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IN THE NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER O'SULLIVAN

5 WEDNESDAY 7 MAY 2025

2024/00139002 - BONDI JUNCTION INQUEST

10 **PART HEARD**

15 AUDIO VISUAL LINK COMMENCED AT 10.03AM

HER HONOUR: Good morning. Ms Sullivan.

20 SULLIVAN: Good morning, your Honour. The next witness is
Joseph Gaerlan. Mr Gaerlan will take an oath.

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<JOSEPH GAERLAN, SWORN(10.03AM)

<EXAMINATION BY MS SULLIVAN

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

A. Sure. Joseph Gaerlan.

Q. What's your occupation?

A. My role is Retail Manager at Westfield Bondi.

10

Q. Before we commence your evidence, I understand you would like to read a statement?

A. That's right, thank you. Before we begin, I would like to take a moment to offer my sincerest and most heartfelt condolences to the families and the loved ones gathered here, and to all those affected by this tragedy that took place at Westfield Bondi on April 13, 2024. Just over one year ago, the lives and reality for so many had changed because of what had happened. I can only try to think about the weight of the emotions that you are feeling, and I know that there are no words that can ever be said and no amount of time that would truly be able to comfort you in what has been an immensely challenging time.

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I want you to know that I am deeply sorry for your loss and pain and grief. I believe that loss is something that no-one should have to experience, and I'm truly sorry that you have had to endure this. I acknowledge, too, that my words and condolences cannot ever change what has happened or lessen the pain, but I wanted to let you know that my thoughts, prayers and sympathies have been with you since April 13, and this continues to be with you during this very difficult and trying time.

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HER HONOUR

Q. Thank you.

A. Thank you.

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SULLIVAN

Q. We'll start with your materials that are in the coronial brief of evidence.

You prepared a police statement on 5 August 2024. A copy of that is at tab 996 of volume 30. This material will all be available to you as you need.

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Then there is your second statement that is at tab 1600D of volume 45. That's dated 6 March 2025, correct?

A. That's right.

Q. Then you provided a third statement on a very limited issue. That's at tab 1600E of volume 45. That's dated 23 April 2025, correct?

45

A. That's correct.

Q. There's also some notes that you prepared some three days after the incident, the scribe notes as you call them. They're at tab 1010 of volume 32.

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You've got a copy of those there?

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A. I do, thank you.

5 Q. All right, thank you. I understand there's a correction that you wish to make in relation to the date of commencement at Westfield Bondi Junction. What is the date of commencement, your commencement in the retail role at Westfield Bondi Junction?

A. Sure. That was 15 February 2024.

10 Q. The remainder of those statements are true and correct?
A. That's correct.

Q. In particular, you point out in your second statement that at the time that was prepared, that is, 6 March 2025, you'd had the opportunity to look at some CCTV footage of your actions on the day?

15 A. That's right.

Q. And you made some corrections based on that review. Is that the position?
A. That's correct.

20 Q. I want to briefly turn to the nature of the scribe notes that we've just referred to. These are at tab 1010. They were prepared on 16 April, so three days after the tragic incident, correct?

A. That's right.

25 Q. They were prepared based on your memory, but also based on some scraps of paper from the control room on that day, is that the position?

A. That's right.

Q. Numerous scraps of paper that you cannot now find, is that the case?

30 A. That's right. Effectively, it was just any bit of paper that was available, and it wasn't any sort of formal document at all.

Q. The notes on those paper were not detailed, they were scrawlings, is that an accurate characterisation?

35 A. That's correct. It was scribbles, probably legible to myself, and really it was just tried to be captured as, as quickly and as fast as possible.

Q. Why did you prepare the notes on 16 April?

40 A. So the notes - sorry, do you mean the pre-scribe document on the 16th?

Q. Yes.

A. That, that was done I guess, I guess as a direction as it would probably be best to document something in a, in a formal way of what I remember and recollect from the event.

45 Q. Do you recall who gave you that direction?

A. I don't recall exactly. It was - I was very much a part of the, I guess operational side of the reopening of the centre and what that looked like post the few days of what took place.

50

Q. By the time you prepared those notes, you'd discussed this incident with your - a number of colleagues, is that right?

A. That's right.

5 Q. You'd come to understand certain events about the way things unfolded, correct?

A. That's right.

Q. What was your state of mind when you prepared those notes?

10 A. To be completely honest, it was a blur. I still, I think at that particular time, hadn't had much time to even think about what was going on. I certainly hadn't given myself any opportunity to reflect on what had happened or anything like that. It was - I guess I was probably still high on adrenaline.

15 Q. There are numerous inaccuracies in those notes that you have come to appreciate, is that the position?

A. That's correct.

20 Q. All right, we'll come to those. Thank you. The structure of my examination today is really to go to your background and your role as Retail Manager, and then to go to your training in relation to emergency response procedures, with particular focus on an active armed offender scenario, then to turn to the events of 13 April. And finally to deal with your reflections and also some things that may have changed since the events of that day, okay?

25 A. Sure.

Q. Let's start with your background. We know that you commenced with Westfield Bondi Junction, as you've indicated, on 15 February as a Retail Manager. But prior to that, it's the position that you were at Westfield Hurstville for 11 months?

30 A. That's correct.

Q. When did you start in that role?

A. March of 2023.

35

Q. Then you went to Westfield Parramatta for a month?

A. That's right.

40 Q. And then moved to Westfield Bondi Junction. But prior to that point you'd been with Hoyts for some 12 years?

A. That's correct.

Q. Including in a management role?

45 A. That's right. So various management roles over that 12 year period.

Q. You'd had some emergency response training in connection with those roles, is that right?

A. That's right.

50 Q. What's the role of a Retail Manager at Bondi Junction?

5 A. Of course. The role of a Retail Manager is the direct link between the stakeholders of the business, so direct link for customer, centre, and I guess business partner or a retailer. It's effectively the role that supports the retailers conduct their business within the centre in the best way possible. And it's a member of the centre management team.

Q. You reported to the Centre Manager, who was Luke Caleo, is that right?
A. That's correct.

10 Q. Your role is in effect second in charge, the 2IC?
A. Effectively, yes.

Q. You worked five days a week, a 38-hour week?
A. Yep.

15 Q. And sometimes on weekends?
A. That's correct.

Q. In terms of the allocation of emergency roles when you start a shift each day as a Retail Manager, how does that happen?
A. So the allocation of emergency roles are often allocated - or not often, but they are allocated at the huddle, we call it. So we start our day via huddle, which is where centre management team members meet, as well as other personnel, being security supervisor, cleaning supervisor, and any other centre staff that are present, and where we talk about centre operations.

20 Q. That is really to ensure that you're on the same page with other key centre management staff?
A. That's right.

30 Q. And so that everyone has visibility as to what's happening in the centre that day and to allocate emergency roles, correct?
A. That's correct.

35 Q. That starts at around 8.45, is that the position?
A. Yep.

Q. Are those emergency roles allocated in a document called a DCER, D-C-E-R?
40 A. That's correct. So the DCER is shared widely with the centre team via Microsoft Teams and is then physically discussed and brought up in, in the centre huddle.

Q. I'm going to show you a document that I think has been distributed to the parties.
45

SULLIVAN: Can I show the witness a document, please? This is not in the brief of evidence.

50 Q. This is what I understand to be the DCER for Saturday 13 April.

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A. Thank you.

Q. Do you have a copy of that document?

5 SULLIVAN: A copy for her Honour perhaps as well.

HER HONOUR: We'll have another one, thank you.

SULLIVAN

10

Q. Is that a copy of the DCER for that day?

A. That's correct, yes.

15 Q. There we see that you were allocated the Chief Warden emergency response role?

A. That's right.

Q. There's an allocation of M2 next to your name. Is that a radio callsign in accordance with the Red Book, the Westfield Red Book?

20 A. That's correct. So, it's consistent with, I guess M refers to management, 2 being myself.

Q. Then we see the communications officer is M11, a person called Andrew, is that correct, that entry?

25 A. So that, that entry is actually incorrect. Andrew's, his position at that time was assistant facilities manager. His shift was covered by Tyson Rogers.

Q. So he assumed that role of communications officer?

A. That's right.

30

Q. The on-scene coordinator was Rahim Zaidi, is that correct?

A. That's correct.

Q. He had the call sign M20?

35 A. That's right.

Q. The security control operator was a controller who we will refer to as the female controller, who you know to be a particular person?

A. That's correct.

40

Q. Then the secondary control operator was S2, that's Jerry Helg, correct?

A. That's correct.

Q. And there's others referred to on that sheet.

45

EXHIBIT #4 DCER FROM 13/04/24 TENDERED, ADMITTED WITHOUT OBJECTION

Q. After the team huddle, is there a walkthrough of the centre when--

50 A. Absolutely.

Q. --you're acting as Retail Manager?

5 A. That's correct. So, every day commences with the huddle where we discuss all centre operations, anything that's going on in the centre, whether it be marketing related, any particular areas of focus, anything maybe facilities-wise that's not operating correctly. And effective of that walk is to confirm that, and get, I guess the visual perspective to ensure that we're satisfied with how the centre is presenting for the day.

10 Q. Right. Turning to the topic of communications during a shift, you deal with this at paragraph 18 to 20 of your second statement if you need to refer to it. But in short, you can communicate as Retail Manager with other teams on a radio, is that right?

15 A. That's correct.

Q. Those other key teams are the cleaning team, the security team and the centre management staff. Right?

A. That's right.

20 Q. You wear an earpiece at all times during your shift?

A. That's right.

Q. How do you talk into the earpiece?

25 A. So the earpiece is - you know, it's fed through my shirt. It effectively stays with me from when I arrive in the centre and it's fed through my shirt. You've got a, a loop that sits above my ear that feeds the audio in, and there's a mic piece that is just, just below my chest.

Q. The radio is on at all time?

30 A. That's correct.

Q. Even if you're in the bathroom?

A. That's correct.

35 Q. Communications are primarily on the general channel?

A. That's right.

Q. But there are other channels?

40 A. That's correct.

Q. What are they?

45 A. So we've got a channel for car park, which is the car park operations, so it's where the car park control room discuss car park operations with the car park team. There's a cleaning channel where the cleaning supervisor then discusses cleaning operations with his team. There's also a chat channel, which is a channel that could be used for chat should it be directed that that - that channel's to be used. There's also an emergency channel.

Q. When is the emergency channel used?

50 A. The emergency channel is used by, I guess, if it's directed to be used for

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the purpose of an emergency. A call was made that all relevant users are to move to an emergency channel.

Q. Was the emergency channel used on 13 April?

5 A. It was not.

Q. Do you know why not?

10 A. I guess the general channel, which is channel 2, is the channel that we were on during the time of the emergency, was a channel that everyone's on always. So to move people to an emergency channel would need to be declared and clear to everybody listening on the radio that they would need to move onto that channel for communication to be consistent.

15 Q. Did you contemplate moving everyone onto the emergency channel at any point on 13 April?

A. A fleeting thought, but only - I guess, the decision was made not to for the simple fact that it would be too difficult to ensure that everyone was on that channel.

20 Q. When you say "a decision was made", who was that made by?

A. Myself.

Q. When you're speaking on the radio, how do you transmit a message?

25 A. Yep. So you've - as I mentioned, you've got a microphone sort of unit piece that sits, sits here in my chest and you'll need to press that button, in which case you would hear a beep, and then you could relay your message.

Q. On 13 April, we'll come to the particulars, but did you have difficulty in transmitting messages?

30 A. At the time of the incident, yes, just purely given the amount of radio traffic that was, was on the radio at the time.

Q. Radio communications at Westfield are not recorded. That's correct?

35 A. That's correct.

Q. We have no contemporaneous account of what occurred in terms of radio communications?

A. That's correct.

40 Q. When you're on the radio speaking as the Retail Manager on the general channel, are you communicating directly to the CCTV controller?

A. Depends who you're speaking to, but effectively if I were to be contacting security it would be directed to control. So I would say, "M2" or "Mic 2 to control." Control would respond.

45 Q. You'd agree with this: the CCTV controller has a critical role in terms of radio communications in the event of an emergency?

A. Absolutely.

50 Q. I want to turn now to the training that you had received prior to

13 April 2024 in order to equip you to deal with that scenario. You deal with this in particular in your second statement at paragraph 60 and following. At paragraph 61 you refer to weekly toolbox meetings. What's a toolbox meeting?

5 A. Sure. So we call them toolbox Tuesdays or just a - it's a toolbox talk. It's effectively where the Risk and Security Manager or a member of Risk and Security team choose a scenario or situation within our Red Book, which is our emergency management response guide, that we would talk through that incident in a desktop conversation-style open forum to discuss what we would
10 need to do if that situation would be unfolding. And also provide feedback and opportunity for questions. Effectively open discussion.

Q. Do they happen at the morning huddle?

15 A. That's right. So we would do a standard morning huddle, as we would every day, and that would just follow the huddle at that - on that day.

Q. You would take scenarios from Scentre's Red Book. Is that right?

A. That's correct.

20 Q. And work through those?

A. That's correct.

Q. Including the active armed offender scenario?

25 A. That's correct.

Q. We'll come to the Red Book. Do you specifically recall, whilst you were at Westfield Bondi Junction, undertaking a weekly toolbox meeting in connection with an active armed offender scenario?

30 A. So the toolbox talks would change every week, but in that rotation, yes, there definitely was an armed active offender situation.

Q. Another type of training you would undertake is full evacuation training that was conducted by a crew called TrimEVAC. Correct?

35 A. That's right.

Q. What does that involve?

40 A. So the TrimEVAC session is a very practical exercise. It's an exercise that involves retailer, customer, and I guess centre management team. And it's effectively where - it's broken up into two sessions. The first session being where the facilitator from TrimEVAC, Steve Todd, would effectively talk through the fire management system, some processes around what tone to sound, at what time, and this is a, sorry, a briefing with, with retailers.

45 Following that session we would then break. The retailers would go about commencing their general trade. We would - we - by "we", I mean the centre management team would break into a certain space. For this particular training session I was directed to the board room where we--

50 Q. Pausing there. When you say "this particular training session", are you referring to a training exercise on 21 March 2024?

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A. That's right.

Q. This is the one that you've referred to at paragraph 63 of your second statement?

5 A. That's correct.

Q. Carry on, sorry.

10 A. Of course. So following the briefing session with the retailers, we actually engaged and activated a full centre evacuation, so that's where we set off the tones in the centre.

Q. Pausing there. What are the two tones in the centre?

15 A. Sure. So there's two tones. One being the beep beep, which is the alert tone.

Q. What's the alert tone?

A. The alert tone is a initial - a part of the EWIS system to notify that there's an alert or something that's been activated in the centre.

20 Q. What's the EWIS system?

A. So the EWIS system is the fire management system that, I guess, is fire monitoring throughout the building. It includes like smoke detectors, you've got your sprinklers, so there's a dry alarm or a wet activation. And it's effectively the fire management system for the building.

25 Q. What's the other type of alarm?

30 A. So the other alarm is the whoop whoop tone or, that's how I refer to it, is the evacuation tone. So it effectively sounds as it says. It's a whoop whoop evacuate tone, which is different to the alert, in which case it's directing people to evacuate.

Q. On that date, that is 21 March 2024, were you acting as the Chief Warden during this evacuation exercise?

35 A. Yes. So it's standard practice for - I guess I was the - I was newer to that centre at that time, and I was allocated the role of Chief Warden. So when I say that, we conducted a full centre evacuation, it wasn't just a desktop situation. We responded to an evacuation as if it were occurring in real time, which it did. So it's additional to the tones being set off. We were allocated our emergency roles. I was Chief Warden, and I had to direct and orchestrate the evacuation of the centre.

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Q. Were you on the radio whilst you were doing that?

A. There were times. Yes.

45 Q. What's your attitude to exercises like that?

A. I mean, I remember at the time, being quite new to the centre, that it was confronting because I didn't want to not have the right response in front of my peers and feeling that pressure, but at the same time, you know, I think we, we all take it very seriously. It was - whilst it was a controlled evacuation exercise, it was something that we, we did as if it were actually occurring. So I felt

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pressure, but I guess felt comfortable that it was in a controlled environment.

Q. How many times did you participate in an evacuation whilst you were at Westfield Bondi Junction - an exercise like that?

5 A. So that takes place multiple times a year. But I guess, you know, it differs from if there were to be an evacuation that were to happen outside of that. And what I mean by that is, I guess it's common that fire alarms activate for certain reasons.

10 Q. But that was the only one you'd done at Westfield Bondi Junction. Is that right?

A. That's correct.

Q. You'd done them previously at Hurstville?

15 A. That's correct.

Q. You also address site specific training that's given to you when you arrived at Westfield Bondi Junction, and in particular you talk about the notion of a CX lead. We understand CX to refer to customer experience. Is that right?

20 A. That's correct.

Q. What does CX lead mean?

25 A. CX lead is effectively the duty manager responsible for the, the shift. They are the person who assists our services team, or concierge team, with cash, obviously, for their, for their concierge desks. But they're also effectively the duty manager.

Q. You are the CX lead when you're the Retail Manager, are you?

30 A. So I'm allocated the CX lead on a roster rotational basis. It's not given that because I'm Retail Manager I'm automatically CX lead, but I do hold that, and, I guess, a tick of qualification, so to speak.

Q. You go through a specific induction program to become signed off as a CX lead. Is that right?

35 A. That's correct.

Q. You're taken through the centre by various members of relevant teams, for example, security take you through and point out the fire control panel, et cetera, at Westfield Bondi Junction. Is that right?

40 A. That's right.

Q. It's the position that you were signed off as a CX lead on 27 March 2024?

A. That's correct.

45 Q. You'd had a similar sign off whilst you were at Westfield Hurstville. You say that at paragraph 71?

A. That's correct.

50 Q. Turning now to your active armed offender specific training. You deal with this at paragraph 76 of your second statement, and at annexure B, where you

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note the specific AAO training that you have received whilst employed with Scentre. Do you know what I'm referring to?

A. I do.

5 Q. Indeed, we see there are a number of training sessions during the period 1 March 2023 to 2 April 2024 where specific AAO training is given - active armed offender training is given. Do you agree?

A. I agree.

10 Q. Including on 5 April 2023, on 11 August 2023, on 10 February 2024 and on 2 April 2024 you had training on a topic of terrorism, which covers AAO. Is that right?

15 A. That's right. So the session on 2 April was a session run by Fulcrum, and we did training and crisis management and emergency response. So they're our third party provider that provide us with that training.

20 Q. I might just briefly go to that exercise given its proximity to the events. If we could have please on the screen tab 1600 of volume 43. Go to page 162. This is a statement of Bradley Goldberg. We see there on page 162 - if we perhaps scroll up - "emergency management training workshop full session attendance register", this is on 2 April. It's held by the facilitator, Danny Fraticelli, from Fulcrum. Is that right?

A. That's correct.

25 Q. If we scroll down, we see your attendance there as the last attendee. Correct?

A. That's correct.

30 Q. If we keep scrolling through, keep going through, and here we see, on an angle - if it's possible to rotate it - the emergency - that document that you saw on its side, that's the presentation pack that was given by the facilitator. Is that right?

A. That's correct.

35 Q. We'll bring it back up. There it is. Emergency management training workshop. Just scroll through please. There's the introduction and administration. To the next page. Moving through. And in short form this training exercise was a day long?

A. That's correct. It was a full day training exercise.

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Q. It canvassed a number of different scenarios, including what is an emergency, and then the types of specific emergencies that are canvassed in the Red Book?

A. That's correct.

45

Q. One included a violent protest?

A. That's right.

Q. Another was a gang scenario?

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A. That's correct.

Q. The facilitator took you through those scenarios and asked you to respond. Is that right?

5 A. That's right. It was a very in-depth exercise that involved a lot of desktop talking, open discussion and also, I guess, roleplay, so to speak, as if those scenarios were actually unfolding in the centre.

Q. Did you find that helpful?

10 A. Beyond, I think, once again, I guess, I felt that sense of discomfort because I wanted to get it right. But in that particular scenario too I was allocated Chief Warden for how I'd respond to those situations unfolding, and they're things that you never want to happen, but I guess in that controlled environment, you needed to respond as if it were taking place.

15 Q. That was the final training that you had before the events of 13 April 2024?

A. That's correct.

Q. We'll come now to that day. On that day you were the Retail Manager, and you were also allocated the role of duty manager. That's right?

20 A. That's correct.

Q. You arrive at around 8.30. Correct?

A. That's right.

25 Q. Your day, as you set out at paragraph 21 of your second statement, starts normally. There's the team huddle in the morning. Is that right?

A. That's right. It was just a standard Saturday of coming to work.

30 Q. And there's an allocation of roles in accordance with the DCER as we've discussed?

A. That's right, so we went about our huddle, discussed centre operations for the day, and in that huddle, spoke about the emergency roles.

