just excuse me. And there's also a non-publication order over Sce 1 as well, for present purposes. Thank you for that reminder.

25 Q. Just to summarise that evidence, there were at least three New South Wales Ambulance officers in the command post on level 6, and you had a number of discussions and updates around the status of the patients, their disposition to various hospitals and the like, and that was on an ongoing basis?

A. Correct.

30 Q. Can you remember any discussion at any point prior to the 5.30 briefing around this second offender issue with any of those NSW Ambulance officers?

A. I didn't have any conversation with them about a second offender, no. Because by that time we'd confirmed by review of the CCTV that there was one.

35 Q. So not an issue from your perspective?
A. No.

40 Q. And you don't recall being asked about that, is that right?
A. Correct.

45 Q. In addition, prior to the 5.30 briefing, the interagency briefing, you were also coordinating - as is set out at, for example, paragraph 37 of your statement - you're coordinating that witness statements be taken from relevant persons in attendance at the centre. That's a further task that falls to you as forward commander, is that right?

A. Yes, so ensuring that that process was being undertaken, yes.

50 Q. And also, as referred to at paragraph 38, you are speaking with the State coordinator, that is Inspector Harrison, to arrange for welfare considerations,

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for example, the attendance of the police chaplain for staff involved?

A. Correct, yes.

5 Q. Then at 5.14 you have a conversation with Detective Inspector Solah from the Eastern Suburbs PAC. He's the crime manager, and you give him a verbal briefing?

A. Yes.

10 Q. Was that the first time you'd spoken to Inspector Solah?

A. In relation to this incident, yes.

Q. At 5.22pm there's a conversation with a detective sergeant regarding police negotiators?

15 A. Yes.

Q. Again, that's with a view to identifying the offender?

A. Yes.

20 Q. Then we come to the briefing at 5.30pm, the interagency briefing?

A. Yes.

Q. What can you recall about that, please?

25 A. That was held in the briefing room that had been established on level 6. It was an opportunity for all the - to provide a summary of what we knew at that time to give specialist and support agencies an opportunity to provide any relevant information that they had and to determine what the priorities would be moving forward, so what is next.

30 Q. Do you remember which agencies were in attendance? Agencies or organisations?

A. There was - well, there were quite a lot of representatives of various places from within NSW Police. There was also Westfield security, Ambulance service. At various points there were representatives from AFP and from NSW Police counter terrorism.

35

Q. Initially there was a concern that this may have had terrorist connections?

A. Initially, as I understand it, yes.

40 Q. Was the issue of the number of offenders involved canvassed during that briefing?

A. It was confirmed what we had found from review of CCTV, yes. So, this is what we have.

45 Q. Namely, it was confirmed that there was only one offender involved?

A. Yes.

Q. Were any questions asked by anyone of you in relation to that issue?

A. Not that I can remember.

50 Q. You have been made aware that an expert security gentleman,

Mr Scott Wilson, has commented to the effect that the holding of an interagency briefing two hours after the event, in effect, is too late?

A. Yes.

5 Q. As a matter of fairness to you, would you like to comment on that?

A. Yes, certainly. I arrived on scene at 4pm. It was a scene over a large area. The scope and magnitude of that incident was quite vast. There were, I guess some, some challenges or pivots that needed to be implemented along the way. When we arrive at a location which has been established as an initial
10 command post that's not suitable for the functions that we had to undertake, then there's a necessary delay in having to identify an alternative venue.

Given the type of incident that happened and the scope, the size and scope of it, there was a perimeter that had been established, so there needed to be
15 some careful negotiation of the various scenes within the Westfield centre. And the need to put into place an escort process, if you like, to ensure that people from the various agencies that would be making their way to the command post were able to locate the post initially, to find it. And certainly, to be able to--

20

Q. Pausing there, there's some logistics to navigate to make sure that anyone coming in has a police escort?

A. Yes, to be able to negotiate the perimeter, yes.

25 Q. Yes, okay, thank you. Keep going.

A. As I think is - whilst I note the comments about the first command briefing being at 5.30, as is clear, there's a number of command level actions which have been undertaken in that period. So, it's not to suggest that there was, there was a delay in actions being undertaken, because they were. And there
30 was a necessary delay to ensure that those people who were able - sorry, those people who were asked to be present, or those agencies that were asked to be present within the command post, had an opportunity to arrive and had an opportunity to have relevant information available for the briefing, instead of doing a part job.

35

Q. What about the alarms? Did they factor into any aspect of the challenges that you're adverting to?

A. The alarms within the centre were loud, yes. Yes. They had an impact on the ability to, to hear the police radio, to be able to broadcast and be heard at
40 the other end, to use a mobile phone and to be heard by the person you were talking to, yes. Yes, they had an impact, but I don't believe that they had any lasting effect on the response.

Q. In fact, we know that the alarms had concluded by in effect 4.03pm?

45 A. I believe that's the case.

Q. So approximately two minutes after your arrival on scene?

A. Yeah, I believe that's the case, yeah.

50 Q. Following that briefing, a further briefing is scheduled, is that the position?

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A. Yes.

Q. Paragraph 48 of your statement refers to the next briefing being at 6.15?

A. Yep.

5

Q. I should indicate, there was information provided at that briefing by an ambulance inspector about the status and disposition of patients, as you've referred to?

A. Yes.

10

Q. Was there information provided by Scentre about matters concerning security and the like?

A. Yes.

15

Q. How long approximately did that briefing go for?

A. It was scheduled for 5.30, 15 minutes.

Q. About 15 minutes, all right. What happened after the briefing concluded?

20

A. Tasks that had been allocated to various agencies were undertaken. So they were sent off to do whatever it is their particular actions were.

Q. Was there a point shortly after there the TOU - Tactical Operations Unit - were stood down and then PORS took over? That is P-O-R-S, the public order riot squad?

25

A. Yes.

Q. You recall that?

A. Yes.

30

Q. That was consistent with the view being taken that there wasn't a second offender but there was a need to clear the centre?

