



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Into the death of Nathan Macri								
File number:	2018/305251								
Hearing dates:	9 -11 February 2021								
Date of findings:	5 March 2021								
Place of findings:	Coroners Court, Lidcombe								
Findings of:	Deputy State Coroner E.Truscott								
Catchwords:	Coronial Law-Cause and manner of death- intoxication- gap on a railway station platform -death in the course of a police operation-positional asphyxiation and injuries								
Representation:	<p>Counsel Assisting: Ms R Mathur Instructed by Ms L Nash of Crown Solicitor's Office</p> <p>NSW Police Force: Mr R Coffey Instructed by Ms J Francis of the Office of General Counsel</p> <p>Ambulance NSW: Mr P Rooney Instructed by Mr M Renwick of McCabe and Curwood, Sydney</p> <p>Sydney Trains: Ms W Thompson Instructed by Ms L. Constantine of Ashurst Lawyers</p> <p>Marrickville Bowling Club: Mr M Valentin Instructed by Mr P Tsintilas</p> <p>Dr E Tong: Mr S Titmarsh of BRRT</p>								
Findings:	<table> <tr> <td>Identity</td> <td>Nathan Macri</td> </tr> <tr> <td>Date of Death</td> <td>5 October 2018</td> </tr> <tr> <td>Place of Death</td> <td>Sydenham Railway Station</td> </tr> <tr> <td>Cause of death</td> <td>Combined effects of positional</td> </tr> </table>	Identity	Nathan Macri	Date of Death	5 October 2018	Place of Death	Sydenham Railway Station	Cause of death	Combined effects of positional
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	<p style="text-align: center;">asphyxiation and multiple injuries</p> <p>Manner of death Whilst intoxicated Mr Macri accidentally collided with the side of a carriage of an incoming train which resulted in him becoming injured and unconscious. When the train stopped, he was wedged between the train and the station platform and remained there until extricated by emergency responders by which time he had died due to his injuries and an inability to breathe effectively due to his position.</p>
<p>Non-Publication Orders and Non-Access orders</p> <p>NSW Police Force material</p>	<p>Pursuant to s. 74(1) (b) of the Coroners Act 2009, there shall be no publication of Exhibit 2 and Exhibit 3 being CCTV footage obtained of the incident.</p> <p>Further there shall be no access to any person unless otherwise specifically ordered by a coroner under s 65 of the Act.</p> <p>The Court notes that a marked bundle has been prepared for use in these proceedings.</p> <p>1. Pursuant to s. 74(1)(b) of the Coroners Act 2009, there shall be no publication, in connection with these proceedings, of the information marked in pink in the following documents, including of any oral evidence or submissions which may contain that information:</p> <p>a. NSW Police Force Alcohol and Licensing Enforcement Command – Licensing Handbook (at tab 71 of the Coronial Brief of Evidence); and</p> <p>b. NSW Police Force Incident & Emergency Standard Operating Procedures, version 3.0 (at tab 88 of the Coronial Brief of Evidence) (collectively, “the Confidential Information”).</p> <p>2. Pursuant to s. 74(1) (b) of the Coroners Act 2009, there shall be no publication of Exhibit 6.</p> <p>3. Should an application be made pursuant to s. 65 of the Coroners Act 2009 seeking access to any of the Confidential Information, or documents containing information derived from the Confidential Information, on the Coroner’s file, or Exhibit 6, the Commissioner is to be notified of the application and provided not less than 48 hours to inform the Court as to whether the Commissioner wishes to be heard on the application.</p>
<p>NSW Ambulance</p>	<p>1. Pursuant to s. 74(1) (b) of the Coroners Act 2009, there shall be no publication of the material contained at tab 99 of Exhibit 1.</p>