Q. As we know, you were allocated the role of Chief Warden, correct?

35 A. That's correct.

Q. What is the role of Chief Warden in an emergency response scenario?

40 A. The role of Chief Warden is to command - take command of the emergency situation and to control and direct other team members within the DCER to respond per their role, so it is all orchestrated - ensure that we are following the processes by our Red Book.

Q. Taken directly from the Red Book - and I'm at tab 993D volume 29 page 21 or page 318 in the red numbering - that sets out that there is the requirement to "assume command and control" - perhaps we could make that a bit bigger - and then also - "to obtain accurate information from centre personnel on scene, conduct an assessment and develop an appropriate course of action". So that is the first and second bullet point and that is the key role of the Chief Warden in any given emergency scenario. Is that right?

50 A. That's correct.

Q. The centre management team on that day, as we know was Mr Zaidi; he was the assistant duty manager who had assumed the role of on-scene coordinator, correct?

5 A. That's correct.

Q. And Tyson Rogers was the Facilities Coordinator who had assumed the role of communications officer?

10 A. That's right.

Q. And there were the other roles as we canvassed. That morning during the walkthrough, was there a code red smoke alarm activation at David Jones?

15 A. That's correct. So as I mentioned prior, it's quite common that the fire alarm system activates for reasons that could be as simple of someone steaming a garment underneath a smoke detector. So that particular situation unfolded with David Jones had been steaming a blazer below one of the dry alarms in their store.

Q. So that issue was resolved and you went about your day having lunch, as we note, quite late at around 3pm, correct?

20 A. That's correct, yeah.

Q. Then you have that lunch in the centre management office?

25 A. That's right, so there was - I mean, there's no set time for lunch but it was the, the quietest time I guess after being on the floor that I was able to have something.

Q. Where is the centre management office located?

30 A. Sure. The centre management office is located just one floor up from retail level 6, so it's on level 13. I know it's 13 to 6, but effectively it's one floor up from, from that level, and it's located in one of the commercial towers that are linked to the shopping centre.

Q. We know that at 3.28pm you sent a Teams message to a colleague unrelated to any particular matter and then you went to the bathroom. Is that right?

35 A. That's right.

Q. The bathroom's on the level 13 - centre management office close by?

40 A. That's right. It's, it's probably about 10 metres away from - yes.

Q. Whilst you were in the bathroom, you heard a broadcast over the radio?

A. That's correct.

45 Q. What broadcast did you hear?

A. I'd heard a broadcast from one of the security officers, female, very distressed, had called through "Code black - code black alpha. There's, there's lots of blood. You need to hurry", something to that effect.

50 Q. "Code black, code black alpha. There's lots of blood. You need to hurry."

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That's what you heard?

A. That's correct.

Q. What does code black signify?

5 A. So code black refers to personal threat, and alpha is a code - a, a term that's used to escalate that code colour.

Q. Did you know that immediately when that was referred to?

A. That's correct.

10

Q. How did you know what those codes were?

15 A. So effectively it's part of our training and induction to be familiar with the, the colour codes. It operates across all of the Westfield centres. For myself, I have also - I mean, every single team member has a, a lanyard, so with my set of keys or access pass, I've got a, a reference sheet that says each colour and, and what, what that colour means, but you generally know those colours.

Q. Was that message repeated by the female security guard?

20 A. Yeah, it was repeated two times. She, she was quite distressed and, and as I said, said "You need to hurry. There's, there's lots of blood".

Q. Did you know the callsign for the person who made the broadcast?

A. Unfortunately not, no.

25 Q. Was there reference to a location?

A. No, there was not.

Q. Are you clear about that?

A. Absolutely.

30

Q. Excuse me. This is a security guard who is on the floor, as it were, and not in the control room. Is that right?

35 A. That's correct. So the security guard, a female, had called through "S", and I, I can't remember her callsign, to control, so she was a guard who was on the floor.

Q. In your scribe notes, if we can go to those please, that's at tab 1010, you have a different recollection that you set out. That's right?

40 A. Yes, so in - yeah, that's correct.

Q. I'll just take you to it. So this is - you say "About 3.31 give or take two minutes" - that's set out in the top of that table, but what you've put in your scribe notes is:

45 "Radio call by security personnel S to control 'Code black, code black alpha. There's lot's of blood. Code black. We need assistance. There is a man with a knife."

50 It goes on, "Please hurry. He's running. Another code black. Possible fatality. There's lots of blood." Do you see that?

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A. I do.

Q. You don't now recall the reference to, "There's a man with a knife." Is that right?

5 A. That's right.

Q. Why do you think you made that error?

10 A. As I've put in the pre-scribe account, this is in - as I've mentioned, this recollection was taken three days after the incident taking place, and it, it really was a time - as I mentioned, it was a - it was such a blur for myself. It also was written as a recollection based on I guess at that time it was facts that were well known with the benefit of hindsight that that took place, and it was stuff that was, was spoke about, we knew the facts around what had, what had happened, and, and once again, I guess I was highly emotional, highly
15 stressed at the time and maybe in my mind thought that that is what had, had happened.

Q. If you had heard, "There is a man with a knife" and the rest of that message, "Please hurry. He is running. Another code black. Possible fatality.
20 There's a lot of blood" - and we know that that broadcast was made around 3.33 and 33 seconds. If you had heard that message at that time, what would you have done then?

A. It would have been a very different reaction in terms of if, if it would have been per what's on this pre-scribe account, that "There's a man with a knife.
25 Fatality. Lots of blood," we - it would have been instantaneous that police would have been notified. We would have, I guess in that situation had been almost certain that it was an AAO situation, so it would be a very different response.

30 Q. But you accept that your pre-scribe notes are written three days after the event?

A. That's right, yes.

Q. And your police statement is in August 2024?

35 A. That's right.

Q. And your supplementary statement is in March 2025?

A. Yeah.

40 Q. Is the difference in your recollection the fact that you then had access to CCTV footage that assisted you piece things together with the benefit of that recording?

A. Absolutely. I think it, it definitely was a clear indication with the benefit of having CCTV to indicate my movements on the day, and there is no way in my
45 right mind that I would walk towards an incident if I had known what was unfolding.

Q. So we should be cautious about your pre-scribe and scribe notes. Is that an accurate statement?

50 A. That's correct. They - as I mentioned, they, they were taken three days

after and I guess for myself it was - as I said, I hadn't given myself an opportunity to actually process what had even happened. But I, I guess I pride myself on being very operational so, you know, being a part of, you know, the, the, literally the, the morning following the incident and being a part of the
5 centre, because I know that that's my role, is to assist in operations. It, it, it kind of - it was a blur.

Q. Were you finding it difficult to write the pre-scribe notes at the time?

A. Absolutely. I recall, I guess, using one of the, the rooms in centre
10 management office and, I mean I probably was there for greater half of two and a half hours just trying to, to do my best to recall what had taken place and put pen to paper. As I said, amongst all of that I was, I guess, very occupied mentally with centre operations and I guess what that means for my role to support the Centre Manager, being I guess second in charge. So there
15 was a lot of pressure for myself to, to put pen to paper as well as even try to think about something that had happened from an objective perspective.

Q. Do you recall hearing, shortly after that first broadcast from the female security guard, a male security guard broadcast words to the effect of, "I'm
20 stabbed" or "I've been stabbed"?

A. I don't recall that at all.

Q. After you heard the broadcast, what did you do then?

A. Sorry, are you referring to the initial broadcast?
25

Q. The initial broadcast.

A. Sure. So as soon as I'd heard that broadcast, I'd obviously raced out of the bathroom, had in my passing running towards centre management office had seen Rahim and Jerry at the lift. They were heading down. I had headed back
30 to CMO and then had soon followed them after that.

Q. I'd just like you, if you would, to give a very short account, summary account of what you did, because we are about to go to the CCTV footage and look at it in some detail.
35

SULLIVAN: I should indicate when we do that that there's nothing sensitive on that recording, although I do note that it may be triggering for people in court to be taken back to that day and to see the centre. So I give that warning, your Honour.
40

HER HONOUR: Thank you.

SULLIVAN

Q. Okay. I ask you to take it up from getting into the lift?
45

A. Yeah, so I, I'd gone into the lift, had, you know, I guess tried to at least have my, my, my hand to my ear just trying to listen out to any more information that we had known. By that time, I, I hadn't seen Rahim or Jerry as they'd been stepped ahead of myself, had walked down from level 6 to the
50 level 5 escalator, had been stopped by a lot of customers at the level 5

escalator. Once again, still trying to listen out for more information as to what was taking place, and was stopped by customers and they had, they had asked to the effect of like, "What's happening?"

5 And at that time, I, I had not known any more information other than the code black that was called through, so I guess I, at that moment, had a customer service front I guess of, you know, just trying to comfort them, "I'm sure - I'm not sure. We'll notify you once we're aware," and I guess my attention then turned to I guess walking towards the mall to see any - if I could
10 identify what was actually taking place.

Q. What was your purpose in walking towards the mall? Are we talking about on level 5?

15 A. That's right. So I guess it's, it's quite common that, as you could imagine, there's, there's lots of I guess situations that unfold in a centre and it's quite common as a response to walk towards the scene of what's taking place and, and often, outside of this particular situation, is the incidences or incidents that unfold are, are not..(not transcribable)..at all, so, you know, you are best
20 placed to walk towards the scene and coordinate, whether it be moving customers away or assisting to ensure that you can be there at the time so my intent of walking into the mall was to understand more of what was happening.

Q. What happened once you got to level 5 and you were walking - in which direction?

25 A. Sure. So I'd, at that time, was walking towards the left, towards level 5 air bridge and that's - for context, the Bondi Junction Centre is split across two buildings and is connected via an air bridge on that level. So I'd walked towards that level in which case I had heard Rahim transmit a radio call.

30 Q. What was the radio call that you heard him transmit?

A. So Rahim was very clear in his radio call to say, "Code black. There's an active armed offender. Contact blue lights immediately. We need urgent backup."

35 Q. Pausing there, is that the first time that you understood you had an active armed offender in the centre, the time of that broadcast from Rahim?

A. That's correct.

Q. Continue on.

40 A. So Rahim had called through that radio broadcast and, and as I said, it was probably the very first clear broadcast on the radio that was transmitted and he was clear and he repeated it three times. For me, that was enough to understand what was taking place. It was in that moment that I knew that I was going to be of no benefit walking towards an incident to coordinate or
45 support, that I then needed to turn back and, and enact my role as Chief Warden.

Q. There's a slightly different version of that given in your second statement, your supplementary statement in terms of what Rahim broadcast. This is at
50 paragraphs 34 to 35. You refer to "Code black alpha. Someone's on the floor

LTS:DAT

unconscious. Active armed offender. Contact blue lights. There are multiple victims"?

A. Sorry, yeah, that's, that's correct, yes.

5 Q. That is your recollection as set out in your second statement?

A. That's right.

Q. And that was repeated three times, that message?

A. That's correct.

10

Q. Clearly repeated?

A. That's right.

Q. At that point what do you do?

15

A. So I'd immediately, I guess, turned back and raced towards - back up level 5 up the levels 5 to 6 escalator, in which case I was listening out for radio calling and the first opportunity that I had to, to jump on the radio to make an announcement to control.

20 Q. So, whilst you're on the escalator going from level 5 to level 6?

A. That's right.

Q. Yes.

25

A. So I - that was literally the, the first free time that the radio wasn't congested with, with radio chatter. And you can tell that your transmission's come through, because you can hear a beep, as I mentioned, when you, when you press the radio. And had called through to control asking them to confirm that blue lights had been contacted. I had made direction for control to activate the CME0 and make PA announcements for an AAO situation. And once again had really tried to repeat that as much as possible.

30

Q. What are the PA announcements for an AAO situation?

35

A. So, there are, there are two different ones. One being if a location is known, and two being if the location is unknown. So, my intent by making that was for control to make PA announcements given the fact that we, we had a known location, the one I referred to around not knowing location.

Q. So that is in effect a direction to the security control operator to execute those things, that is, to confirm that blue lights, the police, have been contacted firstly. Secondly, to make the PA announcements, correct?

40

A. That's right. And, and following that is to activate the CME0.

Q. The CME0 is what?

45

A. The CME0 is our centre management, it's a, I guess a panel or a system, if you want to call it a system, that allows, once activated, all the digital screens in the centre to portray a certain image that refers to what's unfolding.

Q. What would those CME0 screens depict in the event of an AAO within the centre?

50

A. So, in terms of if an AAO, or the CME0 was activated from an AAO button,

LTS:DAT

they would display our messaging of escape hide tell, or run hide tell.

Q. There's a specific AAO button that one can press on the CMEO panel that will activate that on the visual display screens within the centre?

5 A. That's correct, yes.

Q. Did you get a response from the security control room confirming your directions over the radio?

10 A. The, the radio traffic was so congested, I don't even recall what, what was being said. But I don't recall there being confirmation that it, it had been done. As I said, I, I, when I made that call I heard the beep on my radio and was able to repeat that a few times, because my intent was to make sure that that message got through, and I knew it had because of the beep.

15 Q. I'm sorry, you say you knew it had because?

A. Sorry, it had been transmitted, because of the beep that you would hear once you press the radio.

20 Q. All right. After you made that transmission on the escalator, where did you go then?

A. So, I proceeded towards level 6 towards the lifts. At that time I'd also made another broadcast for our - notifying centre staff of what was taking place, an AAO situation, seek shelter, and had proceeded up the lift to level 13.

25 Q. To the best of your memory, what was the broadcast that you made to centre staff?

A. Once again, it was lots of radio traffic, but it was "Code black, there's an armed active offender situation, seek shelter".

30 Q. You took the lift from level 6 to level 13, is that right?

A. That's right. Which is just one floor up.

Q. You entered the CMEO - sorry, I withdraw that. You entered the CMO, the centre management office?

35 A. That's correct.

Q. Briefly?

A. That's right.

40 Q. Why did you go to level 13?

45 A. I guess it was an automatic response for myself, because I knew that you could activate and display CCTV from centre management. That involved me having to log on and display that onto the screen, which I knew was inefficient. So, in which case as soon as I had got upstairs I had decided, no, it would be more efficient for me to, to head downstairs to the control room where I would have eyes on.

Q. So, you decided to go to the control room to set up an emergency operations centre, is that the position?

50 A. That's correct.

Q. What is an emergency operations centre?

5 A. So we refer to it as EOC, but it's effectively a spot for those within emergency management response roles to gather and make direction and I guess command of the situation that's unfolding.

Q. How did you get from level 13 to the security control room?

10 A. So, the lifts that go to level 13 also go to P4, which is where the control room is located. So, as I had entered the lifts, once again had got the lift that had taken me to P4. However, in that time the lift had stopped on the ground level, which is the Oxford Street level, which case we had customers enter the lift. My focus was to get to control. They'd gathered in the lift, and I'd headed down to P4.

15 Q. We know that you get to P4 and ultimately enter the security control room at around 3.40pm, okay. We'll come to the CCTV footage in a moment, but once you entered the security control room, what did you do?

20 A. So, I recall being on the way to the control room trying to contact my Centre Manager, Luke, to notify him I guess from an escalation perspective of what was taking place and what actions had been followed. Luke had missed those calls, so I then contacted Chris Zerial, the other - sorry, the Regional Manager, and had notified him via escalation of what had been taking place.

Q. Okay.

25 A. As I entered the control room, my key focus was really to get eyes on the situation, understand what was taking place. Because it was up until I guess - I still at that point had not known any more information that was clear other than what Rahim had transmitted on the radio.

30 Q. What happened once you went into the control room?

35 A. So, I got to the control room. I'd seen CR1 on the phone and I had asked her to contact the police, you know. Whilst I'd made the direction on the escalators on retail level for the things that I had said, I wanted to verify that those things were taking place. So I'd asked, "Have you contacted police, are we on the phone"? She says, "I'm on the phone with the police". And I could visually see her on the phone. And then I had asked the question, "Where are we now, what's happened?" Like, "What do we know", effectively. Because at that point, as I said, we still hadn't known any information around what was unfolding.

40

Q. Was she able to respond to those questions?

45 A. As I mentioned, she was, she was on the phone, so I can't recall exactly what the conversation or exchange was. She'd confirmed, however, that she was on the phone.

Q. This is the point where we might start to refresh your memory by virtue of the CCTV footage.

50 SULLIVAN: If we could bring that up, please? This is from tab 1599A, volume 42. This is attached, just for the record, to the supplementary

LTS:DAT

statement of John Yates dated 22 April 2025 as referred to at paragraph 4.
This goes for the order of, I propose to play in the order of about 12 minutes,
your Honour.

5 Q. And pause at various points to ask you some questions and point out
certain features. This is the centre management office.

SULLIVAN: Is it possible to zoom in at all? No.

10 Q. Do we see there three members of staff who are engaged in training, to
your knowledge, is that right?

A. That's correct. So it's Rahim, Jerry and CR2.

Q. And are you up the back at your desk?

15 A. That's right. If you look to the far, I guess back corner to the right, I'm just
at my desk.

Q. We can't actually see the timestamp on the CCTV footage, but is it your
understanding that the recording in the CMO is about three minutes slow, the
20 timestamp for that camera?

A. That's correct. So I guess I understand now that that time wasn't accurate
to real time.

SULLIVAN: If we could continue with that CCTV.

25

VIDEO PLAYED TO COURT

SULLIVAN: We can fast forward through a couple of minutes I think, and
perhaps if we commence at about two minutes in.

30

VIDEO PLAYED TO COURT

Q. I can see a figure moving in the background. Is that you heading to the
bin?

35 A. That's right, yes.

VIDEO PLAYED TO COURT

SULLIVAN: Is it possible to scrub forward?

40

VIDEO PLAYED TO COURT

Q. This is you going to the bathroom?

A. That's right.

45

VIDEO PLAYED TO COURT

Q. This is the point we're pausing there where your colleagues have heard the
broadcast, as we now know, and run to the lifts?

50 A. That's correct, yes.

LTS:DAT

SULLIVAN: Continue playing, please.

VIDEO PLAYED TO COURT

5

Q. That was Mr Zaidi who put his jacket on, is that correct?

A. That's right.

10

Q. And there's you running. And you and Mr Zaidi have a short engagement there?

A. That's right.

15

Q. Do you remember what was said at that point?

A. I don't recall the exact words that we, we spoke about, but it was, I guess very short, brief, acknowledging that he had heard what I had heard and that he was on his way to respond.

VIDEO PLAYED TO COURT

20

Q. Pausing there. So, Mr Zaidi's account is that "Just as we were getting into the lift" - this is at tab 1597, volume 42 at paragraph 33:

25

"Just as we were getting into the lift, Joseph came around the corner and said words to the effect of, 'Hey what's happening? Is it a fire?' I said that I didn't know but I was heading down to find out".

Do you recall that?

A. Not at all.

30

SULLIVAN: Keep playing, thank you.

VIDEO PLAYED TO COURT

35

Q. Do we here see you running and collecting your blazer?

A. That's right.

VIDEO PLAYED TO COURT

40

Q. This is level 6, correct?

A. That's correct.

Q. We see you coming out with your hand to your ear, is that right?

A. That's right. Just listening out for the radio.

45

Q. Now approaching the escalator to level 5?

A. That's right.

VIDEO PLAYED TO COURT

50

Q. And pausing there, we see a number of customers gathered around you.

LTS:DAT

That's the conversation that you were referring to?

A. That's correct.

Q. Do you recall anyone telling you at that point "There's a man with a knife"?

5 A. Not at all. It was very much like, "What's happening?" It was a lot of questions directed at myself while I was trying to listen to the radio.

Q. Was there a siren at that point, the evacuation alarm?

10 A. No, nothing. Nothing out of the ordinary, other than me seeing retailers shutting their shutters and people asking what's happening.

Q. Was that unusual, that they were shutting their shutters?

15 A. It's unusual for them to do that during trade hours, so I think, I mean I can only assume that that's why customers were asking me what was happening, because they had seen something out of the ordinary.

SULLIVAN: All right. Let's continue on, thank you.

VIDEO PLAYED TO COURT

20

Q. Just pausing there, we see you walking over to the railing. Do you see that?

A. Yes.

25 Q. Is that because you'd received a radio transmission or a call that was significant?

A. I don't believe so. I believe it was me just trying to understand what activity was taking place, where if I can see anything over the void.

30 SULLIVAN: Yes, thank you, continue on.

VIDEO PLAYED TO COURT

35 Q. Just pausing there. There's a woman with a pram walking forward, and you are coming behind her. You have a conversation with her in a moment. I'm going to ask you about that conversation.

SULLIVAN: If we could continue, please.

40 VIDEO PLAYED TO COURT

Q. Pausing there. Do you see that conversation? Do you remember that?

45 A. I can't say I recall that conversation. But if I were to try and recollect, it was probably her asking again like what's happening.

Q. You see that you change direction because of that conversation apparently?

A. I, I can see that, yes.

50 Q. No recollection about what that relates to?

LTS:DAT

A. Unfortunately not, no.

SULLIVAN: Thank you. Can we continue?