A. Yes.

Q. Clear and search?

35

A. Yes. Yes, that was for people who were sheltering in place primarily.

Q. Do you remember approximately when that search was completed by PORS?

A. I don't. I believe that, that search took some, some extended time.

40

Q. If I suggest to you just prior to 9pm, does that accord with your recollection?

A. I believe that I handed over forward command sometime around 8, 8 o'clock sometime. So if it happened after that, then I'm not able to assist you, sorry.

45

Q. Thank you. At paragraph 61 of your statement, you refer to the attendance, or a request for the attendance, of the police rescue squad in relation to concerns about the backpack that was at Sourdough café?

50

A. Yes.

Q. So that was another matter that you were attending to, a potential risk associated with the backpack?

A. Yes.

5

Q. And as it happens, they attended and cleared the backpack promptly?

A. Correct, yes.

Q. Is that an accurate--

10

A. Yep.

Q. You ultimately concluded and handed over your role to Inspector Madden at around 7.25pm?

A. Yes.

15

Q. I want to ask you about your reflections based on the period of time, that is, from 4 o'clock until you handed over at 7.25. What were the things you think from your perspective as forward commander - appreciating that this is an unprecedented event - what were the things that went well?

20

A. I guess the - from my perspective, the things that went well were the commitment shown by all emergency services who were present on that day, and those Westfield security guards, or operatives, who were helping. It was a - it was an incident I'll not forget.

25

Q. We can certainly take a break if you would like?

A. Thank you. I guess, you know, when, when I finished, as an example of what young police do and what we ask them to do as managers, I walked back through the centre, because that was the only way I knew to get out of there. That's the way I'd been let in, so I followed the breadcrumbs back out, and I stopped and spoke to some of the 25 odd young people from Maroubra who attended that scene. And stopped next to a - some police that were guarding one of the scenes within the centre and asked why they were standing where they were, which was quite close to one of the people who'd been affected. And their response was, "Because I don't want to leave them alone."

35

SULLIVAN: Your Honour, can we have a short break, please?

HER HONOUR: Yes. Let's have a break.

40

Q. It's incredibly moving what you've just said. Let's have a short break. We'll take five minutes.

A. These are the things that stay with you, your Honour.

Q. Yes. I can imagine.

45

A. I apologise.

Q. You don't have to apologise--

SULLIVAN

50

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Q. Please don't apologise. Do not apologise.

SULLIVAN: If we could take a short break. Thank you.

5 HER HONOUR: We'll just take five minutes.

SHORT ADJOURNMENT

10 HER HONOUR: Ms Callan?

CALLAN: Coroner, before the witness resumes his evidence, I have an application to make for a non-publication order in relation to the name of a sergeant who's been referred to in the evidence today, otherwise known as Sgt 1. If that order might be made on an interim basis, Sgt 1, and I undertake to furnish appropriate evidence and submissions in support of the application.

SULLIVAN: There's no opposition to that course, your Honour.

20 HER HONOUR: I'll make the interim order now.

CHRYSANTHOU: I should just raise just an issue, your Honour. Given that was this morning, her name might have already been reported on. So your Honour will have to make it clear whether your order applies to reporting that's already occurred, or whether it's just a future order. I'm not sure you have power to--

HER HONOUR: I don't think I do. That would be a takedown order, and I don't have that power, so it's from now.

30 CHRYSANTHOU: From this point.

HER HONOUR: Yes. Thank you, Ms Chrysanthou. We'll resume. I'm grateful for the break too, because I found what you said very moving.

35 SULLIVAN: So did I, your Honour.

Q. If I can take you back to some more pragmatic topics please. Just about the things that you think went well in terms of the granularity. Can I ask you to comment on those matters?

40 A. I, I - from a policing perspective, the commitment that was shown by all officers that attended the - there were, there were police there from all over Sydney, and I'm sure that there were ambulance, paramedics, and other agencies there from far and wide who--

45 Q. The speed of the response is what you're alluding to?

A. Absolutely. Yes. And the commitment to all of those agencies - all those people who responded, and members of the public who assisted police and others on that day to co-ordinate what was something that we hope we never see again.

50

Q. Have you currently completed, or recently completed, a special high risk forward commander course in June 2024?

A. Yes.

5

Q. And no doubt your experience in April has very much informed your understanding of what those types of unprecedented situations--

A. Certainly.

10

Q. --and your experience will be drawn on, I'm sure, by the New South Wales Police Force going forward in that regard?

A. I would imagine that might happen. Yes.

15

Q. Can I ask you now, from the perspective of review and reflection, what are the things that you think, using this as a case study, that could be done better if there is a similar event?

A. To be honest, I'm not able to offer anything at the moment that might answer that question.

20

Q. Can I suggest that there may be a role for improved inter-agency communication going forward in this sense. We know that police understood by around 4.30 that there was only one offender. But you'd be aware that there was an ambulance directive at around 4.28 that the whole of Westfield was a hot zone, meaning no ambulance could enter the facility. You're aware of that?

25

A. I've been made aware - have been made aware of that. Yes.

30

Q. You no doubt accept that there's an important need - a critical need - for inter-agency communication around key pieces of information, like the status of a second offender, or the like?

A. Absolutely.

35

Q. That's an area for future improvement and engagement. Do you agree?

A. I'd agree with that. Yes.

40

Q. Are you aware of whether there's a mechanism where police radio CAD messages can be provided to New South Wales Ambulance CAD dispatchers?

A. I believe that can be - that can be done via the - what's known as ISMS functionality within CAD. Yes.

45

Q. Is that a role for the State co-ordination operator to arrange? That is, he is the person who can determine whether or not something should be shared through that ISMS functionality?

A. I'm not certain whether the decision making lies with the State co-ordinator. But certainly, there's the ability for radio operators - police radio to share information with radio operators of other emergency services, and likewise in reverse, such as fire and ambulance.

50

Q. Looking back, when there is that CAD message from Inspector Reimer at around 4.27/4.28 about the confirmation of one offender, is that the type of

message that, looking back, should have been shared with the New South Wales Ambulance Service via that ISMS functionality, do you think?

5 A. I, I, I think there's the capacity for that to happen. I'm also aware that triple-0 operators across the State were inundated with information in relation to this particular incident. The amount of information incoming was vast. But certainly, yes there's an opportunity for that information to be shared. Yes.