IN THE CORONERS COURT
LIDCOMBE
NSW

Section 81 Coroners Act 2009

REASONS FOR DECISION

Introduction

1. Nathan Macri, aged 37, died on 5 October 2018 at Sydenham railway station when shortly after 11 pm he accidentally collided with the side of carriage of an incoming train. He was intoxicated after having spent a night out with friends watching a band.
2. Mr Macri was the loved son of Albert and Janice. He had an elder brother Matthew and younger twin sisters Julia and Jessica. Mr Macri was married to Sheetal and together they had a son, who was eight months old at the time of Mr Macri's death. Like his father, Mr Macri was a solicitor. He loved music and played guitar in a band, he had close and loving relationships with his family and numerous friends. Matthew said that Mr Macri had an infectious enthusiasm for life and was passionate about so many things. He lived every day as though it was a grand adventure. At the inquest, Mr Macri's family generously shared a video which captured the essence of who Mr Macri was. His fun night out ended in a very tragic accident. He will be forever missed.

Outline of Circumstances of Incident and Cause of Death

3. Mr Macri had been with friends watching a band at the Marrickville Bowling Club. After leaving Marrickville Bowling Club, he and his close friend, Daniel walked to Sydenham Station in order to travel home. His other friends were going to follow and meet them on the platform before travelling together on the train.
4. Whilst on the station platform, Mr Macri accidentally collided with the side of an incoming train. It was 23:06:28. The collision caused his legs to fall down the gap

between the train and the platform with his upper body becoming "caught" by the train. Mr Macri was turned several times as the train continued moving, finally stopping at 23:06:40, Mr Macri lay against the end doors of the next carriage, his legs dangling down, his lower torso between the carriage and platform. He was bent at the abdomen with his chest and head downwards. He remained in that position for a little over 10 minutes until emergency personnel extricated him, at which time he was declared deceased at 23:22.

5. A post mortem examination concluded that Mr Macri died of the combined effects of positional asphyxia and multiple injuries. Mr Macri's injuries were remarkably relatively minor. He had numerous abrasions and bruises to his upper body and limbs, but of note, his neck, cervical spine and adjacent tissue were described as normal - showing no obvious abnormalities. There was a contusion of skeletal muscle adjacent to thoracic vertebrae 1 and 2, but the post mortem examination was consistent with the CT scans, which showed no intracranial pathology, no fractures or dislocations (including those involving the cervical spine and thoracic vertebrae). There was no abdominal injury. The only fracture identified was that of his right symphysis pubis.
6. A toxicology report indicated that Mr Macri's blood alcohol reading was **0.229g**/100ml and his urine alcohol reading was **0.314 g**/100ml. This level of alcohol was noted in the post mortem report as very high and relevantly, that it may have caused, among others, symptoms such as staggering, slurring of speech and sleepiness. This was consistent with the culmination of Mr Macri having consumed alcohol over the course of the afternoon until shortly before he left Marrickville Bowling Club. The CCTV footage at Sydenham railway station shows Mr Macri highly intoxicated, having difficulties with balance, mobility and co-ordination and drowsy when seated.

Nature of Inquest - Mandatory

7. Sections 23 and 27 of the *Coroners Act 2009* (the Act) require that where deaths occur as a result of police operations, an inquest be held and that it be held by a senior coroner. Such inquests are usually referred to as "mandatory" inquests. Section 23(2) provides that "*a police operation, means any activity by a police officer while exercising the functions of a police officer other than an activity for the purpose of a search and rescue operation*".