5 VIDEO PLAYED TO COURT

Q. We now see you walking up on level 5 near Eckersley's.

10 SULLIVAN: Stop. Thank you. If we could pause.

Q. We saw you turn on your heel at a point. What's happened then?

A. So that would be the time that I'd received Rahim's radio call, as I mentioned earlier.

15 Q. That's the point where he's told everyone it's an active armed offender situation?

A. That's correct. Yes.

20 Q. Is any further verification required from your perspective as Chief Warden to activate procedures?

A. No. I, I have high belief in Rahim, of being Risk and Security Supervisor's ability to - if he's called through a situation such as that it - I mean it's, it's what he's called through.

25 Q. Everything should kick in from that point?

A. That's correct.

SULLIVAN: Continue.

30 VIDEO PLAYED TO COURT

Q. You're running at this stage, we see?

A. That's right.

35 Q. You're now heading from level 5 onto the level 6 escalators.

VIDEO PLAYED TO COURT

40 Q. Pausing there. It was difficult to see, but it appears that you have your hand up again and you may be speaking into a radio?

A. That's right. This is the, the first time, as I mentioned, where radio traffic wasn't congested and I had the ability to, to press my microphone to activate my transmission.

45 Q. You had tried to send the direction at an earlier point?

A. That's right.

SULLIVAN: Carry on please.

50 VIDEO PLAYED TO COURT

LTS:DAT

Q. This is you returning to level 13. Is that right?

A. That's correct.

5 VIDEO PLAYED TO COURT

Q. Pausing there. We see you almost go back to your desk, but you then turn. What's going through your mind at that point?

10 A. As I mentioned, it was the intent to activate and get eyes on the situation, because I had no visuals at this point, or understood what was unfolding, other than the call that was made from Rahim. It was probably at this moment that I'd realised that it'd take too long for me to try and fumble with CCTV logons, that I would be at best place to go to security control room that had CCTV available.

15 SULLIVAN: All right, continue thank you.

VIDEO PLAYED TO COURT

20 Q. This is you taking the lift from level 13 to P4. Is that correct?

A. That's correct.

Q. In fact, you get out of the lift and go to another lift to get to P4?

25 A. Yes. For clarification, there's only one lift along those set of lifts that take you to P4. So in this case, the lowest level I could get from that particular lift was to ground, in which case I would need to take another lift to get to P4.

Q. We see you're in that lift and people are piling in.

30 VIDEO PLAYED TO COURT

Q. Were you able to get radio transmission whilst in the lift?

A. It was all very - I, I don't recall exactly what was being said, and it was quite - like I said, very congested.

35 VIDEO PLAYED TO COURT

Q. The lift lands at P4. Is that right?

A. That's correct.

40 VIDEO PLAYED TO COURT

Q. This is you entering the corridor to the control room. Correct?

A. That's right.

45 VIDEO PLAYED TO COURT

Q. Pausing here. We see you pass CR2 in the corridor there. Correct?

A. That's correct.

50

LTS:DAT

Q. Did you speak to him at all as you passed?

A. I don't recall exchanges that I can think about.

Q. Did you have a sense as to where he was heading?

5 A. I had no clue. No.

VIDEO PLAYED TO COURT

SULLIVAN: We've just got a minor technical issue.

10

HER HONOUR: It might be a good opportunity to remind any media that there's some non-publication orders.

SULLIVAN: Thank you, your Honour. There are a number of non-publication orders that can be made available to the media as required. In particular, there's a non-publication order over the female control room operator. I think we've referred to the name CR1, that's fine, but just for the media's benefit.

15

CASSELDEN: And also we just had a second name that was mentioned as well - the male control room operator as well.

20

SULLIVAN: Thank you.

CASSELDEN: And I rather thought there were some pseudonym orders made in relation to CR1 as the female--

25

SULLIVAN: No. Not as yet.

CASSELDEN: I've received an email with CR1 and CR2.

30

SULLIVAN: But there's been no order made as yet.

CASSELDEN: I understand.

35

SULLIVAN

Q. We're back at the point where you're about to enter the CCTV control room.

40

SULLIVAN: If we could continue playing please.

VIDEO PLAYED TO COURT

Q. This is you entering. Correct?

45

A. That's right.

VIDEO PLAYED TO COURT

Q. Pausing there. We see you're on the phone. Who are you on the phone to?

50

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A. So probably at this point I was on the phone to Chris Zerial, Regional Manager, to escalate the situation.

Q. Approximately how long was that phone call, do you remember?

5 A. I don't recall exactly. It was very brief. There was no pleasantries. It was purely just facts of what was taking place.

Q. We see there that the female controller is looking at you. Do you remember an exchange with her at that point in time?

10 A. I remember, as I said, first point is to verify have the police been called, and that we were on the phone and she had gestured to me that she was on the phone, or that she had contacted the police.

Q. Was there any other discussion at that point in time?

15 A. I remember asking, "What do we know? Where are we?", in which case I don't recall exactly the conversations that were had post that time.

Q. Were you getting answers to those questions?

20 A. I, I was not. I--

Q. Was that causing you frustration?

25 A. I remember being immensely frustrated, being my key focus was to, to understand what was happening. I hadn't known any, any information other than the last call, as I mentioned, that Rahim had called through. And it was frustrating for me, because without that information, I, I wouldn't be able to continue to do what's expected of myself.

Q. And that's a critical part, isn't it, of your role in the context of an active armed offender scenario? You have two main objectives and five main assignments according to the Red Book?

30 A. That's correct.

Q. The two main objectives are firstly, get people to safety, and secondly, get information to police. Correct?

35 A. That's right.

Q. Your five main assignments are to notify triple-0, which had been done. Correct?

40 A. That's right.

Q. Secondly, CCTV?

A. That's right.

Q. Thirdly, public address system - PA announcement?

45 A. That's right.

Q. Fourth, CME0?

A. That's right.

50 Q. And fifth, liaison with police responders. Those are the things in your mind

LTS:DAT

at that time. Is that right?

A. That's correct. I had, had the intention of wanting to do those tasks as best as I could, but obviously was limited in what I could do.

5 Q. The CCTV information would inform the PA announcements?

A. Of course. I think, for myself, it's the verification element of ensuring that it's verified of what's taking place and we can provide that information. Without that information - I mean I could - it'd be very limited in what I can do.

10 Q. This is all time critical, isn't it?

A. That's right.

SULLIVAN: If we could continue on please.

15 VIDEO PLAYED TO COURT

Q. At this point we see you're still on the phone and you start writing notes. Is that right?

A. That's right.

20

SULLIVAN: Could we pause there please.

Q. What was your understanding about activation of the CMEQ panel at this point, when you've entered the CCTV control room?

25

A. Absolutely. That was, I guess, another point of verification for myself is - I had visually seen that the CMEQ was activated, given the fact that the Perspex panel that sits on top of the panel had been ripped off. In fact, it was hanging by the limited blue sticker just at the side of the panel. So I was confident that it had been activated.

30

Q. When did you see that?

A. I can't tell you exactly when, but it was likely as, as I'd entered the control - it was the first thing I'd looked for.

35 Q. That gave you comfort that that had been actioned as you had directed?

A. That's correct.

SULLIVAN: If we can continue please.

40 VIDEO PLAYED TO COURT

Q. At this point it's just you and the female controller in the CCTV control room. Is that right?

A. That's right.

45

VIDEO PLAYED TO COURT

Q. Did you understand whether the male controller, the gentleman who you had passed in the corridor, was making any PA announcements?

50

A. I can't say. I couldn't remember. No.

LTS:DAT

Q. Did you understand whether the alarm had been activated at this time - the evacuation alarm?

5 A. Once again, no. It - the control room's so isolated in the car park. It's through a couple of doors within basement level.

VIDEO PLAYED TO COURT

10 SULLIVAN: Just pausing there, if we could.

Q. We know this is at around 3.40, shortly after. Is it possible to make PA announcements from the control room that we see there?

A. There is capability. Yes.

15 Q. Were any announcements made from that room?

A. No.

Q. Where were they made from?

20 A. The fire control room, I understand.

Q. We'll come to it when we play it shortly. In terms of the EWIS alarm system, is there the capacity to activate the alarm from within that room?

25 A. I understand that there's a mimic panel, so to speak, which is a digital version of that EWIS system in the control room.

Q. Was that indicating to you the status of the alarms?

30 A. I can't say it was something that I was even thinking about, given all the information that was, was coming through. It wasn't something that I'd visually seen.

SULLIVAN: If we could continue please.

VIDEO PLAYED TO COURT

35 Q. At this point did you understand the female controller to still be on the phone to police?

40 A. That's right. So CR1 was on the phone at the time. I could see her obviously sitting at her desk and she was reviewing footage, I assume, as she was on, on the phone.

Q. She was reviewing footage?

A. Just looking at the footage. I can see her flicking through screens.

Q. You're on the phone yourself during this period?

45 A. This would've been the call to Chris Zerial.

VIDEO PLAYED TO COURT

Q. That's Mr Zaidi who just enters?

50 A. That's correct.

LTS:DAT

Q. He's on the phone?

A. That's correct.

5 VIDEO PLAYED TO COURT

Q. Just pausing there. You're not able to see - you've got your back to the female controller. You're not able to see the images on the screen that she may be pulling up?

10 A. Not, not in this moment, no. But I guess from that stance you could turn and see.

Q. The male controller's just entered?

A. That's correct.

15

SULLIVAN: If we can continue please.

VIDEO PLAYED TO COURT

20 Q. Just pausing there. You had an exchange with the female operator. Do you have a recollection about what that related to?

A. Just - if - and it's still going. But prior to that, I guess, it was - a lot of it got to do with I needed to know information. I needed to know what we knew; what had taken place; how many offenders, if, if that the case, because that
25 information still wasn't very clear.

Q. It wasn't clear at that point.

SULLIVAN: Just pausing there.

30

Q. This is at paragraph 48 of your statement. You say:

"I still did not have eyes on the situation. I recall feeling frustrated. I was asking questions like, 'What do we know? Where are we?
35 I need to be able to see what's going on.' I said words to the effect, 'Do we know the location? Do we know how many armed offenders? What weapons are we dealing with?' I was not provided with answers at this time."

40 You go on to say, "There was a lot of radio traffic and the female is on the phone to police." Did you then direct those questions to the male operator when he came in?

A. So as, as soon as CR2 had entered - sorry.

45 Q. That's all right. It's understood there's a non-publication order.

A. I had asked those exact same questions, like repeated them, and I can't remember the amount of times that I did, but I really just wanted to understand who was involved, if there was more than one. If that's the case, that would then, you know, dictate how we would respond.

50

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Q. Was the male able to assist you in ascertaining the number of offenders, the weapon, those matters?

A. He had eventually said, "Look, we believe it's just one and we believe he's on the ground."

5

Q. "We believe" or was he sure?

A. I guess he was able to come to a definitive answer to tell me that that was the case, and I had asked for verification.

10

Q. What you say at paragraph 55 is, "When the male confirmed" - that is the male controller,

15

"confirmed there was one offender he showed me on the CCTV that a male in a green jersey was on the ground and told me that it was just the one offender. The male controller was definitively able to establish this through his review of CCTV."

Do you see that?

A. I do.

20

Q. Approximately what point in the recording can you tell us when that occurred?

25

A. So you could see that the male controller at that point flicking through footage. So the process I guess of flicking through footage is either fast forwarding or rewinding based on a particular person of interest. So at that point while he was reviewing footage, we were already aware that he, he'd said to me that it was one offender and I had asked verification because that would obviously dictate the response if, if one person was the case or if it was multiple people and, and what was involved.

30

Q. Was he able to tell you what weapon was involved?

A. I don't recall exactly. I would say that he, he'd - because he'd shown me and said, "We believe there's one offender. We believe he's on the ground."

35

Q. Did you understand that a firearm had been used at any point?

A. I did at some point, yes.

Q. Do you remember when?

40

A. Being on the - like I guess very close to the time I entered the control room it was my call to Chris involved me saying to him, "We believe that there's been shots fired but we're just trying to get more information."

45

Q. Did you think that there were - excuse me - did you understand that the firearm had been used against the offender, or did you understand that it might have been used against customers?

A. At that point that we'd heard or been notified of a firearm was my impression to think that potentially that could have been a weapon used against customers. I had no I guess understanding that was used on--

50

Q. Where did you come to understand that a firearm had been used? Who

LTS:DAT

told you that?

A. I can't recall exactly if it was over the radio or someone had said "the firearm" and I remember clearly that that was said because I'd mentioned that to Chris, saying, "I believe the firearm had shots had been fired."

5

Q. Did you then at some point in the CCTV control room come to understand that the offender had been shot?

A. That's right.

10

Q. Did you see that yourself?

A. That's right, so CR2 had pulled up the footage - sorry.

Q. Yes, the male controller, yes?

15

A. Had pulled up the footage and had said, "We believe he's down," and had shown me the interaction that took place.

Q. And it was at that point you understood that the offender was deceased. Did you then understand at that time that there was only one offender involved?

20

A. That's right and, and that's also the time I guess I understood that the gun potentially at that time was more than likely used in that, that situation.

Q. When did you first come to understand that a knife was involved?

25

A. I guess in review of some CCTV of the screen, you could see the offender with a knife in his hand.

Q. Was that information, that is the fact that you had to your mind definitively established through the CCTV review that the male operator had conducted, that is that there's just the one offender, was that conveyed to police, to your knowledge?

30

A. I believe it was on, on the radio.

Q. How do you come to say that you believe it was conveyed to police on the radio?

35

A. At the time Rahim was the on-scene coordinator, so was with emergency responders at the time and he was communicating to myself in the control room via a radio on multiple occasions. I believe that the - I can't recall exactly what was said but that was transmitted on the radio to Rahim, in which case he was able to share that with the emergency responders.

40

Q. So you assume that he shared it with emergency services?

A. You could, you could say so, yes.

Q. No directive was given by you as Chief Warden that the information that there was one offender be conveyed to police. Is that the position?

45

A. I don't recall the exact words, but yes, you could say so.

Q. That's one of the important main assignments, isn't it? Liaison with police responders?

50

A. That's correct.

LTS:DAT

Q. In relation to critical information?

A. That's correct.

5 SULLIVAN: Could we, your Honour, take an early morning tea, if we might?

HER HONOUR: Yes. We'll come back at 10 to 12.

SHORT ADJOURNMENT

10

SULLIVAN: Thank you, your Honour.

Q. Before we go back to some of the CCTV footage, I'd just like to take you to a Westfield safety and security awareness poster that's annexed to your
15 supplementary statement. This is at page 90, "Westfield safety security and awareness poster." Do you see there on the right-hand side there's the box, "If there's an active armed offender these situations can unfold in many ways, but three core principles apply whenever there is an active armed offender - escape, hide, tell." Do you see that?

20 A. I do. Yes.

Q. Is that a poster that you would provide to retailers in your role as Retail Manager?

25 A. That's right. And provide it to them in various forms, digitally, physically. It's a key touch point of the retail orientation into the centre.

Q. Was that a message that was well known to you in terms of the active armed offender scenario?

30 A. Sorry, are you referring to the, the escape hide tell principles?

Q. Correct?

A. That's right. Yes.

Q. We saw that point when you were approaching the air bridge near
35 Eckersley's where you turn on your heel and you've heard the broadcast from Rahim about, in effect, verification that there's an active armed offender. We saw that on the CCTV. There were other people around at that time on the air bridge, or in that area. Correct?

40 A. That's right.

Q. Did you think about whether you should say to them, "Escape, hide, tell"?

45 A. My key focus was to enact the key principles, or key assignments, that I needed to do as Chief Warden, because I knew that that would have the most sort of wide reaching notice of getting a message out to people via PA announcements. I can't tell you now if I'd thought to to do that on..(not transcribable)..

Q. You were focused on trying to get to the control room--

50 A. That's right.

LTS:DAT

Q. --to discharge the main assignments in the Red Book. Is that fair?

A. That's right. Yes.

5 Q. Do you remember whether you thought about telling other people at all, or you just can't say?

10 A. I honestly - as soon as I'd heard the call from Rahim I was really in the frame of mind of I've got to do it, I've got to do, and it's - it got a - really, like I said, have - had - in my mind at that time is to get the most impact is just to have PA announcements be made, CME0 activated, which would have people be aware of that, and anything other than that would, in my mind, slow me down from, from what I needed to get done.

15 Q. Can I just ask, in terms of communications with police, whose role did you understand that to be more generally, given this emergency that was panning out?

A. I guess it is - part of the role of the Chief Warden to be a police liaison, so to speak, but effectively Rahim being on-scene coordinator would be that primary contact in terms of liaising with, with police.

20 Q. You thought that was his role?

A. That's right.

Q. Not the communications officer, who would've been Tyson Rogers?

25 A. No - yeah - that's right. I guess it's different, and dictated by the Chief Warden on the day, given the people available. And part of our generic response guideline in the Red Book also talks to considering what staff are available to you. In this instance, Rahim made the most sense, in my mind, to be that liaison person as he was already on the floor liaising with the police.

30 Q. Understood. Now I'd like to take you back to the CCTV footage. I have been asked by one of my friends to play from a certain point, so I'll do that. But I'd just like to point something out at 3:42:30 please.

VIDEO PLAYED TO COURT

35

Q. We see we have Mr Rahim in the room, the female controller and yourself. The male controller enters and see that Mr Rahim is pointing to something? Do you see that?

A. I do.

40

SULLIVAN: Continue on.

VIDEO PLAYED TO COURT

45 Q. Then you are leaning over and touching the CME0 panel. Is that right?

A. That's right.

50 Q. The timestamp that I have for that is 3.42 and 33 seconds. Why were you pressing the CME0 panel again given you understood it had already been activated when you entered the security control room?

5 A. Of course. I guess it's - I like to pride myself - and, you know, using the word "operationally excellent", but I take a lot of pride in making sure that I can verify and that's probably a big part of my role as Chief Warden is to verify, so that me feeling my hand over the panel wasn't me activating it because I'd known that it was activated at that time. It was purely just to verify for my peace of mind that it had been activated and you can, you can feel when the CMEO panel is activated because the buttons recess in, so I'd known at that time just I guess there's an additional point of reference for myself to be at peace that it was activated.

10

Q. But we see Mr Zaidi pointing. Was he telling you to check it?

A. Not that I recall. I, I - by reviewing CCTV now and seeing that, I believe he was referring to something potentially on the screen but I don't recall exactly what he was pointing to.

15

SULLIVAN: If we can play forward right through to 3.55 please in accordance with a request from my friend.

VIDEO PLAYED TO COURT

20

SULLIVAN: I should indicate for the record that this is a version of the CCTV footage that has one screen redacted for abundant caution, so it will be black.

VIDEO PLAYED TO COURT

25

Q. I'm just noting for the record at 3.47 and about 20 seconds, at this point you are close to the male controller and you are looking at the screen and taking notes closely. Do you agree?

A. Yes, I can see that.

30

VIDEO PLAYED TO COURT

Q. We see you on the phone again at 3.48. Do you have any recollection as to who you might have been calling around that time?

35

A. I don't recall exactly, no, I don't.

Q. Just pausing there. Is it the case that at various points you were speaking to centre management to escalate this matter in accordance with communication protocols?

40

A. Escalation from my recollection was purely the calls were missed to Luke and then Chris Zerial following that, but I don't really recall any other further calls in relation to escalation at all.

Q. I've used that term "escalation"?

45

A. Yes.

Q. When you called Mr Zerial first when we see you in the control room, why did you do that?

50

A. I'd say internal Red Book process of escalating any matter that is unfolding. It's standard, common, for any serious incident that that's escalated to the

LTS:DAT

appropriate people so that they can communicate that internally.

5 Q. What takes precedence in an active armed offender scenario - the escalation or the assignments that you are to achieve, that is the five main assignments and the two main objectives?

A. I understand that they - escalation isn't one of those assignments, however, I guess from my perspective I was, I was terrified and had thought that that was the next step. In my mind I hadn't, I hadn't thought.

10 Q. I'm sorry, did you say, "I was"--

A. I was terrified.

Q. "I was terrified"?

15 A. Yeah. So I, I mean, I can't talk to the experience of when it was unfolding and why I chose to make that call at that time, but I mean with hindsight, in my mind I knew it was the step I needed to take and maybe that was the step that was done outside of those five key assignments.

Q. Were you trying to get more help?

20 A. With hindsight yes, yeah, I was - you know, I think just doing the best that I could with the information that I had coming through from various sources at the time and Chris is one of our senior leaders so I think, you know, for me to call him, yes, is I guess ticking that box of it's part of our Red Book process to escalate, but a part of me reflects on that and it is that call of I guess support.

25

Q. You are 29 years old?

A. I was 29 at the time of the incident, yes.

Q. And you've never encountered anything like this in your life?

30 A. Not at all.

SULLIVAN: Can we continue playing the recording please.

VIDEO PLAYED TO COURT

35

Q. If we can pause there. This is at 3.50 and 4 seconds. Here we see there's a conversation between you and the female controller. You see that?