Q. Do you know if there was a police guard sent to the ambulance staging area, which was on Oxford Street, at any point?

10 A. I'm not aware of that, sorry.

Q. Is that something that in the ordinary course you understand should happen?

15 A. That, that particular location was in between both of the buildings so it was part of an area where I would expect that there would be a perimeter set up. So the access and egress, or exit, to that space was being managed, as I understand, by police on site. So there were police in and around that area providing a perimeter is my understanding, where the ambulance staging area was.

20

Q. In your training did you have an understanding about the need to send a dedicated police officer to serve as the communications liaison point with ambulance? That is, to send a police officer to the ambos command or staging area so that they could liaise with police?

25 A. No. It's not something I did, no.

Q. Was it something that you had an understanding should be done in your training?

30 A. No, no, that's, that was, that was the purpose of the ambulance being present within the command post and being present at the briefings that were held. That's why they were there.

HER HONOUR

35 Q. I just wondered, looking back on it now, what do you think would have been the best way to get the information to ambulance that there was only one offender at the earliest opportunity?

40 A. I think this incident your Honour is very unique, and I guess that there's possibilities for, or opportunities rather, opportunities for information to be shared at various points. I note that 4.27 there was a broadcast on police radio by Chief Inspector Reimer that a review of CCTV had confirmed that there was only one offender.

Q. Did that information get to ambulance as far as you know?

45 A. I, I can't say I'm sorry. I'd rely on the information which is in the catalogue about - because those are decisions that others had made, but I guess that there is certainly an opportunity for that to be passed through that ISMS functionality. There's that opportunity.

50 Q. You think that might have been the best way to do it?

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A. I think that that would have got the information to them on or around 4.27, yeah.

DWYER

5

Q. I'm going to change tack now and ask you about your role in mental health within Eastern Beaches PAC--

A. Yes.

10

Q. --but before we go to your current role, let's hark back decades ago when you were a GD's officer. Can you tell us about how you dealt with mental health incidents when you encountered them back in the day doing your patrols?

15

A. In the late 1980s and early 1990s police did many things substantially different to the way that we ask for young officers to do them now. There was a different process in place way back when, which determined how we offered help to people in a mental health crisis.

20

Q. What was that different process?

A. Well, back then there were institutions in place which housed people in crisis. That process has changed since that time, and now is a process of largely community-based mental health care as I understand it. There are some facilities that treat people with acute conditions in this State, but largely it's more of a community-based approach.

25

Q. What are your observations about the avenues that are available to police to deal with mental health issues, within at least in Eastern Beaches Command?

30

A. Well, the officers at Eastern Beaches come into contact with people with a diagnosed condition, be they suffering a crisis, immediate crisis or not, roughly four times a day over a month. They would come into contact with people in, with those conditions on average about 120 or 130 times a month that are reported on the COPS system. Those people have a variety of, present in a variety of ways, and police will either use a referral pathway that's open to them, which we're fortunate to have PACER clinicians attached to Eastern Beaches, so they'll use the PACER clinicians, they'll use a referral to an acute care team, they'll leave them with a next of kin or family member if it's appropriate in the circumstances.

35

40

There may be a geriatric flying squad referral, depending upon someone's age and where they fit. It may include calling ambulance to conduct an assessment of the person on scene, if the PACER clinician is not available, be it after hours or when they happen to be rostered. Or they may present them to a hospital for, if they're in the opinion of the officers suffering an acute crisis where police are concerned for the health, safety and welfare of them or others.

45

Q. In terms of the PACER model, do you have direct experience in relation to that?

50

A. Yes.

Q. What are your views about the efficacy of PACER?

5 A. I can only speak for the PACERS who are at Eastern Beaches, and out in other forums I've made it known how grateful I am to those clinicians for the things that they do and how they help. It's unfortunate that PACER clinicians aren't available in every area command. It's unfortunate. But part of the benefit for us is that the clinician is able to make a qualified assessment of an individual on scene where it's obviously safe for them to do so. They're able to issue a schedule under the Mental Health Act if it's appropriate in the
10 circumstances.

They're able to clear the way for us with the local hospital to clear the way for the admission of that person if that's appropriate in the circumstances.
15 They've been very helpful in helping young officers to learn to recognise and to respond in an appropriate and sensitive way to people that are in crisis, and to take appropriate actions. They've been helpful in reducing the time that is taken by police in responding to mental health related incidents.

20 Q. Just can you outline for us in very broad terms what that model is when using it as though it's a known term and it may not be?

A. The PACER clinician you're referring to?

Q. Yes.

25 A. It's a clinical nurse consultant who works alongside - works out of the police station on a shift basis. Different areas have different service by, by those clinicians, but they work alongside police. They can attend jobs in the field where it's safe for them to do so, and they have the benefit of having the clinical history available for that person within that local health district, to inform the decision-making that happens, and inform the assessment.
30

Q. What are the limitations of that model in terms of the hours that PACERS work?

35 A. Yeah, well they don't work 24 hours so that's certainly a limitation. The police come into contact with people in crisis at all hours of the day and night, so we're limited by their availability in that respect. As I've said, we're fortunate that we have PACERS at Eastern Beaches. There are other commands that don't have them, and I believe that's a decision outside the New South Wales Police Force, but yeah, I mean the PACERS, my experience with the PACERS is that they've been very beneficial for those commands that have them and for
40 the young officers who rely on their guidance.

Q. In terms of the training around mental health and how to manage those incidents?

45 A. How to deal with, yeah, how to recognise people. Certainly they have access to someone's clinical history within that local health district, which the police don't have access to, so there's an ability to share that information so that an appropriate response can be arrived at.

50 Q. How long have you been in your role of in effect the mental health coordinator within Eastern Beaches?

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A. Off and on, the last nine years.

Q. Are you seeing an increase in the number of mental health presentations to police?

5 A. It does fluctuate, but at Maroubra we could vary between 100 and 170 contacts each month. Those that are reported on the police COPS system.

10 Q. What's the feedback that you're hearing about how well police in the GD space are feeling in terms of the avenues available to them to deal with those incidents, those 140 incidents that are coming through each month?