8. Mr Coffey who appeared for the Commissioner of NSW Police Force (NSWPF) submits that the attending NSWPF officers were engaged in a “search and rescue operation” and as such I should not find that this inquest is mandated under the legislation. Mr Coffey does not cavil with the inquest being held (he made his submission in closing in any event), however he seeks to a finding that excludes Mr Macri’s death being as a result of police operations. Such a finding can only be made if this inquest was excluded under s. 23(2) of the Act.
9. There is no definition of the term “a search and rescue operation” in the Act nor is there any reference to the introduction of s23 (2)¹, which commenced on 21 September 2016. Though “search and rescue” is a conjunctive term, it may be that the term applies regardless of whether the rescuer knows the location of the person. For example, an adventurer who sends a mayday message from the wilderness may be the subject of a “search and rescue operation” even though their location is known due to having activated their personal location beacon.
10. The activity of the NSWPF officers in attending upon Mr Macri on platform 6 did not involve any activity to locate him, as his whereabouts was known and reasonably immediate. The term need not involve a rescue that is successful but there should be some activity that one can point to that involves at least an attempt to remove a person from danger to a place of safety to fall within that definition. Whilst NSWPF officers did attend to Mr Macri, with the aim of rescuing him (in the sense he be removed from danger and if possible returned to safety), the activities they engaged in did not involve any act to remove him from that danger or peril, so as to restore him to safety. The NSWPF officers’ activity falls within their police function of “saving lives” and it goes without saying that if the officers thought they could have saved Mr Macri’s life they would have, but a decision was made not to remove Mr Macri from his position of danger of death, preferring to wait for the arrival of paramedics and Fire and Rescue to do so.
11. NSWPF officers attend all nature of emergencies involving fatalities and injury such as motor vehicle accidents, fires and train accidents. I do not understand such attendances are classified as “search and rescue” even if in a rural or remote setting as opposed to an urban or populated environment. The NSWPF officers engaged in the following activities upon their attendance at the scene:

¹ The introduction of s23(2) into the Coroners Act 2009 was neither mentioned nor referred to in the second reading speech of the Law Enforcement Conduct Commission Bill 2016 (which involved the transfer of the oversight of police conduct from the Ombudsman, the Police Integrity Commission and the Inspector of the Crime Commission to the Law Enforcement Crime Commission) by the Hon. Duncan Gay 13 September 2016.

discussions with Sydney Trains staff, engaging in crowd control, liaising with other emergency agencies, making a decision not to move Mr Macri and speaking with Dr Tong. Those functions are in my view outside activities of "search and rescue", particularly in light of the evidence that the attending NSWPF officers intended to wait for Fire and Rescue and paramedics to arrive to affect a rescue.

12. Whether this inquest is 'mandatory' does not require a determination that Mr Macri's death was caused by NSWPF officers nor that he died at the hands of NSWPF officers. In any event, given the cause of death and the timing of it, an understanding of the circumstances or the manner of Mr Macri's death cannot exclude the decision by NSWPF officers not to move him or at least attempt to move him when it was apparent his life was imperilled if he remained in the position he was in.
13. Accordingly, I find that the NSWPF officers' attendance at platform 6 was not an activity for the purpose of a search and rescue operation and accordingly, this inquest is a required or mandatory inquest.
14. The coroner is to make findings pursuant to s. 81 of the Act as to the identity, date and place and the manner and cause of death. There is no controversy in this case as to identity, place of death or manner and cause of death. A coroner is also empowered by s. 82 to make any recommendation considered necessary or desirable arising from the inquest.

Evidence and Witnesses

15. The brief of evidence is mainly contained in Exhibit 1 - a three volume compilation of statements from persons and numerous information logs such as Ambulance electronic medical records (eMRs) and Incident Detail Reports (IDRs), transcripts of triple 0 calls, policies and procedures.
16. Persons who provided statements included Mr Macri's friends, Dr Tong and his wife, bystanders, NSWPF officers, Sydney Trains staff, attending paramedics and representatives from Ambulance NSW, Fire and Rescue NSW and Marrickville Bowling Club.

17. Footage from CCTV cameras at Sydenham railway station was obtained. Sensitive footage taken from platform 6, and which depicts Mr Macri's final moments, was tendered separately as Exhibit 2. Footage from a NSWPF Body Worn Video (BWV) Camera, which is also sensitive in nature was tendered as Exhibit 3. Non-publication orders pursuant to s. 74(1)(b) and restricted access orders pursuant to s. 65 of the Act have been made regarding these exhibits.
18. Those assisting me obtained two expert reports: one from Associate Professor Anna Holdgate, an emergency medicine physician and another from Mr Sean Mutchmor, the National General Manager, Quality and Safety, for the Australian College of Rural and Remote Medicine – both of whom gave evidence in the inquest.
19. The officer in charge, Constable Melissa Windass, gave evidence further to her statements and the very helpful documents she prepared which set out timelines of events. Dr Tong and three of the attending NSWPF officers gave evidence. They were Sergeant Chapman, who was in charge, and Senior Constables Reid and Pezzullo, who assisted in holding Mr Macri's head shortly before the arrival of the paramedics. Ms Jeffries and Ms Fazlic, the attending paramedics also gave evidence.