A. I can, yes.

40 Q. Is this the point where you are telling her to go and make public announcements?

A. That's correct, yes.

Q. Do you remember what you were saying to her?

45 A. I was giving her very clear direction that we needed to get onto the PA and notify the customers and retailers in the centre of what was taking place, giving the information we had at the time, and I remember very clearly saying to her that, "You need to take your radio with you so you can listen out for updates as we identify them".

50

LTS:DAT

Q. I think you gave evidence before that those public announcements could have been made from the control room?

A. That's right.

5 Q. And they could have been made earlier than 3.50. Do you agree?

A. That's correct.

Q. What's the earliest point, do you think, that the public announcements could have been made?

10 A. Just from my perspective is that I understood that after I'd made the direction whilst I was on retail level 5 still at the time and had made that Chief Warden call to control that that was when PA announcements could have been made and were taking place.

15 Q. At that point when you were on the escalator going up and you give the clear direction three times, at that point, public announcements could have been made?

A. That's right.

20 Q. We know that's at around 3.37 and 4 seconds?

A. That's correct.

Q. We know that public announcements are ultimately made at around 3.52pm, but this conversation is the point in time, that is 3.50, when you direct the female security control operator, "Go and make those announcements" and you know that she does so from the fire control room. Is that right?

25 A. That's correct.

Q. How far away is the fire control room?

30 A. Say 15, 20 metres if that away from the security control room.

Q. Were you able to hear those announcements being made at all when they--

35 A. No, as I mentioned the, the car park or - sorry, the security control room is quite isolated in P4 car park and to enter where I'm standing as you see in the CCTV was to go through a couple of doors to get to that point. So I can't say that I heard PA announcements.

HER HONOUR: Could I just clarify something.

40 Q. When did you realise that they hadn't been made?

45 A. I guess at this point of CCTV, your Honour, I was knowing full well that we're both - all three of us are in the room and that no-one is making them, that was my assumption, that - because if the male operator and the female operator are in the room with me, there was no way in hell that anyone else was doing the, the PA announcements and that's why I made that direction.

Q. When you've said earlier in your evidence that when you phoned the control room, when you were on the escalator I think going up to level 6 at 3.37, how did you know that they hadn't made the announcements straight away?

50

5 A. I hadn't known if they had made them. As I said, from that first radio transmission call from when I was standing on level 5 retail, it was the direction to, to do those PA announcements. And from there my focus was then to get to the control room as quick as I could. But in the time of me traveling from retail level 5 to the control room, I can't say that I recall any PA announcements being made.

10 Q. So you just hadn't heard them? So you then assumed that they hadn't been made?
A. That's correct. And I guess with, with this particular time is that we were all in the one room.

15 Q. Yes, and no-one's doing it.
A. Yes.

Q. Yes, I understand, thanks.

SULLIVAN

20 Q. Why did you have the realisation at that time when you'd all been in the same room for some period?

A. I guess I was under the impression that PA announcements were made prior, notifying of the situation. And I guess a development of knowing - I can't tell you why - and at that time, whilst this feels like a long time, it did not feel that way at all. And I mean I, I don't know why.

Q. Please correct me if I'm wrong, but is it accepted by you that those announcements should have been made at an earlier point in time once you're in the control room?

30 A. As I said, I, I had, from my direction when I'm standing on retail level 5 to direct those PA announcements to be made, I was under the impression that they were ongoing from that time.

35 Q. Yes.
A. Or soon after that call was made. And obviously in this moment that we're looking on CCTV it seemed that I knew that they weren't happening at that particular moment, because we were all in that same room.

40 Q. We know that the male controller comes back into the CCTV control room at 3.42. So, from that point onwards, that is eight minutes from the three of you being there until this conversation with the female controller at 3.50, there's no-one making those announcements, that's right?

A. I understand that to be the case, yes.

45 Q. Given that position, those announcements should have been made from early on once you entered the control room, do you accept that?

A. Yes. I would say that they, as I said, from my first transmission of directing them to be done, I had the understanding that they had taken place from that time.

50

Q. There could have been the announcement as to an active armed offender being present without the reference to a location, right?

5 A. That's right. So, the Red Book, or part of our script process is that there's two different active armed offender scripts that can be communicated by the PA system. One being the location of the offender is known, and the second being the location unknown. So at the point of me making the direction to control to activate CMEO and get people to safety and make those PA announcements, my intention was that they activated, say the scripts around location not known, because we, we hadn't known at that time.

10 Q. But not just to read it once, on an ongoing basis?

A. That's right. So, I guess direction of making announcements is generally followed every 30 seconds, if that. And they're split up between the alert tone played in between those announcements.

15 Q. All right. We might just go to the Red Book which sets out the PA announcements that you're referring to. That's at tab 993, please, volume 29, page 328.

20 A. Thank you.

Q. We're bringing it up on the screen as well, if that assists.

A. Thank you.

25 Q. If you see under the heading, "PA announcements", there's the direction - this is in the active armed offender response guideline - "shut off all mall music, use the EWIS evacuation tone, all areas, for three seconds to get attention". So that's the beep, beep, beep, not the whoop, whoop, whoop, is that correct?

30 A. That's correct.

Q. We know, don't we, that it was the whoop, whoop, whoop alarm that was playing now?

A. I understand that, yes.

35 Q. "Send the following PA message clearly and urgently: 'Attention, Attention, this is an emergency. If you see a safe route, escape from danger. If you are unable to escape or unsure if it is safe to do so, hide. Call police by dialling triple-0 when it's safe to do so'. Repeat message", this is underneath, "with a three second evac tone between messages".

45 So that's the first PA announcement that you were anticipating would follow after you had given the direction on the escalator at around 3.37pm, is that right?

A. That's correct, yes.

50 Q. The second direction that can be given, once more information is obtained, is on page 329, is to this effect,

LTS:DAT

5 "Attention, attention. This is an emergency. There is a
(male/female) currently using a weapon near (location). If you see a
safe route, escape from danger. If you are unable to escape or are
unsure if it is safe to do so, hide. I repeat, this is an emergency'.
Repeat script (updating location). Call police by dialling triple-0
when it is safe".

And you see under there the bullet point:

10 "Communicating the location of movement of offenders will:
• Assist the police in locating the offender quickly
• Assist customers/retailers to avoid at risk areas, and
• Cause the offender to flee knowing that he/she is being watched
on CCTV".

15 Q. Do you see that?
A. I do.

20 Q. That's the second form of announcement that could have been given once
that information had been obtained from the CCTV review, do you agree?
A. I agree, yes.

25 Q. That's the PA announcement that I suggest should have been made as
soon as possible once you had entered the CCTV security control room and
been able to obtain that information, do you agree?
A. I agree.

30 SULLIVAN: Can we continue playing the recording please through to 3.55
when there is the entry of Mr Bradley Goldberg, the Risk and Security
Manager, into the CCTV control room.

VIDEO PLAYED TO COURT

35 Q. Just noting for the record that at 3.52 and 28 seconds you can see the
female control operator on the radio making announcements, ostensibly in
accordance with the EWIS script, is that right?
A. That's correct.

VIDEO PLAYED TO COURT

40 Q. There at 3.53 we see you on the telephone having just had an exchange
with the male controller. Do you know what that call related to?
A. I don't recall unfortunately, sorry.

45 VIDEO PLAYED TO COURT

50 Q. It's now 3.53 and ten seconds, and a gentleman has entered the control
room. Who's that?
A. That's Bradley Goldberg.

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Q. And his role?

A. Risk and Security Manager.

SULLIVAN: If you could keep playing.

5

VIDEO PLAYED TO COURT

Q. Do we see there that you are providing an update to Mr Goldberg, or giving him a situation report, in effect?

10

A. It would appear so, yes.

Q. We see him pointing at the screen.

A. That's correct.

15

SULLIVAN: If we keep playing.

VIDEO PLAYED TO COURT

Q. He then leaves the room on a phone call. Do you recall that Mr Goldberg was shown in effect certain portions of footage that were of significance?

20

A. It would appear so, yes.

Q. Do you know who he was speaking to on the phone when he left?

A. I don't recall. And I mean, no, I don't know who he was, he was speaking with. I did just want to turn to my pre-scribe notes where I do have an account that I'd written down on there at about 3.53.

25

Q. Yes, all right.

A. That had said that I had - there'd been notification to an Inspector that there was one victim, which I guess reviewing that CCTV--

30

Q. I'm sorry, so which part of your pre-scribe notes?

A. Sorry.

35

Q. If we go to those at tab 1010?

A. Just the scribe, page 3 in red.

Q. Yes.

A. The first point there was 3.54, "Advice provided to inspector that offender was identified as one male, method of attack was one knife only".

40

Q. Okay.

A. I mean I don't recall the context of that conversation, but I, the scribe was me scribbling on paper and documenting times. I just didn't know if that was relevant.

45

Q. So, sorry, you're clarifying that advice was given to an Inspector at 3.54 that the offender was identified as one male and the method of attack was via knife only, is that right?

50

A. It would appear so. Yes.

Q. But do you recall giving that advice?

A. I, I, I - no, I don't. I think - just reviewing the CCTV, and that's something that I've just seen, but I don't recall that.

5

Q. When Mr Goldberg arrives on scene, he's the Risk and Security Manager. That's right?

A. That's correct.

10

Q. He's more senior than you?

A. That's right.

Q. Does he assume the role of Chief Warden by virtue of being more senior?

15

A. Yes. It's, it's, I guess, unspoken, but assume he's Risk and Security Manager, so in that area he would, he would. Yes.

Q. Was there a formal transfer of command that point where you said, "Now you're at the helm"?

20

A. I, I can't recall if there was or not. But I, I don't, I don't recall there being one, so I don't think so.

Q. That should have been done clearly. Do you agree?

A. I, I agree.

25

Q. In terms of the sequencing of the public announcements. We know that the first announcement was at 3.52pm, but we also know, to be very clear, that Mr Cauchi was shot dead by about 3.38. We also know that the rampage of Mr Cauchi, in terms of the victims, was primarily undertaken in the first three minutes, and that the last victim was attacked at 3.35 and 40 seconds.

30

In those circumstances, where we know that he is deceased by 3.38, the delay in the PA announcement at 3.52 does not appear to have been a direct, or arguably may not be of direct consequence. Do you agree with that?

A. Yes.

35

Q. But unquestionably, it's critical that that occur at the earliest point possible?

A. That's right. And I guess, from my perspective, it was my understanding that per my direction that it had been - taken place some time prior to that.

40

Q. And it should have continued, as per the Red Book procedure?

A. That's correct.

Q. Once Mr Goldberg is on scene and to your mind he takes over as Chief Warden. Is that right?

45

A. Effectively, he takes control of the situation.

Q. As Chief Warden?

A. I can't remember the exact conversation, if we have even exchanged one. But it would be along the lines of I would remain in the security control office to be that liaison for anyone who required that assistance from a Scentre Group staff perspective. And, and I guess he - I mean I don't, like I said, recall any -

50

the conversation in exact form, but he would then be on the floor to coordinate what was going on in the centre.

5 Q. Do you remember a point in time, and Mr Goldberg is on scene at this stage, but police call through and ask you to turn off the alarm. Do you remember that?

A. I do recall that. Yes.

10 Q. We know that the alarm went off at about 4.03pm. Do you remember whether you were able to turn the alarm off fairly immediately, upon the request from police?

A. I recall it being, I guess, a radio transmission that their request was to - to turn off the alarm. Which case, CR1 had, sorry, had a, a radio, so would've heard that request.

15 Q. Do you know who turned it off?

A. I don't know exactly, but I'd say that it would've been the female control operator who was in the fire control room by the panel at the time.

20 Q. Was there a point in time where you were requested by police to prepare maps so that the tactical police could do a sweep of Westfield?

A. I do recall that interaction. Yes.

25 Q. Were you able to assist with that, together with Mr Rogers?

A. So from where I was at the time of that request, I was in the control room - security control room and obviously had no access to my laptop or any of those resources, so I, I understood that it was being remotely managed with the assistance of Tyson, Brad and, and a few others.

30 Q. Do you recall a point in time when a police officer came into the CCTV control room and actually started looking at the footage himself. This is at about 4.22pm. Do you remember that?

A. Vaguely recall that. Yes.

35 Q. Did you have any discussion with that officer at that time?

A. I don't really recall, sorry.

40 Q. We know that Mr Tyson Rogers, the Facilities Coordinator, comes into the security control room at around 4.01pm. How did he seem to you at that time?

A. He seemed shaken. I guess, you know, he's also a team member who would have an earpiece in, so he would've heard everything unfolding from a radio perspective. Visually, he looked just as terrified as, as anyone would be in that situation.

45 Q. Did he tell you about any of the things that he had encountered? I don't want any details, but did he say what he had seen?

A. No. Not in, not in any detail.

50 Q. Can we just go back to the Red Book briefly please, . I'm coming towards the end of my examination. 993D please. Volume 29. Page 330. It's just in

terms of this issue of escalation to other senior centre management. If you can just go back up please. See there, "Chief Warden when threat to safety has passed provide updates to Regional Manager or National Securities Operation Manager." This is in the AAO guidelines. That suggests, do you agree, that the updates to senior staff should be provided once the threat to safety, to staff, to customers has passed?

5

A. I, I do understand that. Yes.

Q. It is very much understood by everyone in this room that the events of 13 April were unprecedented; that they were violent; and they unfolded very rapidly. It's important, you will appreciate, that all learnings be taken, so that for anyone else who ever confronts a similar scenario every possible learning is taken. From your perspective on that day, what do you think the learnings are?

10

A. I mean I, I can only sit here and reflect now with the benefit of hindsight, and at the time, if I'm being completely honest with everyone, is that wasn't available to me and we were doing the best that we could with information we had. So I think, you know, if I had known more information at the start from the first radio call, I guess that would've been my initial response to respond in a more timely way for - if that's something to say. But, but that wasn't the case, and as I said, that is - we've now - we've got - I, I now have that hindsight which wasn't available to me at the time on the day.

15

20

Q. Clearer radio communications at the outset?

25

A. Yes. Sorry, that's what I mean. Is if, if I had had that communication provided to me at the time when the first radio transmission was, was shared with myself, I would've been in a better position to respond in a more efficient and, and a timely response to that.

30

Q. Other reflections?

A. I mean, as I said, it, it is quite difficult because those reflections of time passed since the time and, and to be honest, looking at CCTV for me is quite frustrating. The time that passed did not feel that way on the day.

35

Q. How did it feel on the day?

A. It seemed - it - sorry.

HER HONOUR

40

Q. Take your time.

A. It felt so quick and, you know, I think - as I said, there was, there was multiple pieces of information coming from different people at different sources, and if I - if, if I reflect back on how I was at that time, I was one person trying to enact those duties, and it, it did not feel as long as it was, watching that. Sorry.

45

SULLIVAN:

Q. Not at all. We understand that it's very traumatic for you to be taken back to that day. Would you like to offer any more reflections?

50

A. Not, not that I can think of right now. Sorry.

LTS:DAT

HER HONOUR

5 Q. You can always do that through your legal representatives if anything comes up.

SULLIVAN

10 Q. There have been a number of changes to policies and procedures since 13 April 2024. That's right?

A. That's right.

Q. Just in general terms, are you able to outline what they are?

15 A. I mean--

Q. In terms of responding to an incident like this?

20 A. Of course. I, I can speak directly to, I guess, my experience working in the centre post the incident. Key one that I can think of is participating in extensive and re-training in - in Chief Warden crisis management procedures. So it's a, revisiting the role of Chief Warden and critical crisis management response to that. We had a couple of training providers, Fulcrum and Risk Solutions, who provided that training, or additional training.

25 In terms of a policy or process change, recently, per the Red Book, is that the CMEO can now be activated via an - or authorised by someone other than the Chief Warden on a verified case, which is different to how it was prior. Additionally, I guess, the physical element the - at the bottom of our centre there's now a situational room that's located in the centre management office level that has full access to an additional CMEO panel that's been placed. Full
30 access to CCTV and communication to the EWIS system where, in the event of needing to respond to an incident, it's available and set up ready to do so.

35 Additional to that, additional training was - most recently we, we conducted an in centre scenario exercise after hours. That involved having all team members attend the centre after centre trade, to be in the centre in which we work, so Bondi. Where it was re-enacted, so to speak, with an armed active offender situation, and the situation unfolded and was, was sort of - the scenario was, was put into practical sense, whether I would've re-enact - if this were to happen, how would you respond. And I guess, post that response was
40 a lot of feedback and discussion, debriefing around what worked well; what could be done better; what, what response is, is acceptable in that time. So really giving that practical experience, additional to the Red Book. Do you want me to keep going, sorry? Is there--

45 Q. Any other main things that her Honour should be aware of?

50 A. I mean - quite - the security team members who we sent their body-cams that they, they now wear - there's been, I guess, a, a bit of a update to the security control room at the centre, which has made it - it's more efficient to, to be able to operate. But, I mean, I can only - as I said, I can only speak to the Bondi things that I've witnessed in, in the centre, so.

Q. Are you aware of whether those changes are to all Westfield centres, or are they primarily to Westfield Bondi Junction in terms of, for example, changes to the infrastructure within the security control room?

5 A. I'm not a hundred percent sure.

Q. There's other witnesses we can ask about that.

A. Yep. Thank you.

10 Q. Is there anything you would like to conclude with?

A. I guess, as already mentioned, is I really just can't stress that it was unfortunate what took place and everyone on the day tried to respond, including myself, with the best way that we could given the time that it was unfolding and - and I really can't stress that - that I really feel frustrated
15 watching the CCTV post the incident because in - in my mind the reality of what unfolded did not span over such a period of time that the CCTV shows.

Q. Thank you.

20 SULLIVAN: Your Honour, nothing further.

HER HONOUR: There may be some other questions.

25 CHRYSANTHOU: Your Honour, Mr Fernandez is going to ask questions first on behalf of the families.

HER HONOUR: Certainly. Mr Fernandez.

<EXAMINATION BY MR FERNANDEZ

30 Q. Good afternoon. My name is Lester Fernandez. I act for Faraz Tahir. He was the security guard who was killed on this day. The questions that I'm going to ask you are about your role as the Chief Warden on this day. Do you understand that?

35 A. I do.

Q. And I'll talk to you about your experience beforehand as well as some of the things that happened afterwards. What I'd like to take you first is to your role as the Chief Warden and what you understood to be your role.
40

FERNANDEZ: Now with some assistance I am going to ask for the Red Book as it existed back at April of last year to be put up on the screen. This is tab 993.

45 Q. You remember that Ms Sullivan who asked you some questions took you to page 21 of the Red Book which set out a number of roles of Chief Warden and that's being shown up on the screen now - perhaps we will go back to page 28 - are these some of the generic roles of the Chief Warden that have been put up on the screen?

50 A. I mean, they are the roles of Chief Warden, yes.

Q. It was not a precise question. They specify a number of individual things that the Chief Warden has to do. Is that right?

A. (No verbal reply)

5

Q. Once assuming that role?

A. That's correct.

10 FERNANDEZ: Could I ask for this exhibit to be taken back to page number 12 please.

Q. If we go to the top of the page you will see here a reference to "emergency command and control." Is that right?

A. Just under "Chief Warden" yes.

15

Q. It sets out the roles of different people in a situation where there was an emergency command and control. Is that your understanding?

A. The Chief Warden's roles, yeah, are listed.

20 Q. I just want to take you to the Chief Warden's role. Perhaps we can just scroll up there. These are the emergency roles and responsibilities and what it does is that it highlights three particular areas of responsibility. Can you see that there?

A. I can.

25

Q. The first area of responsibility is, "Command and control of emergencies". Is that right?

A. That's correct.

30 Q. The second area is: "Coordinating the response and communication among centre group personnel, retailers, commercial tenants, customers, media and any other relevant stakeholders." Is that right?

A. That's right.

35 Q. And thirdly the responsibility includes: "Determining the location for exercising command and control, that place being a location near the scene or an emergency operations centre." Is that correct?

A. That's correct.

40 Q. Would those three responsibilities be at the front of your mind at the time that you take over in your role as Chief Warden?

A. I guess they're, they're all responsibilities that, you know, coming into the role of Chief Warden. They're things that you, you're responsible for.

45 Q. I'm going to ask to go please to page 28 of the same exhibit, 993D. Perhaps we can just leave it there. You recall that Ms Sullivan asked you some questions and she took you to some objectives and assignments in your role as the Chief Warden? You remember that, don't you?

A. I do.

50

Q. What she asked you about is actually contained in the Red Book as well. Is that right?

A. That's right. So she - we discussed the, the two main objectives as well as the five key assignments.

5

Q. This is in the Red Book. This is at page 28 and I'm just going to take you to what Ms Sullivan took you to. These are specific response guidelines to an active armed offender. Can you see that?

A. I can.

10

Q. You can see that there's a definition of what an active armed offender is, and there was no doubt back on 13 April last year you were dealing with an active armed offender. Is that right?

A. That's correct.

15

FERNANDEZ: Just going to go to the box then please and perhaps we can show the box in full.