15 A. They do a remarkable job and continue to attend. There's a number of people, a number of consumers who are what New South Wales police would term as frequent presenters, so repeat presentations. Those people I guess are quite frustrating because they present in different ways. Some are acute in the crisis that they're in. Others not so much. But their contact is still regular so we keep going back to the same people.

20 Q. So police are servicing the same clients in effect, because of ongoing mental health issues, because there aren't really any other avenues, is this right, to deal with them on a longer term basis? That is they're reactive to those mental health issues?

A. Police are, yes, they're reactive to the reports, yes, yes.

25 Q. Do you have any views, given your experience in this space in particular over the last nine years in your mental health coordinator role, do you have any views about things that would be useful to police? You've touched on PACER, but is there anything else that would assist them manage mental health incidents?

30 A. I think it's recognised that the police involvement in the mental health space is - doesn't provide the best outcomes for those consumers. I think it's recognised in a number of academic pieces that the involvement of police generally is not helpful. I think I still see a growth in police being called to that type of incident, which seems contrary to what the academic writings would suggest is the most appropriate way to provide help to those who are
35 experiencing a mental health crisis.

40 Q. Is there anything else that you would like to tell her Honour about in terms of the incident on 13 April or in relation to the mental health space? Because as you know, her Honour has a unique recommendatory function. Now is an opportunity.

45 A. Thank you. I think it's - your Honour, I thank you for the opportunity - I think it's well recognised that the mental health space in New South Wales in any event, from a New South Wales policing perspective is second only to domestic violence in terms of the frequency and the time that is consumed by it. I often reflect on those academic writings and what they say about what offers the best outcomes for mental health consumers. I don't know that - I think there's opportunity to improve outcomes for people, and those outcomes might not involve police. That's about all I feel I can say on that.

50 HER HONOUR

Q. Thanks. I'm most grateful for your comments--

A. Thank you.

5 Q. --and your evidence.

SULLIVAN: There's just one final matter, your Honour. I'm sorry, having asked that wrap up question.

10 Q. Are you aware that Mr Cauchi was homeless in Maroubra prior to the events of 13 April 2024?

A. I've come to learn that, yes.

15 Q. That's an area that falls within your purview, that is, the Eastern Beaches Command?

A. Yes, yes.

Q. Are there adequate services in that area, in terms of homelessness and the intersection with mental health, in your experience?

20 A. I think that those agencies that have a responsibility, or have a function, within mental health and homeless are often intersecting but separate issues. I think that they do whatever they are able to do. I note that homelessness is generally not a matter that should involve the police. These are I think seen as being decisions that individuals take themselves.

25 Homelessness, whilst the police might get called to those types of incidents, they will make referrals to various outreach services to offer support and to make that support available to those individuals. It's a matter for those agencies I think to comment on the take up and the challenges that they might face. I don't know that I'm qualified to comment on that.

30 Q. Are police with the Eastern Beaches Command, are they linked into those agencies in that they can make referrals? They're aware of who those agencies are to refer persons they come across, for example, sleeping rough in Maroubra? Does that happen in your experience?

35 A. Where people that are homeless are found or identified or come across, then there is the capacity then for them to refer them on, yes. Either that being directly or via the crime prevention officer, who's a police officer within the station who maintains those types of contacts, so that, be that through housing or other welfare support. So, police do that, yes.

40 Q. I have nothing further, thank you.

A. Thank you.

45 HER HONOUR

Q. We'll see if there's other questions.

A. Thank you.

50 CHRYSANTHOU: We have no questions for the chief inspector.

<EXAMINATION BY MR FERNANDEZ

5 Q. My name is Lester Fernandez. I act for the family of Faraz Tahir who was the security guard who passed away on this day. Thank you on behalf of the family for the condolences that you gave all the families of all the victims.

A. Thank you, sir.

10 Q. I'm going to ask you questions in three different areas. Firstly, about what happened between yourself and New South Wales Ambulance on the day. Secondly, about multiagency exercises, particularly involving NSW Ambulance, to the extent that you can say anything about that. And, thirdly, about mental health and support for police officers who deal with mental health. Do you understand that?

15 A. I do.

Q. I'd like to take you firstly then to the contact that you had with New South Wales Ambulance officers on this day.

20 A. Mm-hmm.

Q. You were asked by counsel assisting about which New South Wales Ambulance officers you saw on this day, whether you spoke to them?

A. Mm-hmm.

25 Q. You identified three different officers that you spoke to?

A. Mm-hmm.

Q. Those officers that you spoke to, was that at the level 6 staging area?

30 A. Yes, it was - yes it was there, yes. It did occur there.

Q. You can take it from me, because it's at page 33 of your statement--

A. Yep.

Q. --that at 4.50pm the command was moved to level 6?

35 A. Correct, yep.

Q. Do I take it then that when you spoke to those three different ambulance officers, it was, that was the first time that you spoke to ambulance officers on this day? Would that be a correct statement, to provide information to them?

40 A. I have, that's - I have a recollection that I spoke to all three of those officers are various points within that facility, yes. I don't have any independent recollection of speaking to them previously.

45 Q. The multiagency briefing that you were asked about, that took place about from 5.30 onwards, is that correct?

A. Yep.

50 Q. I'm going to ask you questions about a senior ambulance officer by the name of Inspector Armitage. You were asked some questions by counsel assisting about--

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SULLIVAN: It's Assistant Commissioner.

FERNANDEZ

5

Q. I'm sorry, Assistant Commissioner Armitage. Would you accept it from me that he was nominated as the commander of the NSW Ambulance crews at the scene on this day?

A. (No verbal reply)

10

Q. I'm just going to ask you to accept that from me?

A. I'll accept it if--

15

Q. Yes. There was a forward commander from the ambulance, and the commander was actually nominated. Now you have taken part - there have been incidents in the past when you have been to scenes where ambulance have also been involved, that's right, isn't it?

A. Of course.

20

Q. Of course not to the extent that you did on this day?

A. No.

Q. Was it an important part of the work of both police and ambulance that you have contact with the person who's going to coordinate--

25

A. Yes.

Q. --ambulance resources?

A. Yes.

30

Q. I'm going to ask you to accept this from me.

FERNANDEZ: Your Honour, the reference is aide memoire A, page 23, row 136.