Q. What it sets out are the two main objectives in your role as Chief Warden. Do you agree with that?

20

A. I guess that's capturing the two main objectives of responding to an armed active offender situation.

Q. "First objective, get people to safety. Second objective, get information to police." Is that right?

25

A. That's correct.

Q. And then there's five main assignments. Just briefly there's notifying triple-0, there's use of the CCTV, use of the public address system, the CMEQ, the centre management emergency override, and liaison with police responders. Is that right?

30

A. That's correct.

Q. What you can see though is the five main assignments, they relate back to the two main objectives so assignments 1 through to 4 all relate to getting people to safety. Do you agree with that?

35

JORDAN: Objection.

40

HER HONOUR: Yes, Mr Jordan?

JORDAN: Sorry, I don't want to really - and I'm sure it was unintentional but it was put that assignments 1 through to 4 all relate to getting people to safety and I am sure that Mr Fernandez didn't mean to put it that way.

45

FERNANDEZ: I will withdraw the question.

Q. You can see that getting information to police, that relates to liaison with police responders, is that right?

50

A. Getting information to police is to contact triple-0.

Q. The point of the CCTV as one of the assignments, how does that relate to the role of Chief Warden?

5 A. Simply speaking to the CCTV particularly, it's to understand from a visual perspective what is taking place so you are better able to address the steps that follow.

Q. You would describe it as "situational awareness" is that right? Finding out what's going on?

10 A. Having - you could say so, yes.

Q. You described in your evidence, "needing eyes" E-Y-E-S. Does that relate to knowing what is happening at different places at different times?

15 A. Yes, having eyes on the situation.

Q. The public address system, in your understanding why is that an important assignment?

20 A. So public address systems intend it's - if you're making an announcement on that system is to notify mass groups of people in the centre or those who are hearing the public address system of what's taking place.

Q. What about the CMEQ? What's your understanding of that assignment?

25 A. CMEQ I guess from, from my view is also another visual cue that's non-audible but is a visual cue to all the digital screens in the centre that show a message that's, that's activated.

Q. Is your understanding that once you were aware there was an active armed offender, this response is what applied to you as the Chief Warden?

30 A. I understood that once Rahim had called through the armed active offender situation, I needed to partake in actioning these five key assignments.

Q. Did you say once Rahim had called through?

A. Well once I had confirmation that it was an armed active offender situation.

35 Q. At that point in time this approach set out in the Red Book was one you understood you needed to implement, is that correct?

A. It was a priority of mine, that's correct, yeah.

40 FERNANDEZ: Thank you, that can be taken off the screen.

Q. You had been given training by Scentre Group in your role as the Chief Warden, is that correct?

A. That's correct.

45 Q. You set out in your statement, in your supplementary statement, some of the training that you've been through in your role as Chief Warden, is that right?

A. I mentioned the session with TrimEVAC, Fulcrum and there's a couple of other trainings.

50

Q. And there was an evacuation, was there, a simulation where there was an evacuation of the whole centre? Is that right?

A. That's right, so that was the TrimEVAC session that took place on the 21st of March I believe.

5

Q. When you say it's an evacuation of the whole centre, what does that mean? Was it during the day, was it out of hours? Who was involved?

10 A. Of course, so the centre evacuation exercise is something that all retailers are communicated of via memo. So, it's an exercise that we undertake where the centre literally prior to trade, and I think the, the reason it's selected is the time prior to trader is we, we don't want to cause disruption to trader business, but it needs to, it needs to happen in a real life situation. When I say prior to trade, it was from 8am onwards. Trade time for retailers is 9.30 when they open their shops. So, it's to partake in that evacuation exercise where the
15 tones are sounded and wardens wearing vests are actually evacuating people from the centre.

Q. Before going to Bondi Junction you had worked at other centre locations, is that correct?

20 A. That's correct.

Q. Had you been Chief Warden at any of those other locations?

A. I had been at Westfield Hurstville.

25 Q. How long were you the Chief Warden there at Westfields at Hurstville?

A. I was Chief Warden post the CX lead I guess competency being signed off at Hurstville, and was Chief Warden on multiple occasions in my time at Westfield Hurstville.

30 Q. You had also worked previously for Hoyts, is that right?

A. That's correct.

Q. Were you a Chief Warden at Hoyts as well?

35 A. I was the most senior person in the building, so I would assume the role of Chief Warden in the event of an emergency.

Q. By the time we got to 13 April that year, you had experience in training to be the Chief Warden, is that right?

40 A. We had undertaken training, is that what you're referring, sorry? That we'd done training for Chief Warden?

Q. Yes, that's correct.

A. That's right, yes.

45 Q. I'm going to go to a different topic just very briefly. You talked about communication between different staff members on the radios? Do you recall that?

A. I mean I speak to staff multiple times on the radio. Is there a particular?

50 Q. Just with communications, with communications with staff, had there ever

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been any training to members of Scentre Group about how that communication should take place? What is involved in good communication amongst staff members?

5 A. I mean, once you're using the radio it's, it's always expected that you remain professional and factual in, in the most concise way possible.

Q. I wonder if these terms were ever used in training for staff, in terms of communication on the radios?

10 SULLIVAN: Can my friend clarify that Mr Gaerlan can speak to the training that he's received. He can't speak to the training more broadly.

FERNANDEZ

15 Q. All of these questions are directed to you Mr Gaerlan, only you, and what you know and the training you've received and your understanding. Do you understand that?

A. Sure.

20 Q. Has any of the training that you've been involved in, or that you know about, does it relate to terms like these? Clarity, simplicity, brevity and security? Have you ever heard terms like that or similar terms in terms of the training given to you in communication over the radio?

25 A. Are they - can I, can I ask you a question? Sorry, are they terms that are listed in the Red Book that you're referring to?

Q. I'm just asking you whether you had ever been given training about involving those words, or words that might be similar to them, on communication on radio? Do you recall that?

30 A. I recall that there'd be definitely a discussion around making sure that when you're communicating on the radio you remain professional, concise, and I guess to the effect of some of the words that you mentioned. That's correct.

35 Q. During the course of 13 April last year you made a decision not to take centre staff to the emergency channel, is that correct?

A. That's correct.

Q. That meant that all communication by radio was on the general channel, is that right?

40 A. That's right.

Q. During the training that you had received, had you ever been given guidance about going to the emergency channel in a situation involving an active armed defender?

45 A. There was certainly training around that channel existing and being available for the use, if that's decided by the Chief Warden to move to that channel, yes.

50 Q. With the TrimEVAC training that you described, the evacuation, did any of that involve use of the radios to communicate between staff?

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A. That's correct.

Q. And in that training, did that training involve going to the emergency channel?

5 A. I guess can I preface by saying that every situation's very different. If we're speaking to the TrimEVAC situation, or scenario, training session we conducted the communications between wardens and those responsible on a separate channel to the general channel. And that was purely for the basis of making sure that that didn't interfere with the general operations of the centre while that exercise was taking place.

Q. You gave a fleeting thought, was your description, of moving to the emergency channel, is that correct?

15 A. It was consideration, that's correct.

Q. What that meant is whilst you remained on the general channel that there was going to be chatter? That's what you described, is that correct?

20 A. The, the, the general channel's the channel that everybody's on in the centre, yep.

Q. And therefore there's going to be congestion, as you described? A lot of people talking or a lot of communications over the radio, is that correct?

A. There could be at times, yes.

25 Q. What was the reason you didn't direct centre staff to the emergency channel?

30 A. That thought was at the time of the information still was not known. So to make a decision to move to an emergency channel would then isolate the communication between those who had heard that transmission. And as I'd mentioned, communication was already congested. So to then try and make a decision to move people over would only limit the amount of communication that'd be heard.

35 Q. You could have made a decision later on, at any point later, than that first thought that you gave to move to the emergency channel, is that correct?

A. It's a possibility, yes.

40 Q. That decision to stay on the general channel that you made at the outset, that could have been changed by you at any time afterwards? Based on the further information you were given, is that correct?

A. That's correct.

FERNANDEZ: I wonder if that might be a suitable time.

45 HER HONOUR: We're going to take the lunch adjournment and we'll come back at 2 o'clock.

LUNCHEON ADJOURNMENT

50 HER HONOUR: Where were we? Mr Fernandez.

LTS:DAT

FERNANDEZ

5 Q. I'm going to take you now to the point in time when you first heard a female centre officer make an announcement over the radio. Do you understand that?
A. I do.

10 Q. What I'm going to do is, I'm going to ask for the scribe note to be put up, please. I'm just going to take you to the entry at 15:32. Sorry, the pre-scribe note is what I meant to say. I do apologise. Thank you to my friends. The note that you've made at 15:32 refers to a call on the radio. Now M20, that's you, is that right?
A. No, that's a negative.

15 Q. I'm sorry. I'll take you to 15:31 before I take you to 15:32. M2, that's you, is that correct?
A. That's correct.

20 Q. You were in the restroom at the time the incident was called through, and the note that you made in the pre-scribe note is that the radio call was,

25 "S to control, code black, code black alpha, there is lots of blood, code black, we need assistance. There is a man with a knife, please hurry, he is running. Another code black, possible fatality. There is lots of blood."

Can you see that?

A. I can.

30 Q. You've given evidence about that scribe note and the accuracy of that scribe note. I'm just going to ask you to assume that what's in that scribe note at 15:31 is correct. That's definitely--

35 JORDAN: Your Honour, may I be heard, please?

HER HONOUR: Mr Jordan.

40 JORDAN: I certainly don't want to get in the way. I'm very conscious of the position that Mr Fernandez is in, acting for Mr Tahir's family, and we're all very conscious of that. But I really have no alternative but to ask, how is your Honour going to be assisted by the assumption that Mr Fernandez is asking to be made, given the evidence which has been carefully and thoroughly already led by counsel assisting as to what Mr Gaerlan's recollection of the events actually is. How will your Honour be assisted by this hypothetical?

45 FERNANDEZ: I'll have to answer in the absence of Mr Gaerlan, your Honour.

HER HONOUR

50 Q. Would you mind just stepping outside for a moment? Thank you.

IN THE ABSENCE OF THE WITNESS

HER HONOUR: Yes, Mr Fernandez.

5

FERNANDEZ: I don't have to accept, and I do not accept - I'll start again. I am going to put to Mr Gaerlan at an appropriate time at the end of my examination that what's contained in that pre-scribe note is accurate and what's contained in the statements subsequently is not accurate. Now I'll do that at an appropriate time. I don't accept because evidence has been adduced that that is the uncontroverted evidence. I'm going to put an alternative proposition.

10

But at this stage, I'm solely asking Mr Gaerlan to assume that that's correct. Because then I'm then going to take him to appropriate responses, namely, that would be the commencement of his role as Chief Warden, and the time when the active armed response needed to take place. That's where this goes.

15

SULLIVAN: Your Honour, if I could point out that in terms of my friend's position, putting what is accurate, there is a difficulty in this scenario, in that there are various permutations of recollection about this particular radio message. There is one other reference to a knife. But other people do not refer to a knife. So, in terms of the accuracy of that message, we are in a difficulty because we do not have a contemporaneous recording. So it's not clear to me the basis upon which it could be said that this is the definitive accurate account. That's the difficulty that I see.

20

25

HER HONOUR: That is a difficulty, Mr Fernandez.

30

FERNANDEZ: I'll ask him to assume it's correct. It's his note, your Honour. I'm going to ask him to assume then that it's a correct note.

HER HONOUR: It's still the same problem.

35

FERNANDEZ: All right, I'll move on. I'll withdraw the question.

CHRYSANTHOU: Can I just raise one matter from our perspective?

40

HER HONOUR: Yes, Ms Chrysanthou.

CHRYSANTHOU: We intended to submit that because of the fact that it was a contemporaneous note, that it's far more reliable than the statements that he has subsequently made that appear to have been made after some consideration. And that's his best recollection, because of the contemporaneity of the document. And the families are entitled to put to him that it's correct on that basis.

45

JORDAN: Your Honour, my point - I wouldn't put it as high as an objection - with respect has not been traversed or answered by Mr Fernandez. As

50

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Ms Chrysanthou points out, and as my friend I think wants to do, obviously there is no difficulty with those things being put directly to this witness.

5 My concern is that the assumption does not provide any meaningful assistance. You can go directly to the proposition, it can be put, it can be answered, and we can move on.

FERNANDEZ: I've said that I withdraw the question, your Honour.

10 HER HONOUR: Yes, thank you. And obviously anything can be put. The witness can come back in.

IN THE PRESENCE OF THE WITNESS

15 Q. Thank you, Mr Gaerlan, have a seat.

FERNANDEZ: Could I have tab 996 put up on the screen, please.

20 Q. This is your first statement, the statement to police. Could we turn to paragraph 14, please.

HER HONOUR

25 Q. That will be on the screen for you.
A. Thank you.

FERNANDEZ

30 Q. What you set out at paragraph 14 is what you said in your statement, your first statement to the police, about your recollection of what had come over the security radio, is that correct?

A. That's correct, yes.

35 Q. And what you heard was broadcast over the centre radio network something along the lines of, "Code black", and then "code black alpha", which was repeated at least three times. And then there were broadcast details, "There's someone running through the centre. Looks like someone's been injured. There's a lot of blood. You need to hurry". Can you see that?

40 A. I can, yes.

45 Q. You expanded on that in your second statement, and you were taken to that earlier by Ms Sullivan. But I just want you to focus on what it is that you were told in that, what you heard in that call over the centre radio. You heard "code black", and it had been actually repeated again, "code black", is that correct?

A. That's right. It was repeated a few times.

50 Q. I've just taken you through what was said in that message, and it's on the screen. What you heard at that point in time was something clearly concerning to the person who made that message, is that correct?

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A. So, the call that was called through was from a security guard. As I understood it was a female voice, as I mentioned. She was calling through the code black, but I don't believe she was the one necessarily in threat.

5 Q. Right. You don't believe she was the one?

A. I don't know.

Q. Someone called through the code black?

A. That's right.

10

Q. Whoever it was, that was an important piece of information for you, is that correct?

A. That's correct.

15 HER HONOUR: I think just to clarify, I think the evidence was, "I don't think she was the one in threat".

FERNANDEZ: She wasn't the one in threat?

20 HER HONOUR: Yes.

FERNANDEZ: Okay, I apologise.

25 Q. What happened after you got that message was that you actually moved towards the incident, is that correct?

A. So, I received the radio broadcast whilst I was, as I mentioned, in the bathroom on level 13, and had made my way towards the scene.

Q. Why did you go towards that area?

30 A. Because it's, as I mentioned prior, it's quite standard for us to go towards an incident to understand more information about what's actually taking place. It's quite common for instances to take place in the centre that are varying in, in severity. Most of the time, if not all the time, aside from this particular instance, they're quite minor, and they can involve someone tripping and falling
35 for example. So the purpose of me walking towards the scene was to understand more information.

FERNANDEZ: I'm going to ask for tab 1253 to be put up on the screen now.

40 Q. This is a printout of the Scentre Group radio colour codes and some other codes used at Scentre Group. Can you see that?

A. I can. Yes.

45 Q. This sets out all of the codes that can be called by anyone at the centre. Is that correct?

A. That's correct. Yes.

Q. The code black refers to a personal threat. An armed or unarmed person threatening injury to self or others, including a brawl. Can you see that?

50 A. I can. Yes.

LTS:DAT

Q. There are other codes. The code blue relates to a medical emergency. Can you see that?

A. I can.

5

Q. Is that right?

A. That's right.

Q. The code grey is about a missing person?

10

A. That's right.

Q. Code orange is about an evacuation?

A. Uh-huh.

15

Q. Code purple is a bomb threat?

A. That's right.

Q. Code red is a fire or smoke?

A. That's correct.

20

Q. Code silver is a cash escort?

A. That's correct.

Q. Code yellow, an internal emergency - a flood or something else?

25

A. That's right.

Q. Code brown is an external emergency. Is that right?

A. That's correct.

30

Q. Code green was a crime in progress?

A. Correct.

Q. Code white is a past crime?

A. That's right.

35

Q. Just while we're there. If you look to the left side of that document. It's about other common codes when an immediate response is required. Can you see that?

A. I can. Yes.

40

Q. Alpha means when an immediate response is required. Can you see that?

A. I can.

Q. What you set out then at paragraph 14 of your first statement is that the person who called it through said, "Code black." That meant a personal threat, including an armed or unarmed person threatening injury. You understand that, don't you?

45

A. I do.

50

Q. When the person who called through on the security radio said,

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"Code black alpha", what the person was communicating was that threat, which required immediate attention. Do you agree?

A. That's correct.

5 Q. By virtue of the fact that the person said, "Code black alpha", at least three times, told you that this was a real emergency involving a personal threat. Do you agree with that?

A. That's correct. Yes.

10 Q. The rest of the message referred to, "Someone running through the centre. Looks like someone's been injured. There's a lot of blood. You need to hurry." Can you see that?

A. That was what I'd mentioned in, in that Scribe document. Yes.

15 Q. By reference to the fact that code black had been mentioned and code black alpha had been mentioned three times, your understanding was this was not something small, this was something urgent and important. Is that correct?

A. I understood it to be urgent and, as I said, escalated because of the code alpha. Yes.

20

Q. To your knowledge, everyone at Scentre that you worked with has got training and the use of the codes. Is that right?

A. That's correct.

25 Q. A code black is only, to your knowledge, ever going to be used when there's a situation which justifies it. Is that correct?

A. That's correct. Yes.

30 Q. Knowing all of those things, why did you need to go and find out more information?

A. Because the code black doesn't necessarily imply that there's a situation like an armed active offender situation taking place. Code black's a wide ranging. That could be a, a very loud, potentially aggressive customer who's violent. It, by no means from my understanding, implies that it's an armed active offender situation.

35

Q. I don't want to repeat the message that you were told, three code black alphas and one code black. In your mind that wasn't going to be a customer who was violent, was it?

40

A. As I said, it's, it's wide ranging and code black - code black alpha is just attached to the code colour which escalates the urgency. As I said, it was repeated a few times, but that was repeated, I guess, potentially within - the message was clearly - clearly understood.

45 Q. Your understanding, by virtue of the message being repeated three times, was this was an emergency. Is that correct?

A. I understood it to be quite serious.

Q. Why then did you move towards the incident?

50

A. I mentioned previously is I've moved towards the incident because I wanted

to understand and verify what was actually taking place, because post that radio call I actually had no further information around what was unfolding other than it was a personal threat and that it was a serious matter.

5 Q. When you got this message that I've been taking you to, did you think to yourself, by virtue of the code black being called, that the situation had arisen where you needed to take on your role as Chief Warden to deal with a personal threat, which might include an armed active offender?

10 A. I mean, I was prepared when I had heard code black called that it - it involved personal threat and, you know, as I mentioned, situations that are involved in a centre are wide ranging, so a code black doesn't necessarily mean what the incident was. It's - it, it could be anything that's involving a personal threat, so. I guess to answer your question about would I need to enact my role as Chief Warden, I was aware of that. Yes.

15 Q. A person had also said to you, "There's a lot of blood. You need to hurry." What did you think when you heard that piece of information?

20 A. I understood it to be what it was said. I guess for, for context of whilst I still didn't really understand what was happening is because, you know, unfortunately a lot of blood can mean anything. With - I don't want to paint a picture of being graphic - but effectively, you know, we've had instances where people have been caught in plant equipment that's involved a lot of blood. So it's - yes, I took that message for what it was, but it - it still, at that time, had no inclination to myself to understand that it was the severity of what was actually taking place.

25 Q. By moving towards the incident what was it that you think you could do if you'd gone to the incident?

30 A. It's - as I said, it's - it's quite common for us to, to approach instances because most of the time they are quite manageable and you're best placed managing it from the scene of the incident. So from my perspective, it was to provide assistance, ie, redirecting customers, if it be that; assisting the security team with privacy screens, or whatever they require at that time being close to the incident.

35 Q. Was that your understanding that you were best placed to manage the incident at the very scene of the incident?

40 A. At, at the time of the information that was available to me, that's correct. Yes.

Q. What about the responses that you were taken to by Ms Sullivan, and by me, about the role of the Chief Warden taking command and control. Did you think, at that stage, when you got the message that that was a time for you to take command and control?

45 A. Sorry, what, what message are you referring to?

Q. The one security message that I've taken you to?

A. Sure.

50 Q. When you got that message did you think that was a time to take command

and control?

5 A. The role of Chief Warden is obviously to assess the situation for what it is, and I guess it's quite - it's mentioned in our generic response that we need to obtain information and verify an incident before responding. So my intent of walking towards the incident was to understand more information so I could appropriately respond.

Q. Could you take command and control of this incident by going to the scene of it?

10 A. I've mentioned prior that I - once I was made aware of the severity of the situation, I understood that I wasn't able to take command and control from that situation at that time, and, and that's why I chose to head to the control room.

15 Q. Please excuse the lack of specificity about my question. I've talked to you about one message over the centre radio, and all my questions are about this message just for the time being?