35

HER HONOUR: Thank you.

FERNANDEZ

40

Q. I'm going to ask you to accept from me that the commander of the NSW Ambulance, Assistant Commissioner Armitage, arrived at the scene at 4.26pm. Could you accept that?

A. I'm happy to accept that.

45

Q. I'm also going to ask you to accept from me that the commander Inspector Armitage, designated the area to be a hot zone at 4.28pm. Would you please accept that from me?

A. Sure.

50

Q. The designation of the hot zone meant for ambulance that this was a dynamic area where there was an active threat of harm. No NSW Ambulance

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clinician was to intentionally enter a hot zone. If any personnel, Ambulance personnel, found themselves in the hot zone, they were to immediately find cover or safety, and as soon as possible to withdraw. Could you just accept that from me?

5 A. Yes.

Q. Would your expectation be that before NSW Ambulance made a designation of a scene as a hot zone, that the commander should be in contact with you?

10 A. Yes.

Q. I take it that never happened?

A. Before they made the designation--

15 Q. Correct.

A. --of this hot--

Q. Correct.

A. --as you term hot zone?

20

Q. Yes.

A. I don't believe it happened, no.

25 Q. If someone from Ambulance had spoken to you about whether the designation of a hot zone should be made, you could then give them all the information that you had at that stage, would that be correct?

A. Yes.

30 Q. At 4.28pm was your information that there was only one active armed offender and he was deceased?

A. Correct.

Q. I'm going to take you to a different topic now.

A. Sure.

35

Q. This topic is about multiagency exercises that take place between police, ambulance and other resources. You might be aware that Assistant Commissioner - sorry, Assistant Commander McKenna, Peter McKenna, is going to be giving evidence in this--

40

SULLIVAN: Commissioner. Assistant Commissioner.

WITNESS: Assistant Commissioner.

45 FERNANDEZ

Q. Assistant Commissioner McKenna, that's what I meant to say. Are you aware that he's going to be giving evidence at this inquest?

A. I'm not, but I'm happy to accept it.

50

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Q. I'm going to ask you about some of the evidence he touches upon.
If you're not aware of this information, please just let us know.

A. Sure.

5 Q. Because we'll ask it from him. But what's described as taking place
between police, ambulance and other agencies are exercises like multi - sorry,
crowded places multiagency forums. Have you ever been involved in one of
those?

A. No.

10

Q. What also takes place are what's called multiagency exercises. Have you
ever been involved in one of those?

A. As an exercise?

15

Q. Yes.

A. No.

20

Q. Assistant Commissioner McKenna is also going to talk about exercises
conducted at executive level, strategic and operational levels. Are you aware
of those exercises taking place?

A. I'm aware that exercises do take place in various contexts, for example,
counter terrorism, to exercise response and preparedness. I'm aware that they
exist, yes.

25

Q. Will you accept from me, because Assistant Commissioner McKenna refers
to this, that there are exercises that have taken place at other shopping
centres around Sydney? Could you accept that from me?

A. Yes.

30

Q. I'm just wondering--

35

CALLAN: Your Honour, sorry, I hesitate to interrupt, but I think it's, in fairness
to the witness, would be of assistance if there be a little more specificity in the
questions Mr Fernandez is asking and what's being put. For instance, I think
what he's referring to are field exercises in respect of either AAO incidents,
that is, active armed offender incidents, or in respect of counter terrorism
incidents. The use of the term "multiagency exercise" without any more focus,
I think the witness may not quite know what is being referred to.

40

FERNANDEZ: I'll clarify that.

Q. I'm just going to focus on active armed offenders and exercises related to
active armed offenders.

A. Yes.

45

Q. You're aware that, as I've just asked you, those type of exercises take
place at different operational levels--

A. Yes.

50

Q. --within police?

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A. Yes.

5 Q. The question I really want to get to is, are those learnings from those exercises that take place at those different levels, are they fed back to you at your level?

A. Yes, yes.

Q. How is that done?

10 A. Through a debrief following the exercise.

Q. To the extent that you're able to describe, what is discussed at the debrief? Where did the learnings come from?

15 A. Well, it's a, a review of how the exercise - how the exercise ran. What were the challenges; what were the strengths; what were the weaknesses of the various response within your own agency, and perhaps with communication with other agencies.

Q. Were any of the debriefs that you had been told about of help to you in the position you were in back on the date we're all talking about?

20 A. Sorry, were any of the debriefs that - of exercises you're referring to?

Q. Yes. That had taken place previously. If they'd been fed back to you, I'm just wondering what benefit, if any, they were to you as you were dealing with this situation back on 13 April last year?

25 A. I think any debrief is, is worthwhile and useful, because it gives an opportunity for self-reflection and to understand how an incident played out. Yes.

30 Q. The point is, is it your opinion that these exercises - the outcomes are being fed back to operational police to help operational police in the situations they find themselves in?

A. At a local level I think they are. Yes.

Q. Third and final topic--

35 A. Yes.

Q. --Chief Inspector is about mental health services and policing. Did you describe your position as the mental health contact officer?

40 A. Yes. It's a term - I mean - duty officers within commands are not only responsible for the tactical response and tactical deployment of staff during a, a shift, but also hold a strategic portfolio, if you like. Part of the portfolio that I've held over various periods of time has involved the mental health space and the role that's - that's termed as a mental health contact officer.

45 Q. Is that an official position? Is it an official designation--

A. It's a term that--

Q. --or is it a position that you're in by virtue of your rank, or your seniority?

50 A. Yes. It's part of - yeah, it's - as I said, duty officers within commands are assigned a strategic level sort of portfolio, if you like, to, to manage as

alongside the operational work that we do. Different commands have different approaches to how those portfolios are assigned. But certainly, within every police area command, there is an officer who has, as part of their strategic responsibility, the review of mental health related incidents within that area.

5

Q. When you say in different commands different officers deal with it in different ways, is there a guidance - is there written guidance somewhere as to what the role of that particular officer should be?

A. Yes.

10

Q. Is that written somewhere?

A. Yeah. When I say that different locations have different approaches, at Eastern Beaches, for instance, because we have Prince of Wales Hospital as part of our area, we have a greater degree of contact with the hospital than commands who don't have a hospital with a mental health facility attached in their commands. We also have a forensic hospital at Long Bay, which has a mental health component to it. So our demand is greater than some other commands. So it's about how the commander sees is best to deploy.

15

20

Q. You described that one of the things that you do is that you review each and every COPS event that comes in relating to police having contact with mentally ill people. Is that correct?

A. Correct.

25

Q. What is it that you do?

A. I review - I read each and every COPS event that's created which has a mental health incident type attached to it.

30

Q. After that review, what do you then do?

A. Part of that review is identify what the contact was; how the person was - was - how the incident was dealt with. So was the person offered a - an alternate referral pathway; were they submitted for assessment under the Mental Health Act by police or ambulance; was it - what was actually involved in that; were there any issues identified in that particular incident. So were there any difficulties that police experienced, and what then I might be able to do to help to address those issues as they come up.

35

40

Q. In terms of what you can do to help address those issues, is there any aspect of you going back to police officers who have that front line contact with mentally ill people to talk about those contacts and how they went and what could be learnt and what could be done better?

A. Yeah. I - I certainly don't do it with all of them, because it is a lot. But where--

45

Q. There must be some that stick out, though?

A. Yeah. There are ones with particular consumers. So be they a frequent consumer, or something similar, that I might speak with the PACER clinician, I might speak with someone from the acute care team, about that individual and what is it about that individual. Do they have a diagnosis? What sort of supports are in place? Is there anything that we can do collaboratively to offer

50

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that person support?

5 Q. We know from evidence at this inquest that there's body-worn footage from contact between different police in Queensland with Joel. Is that something that you might consider, that as part of your review of these interactions by police with mentally ill people that there can be some review of body-worn footage to look at the nature of the contact and what might be learnt from it?

10 A. If the narrative describing the incident raised issues that I thought warranted a review of body-worn video, if there was any, then yes I would. But I - I certainly wouldn't do that for every incident.

15 Q. I started off with a thank you on behalf of the Tahir family. I'd like to finish with a thank you. On behalf of the Tahir family, and I'm sure on behalf of every family, to you, personally, for your actions, and to each and every officer who attended back on 13 April would you please pass on the gratitude of all?

A. Sure. Thank you, sir.

HER HONOUR: Thank you, Mr Fernandez.

20 ROFF: No questions, your Honour.

FRECKELTON: No questions. Thank you.

25 CHIU: No questions. Thank you.

HER HONOUR: Go to courtroom 2. If anyone has any questions?

JORDAN: Thank you, your Honour. We have no questions.

30 HER HONOUR: Thank you, Mr Jordan.

CASSELDEN: No questions, your Honour.

35 HER HONOUR: Thank you, Mr Casselden.

MATHUR: No questions. Thank you, your Honour.

HER HONOUR: Ms Mathur.

40 SPEAKER: No, your Honour. Thank you.

HER HONOUR: Thank you. Ms Callan?

45 <EXAMINATION BY MS CALLAN

50 Q. As you're aware, I'm Sophie Callan. I appear on behalf of the New South Wales Commissioner of Police. Can I ask you this. When you first attended at the scene at Westfield Bondi Junction on 13 April you describe in your statement walking through the centre to get to the location where you understood Inspector Scott was located?

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A. Yes.

Q. In doing so, in your statement, you refer to observing civilians, ambulance officers and police attending to some of the victims?

5 A. Yes.

Q. Did you understand you were going to be taking command of this incident?

A. Not at that time. No.

10 Q. By the time you got to Inspector Scott, and it became clear to you that you were going to be the one to take command--

A. Yes.

15 Q. --what was your approach to the treatment and care of victims that you knew had sustained injuries prior to your arrival?

A. I - I just - from what I'd seen, as I walked through the centre on my way up to level 5, I understood that those people were being attended to by New South Wales Ambulance officers.

20 Q. That being the case, did you consider you had, as commander, any more to do in relation to ensuring that victims were being attended to and rendered aid?

A. No. I believed that they were receiving the attention that they required.

25 Q. When you spoke with Inspector Amy Scott you refer in your statement to saying to her, "I'll take over command. You try and find somewhere nearby to get out of the noise of these alarms"?

A. Yes.

30 Q. Do you recall saying something to that effect?

A. Yes.

35 Q. You've already addressed the impact of the alarms, but can I just raise this with you. Do you believe that the alarms, for the limited period of time that they were sounding whilst you were at the centre, had any effect on your ability to exercise appropriate command over the situation?

A. No. No. They were loud, yes. We would've preferred for them to have stopped, and we made inquiries to get that to happen, but that didn't mean that we didn't continue with the tasks at hand.

40

Q. In the transcript of the police radio CAD log, which for the record is at tab 521A, that log records Chief Inspector Whalley, you delivering the following via police radio at 16.01, or 4.01pm. So you're Eastern Beaches 10?

A. Correct.

45

Q. "Just for your log radio I have spoken to Eastern Suburbs 10. I am in command of this situation at the moment. I believe Sgt 1 are co-ordinating a lockdown of the Westfields." Eastern Suburbs 10 was Inspector Amy Scott?

A. Yes.

50

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Q. In relation to Sgt 1, that was also a sergeant from Eastern Suburbs?

A. That's correct.

5 Q. Who had told you, or on what information were you relying, to express the belief that Sgt 1 was co-ordinating a lockdown at the Westfields?

A. It was information provided by Inspector Scott.

Q. Did you order a lockdown?

10 A. No.

Q. What do you understand "lockdown" to mean in this context?

15 A. It is to provide security around the site, which would include establishing a perimeter around the location and appropriate security to prevent unauthorised entry to that site, and facilitate the movement in and out of emergency services.