A. Okay.

20 Q. After you got this message that you wanted to go and get some more information about, did you think that you could take command and control as Chief Warden by going to the scene of the incident?

A. I would be able to, given communication of radio. So being able to enact that pending on what that situation would have been.

25

Q. Did you think that you could co-ordinate the response and communication among Scentre Group personnel and many others by going to the scene of the incident?

30 A. Once again, depending on the situation, but it would be communicated via radio, so at that time, yes.

Q. How would you be able to determine a location to exercise command and control if you went to the area of the incident?

35 A. So if I refer back to, I guess, any other instance you would effectively just take a step aside from what's unfolding at the scene. If you need a quiet place, it's looking for the nearest fire escape to, to make that radio broadcast. So it's possible to do that from the scene of an incident. Yes.

40 Q. The Red Book states that one of your responsibilities is to determine a location for exercising command and control, including an emergency operation centre. Would you be able to do that by moving towards the scene of the incident after you got this message on the radio?

45 A. As I said, you, you could take a step aside and, yes, effectively you could do that and - at a, at a side location given - like I said, knowing that the incident wasn't - I wasn't aware of the severity, as I said, at that time from that radio call that you mentioned. You would be able to take a step aside and co-ordinate that.

50 Q. Are you saying despite what was said in that message you were not aware of the severity of the situation?

LTS:DAT

A. I was aware that it was a code black relating to personal threat and it was escalated by the call of alpha. So I understood that it was serious. However, I didn't understand the specifics of what the situation was.

5 FERNANDEZ: I'm going to ask for the pre-scribe notes to be put up on the screen please.

10 Q. I want to take you to 15.32 which - the points in time. They're about three minutes out. Is that correct? From the note that you've made to what the actual time is. Is that correct?

A. They are a few minutes apart, but - yep.

Q. Just what you've noted at 15.32. That's a note by M20, that's Rahim. Is that right?

15 A. That's correct.

Q. That was called through via the radio. What you were told, where you've noted it at 15.32, is "Contact blue lights now. We require urgent backup. I repeat call blue lights now." Can you see that?

20 A. I can. Yes.

Q. That, to you, was a clear communication that an emergency was happening. Do you agree with that?

25 A. Yes.

Q. Did you later speak to Rahim or someone else where you had a confirmation that there was clearly an active armed offender?

30 A. So what I refer to in that pre-scribe account of events I've mentioned is an estimate in terms of timing, is estimated, based on my recollection. And as I've mentioned, in that pre-scribe document of events I since have addressed in my supplementary statement that those developments took - that communication between myself and Rahim.

35 Q. If you look at 15.33, your note is "M2". That's you. You proceeded down to the incident reported on level 5. Is that correct?

A. I made my way to level 5. Yes.

Q. Your understanding was what had taken place had taken place on level 5?

40 A. I - I wasn't aware of the location of where the incident was reported. So I guess, as I said, I'd mentioned that in that particular document as a recollection of what - what I understood to have happened at that time when I took the notes.

45 Q. That message from M20 about calling of blue lights now, that was an indication to you, wasn't it, that you were definitely now in your role as the Chief Warden. Is that correct?

50 A. Rahim's call was to security control. So obviously I was listening to that message. I understood from when the first call was made about code black that there would be an instance where I would need to enact Chief Warden responsibilities, but I wouldn't say it was a direct result of that call.

Q. When you heard that call by Rahim, in your mind did you understand that you were now the Chief Warden in a very serious situation?

5 A. I understood I was Chief Warden from the start of the day, but in terms of - like I said, I, I was fully aware that my role of Chief Warden potentially needed to be enacted from when code black was called through, not from when Rahim had called through his call.

10 Q. When you say it could have potentially been instituted, your position as Chief Warden, from when the code black was called through, which message are you referring there to?

15 A. Sorry, if I can clarify that. Is that I'm, I'm well aware throughout the duration of the day that I'm Chief Warden. So any code colours that are called through, I guess if a code colour's called through, in this case it was the code black call, I was aware to listen out for more information. As I knew that that would mean a response by the Chief Warden. So, I was aware that I needed to be a Chief Warden throughout the entire day. It was, I guess made me listen closer when I'd heard the code colour called through.

20 Q. When you heard the first message that I've been taking you to, the one where a security officer said "Code black." That was the time that you understood, wasn't it, that your objectives to get people to safety and get information to police, that began then at the time of that first message? Do you agree or do you not agree?

25 A. No I, I disagree. As I said, the first call was code black, code black alpha, which indicated there was a personal threat. But it wasn't the response to respond to armed active offender until it was confirmed that it was an armed active offender situation. And that's when the second call was code through from Rahim.

30 Q. But the code black can include an armed offender, can't it?
A. It, it could, yes.

35 Q. When you got this message at 15.32 about "Contact blue lights now. We require backup. I repeat, call blue lights now." At that point in time you knew that your requirement was to get people to safety and get information to police? Do you agree with that?

40 A. Mention that there's developments to what I understand Rahim to have said at that time, and he had mentioned that it was an AAO situation. So in that case, yes.

45 Q. You knew from that point in time you had those two main objectives, as well as the five main assignments then that you've already been taken through? Do you agree with that?

A. That's right, yes.

Q. So when you got that message that you've made a note of in your pre-scribe notes, did you do anything to notify triple-0 at that stage when you got this message?

50 A. So that message was called through to the security control room. The

security control room, I believe, had contacted blue lights.

Q. But you, your responsibility as Chief Warden, did you think you should contact triple-0?

5 A. No it's, it's not common for - if, if the call's been called through to control, it's the controller - effectively the operations control and the ones responsible for contacting blue lights.

10 Q. When you say controller, are you referring to the person who is in the CCTV control room?

A. That's right, yes.

Q. And when you heard that call called through you assumed that the person in the CCTV control room would call triple-0?

15 A. I understood that they would contact triple-0, in which case as I mentioned after is in my role as Chief Warden had asked control when I had the ability to make that radio transmission to confirm that blue lights had been contacted.

20 Q. When you asked for something do you expect a response? That is accepted I've done that, something along those lines?

A. Yes.

Q. Did you get a response about triple-0 being called in that period after that call through from Rahim and before you went up to the CCTV control room?

25 A. As I mentioned, the, the radio broadcast was quite staticky, like not staticky but it wasn't clear. There was a lot of chatter or a lot of conversation. I don't recall there being confirmation.

30 Q. Because that period in time that you've noted the call through from Rahim that was a time when you should have gone to the emergency channel? Do you agree with that?

35 A. No, as I've mentioned, the emergency channel would mean if I would've made the call as Chief Warden for people to go onto the emergency channel it would involve me making a broadcast on the radio to be very clear to all radio users that we were moving to the emergency channel. If - as I mentioned, I was of a strong belief at that time that if that message for whatever reason didn't get transmitted to a key essential person we would miss the communication, because we'd be on an isolated channel as compared to being on the channel that we're on.

40

Q. I guess the risk with staying on the general channel with all the chatter and congestion is the message may not get to that key person? Do you agree with that?

45 A. I, I agree. I do want to say though that you can be very clear when a radio call goes through and, and that's as I mentioned you can - you actually hear a beep on your radio to identify that a call was being transmitted. So when I made the call as Chief Warden to confirm with control the things that I'd said, I was confident that that message had gone through, despite the chatter on the radio, because that beep didn't, didn't sound.

50

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Q. At that point in time when you go the message at 15.32 from Rahim, that was the point in time when you needed to ensure that the public announcement system was used to warn everyone in the centre? Do you agree with that?

5 A. That's correct.

Q. Did you do that--

A. I--

10 Q. --before you got back up to the CCTV control room?

A. I, I, I - so in terms of physical capability to do that I was on the centre floor. There's no capability for me personally to do that, except I did make that radio transmission to control asking them to do that.

15 Q. To do the public announcement?

A. That's correct, yes.

Q. Did you receive a response to say Roger, or yes I'll do that?

20 A. I, I can't confirm. I don't recall, however as I said I was confident that the transmission went through, given the fact that there wasn't that interruption in the radio transmission.

25 Q. But you got back up to the CCTV control room around about 3.50 or just thereabouts? You had not heard the public announcement about what had taken place before you got back to the CCTV control room, is that correct?

A. I mean I can't recall if I'd heard it or not, and to be honest it wasn't a thought in my mind to listen out for it. I was really focused on getting to the control room to get eyes on as quickly as possible. So I don't, I don't recall hearing it, no.

30

Q. Given one of your main objectives to get people to safety, why were you not listening out for that? Because that public announcement was going to get people to safety, wasn't it?

35 A. That's correct. I, I understand the public announcement to be the best way to communicate to mass groups of people. I mean as I said, in terms of if, if it was me physically doing it that would literally be the only way for me to verify that it was taking place. But I was confident in the direction that I had issued via the radio that that was sent through to the control room.

40 Q. Did you call through from where you were after that message from Rahim to direct that the CMEO be used?

A. Sorry, could you please repeat that?

45 Q. The Centre Management Emergency Override at the time you as the Chief Warden was the person who had to give information for the CMEO to be used? Is that correct?

A. It's within Chief Warden responsibility to authorise that, yes.

50 Q. Did you radio through to ask someone to use the CMEO?

A. That's correct, yes.

Q. Did you receive any response to that request?

5 A. As I mentioned, it was the radio call that was made through the same way the same time with the other requests. And as I mentioned I was confident that the radio transmission had been received, given the fact that there wasn't interruption on the radio.

Q. So the direction about triple-0, the public announcement system and the CMEQ was that all in the one message?

10 A. It was sequential following, yes.

Q. What does that mean?

15 A. Sorry, that means that I had the radio microphone piece to my mouth in which case I directed control to confirm that blue lights had been contacted and that we needed to activate the CMEQ system for an armed active offender situation. So that's what I mean by it being in the same message.

Q. I'm going to take you back to the pre-scribe notes, please.

20 HER HONOUR: That's what we've got.

FERNANDEZ: Thank you.

25 Q. I'm not going to show you the CCTV footage, but you recall being at Eckersley's, in front of the Eckersley store and then walking back towards the CCTV control room eventually? Is that right?

A. That's correct.

30 Q. You saw people around you, shoppers around you? Did you say anything to them about hide, go into a shop, close up? Did you do anything like that?

A. I don't recall any interactions with, with, with customers, no.

Q. Why--

35 HER HONOUR: Mr Fernandez, I'm sorry to interrupt, but we cannot go over the same evidence, we haven't got time. If it's been asked and answered.

FERNANDEZ

40 Q. If we go to 15.33, your note in the pre-scribe note was that you were stopped by customers querying "Am I going to be okay? What is happening?" Can you see that?

A. I can, yes.

45 Q. Did you answer those customers?

A. Yes, so this particular note was for context at the time when I'd made my way from level 6 to level 5. I was stopped by customers at the escalator landing, in which case they were asking what was happening.

50 Q. What did you say to them?

A. My response was to I guess a customer response, 'cause I had not known the information myself. And it was to the effect of "Stand by. We'll provide you with information once we have that available."

5 Q. Why were you giving a customer service response when at that point in time you were the Chief Warden dealing with an emergency?

A. It was my intention to verify any information that was being provided, and it's unnecessary from my perspective to cause panic if it not be a situation that wasn't confirmed at that time.

10

Q. What more verification did you need than Rahim saying "Contact blue lights now"? What more verification did you need than that?

A. So just to clarify--

15 JORDAN: Objection. I'm sorry, I really do not want to delay things, and I may be corrected on this. But the question that was put by Mr Fernandez appears to have the sequence wrong in terms of when Mr Gaerlan received what he's described as the clear call from Mr Zaidi and when he might have been interacting with customers. I'm concerned that the question may have been
20 put on the basis that it was the other way around to what it actually was.

FERNANDEZ: Can I just clarify.

25 Q. If you look at the pre-scribe note there's a reference at 15.32 to the call by Rahim? Can you see at 15.33 there's a reference to you proceeding down to the incident? Was that after Rahim's call?

30 SULLIVAN: At this point, I understand why my friend is putting those questions in those terms in relation to the pre-scribe notes. We know that these times are wrong.

HER HONOUR: Yes, that's the thing Mr Fernandez it's not helpful.

35 SULLIVAN: We also understand why these notes have some difficulty, that's been explained.

HER HONOUR: Yes. The things we know, we know, and this is not accurate.

40 FERNANDEZ: Thank you, your Honour.

Q. I'm going to take you now to the point in time when you go to the CCTV control room. Do you understand that?

A. (No verbal reply)

45 Q. At that point in time there was a male operator and a female operator, is that correct?

A. That's correct.

50 Q. What you knew from the male operator was that there was definitively, it had been established, that there was just one offender? Is that right?

5 SULLIVAN: There's a sequence that needs - this questioning, and I'm loath to interrupt my friend, needs to be approached carefully. We know, we saw the CCTV at the point that Mr Gaerlan enters, in fact he crosses the male controller who's leaving the room, and the male controller comes back into the room at a subsequent point, and then there's a process of review of the footage. I'll leave it there.

10 FERNANDEZ

Q. What I'll do is I'll ask for your second statement to be put up. Could we go to paragraph 55 please of your second statement? This is a clarification of what you said in your first statement. You say in paragraph 55:

15 "Further to the earlier paragraphs, when the male controller confirmed there was one offender, he showed me on the CCTV that male. And the male controller was definitely able to establish this through the review of the CCTV."

20 Can you see that?
A. I can.

Q. I want to take you to that point in time. From that point in time you had very important information that could be shared with the police? Do you agree with that?
25 A. (No verbal reply).

Q. That very information? Is that correct?
A. That's correct.

30 Q. What was the reason you yourself didn't pass that information on to police?
A. I think I referred to it in, in one of my statements and I'm not sure where it is that there was radio broadcast made that it was confirmed to be one victim. So I, I mean are you asking--

35 Q. What about you? Why did you not pass that information directly on to police, being there at the CCTV control room and seeing what you saw?
A. As I said, I can't recall if, if I had or had not or what my actions were, but because it was broadcast on the radio channel, my understanding is that
40 Rahim was with police at the time and, and coordinating with them as an on-scene coordinator on the day.

Q. Was that an assumption that you'd made?
A. I knew him to be with police at the time.

45 Q. How did you know that?
A. He was communicating on the radio, advising of, you know, certain specifics relating to police response.

50 Q. Did he say while he was communicating on the radio that he was with

police?

A. It was never specifically addressed that he was, except as I said he was mentioning specifics of coordinating police response. So it was understood that he was with them.

5

Q. Wasn't that a specific responsibility for you as the Chief Warden to assist with coordinating that response?

A. That's right. Also, the role of, of assistant - or sorry, on scene coordinator is to coordinate on scene, and that's, you know, understanding that information can be fed via the radio, in which case they understand that information to be heard, that they also have the ability to communicate that with police.

10

Q. Do you think you should have, you should have been the one who should have directly contacted police with the information you had at that point in time, watching the CCTV footage?

15

A. If I can answer that with the benefit of hindsight today, of course. I think, you know, there's a lot of things that I think, you know, I would have loved to have done differently. As I mentioned though, it, it was so fast moving that it was unreasonable for every single thing that I knew and was confident had been heard to then verify when I had no doubt at that time that that, that message was not heard.

20

Q. What was the reason you had no doubt the message wasn't heard?

25

A. Because in the times that, that time following the incident Rahim, and I guess other team members, were communicating on the radio, with communication following that, that radio transmission. So it was, there was no doubt that it was unclear that that message wouldn't have been heard.

30

Q. When Mr Goldberg later arrived at about 3.55, you saw the CCTV footage of what happened when he arrived. Did you have a chance to speak to Mr Goldberg when he arrived for the period of time he was in the CCTV control room?

A. I don't recall having - I mean it's seen on the CCTV that I interacted with him, but I don't recall exactly what conversations we'd had.

35

Q. Wouldn't it have been critical for you to say to Mr Goldberg "There was one offender, and he is now dead"?

A. I don't want to speculate, however as I said, there's a chance that I could have had that conversation. I just don't remember it at this time.

40

Q. You gave evidence that at about 3.50 that you spoke to the female operator and you sent her out to the fire, fire centre control room, is that right?

A. That's right.

45

Q. To make the public announcement from there, is that correct?

A. That's correct.

Q. From that other room. But the public announcement could have been made from the CCTV control room, is that correct?

50

A. There's ability to do it from the CCTV control room, yes.

Q. Why did you send the female operator out to the other room?

A. I can't tell you the exact reason. I'm not sure why that was the case. It was, as I said, it was very, very quick, that I can't tell you why. I'm not sure.

5

Q. Did you think to yourself, "this is going to delay the public announcement being made by me sending the female operator to another room at another location"?

A. I can't say it's a thought that I've had, no.

10

Q. You were in the CCTV control room when a senior police officer came up at around about 4.22, is that correct?

A. I'm, I'm not sure. If, if that's been documented, then, I'm not sure, yes.

15

Q. Were you there? You stayed on in the CCTV control room, were you there when a senior police officer came up to the CCTV control room?

A. I do recall police, yes.

20

Q. That senior police officer was looking through the CCTV footage, is that correct?

A. That's right.

Q. Were you the one who was directing the CCTV footage? Were you showing that person?

25

A. No, so I wasn't operating CCTV. It was the control CCTV operator.

Q. Were you there with the police officer at the time when he was looking at the CCTV footage?

30

A. I was in the control room for the entire duration up until a later stage in the evening.

Q. Did the senior police officer say to you, "I need to confirm that there's only one offender"? Do you remember the words similar to that?

35

A. The - I, I don't recall there being a message direct to myself. If the interaction between police was with the CCTV operator directly, and I was obviously in the room, I understand that conversation was taking place.

Q. Did you say to the senior police officer, did you say, "One offender, he's now dead"?

40

A. I don't recall if I did or didn't. Look, there's every chance that I did, but I'm not sure.

Q. There's every chance that you did, because that's a critical piece of information, isn't it?

45

A. I understand that. However, as I've said, the conversation of reviewing the CCTV was directly being had with the CCTV operator and, and not myself directly.

Q. Right. I'll ask you the question again. There's every chance you did say that to the senior police officer, because that was a critical piece of information,

50

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wasn't it?

5 SULLIVAN: Your Honour, I'm loath to object, but we know what happened in the CCTV control room. We can see who the senior police officer is interacting with. We all have an understanding about police procedures, and what this witness says to that witness - to that officer - or otherwise is by the by when there is a senior officer looking at the CCTV footage to satisfy himself about a particular issue. And I raise it in particular because we can see where

10 Mr Gaerlan is situated in the footage at that time when that officer is there.

HER HONOUR: That's right. I think we can move on from that, Mr Fernandez.

FERNANDEZ

15 Q. I want to take you to the making of the pre-scribe notes that you've been taken to. Is it correct that this note was taken - you made this note, was it about how long afterwards? It was about three days afterwards?

A. So, I'd written on there that it was, yeah, it was taken on 16 April at about 12.09.

20 Q. Did someone ask you to make these notes?

A. I can't remember who it was, but I believed it was in the interest of documenting my recollection of what had taken place. So it was in the centre management office at the time and I was asked to do my best to put pen to paper.

25 Q. Were you on your own when you made these notes?

A. That's right.

30 Q. How long did it take you from start to finish to make these notes?

A. I mentioned earlier, it probably took me the greater half of two and half, nearly, probably three hours.

35 Q. You had time to go through the footage and look at what was there, is that right? Did you look at CCTV footage at the time?

A. No, so as these notes were created, it was me isolated from footage. So I didn't review footage at that time. It was me in the centre management office isolated to a meeting room where I documented these notes.

40 Q. So you were sitting by yourself thinking very carefully about what had happened on this day, is that correct?

A. That's right.

45 Q. When you were doing that, you will see, you've been taken to already - and I'm not going to take you again - to the note that you made at 15:31 about what message was put over the radio, the very first message. Do you recall that?

A. I can see at 15:31 that message that you mention, yes.

50 Q. When you made that entry in your notes, in your pre-scribe notes, at 15:31, what you said there, what you noted there that the person on the radio call, the

security person had said, that was an accurate recording of what had taken place, the message that was sent, wasn't it?

A. I've mentioned in, in the notes that it was the very best recollection I had at the time of when those notes were taken, yes.

5

Q. And three days afterwards your very best recollection is what we can see in the pre-scribe notes, is that correct?

A. That's correct, yes.

10

Q. When did you realise that what's set out at 15:31 in the pre-scribe notes was not entirely accurate?

A. So, it was I guess the, until the review of when I had the ability to review CCTV of my movements.

15

Q. When was that?

A. That was I guess close to the time of when I constructed my second supplementary statement in March.

20

Q. Your supplementary statement was on 6 March 2025, correct?

A. That's correct.

Q. Eleven months later, almost, you're looking at CCTV footage, and it's then that you've realised what was in your pre-scribe note was inaccurate, is that correct?