Q. To that end, did you understand a lockdown created any impediment to ambulance entry and exit?

20 A. It most certainly should not have.

Q. In terms of the establishment of a perimeter, in due course is it your understanding that that did occur?

25 A. Yes.

Q. And that that was external to the Westfield Bondi Junction towers?

A. Yes.

30 Q. The ambulance staging area, that was referred to, I think, by counsel assisting in her questions of you, that was on Oxford Street between the towers--

A. Yes.

Q. Was that within the perimeter?

35 A. As I understand it was. Yes.

Q. You describe in your statement, and you've been asked some questions in evidence today, about the task that you gave to Chief Inspector Jason Reimer and Acting Inspector Evans regarding concerns about a second offender and the need to review CCTV?

40 A. Yes.

Q. Where did that concern about a second offender come, from your perspective? Were you provided with the information, or was there any other source that gave rise to a concern about a second offender?

45 A. Through what I heard on police radio, there were, there were police at other locations in and around the Westfield who came across members of the public, and were in my view necessarily cautious about who those people were, and independently satisfying themselves that those people weren't in any way

50

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connected.

5 So it was important for me when I first took command to confirm in my mind that not only was there one offender, but those other matters I referred to earlier relating to what time that person entered, from which entrance, what route they took, and where the other various scenes might be within the centre, because very early on that had yet to be confirmed.

10 Q. We can see, and you confirm, you used police radio, as is your training, to communicate the fact that you were in command at the scene?

A. Yes.

Q. After that, what is your practice in terms of using police radio as commander?

15 A. My, my practice is that where there are significant segments if you like, or actions that occur, as an incident progresses, that I, I will use the radio, use the police radio to record that that incident has taken place. So in addition to having written notes but I'd have it time stamped and recorded on police radio exactly the words and the time that, that an incident would happen. So those things that at the time I feel have some significance. It also benefits to allow
20 the State coordinator of some visibility of what's happening on the ground.

Q. If we focus just on the point that you arrived until the point that the command post moved up to level 6. To what extent were you able to listen to
25 police radio in and amongst the various tasks you were undertaking?

A. That was challenging to be able to do that. There was a lot of phone calls that had to be made very early on, and a lot of initial tasks that had to be undertaken, so that's the benefit of also having a scribe is to allow for someone
30 else to hear what is going on, on the radio, and to pass on anything that's relevant.

Q. In this instance it was Sergeant Holland who was your scribe?

A. Yes.

35 Q. And you were able to rely to some degree on Sergeant Holland to draw to your attention information that was coming through the police radio that you needed to know about?

A. Yes.

40 Q. I come back to why it was you were concerned to address concerns about a second offender. I think you referred to police encountering other individuals, and is this the case, it was desirable to put to bed any concern or speculation about a second offender?

A. Yes.

45 Q. Were there communications occurring via police radio that you were aware of where that concern or speculation was being communicated?

A. Yes.

50 Q. You're aware that through the Mobi Pole or other systems that a CAD log,

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that is a typed log of jobs, is created for police incidents?

A. Within the CAD system, yes. I don't know that the Mobi Pole was certainly in widespread use when this incident occurred.

5 Q. In terms of the written CAD log, were you looking at that on the evening?

A. No, I didn't have access to the written catalogue.

10 Q. Just to be clear, if there is a CAD record at about 15:55 recording an informant telling police that she saw people with machetes going down the escalator and had heard gunshots, is that any part of the information that you based an assumption about a number of suspects?

15 A. No. Because by that time I'd spoken to Amy Scott, and she provided me with information. There was a lot of chatter on the radio about what members of the public had reported seeing, and certainly Inspector Scott had provided me with certain information. I wanted to verify that because I knew that I was going to have to report that information up, and I wanted to be accurate and detailed in the information that I provided. So that forms part of the reason why I asked Inspector Reimer to review the CCTV and find out that detail.

20 Q. At any stage while you were in command at Westfield Bondi Junction on 13 April were you aware that Ambulance Service had declared a hot zone?

A. No.

25 Q. Were you aware that all ambulance officers had been prompted to withdraw from the centre for a period of time?

A. Not that I know of, no.

30 Q. It's the case isn't it that police were on the scene, including in the centre throughout the evening of 13 April relevantly?

A. Yes.

35 Q. As commander, if you had seen or been informed that there was a victim on scene, that needed ambulance attention and they had withdrawn, what would you have done about that?

A. I would have been concerned about why they had withdrawn, and if there was someone who required medical attention I would have taken steps to make sure that person received the attention that they needed.

40 Q. Can I go back to just one other aspect of you speaking with Chief Inspector Reimer about going to the security room to review the CCTV?

A. Yes.

45 Q. Can I ask you to assume, if you assume that by 4pm, so just about you're taking command--

A. Yes.

50 Q. --officers from Scentre Security staff had reviewed CCTV and were confident that there was only one offender. First, were you given that information at the time?

A. By Scentre Security?

Q. By Scentre Security?

A. I don't recall having been given any information like that, no.

5 Q. If you had been given information to that effect, that Scentre Security staff had reviewed the CCTV and they were confident that there was only one offender, would you have nevertheless tasked Chief Inspector Reimer to do a review?

A. Yes.

10

Q. Why?

A. Because, because there's some specific questions that, that I would need answered, because I would expect that I would be required to provide a certain level of detail, so that's why I was fortunate to have Chief Inspector Reimer there who's an experienced officer at the same level as myself, to be able to go and review, distil the important points out of that, out of what he was able to view, and to report that information back. So, it was a way that I was fortunate to be able to get the right information as soon as possible, and I was then confident in being able to report up to Assistant Commissioner Cook and others.

20

Q. You've pre-empted my next question. Was a component of this being you in command feeling that you could be confident in the information that you were being provided because it had been undertaken by a person you knew to be an experienced police officer?

25

A. Yes, and who I had reason to understand had the same level of, or the same level of training as myself, or perhaps more.

Q. A joint command briefing commenced at 5.30, or 1730, that afternoon. As commander you were the one who sit the time for that to occur, is that right?

30

A. Yes.

Q. Did you regard convening such a briefing to be a priority?

35

A. Sorry, say again, did I?

Q. Did you regard convening a joint briefing to be a priority?

40

A. It was certainly important, yes.

Q. Why?

45

A. Because it allows for the sharing of information for the establishment of where, where the response is up to and what are the next actions that need to be undertaken? What are the next priorities?