25

A. It, it was at that time, and - however, I, like I said, want to clarify that the, the details in which the incident happened and the details relevant to that were heavy in focus, and I really can't explain how much of a blur it was to do my best to not only worry about what had happened, but then also try to think about what's ahead operationally for the centre, and not, not even giving myself an opportunity to process the loss and, and everything that had happened at that time.

30

It, it really was, I can't stress it enough, it was a really difficult time three days after to try and pause and, and just get my mind into a space where I could document what, what I recall to have happened.

35

Q. What do you mean when you say in your mind you were thinking about what was ahead operationally for centre? What does that mean?

A. I say that with all respect to what's happened. I guess I, I take a lot of pride in my role. I'm very, you know, like as I said, I regard myself as being operationally excellent, and I pride myself on what I do and what I can contribute.

40

So it was, you know, if it speaks to, you know, me coming to the centre, you know, staying very late that night, and, look, I don't regret doing any of those things, they were things that I wanted to do. But going into the centre the, the morning after and being there of support to the centre team and my peers who have gone through that I'd gone through, it was something that I took pride in, and that's what I refer to when I say that was a thought of mine of what's operationally next.

45

50

Q. Are you saying that there was a bit of a blur for you at the time you were making the pre-scribe notes?

5 A. It was a difficult time. I can't say more than I hadn't even had a moment to, to process what had happened.

Q. Did you think to yourself, "I might just leave this, leave these notes, these pre-scribe notes, and come back to it later in time when I can process what's happened"? Did you think about that?

10 A. It wasn't a thought of mine at the time.

Q. It was open though to you to go back and look at your notes, wasn't it, if you wished, your pre-scribe notes?

15 JORDAN: Can I object to that.

FERNANDEZ: I withdraw the question.

JORDAN: I don't understand what the question's about.

20

FERNANDEZ: I withdraw the question. I withdraw the question.

Q. As at 5 August 2024, you made a statement, the first statement to police, do you recall that?

25 A. I do, yes.

Q. Did you look at your pre-scribe notes before you went to make your statement to police?

30 SULLIVAN: Your Honour, is Mr Fernandez referring to the pre-scribe component or to the scribe notes? There are two portions to the notes. So in the interests of clarity--

FERNANDEZ: Pre-scribe notes. I've been referring repeatedly to the pre-scribe notes.

35

Q. Before you went to see police on 5 August 2024 to prepare a statement, did you look at your pre-scribe notes?

40 JORDAN: I'd like to be heard on this.

SULLIVAN: Just for clarification, because there's the pre-scribe portion, and there's the scribe portion. And they commence on page 3. So is Mr Fernandez referring only to the pre-scribe or is he referring to the pre-scribe and the scribe, or the notes in their entirety?

45

FERNANDEZ: All right. I'll make that clear.

HER HONOUR: And just get to the point too, because we don't have to close the gates in this jurisdiction. It's just asking the questions, and already this

50

LTS:DAT

gentleman has made concessions, and I'm sure he's happy to. So, you just get straight to the point.

FERNANDEZ

5

Q. Which of your notes did you look at, if any, before you went to speak to police on 5 August 2024?

A. At this time, I don't recall revisiting my pre-scribe.

10

FERNANDEZ: That completes my questions.

<EXAMINATION BY MS CHRYSANTHOU

15

Q. Just a couple of questions about that first code black call. As you sit here now, I think you've said you don't recall the word "knife" being used, is that right?

A. That's correct, yes.

20

Q. Even though that was your recollection a few days afterwards?

A. What was documented on the 16th, yes.

Q. Do you recall instead the term "armed offender" being used?

A. No, not, not to my current recollection, no.

25

Q. Are you sure about that?

A. I am sure.

30

Q. Are you sure that at the time you walked out of that bathroom, having heard that first message, which we now know from the CCTV was actually at about 3.33, are you sure you didn't understand that there was someone in the shopping centre that had, that was armed and that was seriously injuring people?

A. I hadn't, at that time had no recollection of those details, other than it being called through as a code black, a code black alpha, and there being lots of blood.

35

Q. Sitting here reflecting upon what occurred, as at, thinking back to your experience and your training as at April last year, do you think that you were appropriately trained and prepared in your role to deal with the situation, or any situation similar to what happened on that day?

40

A. Sorry, if I can just clarify. Are you asking if the training that I had made me confident to be able to--

Q. Reflecting back, do you think that you were appropriately trained, given the role you had and the expectations you were required to meet in accordance with all the manuals that we've seen, do you think you were appropriately trained and prepared to carry out that function as at that date?

45

A. Yes. I do.

50

Q. Are you sure about that?

LTS:DAT

A. I'm sure.

SPEAKER: Your Honour, I won't ask any questions.

5 CHIU: No questions, your Honour.

CALLAN: No questions. Thank you, your Honour.

10 CLARKE: No questions, your Honour.

CASSELDEN: No questions, your Honour.

HER HONOUR: In court 2, anyone with questions?

15 SPEAKER: We have no questions. Thank you.

SPEAKER: Nor do I, your Honour.

20 SPEAKER: Likewise, your Honour. No questions.

SPEAKER: No questions, your Honour.

HER HONOUR: Mr Jordan?

25 <EXAMINATION BY MR JORDAN

Q. Mr Gaerlan, thank you very much for your patience. I'll try to be brief. You were asked some questions by Mr Fernandez and Ms Chrysanthou--

30 CHRYSANTHOU: It's Chrysanthou. Just to clarify.

JORDAN: I'm sorry. I do apologise.

35 CHRYSANTHOU: That's okay.

JORDAN: I stand corrected.

40 Q. You were asked some questions by Ms Chrysanthou and Mr Fernandez about the first call on the radio that you heard from that female security guard. Do you recall being asked those questions by each of my friends?

A. I do. Yes.

45 Q. You were asked questions about what you did on the day after receiving that call. Do you remember answering those questions?

A. I do. Yes.

Q. If you had known in that very first call that there was an active armed offender with a knife attacking multiple victims what would you have done?

50 A. It would've been a completely different response to how I responded on the day at the time.

Q. In what ways would it have been a completely different response at that point in time?

5 A. If the detail had been provided that it was an armed active offender situation involving the weapon my response would be immediately to enact those five assignments per the armed active offender response in the Red Book.

10 Q. You were also asked some questions by Mr Fernandez in relation to making clear radio communications. Do you recall being asked those questions?

A. I do. Yes.

15 Q. As at 13 April 2024 what was your understanding of how you should speak and use radio communications during an emergency response situation?

A. I understand the communication to be - expected to be clear, concise and to the point.

20 Q. Is that what you endeavoured to do on the day?

A. Yes.

25 Q. Mr Fernandez also asked you some questions about your decision at a particular point in time to not move from the general radio channel to the emergency radio channel. Do you recall those questions?

A. I do. Yes.

30 Q. In making that decision not to change channels, were you conscious that the general channel was already being used by all radio users except for cleaners and personnel in the car park?

A. That's correct. Yes.

35 Q. Is it the case that the only practical difference in changing to the emergency channel would have been to add cleaners and car park personnel to those radio transmissions?

A. Effectively yes.

40 Q. Did you have some concern that changing radio channels could take up time?

A. Absolutely. I was mindful of making that call and as I said, if - if it wasn't clear or heard by anyone that they would've missed that request to change to a - a different channel.

45 Q. Just in conclusion, you were actually there when these horrible attacks took place at Westfield Bondi Junction on 13 April 2024?

A. That's right.

50 Q. This was your first real life experience of a mass casualty active armed offender event?

A. That's right.

LTS:DAT

Q. I know this might be difficult, but are you able to give us a sense of what you were feeling while doing your best to perform your role as Chief Warden during that emergency response?

5 A. You know, I was completely terrified. I, I guess - I was terrified but knew what I needed to get done and I know it doesn't change what's, what's happened and it's taken place, but I sincerely believe that I did the very best that I could to, to do what I knew I needed to get done at that time. And I'm deeply sorry that, obviously, what's happened has happened.

10 Q. Once again, many thanks for your patience during the day.

HER HONOUR

15 Q. Mr Gaerlan, I'll just see if there's anything else from counsel assisting and then that will be the end.

A. Thank you.

SULLIVAN: There's nothing arising, your Honour.

20 HER HONOUR

25 Q. I'd like to thank you very much for your time today. I know it must have been difficult and very much appreciate that you put thought into what happened and that you've reviewed and that you've spoken frankly about what you think you might've done differently. It's much appreciated.

A. Thank you.

30 NO CROSS-EXAMINATION BY MR ROFF, DR FRECKELTON, MR CHIU, MS CALLAN, MR CASSELDEN, MS CLARKE, MR GNECH, MS MATHUR, MR PENN, MS ROBB, MR WILSON AND MR LYNCH

<THE WITNESS WITHDREW

35 SULLIVAN: Thank you, your Honour. Mr Murphy will take the next witness. Mr Jerry Helg.

MURPHY: Mr Helg has made two statements in this matter. The first is at volume 4, tab 283. The second is at volume 42, tab 1598.

LTS:DAT

<JERRY HELG, SWORN(3.07PM)

<EXAMINATION BY MR MURPHY

5 Q. Could you please state your full name?

A. My name is Jerry Tamatasi Helg.

Q. What is your current role?

10 A. My current role is the Risk and Security Supervisor at Westfield Miranda.

Q. Who are you employed by in that role?

A. Scentre Group.

Q. Is there anything you'd like to say at the start of your evidence?

15 A. Yes. I would like to extend my heart - my - extend it, sorry. I'd like to extend my heartfelt condolences to the family and friends who have lost loved ones on this tragic day. As one of the first responders on this day I hope that we can take away valuable lessons from this inquest and, and hopefully find some closure and understanding. Thank you.

20

HER HONOUR

Q. Thank you, Mr Helg.

25 MURPHY

Q. You've prepared two statements in this matter?

A. That's correct.

30 Q. Your first statement was made on 13 April 2024. Is that right?

A. That's right.

Q. That was during the evening after the incident had occurred on 13 April?

A. That's correct.

35

Q. Your second statement is dated 7 February 2025?

A. Yes. That's correct.

Q. That statement clarifies certain of the matters that are addressed in your first statement?

40

A. Yes.

Q. Is there anything else that you wish to clarify or say about those statements?

45

A. No.

Q. I'm going to deal with four topics in your evidence. The first is your professional experience in the security industry. The second being your involvement in training in the security industry, including at Westfield Bondi Junction. Then we'll come to the events of 13 April 2024. And then finally, and

50

LTS:DAT

if you're willing, I'd like to ask you your reflections on the incident and what occurred on that day.

A. Yep.

5 Q. When did you start working at Westfield Bondi Junction?

A. February 2024.

Q. What was your role at that time?

10 A. I came into Westfield Bondi Junction as the CR2, that's second in charge.

Q. Who was your employer at that time?

A. Glad Group.

Q. On 13 April 2024 were you still in that same role?

15 A. No. I was just the S1, the site manager.

Q. You had a promotion to site manager by that time?

A. That's correct.

20 Q. You've given evidence that you've worked in the security industry since about 2015?

A. Yes.

25 Q. Would you be able to give the Court a brief summary of your experience in the security industry prior to your time at Westfield Bondi Junction?

A. As in sort of where I worked before, or?

Q. Yes. And the roles?

30 A. Yeah. Yeah. So I started at Westfield Parramatta as the - as a casual guard. Then I moved over to the overnight supervisor role for about a year. Then I moved over to Westfield Miranda as the overnight supervisor, as it was closer to home. I took that role on for about a year before I moved over to the day shift - a day rover for about a year as well. And then I slowly moved away to the afternoon supervisor. I was in that role for about two years. And then I
35 met my - got promoted to the control room operator at Westfield Miranda. After working as a control room operator I moved over to the site manager at Westfield Miranda. Yeah. I moved over to Hurstville as well, and also Bondi as well.

40 Q. Just going back through some of that. You've worked for a number of years in the security industry?

A. That's right. Yeah.

Q. In a number of different roles?

45 A. Yes.

Q. Have you worked for a number of different security providers at each of Westfield Parramatta, Westfield Miranda, Westfield Hurstville and Westfield Bondi Junction?

50 A. Yes. That's correct.

Q. That included Southern Cross Security at Westfield Parramatta?

A. Yes.

5 Q. When you first started at Westfield Miranda, that was Securecorp New South Wales?

A. Yes.

10 Q. And then Glad Group came in as the security provider at Westfield Miranda?

A. Yes.

Q. Subsequently, an operator by the name of Millennium then took over at Miranda?

15 A. That's correct.

Q. And then you've gone back to Hurstville, which was Glad, and then Westfield Bondi Junction which you're employed by Glad?

20 A. That's correct.

Q. You mentioned that in your time at Westfield Miranda you worked as a controller. Was that in the CCTV control room?

A. Yes.

25 Q. You mentioned that you did work as an overnight operator?

A. Yes.

Q. And then as the CCTV control room operator. What's the difference between those two roles?

30 A. Well as a CCTV operator you're sort of managing the day to day tasks, rostering the guards, managing different incidents at once and - yeah - just sort of managing the guards and managing different incidents. Any sort of - any sort of task that gets reported we would - we would then direct it to the right person. For example, facilities, car park or cleaning. We'll assist in directing
35 any issues towards them. That would be as the control room operator. [REDACTED]

40 Q. They're different jobs because overnight there's no one in the shopping centre?

A. That's right.

Q. When you talk about rostering security guards in the context of your role as a CCTV control room operator, that is during the day, what does that involve?

45 A. We allocate them different zones throughout the day for them to patrol.

Q. Did you receive any training before entering your role as a control room operator at Westfield Miranda?

50 A. I sort of gained on the job experience as overnight supervisor, and that's what gave me the skills to take on this control room operator role.

Q. When you transitioned from your time as the overnight operator at Westfield Miranda into the day role--

A. Yeah.

5

Q. --there was no additional training?

A. No.

Q. You then indicated in your evidence that you were promoted to the role of S1 at Westfield Miranda?

10

A. Yes.

Q. What does that role involve?

15

A. Managing the guards on the floor, managing different incidents, respond to the different incidents on the floor, and - yeah. There's pretty much training - a lot of training of the guards; toolbox talks.

Q. I'll come back to toolbox talks and what they involve. We've heard already from Mr Gaerlan about his training and his experience at Westfield, but we will touch upon it in your evidence as well. You then started your role at Westfield Bondi Junction in early 2024?

20

A. Correct. Yes.

Q. I've skipped ahead, but just for economy purposes we'll do so. How did that come about?

25

A. So - well I was working at Westfield Hurstville. We achieved really high KPIs three months in a row. And I was encouraged by the account manager, Shaun Luxford, to take on the - the - the S2 role at Westfield Bondi.

Q. The second in charge is the role that you applied for and you obtained that role?

30

A. That's correct.

Q. Very shortly after that you were promoted to the site manager, so in charge?

35

A. That's right.

Q. Did you have any particular training for that role when you started at Westfield Bondi Junction?

40

A. No. So we, we would go through the induction training in the first four weeks, sorry yeah, and we'll just go through that sort of the, the high risk locations in the, in the centre. The high risk - high incident areas and we sort of go through..(not transcribable)..locations, back of house locations, different street locations, yeah. I would undertake that in the first four weeks.

45

Q. Was that induction training site specific, or--

A. Yeah.

Q. --did it apply the general policies that centre and Glad had in place for Westfield Bondi Junction?

50

LTS:DAT

A. Well it's, it's an induction check that's pretty much used across all Westfields, but it's site specific. So it's different depending on, on different inductions.

5 Q. You were in the role of site manager on 13 April 2024?

A. That's correct.

10 Q. So in total you've worked for a number of different security companies since 2015? By my calculation your total employment time with the Glad Group is about six or seven years?

A. That's correct.

Q. You're quite familiar with the processes and procedure that the Glad Group have?

15 A. Yes, that's correct.

20 Q. Can I just ask you very briefly, it would be of assistance to her Honour to hear about what the role of a CCTV control room is. We've heard much about the importance of CCTV control, but it would be useful for us to hear about what it is like to work in a CCTV control room from day to day. So, you worked in the Westfield Miranda control room?

A. Yes.

25 Q. Did you ever work in the control room at Westfield Bondi Junction?

A. I did post-incident.

30 Q. I understand that the Westfield Miranda security control room is slightly smaller compared with the Westfield Bondi Junction control room in terms of the number of cameras?

A. That's correct.

35 Q. And that the Westfield Bondi Junction control room, there's 700 cameras that feed into that control room with about 954 different views of the centre?

A. I'm not a hundred percent, but yeah it sounds about right, yeah.

40 Q. Do you have a rough estimate of the total size of the Westfield Miranda security control room?

A. Control cameras or the control room?

40 Q. Control room cameras, yes.

A. It's about half to the Bondi control room, yeah.

Q. So somewhat smaller?

45 A. Yeah.

Q. Is working in a CCTV control room across both, whether at Westfield Miranda or Westfield Bondi Junction, do you find it a stressful role?

A. Absolutely, it's one of the most stressful roles that we have at Westfield.

50 Q. Why is that?

5 A. There's so much liability and lots of responsibilities on the controlling operator to take on managing different incidents. There could be two or three medical incidents happening at once, and the controlling operator needs to understand which team she has on, which team is good at responding to different incidents. And yeah it's just a really stressful role. You've got to manage different incidents, fire alarms, manage different guards, manage their breaks. So, yeah it's one of the most stressful roles.

10 Q. What makes it difficult is the managing multiple incidents occurring at one time?
A. Yes.

15 Q. Is it an important part of that role to be able to communicate what you're seeing on the CCTV screens to other guards within the centre?
A. That's correct.

Q. Do you need to be able to focus for a long period of time in that job?
A. Yes.

20 Q. Do you need attention to detail, is that a trait that you require when working in the control room?
A. There's a lot of attention to detail as well. There's a lot of managing different incidents as well. I think it's more operational side that's difficult.

25 Q. Given how stressful that role is, do you find in your experience of working in the industry that do people want to work in CCTV control rooms?
A. No.

30 Q. But you were happy to work in a CCTV control room at Miranda?
A. Yes.

35 Q. In your experience when working in a CCTV control room security officers are paid more than they would be if they were working on the floor for example?
A. Correct.

Q. So there is an incentive to work in a control room, despite the stress?
A. That's right, yeah.

40 Q. In your experience of working in CCTV control rooms what was the procedure that was followed if you needed a break? For example, if you were getting tired and you needed to stretch your legs?
A. What I'd do I'll contact my supervisor to relieve me for approximately half an hour to an hour and I will go for a walk on the floor to stretch my legs out, get
45 some fresh air, and then come back and continue the role.

Q. So your supervisor would come into the room and take over as CCTV control room operator?
A. That's right.
50

Q. The same procedure would apply in relation to if you were having a lunch break?

A. Yes.

5 Q. If you needed to go to the bathroom, just a short break, what would you do in those circumstances?

A. I would get the supervisor to relieve us for five or ten minutes to go to the bathroom.

10 Q. Is that a formal policy that you're aware of, or is that just your practise?

A. There's not really a formal policy for that. I think it's, yeah, more for our practise.

Q. Would mind just repeating that answer?

15 A. I, I don't - sorry what was the question again, sorry?

Q. Was that a formal policy that when you were taking any sort of break you would be relieved in the role of the CCTV control room?

20 A. Not that, not that I'm aware of. I don't think it's a policy, I think that it's more that - something that we sort of just discussed.

25 Q. In your role as site manager of Westfield Bondi Junction would your expectation of control room operators be that if they needed to take a break, no matter how big or small, that they would be relieved in their role in the CCTV control room?

A. That's correct.

30 Q. Was that something that you communicated to the CCTV control room operators at Bondi Junction in your times since starting in February 2024?

A. It was already implemented when I arrived, yeah.

Q. Is that something that you've reiterated to those CCTV operators since you've started?

35 A. Yes.

Q. We'll come to in more detail later in your evidence, but is that something you recall? You're aware of the control room operator on 13 April 2024? Who that was, the female?

40 A. Yes.

45 Q. She is subject to a non-publication order, but you can say her name, but just for convenience I'm going to refer to her as the female control room operator. Do you recall ever telling her that if she was to take any break, no matter how big or small, that she was to be relieved in her role as CCTV control room operator?

A. I don't recall telling her directly, but I remember saying sort of overall to the main controllers, which was CR1 and CR2 in this case that if they are to go on their break they need to have someone there to relieve them.

50 Q. You referred to CR1 and CR2?

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A. Yeah.

Q. The way I understand you're referring to the two individuals who were in the CCTV control room on 13 April 2024, is that right?

5 A. That's right.

Q. I'll refer to them as the female operator or the male operator. If you refer to them by name, that's not an issue. There is non-publication orders. It doesn't prevent you from saying their name in evidence, so don't feel stressed about it during your evidence.

10

A. Okay.

Q. Going to the training that you've received in your time working at various different operators, exclusively Westfield sites that you've worked at. Did you find that the training offered by each of those security operators was the same?