Q. You've already had an opportunity to address a point which has been made about whether that briefing ought to have occurred at an earlier point in time. In your view, could this briefing have been sensibly conducted at an earlier point in time?

50

A. The original venue that had been established was not suitable, so to conduct a briefing such as this, such that this incident required, couldn't have been conducted in that space, so it was important to find somewhere that was

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more suitable. I think I said earlier that it was a loading dock up a laneway which had open access to members of the public. That's not an appropriate place for us to conduct this sort of, or to host this sort of function.

5 Q. You also referred in your evidence to ensuring relevant agencies had an opportunity to arrive?

A. Yes.

10 Q. And that they, you and they, had relevant information to contribute?

A. Yes.

Q. You used the term I think "instead of doing half a job"?

A. Correct, yes.

15 Q. Is this another way of putting it, that you wanted to do this briefing once and do it right?

A. Correct.

20 CALLAN: Those are my questions.

HER HONOUR: Thank you. Ms Sullivan?

SULLIVAN: Very briefly.

25 <EXAMINATION BY MS SULLIVAN

30 Q. You referred to undertaking some training that informed your role as Forward Commander and you referred to an acronym. Is that the Australian and New Zealand Policing Advisory Agency, ICCS plus training or policies, that informed your role as forward commander?

A. I'm aware of NZPAA. I'm aware of their function. The ICCS model, if NZPAA are the owners of that term, then I'll take them on advice, but it's certainly a term and a process that the New South Wales police observe in the management of a significant incident.

35 Q. The incident management principles are those that are taught to you as a forward command?

A. Yes.

40 Q. I'm going to show you now an ambulance policy that you have seen earlier today and certainly we don't anticipate that you will have seen it at any other point in time. It's at tab 1214 of volume 36. This is the work instruction for ambulance officers in connection with an armed offender incident. If you go please to page 3 of that policy. It's 3.3 scene management.

45 A. Sorry, could you repeat the reference again please?

Q. I can. Tab 1214, page 3, 3.3, scene management.

A. Scene management, yes.

50 Q. Yes. Do you see there the portion that reads as follows, "Police will divide

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the incident into three zones, hot zone, warm zone, cold zone", do you see that?

A. I do.

5 Q. Is that reference to police undertaking that role, that is dividing a scene into particular zones, consistent with your experience?

A. I, I don't have any independent recollection of those terms being used. I, I understand what those words refer to, so the descriptions, but I'm not certain that hot zone, warm zone, and cold zone are terms that are used by New
10 South Wales Police in this type of incident.

Q. It's important, do you agree, that there be common terminology as amongst the agencies in dealing with a scene like that that confronted first responders on 13 April 2024?

15 A. That would be useful. Yes, certainly, in removing any potential confusion.

Q. Thank you. There's nothing further, sir.

HER HONOUR

20

Q. Thanks very much, Chief Inspector. I know it's difficult to recall what happened on that day, but like so many of the other first responders, you did an incredible job.

A. Thank you. Thank you, your Honour.

25

NO EXAMINATION BY MS CHRYSANTHOU, MR ROFF, DR FRECKELTON, MR CHIU, MR JORDAN, MR CASSELDEN, MS CLARKE, MR GNECH, MS MATHUR, MR PENN, MS ROBB, MR WILSON AND MR LYNCH

30 <THE WITNESS WITHDREW

HER HONOUR: Yes, Dr Dwyer?

DWYER: Your Honour, that concludes the witnesses for today. We have a
35 revised timetable which has been distributed to parties and is available to anybody in the courtroom to have a look at, and they'll be the final changes for this week. We then, tomorrow, will hear evidence from Mr Chris Wilkinson and Mr Brent Armitage. And then on Thursday, from somebody who is known as SOT1 from the New South Wales Ambulance, and also from Chief Inspector
40 Green and Senior Sergeant William Watt.

If there's any difficulty with those witnesses, we'll let your Honour know, but there won't be additions to the week, and so we hope then that we will not have to sit on Friday. The reason why that would be appreciated is that as
45 your Honour understands, we're working to a truncated timetable, and a significant amount of information has been obtained, even in this last week, including, for example, one statement from a security agency which is about a thousand pages, which includes annexures, and another statement from ambulance with a significant number of annexures that responds to expert
50 statements.

5 I'm obviously not intending to imply any criticism. That's because everybody is moving at such an expedited pace. We're not going to have to cut any corners. It just means that everybody has to work very hard, and so that Friday would be appreciated, I'm sure, by all parties to get on top of the evidence. That's the feedback that I'm getting from the parties, in any event.

10 HER HONOUR: It sounds like it's essential, actually. Given the amount of material that's coming in.

DWYER: Yes, your Honour. There's another issue in relation to non publication orders over names, and just an update that Mr Murphy will provide.

15 HER HONOUR: Thank you, Mr Murphy.

MURPHY: Your Honour, in accordance with the direction that you made in relation to the non-publication orders over names, submissions from two parties have been received to date. I note that the parties do have until 5pm today. Those submissions can be provided to any other interested parties should they require a copy of them. Subject to any other submissions being received, your Honour will be in a position to rule on those applications in respect of non-publication orders over names in chambers as contemplated previously.

25 HER HONOUR: Thanks very much, Mr Murphy.

CHRYSANTHOU: Your Honour, we've made submissions on behalf of our clients - two sets of submissions. Some in favour of non-publication orders that we've proposed, and also a separate set of submissions opposing, particularly, some pseudonym orders in relation to a number of witnesses. We've provided them to the counsel assisting team. Do they need to be formally put before your Honour, or will they just be supplied that way?

35 HER HONOUR: They'll be supplied. Thanks, Ms Chrysanthou. Mr Fernandez?

FERNANDEZ: Could I please be excused tomorrow?

40 HER HONOUR: Of course.

FERNANDEZ: Thank you.

45 CHRYSANTHOU: Similarly, your Honour. My junior will be here tomorrow. Can I be excused?

HER HONOUR: Yes. No problem at all. Unless there's anything else, we'll adjourn until 10am tomorrow. Thank you.

ADJOURNED PART HEARD TO WEDNESDAY 30 APRIL 2025