15

A. It was, it was the same - the, the messages were the same, they were just delivered differently.

20 Q. Were some operators better at the delivery than others?

A. Yeah.

Q. What, in your opinion, made for better delivery of training?

A. I think it's more that you challenge them on the knowledge. So if they - instead of giving them the answer you ask them and then you treat them in different situations and make sure they actually understand the policy.

25

Q. In your experience of working for the Glad Group, where were they on the spectrum in terms of how they provided training compared with other operators?

30

CASSELDEN: I object to the question. It's unfair to the organisation, because we can't test the answer in relation to other providers. It's open-ended.

35 MURPHY: It's his opinion, he's worked for a number of different security providers since 2015. They've all been in Westfield sites. He can compare the training that's been provided by different operators.

HER HONOUR: It's not an objective ones better than the other, it's in his experience. Perhaps if the question can be what he found more useful.

40

CASSELDEN: The vice in the question and the unfairness in the question is that there's no material before your Honour in relation to the other three providers to make an objective assessment. And then to work out how much probative value attached to this objective opinion.

45

MURPHY: I would press the question. It's his impression based on his experience. The fact that it can't--

50 HER HONOUR: But it's only useful, and perhaps this can be done is if a

LTS:DAT

reason can be given why if one way of training is better than another in his opinion. Then that's something that's not an objective. This is better than the other training. So, yes you can ask the question.

5 MURPHY

Q. In your opinion, having regard to your experience working in the industry since 2015 and working for a number of different operators at Westfield sites. Did you find--

10

HER HONOUR: Can I just say it doesn't actually have to say who provided the training. You can just say what type of training.

MURPHY: I'm grateful for that assistance.

15

Q. What type of training did you find working across a number of different operators was most useful for you in learning about the skills to be a security officer?

20

A. There's, there's a lot of on the job training that was - that we were training with. I met a lot of account managers that would come on site and conduct different scenarios on the Red Book training, on different scenarios. So I thought that was really helpful that the account managers would come on site and assess us on different Red Books individually, not in a group. So I think that one on one training really helps us, or helps me.

25

Q. The account manager, which operator were they from?

A. Glad Group.

30

Q. Do you know what an active armed offender is?

A. Yes.

Q. Could you explain your understanding of what an active armed offender is?

A. It's a person engaged in hurting people.

35

Q. With a weapon?

A. Yes.

40

Q. At paragraph 16 of your second statement you talk about an active armed offender scenario that you underwent at Westfield Miranda. Do you recall that in your evidence?

A. Yes.

45

Q. When abouts did this occur?

A. It happened at midnight.

Q. And the time period in terms of years?

A. I don't recall.

50

Q. Could you tell the Court about that training, just in very brief terms?

A. Yep. So we would have the New South Wales Police would come on site

5 at midnight. They would discuss a scenario with my Risk and Security Manager. I wouldn't be aware of the scenario. What I would be doing is pretty much walking around, when I see something I'm sort of reporting it and calling to the control room operator. And I would try and identify ourselves at the time what situation this is. At that time there was an active armed offender and we had a bomb threat scenario. So, we were going to that scenario and reenact getting people to safety. Turn the alarms on, and yeah just activating the CMEO.

10 Q. That was a practical training session?
A. Yes.

Q. What did you take away from that session?
15 A. The biggest learning I took from that was because I was actually - we had an active armed offender, police walking through with assault rifles, rubber bullets. They shot at me. I had to go down and when I felt that experience I was like it's very important for me to stay out of, stay out of sight so I can actually help people and get them to safety instead of putting myself at risk. And, and that's one person on the radio that goes down. So that was my
20 biggest, biggest learning from the training.

Q. You learnt about the dangers that were present in an active armed offender situation?
A. Yes.

25 Q. What is it that you understood your role was when faced with an active armed offender. And I'll ask that when you were at Westfield Bondi Junction? What did you understand you were to do, not on 13 April, but just generally from February 2024 in your role when faced with a situation involving an active
30 armed offender?

A. It depends, like if - our generic response if it's not safe to do so, then we wouldn't go on the floor and try and get people to safety, 'cause we'll put
35 ourself at risk. But generally I would try and get people to safety as best as I could and assist in the CCTV control room and just getting information to police.

Q. Did you say assist the CCTV control room?
A. Yes.

40 Q. So as you see your role in responding to an active armed offender it's to get people to safety?
A. Yes.

Q. To assist the CCTV control room?
45 A. Yes.

Q. What does that involve in your own words?
A. Well we have different tasks that need to be completed. For example, we have CCTV and we have someone operating the PA announcements. And
50 these two people need to work together. So that's one task sort of being done.

LTS:DAT

I can contact the police. I can activate the CMEO and I can ask someone to meet with the police at a certain area. And I can assist in allocating those roles.

- 5 Q. This is when you're in your role as a CCTV control room operator?
A. Correct.

CASSELDEN: I object. The question was premised in February of 2024.

- 10 MURPHY: If it's a misunderstanding, I wasn't looking for an answer relating to the CCTV control room. I was asking about Mr Helg about his role in February 2024 and he understood generally the response was to be to an active armed offender.

- 15 HER HONOUR: Thank you.

MURPHY

- 20 Q. I apologise. Would you mind answering the question again, not in your role as a control room operator, in your role as a site manager at Westfield Bondi Junction in February 2024? What did you understand your role to be in response to an active armed offender?

- A. Sorry, yeah, as I explained, not as a controller. I would be, that really depends on the, on the situation. If it was an active armed offender.

- 25 Q. Could you just speak up a tiny bit as well, sorry?

- A. Sorry. Can you hear me? So, on that day my role would be to, would be to assist the control room operator if I was in the control room. Or depending if I was on the floor, I would be trying to get people to safety.

- 30 Q. Since you have worked at Westfield Bondi Junction from February 2024 onwards, have you received training as an active - have you received training in relation to how to respond to an active armed offender?

- A. Sorry, was this post incident or before?

- 35 Q. Before the incident. So before the incident and after February 2024?

A. Yeah, we, we had, we definitely had training in regards to active armed offender, post incident as well.

- 40 Q. You attended an emergency training workshop on 2 April?

MURPHY: If the witness could just be shown tab 1598 at page 131.

- 45 HER HONOUR: Sorry, what page was it?

MURPHY: Page 131.

Q. That's emergency management training workshop? That's that document?

- A. Tab 1598?

50

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Q. At page 131.

CASSELDEN: Your Honour, is it possible for the document to be displayed on the screen?

5

HER HONOUR: Yes. It might be quicker.

MURPHY: Your Honour, I don't need to take the witness to this document.

10

Q. I just would like to confirm, you've had active armed offender training since you commenced at Westfield Bondi Junction in February 2024?

A. Yes.

15

Q. Yes. As of February 2024, you've told us that you were the site manager at Westfield Bondi Junction?

A. Yes.

20

Q. That was also known as the S1?

A. Yes.

Q. At Westfield Bondi Junction what did that role involve?

A. Similar to Miranda. Just managing the guys on the floor, responding to incidents with the guards, rostering the team as well. And a lot of training as well.

25

Q. Did your role include rostering guards onto shifts?

A. Yes.

30

Q. Did that include rostering guards to the CCTV control room?

A. Yes.

Q. How many guards were rostered to the CCTV control room at any one time?

A. One.

35

Q. Based on your experience, how - was there a particular length of the shifts for the guards in the CCTV control room?

A. Yeah, 12 hours.

40

Q. You have told us that - did that take into account breaks? Were there allocated breaks as part of that shift?

A. Yes.

45

Q. How long were those breaks?

A. Half an hour.

Q. Just one during the course of the day, or were there multiple?

A. There was two. Yeah, two half an hour breaks throughout the day.

50

Q. During that time, as you've already given evidence of, your expectation

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would be that someone would be covering for that person whilst on a break?

A. That's right.

5 Q. To your knowledge, was the requirement to have a break subject to any award, employment award?

A. I'm not too sure.

10 Q. You mentioned that part of your role as an S1 involved training of security officers?

A. Yes.

Q. That involved what is referred to in the material in the brief of evidence as Red Book audits?

15 A. Yes. Red Book audits and policies and procedures.

MURPHY: Could we bring up tab 1497?

Q. Is this a Red Book audit?

20 A. Yes.

Q. Can you explain how they worked and what was involved?

25 A. So I would bring the guard into my office. I would sit him down. I would then start to ask him questions on one of the Red Book audits, and then I would - I'd then assess him. Once I asked the questions, if he didn't get it right, I would then tell him the correct answer, but I would then mark him down as not competent in that answer.

Q. How often would a Red Book audit occur in relation to the particular staff members?

30 A. Ideally we'd do about four, four to six a week.

Q. How did you go about selecting which staff member was going to undertake a Red Book audit?

35 A. It would most likely be at random, but I would have to try and get every single person. So just depending on when they're rostered on is when I would try and conduct their training.

40 Q. You talked about if a person was unsuccessful in completing a Red Book audit, you would mark them as not competent. What would happen in relation to that person if they were marked not competent, for example in relation to a violent group or brawl Red Book audit?

A. What I would do then, I will then print out the policy and get them to read it, and I'll reassess them in a couple of weeks.

45 Q. In circumstances where a person failed a Red Book audit, did you provide that information to a supervisor or anyone more senior?

A. No, we would send all these audits to the Risk and Security Manager at the end of the month.

50 Q. Who was the Risk and Security Manager?

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A. Bradley Goldberg.

Q. Was he employed by Scentre?

A. The Scentre Group, yeah.

5

MURPHY: Can we bring up tab 1275?

10

Q. This is a document which was a memo sent to all security officers at Westfield Bondi Junction from you, and it's titled "Active armed offender Red Book ERP". Could you explain what this document is?

A. Yeah, so with this document, I print it out, the tool box talk in front of the actual Red Book active armed offender training that's in the Red Book. I ask everyone to read it. Once they've read it, they signed it off.

15

Q. If we could just scroll down to the next page, so this is a printout from the Red Book?

A. Correct.

20

Q. In relation to active armed offenders?

A. Yes.

25

Q. Your expectation was that each of the guards would read the policy, the procedures relating to how to respond to an active armed offender?

A. Yes.

30

Q. And then they would sign the covering page once they had read it to confirm that they had read it.

A. Yes.

Q. Is this something that you implemented?

A. It's something myself and Cameron Stuart, the account manager at the time, we implemented it together.

35

Q. Cameron Stuart is an employee of Glad?

A. Correct.

40

Q. Why was it that you both instituted this?

A. We had the idea that we were going to go through about three subjects in the Red Book at a time, get everyone to read it, and then I will reassess them with a Red Book audit.

45

Q. If we could just go back to the front page, and from based on the signatures in that document, this review of the active armed offender policies within the Red Book occurred in the middle to the end of March 2024?

A. That's correct.

50

Q. Did you ever attend what are referred to as weekly operational meetings?

A. Yes.

Q. During your time as an S1 at Westfield Bondi Junction?

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A. Yes.

Q. What was the purpose of those meetings?

5 A. These meetings were, this is a chance for the - for Brad, myself, Andrew David, who was the training manager at the time, and also Cameron Stuart to discuss any issues that were happening on site.

Q. So the attendees were always - who attended the meetings?

10 A. That would be myself, Andrew David, that was the training manager, Cameron Stuart, who was the account manager, Bradley Goldberg, the RSM, and Rahim Zaidi, the RSS.

Q. Did you attend all of these meetings?

15 A. Yes. Most meetings.

Q. Over what period did you start attending these meetings?

A. Within the first two weeks I started.

Q. Middle of February you were attending these meetings?

20 A. Yes.

Q. Where were they held?

A. In the centre management office.

25 Q. That's on level 13 of Westfield Bondi Junction?

A. That's correct.

MURPHY: Could we please bring up tab 1231.

30 Q. Do you recognise this document?

A. Yes.

Q. What is the document?

35 A. Just the weekly minutes that - it's a weekly minutes document.

Q. That records what was discussed at the meetings?

A. Yes.

Q. Are those minutes updated during the meeting, or after the meeting?

40 A. During the meeting.

Q. How is that done?

45 A. Either Brad or Cameron will go on the computer and they just type it out. So it's - yeah.

Q. Is Brad responsible for preparing these notes, or is it Cameron?

50 A. I feel like it was Brad that sort of led the meeting. I'm just confused, because at different sites it's either the RSM leads it or - or the account manager leads it, so I can't really recall. But I believe it was Brad at the time.

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Q. This document has various different dates in it. Is this document updated with each meeting and contains a record of a number of different meetings in it?

A. Yes.

5

Q. I'd like to now go to discuss the female control room operator who was working on 13 April. When you started at Westfield Bondi Junction in February 2024 did she take shifts in the CCTV control room?

A. She was already in the role as a control room operator.

10

Q. Did you continue to roster her into shifts in the CCTV control room?

A. Yes.

Q. Do you recall how many security guards had been trained to work as CCTV control room operators at the time you started in February 2024?

15

A. Yes. Including the night controllers, it was only four.

Q. Do you know who they are?

A. Yes.

20

Q. Could you please tell the Court?

A. So at - at the time when I started there was CR2, CR1, Masud Al Rashid and Azhar Uddin.

25 MURPHY: Just for the benefit of the media, the first two names are subject to non-publication orders.

WITNESS: Sorry, and also my second in charge who was also signed off for control room duties was Lulu Fatima.

30

MURPHY

Q. When you started in February 2024 were you told anything about CR1?

A. Not that I recall. Not when I started.

35

Q. Not when you started?

A. No.

40 Q. Can I take you to these minutes. They're very difficult to read. I'll read the relevant parts and if we need to go to the particular text we can. On the first page under the heading "Staff Responses" in an entry that's dated 21 February 2024 there's a reference to "the female control room operator will need some more training in control especially during multiple incidents". Did you attend the meeting on 21 February 2024?

45

A. I don't recall, but I - I believe I did.

Q. Are you able to assist us in understanding why more training was required for that control room operator, especially during multiple incidents?

A. From my understanding CR1 was still new to the role and she was still gaining experience.

50

Q. What about "multiple incidents" was causing her difficulties at that time?

5 A. I think at the time it was just maybe managing multiple different incidents at once. But - yeah - as I say, she, she was still gaining experience at the time when I started, so.

Q. Was there any particular incident that resulted in this being raised at the operational meeting and then recorded in the notes?

10 A. Not that I can recall.

Q. Was there any plan agreed at that meeting about what needed to be done in relation to the further training that she required at that meeting?

15 A. Yeah. There was a few issues that we sort of - they - they bought up, and - and we had - we spoke about getting her retrained and reassessed at a later date. So me and myself and Andrew David so we organised - we spoke of Lulu to get her to spend more time with CR1 throughout her daily tasks and just conduct a bit more training.

Q. That's Lulu Fatima?

20 A. That's right.

Q. The 2IC?

A. Yes.

25 Q. She was going to be responsible for retraining CR1 in the security control room?

A. Yes.

Q. What was that training to involve?

30 A. It was more on the job training, just sort of getting used to managing different incidents and just, yeah, just watching Lulu how she sort of ran the control room.

Q. Did that involve Lulu being rostered on into the control room at the same time as that control room operator?

35 A. At that time Lulu was a 2IC, so she was rostered on Sunday to Thursday. When she was on with CR1, that's when they would conduct the training.

Q. She would come into the control room from time to time and show the female control room operator how to do things?

40 A. She was stationed behind the control room operator, so she was in there the whole time.

Q. Was Lulu also going to be responsible for undertaking the reassessment?

45 A. No. That would have been either Brad or Rahim.

Q. Under that same heading on 27 March 2024 there's an entry which says that - and this is over a month after the last entry that we've referred to.

50 There's a code red response from CR1 not handled appropriate. Did you attend that meeting?

5 A. Yeah. I, I believe I attended that meeting. I can't recall exactly what the incident was. I do have sort of - maybe flashbacks or some memories of what actually happened, but I just believe that we weren't getting an update on what was happening and the location of the fire alarm. But as I stated before, she was still, still new to the role.

Q. Would you mind just repeating that last bit of your answer?

A. She was still new to the role, so that was my understanding.

10 Q. Appreciating that you only have flashbacks of what this event relates to, can you tell us, to the best of your recollection, what was the particular issue and what wasn't handled appropriately?

A. In regards to the code red?

15 Q. Yes?

A. I know that we tried to ask her for a location, from what I can remember, and we weren't really getting the exact location, and if we can confirm if there was any fire or smoke in that area.

20 Q. This was ultimately a false alarm?

A. Correct.

Q. What information was the female control room operator providing you?

25 A. I don't recall, but I know we weren't really getting, getting an update on what was happening.

Q. Was it that she was providing information and it wasn't accurate enough, or she wasn't providing any information at all?

30 A. She was definitely providing information, but I don't recall what it was.

Q. Moving onto the second page of that document under the heading "Incident Reports". That contains several references to that control room operator, "21 February 2024 not getting better; female control room reports need work; lots of detail missing." "13 March 2024 female control room operator needs updated training." And then "24 March 2024 still ongoing issues." Do you recall what those concerns related to?

35 A. I know there was a lot around the admin - admin side of things. Not really replying to certain emails in a timely matter. But I know it was mainly around the admin side.

40 Q. When you say "admin side", what does that involve in the control room?

A. Report writing, replying to emails, CCTV audit, could be or we have a few audits that need to be completed and - yeah - just allocating and monthly audits to the guards.

45 Q. Is the admin side of the job for a CCTV control room operator an important part of it?

A. Yes. It is.

50 Q. Why is that?

A. There's a lot of paperwork and compliance that she needs to sort of work through, because we have approximately 20 monthly tasks that need to be completed throughout the month, so she would also assist us in allocating different guards to complete these tasks.

5

Q. If I can stay on that page, but slightly further down under the heading "Controller". Again, I'll just read out the relevant sections for you. On 13 March 2024 it says that "the control room operator needs further training; doesn't follow up with further details; constantly asked to repeat". Then on 27 March 2024, "ongoing issues; reschedule full control room training again with her". And then on 10 April 2024 "responses too slow; retraining to be rescheduled". From these notes it appears that on 27 March 2024 a full control room training was to be rescheduled. Is that right?

10

A. That's correct. Yes.

15

Q. You were at the meeting on the 27th?

A. Yes.

Q. Did you attend the meeting on 10 April?

20

A. No.

Q. Was the training that was to occur on 27 March, the rescheduled full control room training, is that the training that you referred to earlier that was to be conducted by Lulu, or is that a different--

25

A. Yes. That's the - the same training.

Q. If I can summarise what's in those notes, and acknowledging that they are over a period of time, were there concerns by those who attended that meeting about CR1's ability to perform the role of control room operator?

30

A. That's correct.

Q. How would you describe those issues, in your own words?

A. It was more around that she wasn't really responding to incidents like - I - I don't know how to explain it. Like she wasn't - constantly asking people to repeat, the communication sort of was a bit hard to understand sometimes, and she wouldn't have trouble understanding other people as well. But as I said before, she was still new to the role, still gaining experience. So I felt like - that's probably the best answer I can give.

35

Q. Is the ability for a control room operator to be able to communicate clearly and understand what is being said to them an important part of the role?

40

A. That's correct.

Q. Is it the most important?

45

A. Yes.

Q. Was your opinion that the other attendees at the meeting shared your views in relation to CR1's abilities?

A. Sorry, can you repeat that question?

50

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Q. I'll withdraw that question. Were the other attendees at this meeting, to the best of your knowledge, aware of the issues with the need for further training?

A. Yes.

5 Q. Other than the retraining with Lulu Fatima and the reassessment by either Brad or Rahim of CR1, was there any other plan or strategy for providing her with additional training?

10 A. I think it was more that she was going to go through a reassessment - sorry, more training with Lulu. But with myself, I just sort of - when Lulu wasn't there I would step in the control room duties and - and assist her, dealing with different incidents and - and conduct my own training.

Q. You provided some training to the female control room operator when you were rostered on and she was also rostered on?

15 A. Yes.

Q. Did that involve you remaining in the CCTV control room throughout the entirety of her shift?

20 A. Yes.

Q. What would happen if you needed to attend to something else on the floor?

A. She would stay in the control room.

Q. Would anyone else come in to replace you?

25 A. No.

Q. Did you consider--

30 HER HONOUR: I'm sorry, Mr Murphy, we're having some trouble with the sound. We might just need to reboot. Can we just test it again. Is it still a problem? It's working again. Is there a problem again? Sorry, Mr Murphy. I note the time as well.

35 MURPHY: There's the important evidence about what occurred on the day. Probably need to resume tomorrow morning, your Honour.

HER HONOUR: I'm afraid we might have to. Sorry about that.

40 MURPHY: We propose to start at 9.30 if that is convenient for your Honour.

HER HONOUR: Does that pose a problem for anyone if we start at 9.30?

SPEAKER: Would your Honour excuse us and we'll--

45 HER HONOUR: I'll just take a five minute adjournment.

<THE WITNESS WITHDREW

50 AUDIO VISUAL LINK CONCLUDED AT 3.57PM

LTS:DAT

ADJOURNED PART HEARD TO THURSDAY 8 MAY 2025