Issues

20. An issues list was distributed to parties prior to the inquest:
 1. Whether the actions of police officers were in accordance with relevant policies and were otherwise appropriate in the circumstances (in particular, the decision not to remove Mr Macri from his position between the train and the platform).
 2. Whether the actions of staff at Marrickville Bowling Club in continuing to serve Mr Macri alcohol on the evening of 5 October 2018 were appropriate and, relatedly, whether there were appropriate systems/railing in place at Marrickville Bowling Club with respect to the responsible service of alcohol.
 3. Whether the multiple injuries suffered by Mr Macri, absent the positional asphyxia, were fatal.

4. Whether the level of care and skill provided by NSW Ambulance paramedics to Mr Macri at the scene was appropriate.
5. Whether there are any passenger safety systems which could be installed to the Sydney train network to enhance passenger safety.
6. Whether it is necessary or desirable to make any recommendations.

Events of 5 October 2018 leading up to the accident

21. Mr Macri had spent the morning of Friday 5 October 2018 attending client conferences at the Downing Centre District Court. He then "signed off for the day" and at about 1.30 pm, he met a group of friends at the Club York for lunch. The group of six shared four bottles of wine and Mr Macri had a couple of glasses of full strength beer and later a liqueur. He also consumed a shared pizza and a main meal.
22. From Club York, Mr Macri travelled to Sydenham railway station where, at about 4:45pm he met his friend, Daniel. They walked to the Batch Brewery Company in Marrickville where they met other friends, and Mr Macri had a paddle of five standard drinks. The group left the Batch Brewery at about 7:00pm and travelled to Marrickville Bowling Club. The band Rose Tattoo was playing and there were about 250 people in attendance. Over the following four hours Mr Macri continued to drink alcohol including about 3 schooners of beer and about 7 glasses of Jack Daniels and coke. None of his friends or staff thought he was particularly intoxicated.
23. Constable Windass provides a conservative estimate that Mr Macri had consumed at least 21 standard drinks during the course of the afternoon and evening.
24. Mr Macri's friend Daniel said Mr Macri's level of intoxication was nothing out of the ordinary and he had seen him like this many times before. Another friend Ritesh, who was with him that night, also gave a statement to police and said he didn't think Mr Macri was drunk during his time at Marrickville Bowling Club. In fact he described the night as a *relatively quiet night* with not many drinks consumed. A third friend describes Mr Macri as being only moderately affected by alcohol.

25. The Marrickville Bowling Club CCTV footage shows that on occasion Mr Macri may have displayed some outward signs of intoxication as the night progressed. He tripped on a chair and stumbled a bit when in the poker machine room, and he mis-stepped when exiting the premises, and as he walked away from the venue he veered a bit on the footpath. CCTV footage of him whilst ordering and collecting drinks at the bar did not show any particular signs of poor co-ordination or overt intoxication.
26. Daniel told the police that it was only after leaving the Marrickville Bowling Club that he realised Mr Macri was drunk. CCTV footage from various cameras at Sydenham railway station shows that when Mr Macri and Daniel arrived at the station it was about 23:00. Mr Macri does appear to be heavily intoxicated. At one point in time he walked up a set of stairs tripping at the midway landing. He dropped a water bottle and fell over onto his back when he bent down to pick it up. Daniel assisted him to move to the edge of the step before helping him sit up. Mr Macri use the handrail to standing position and walked and swerved a little along Platform 6 until stopping to take his jacket off (it had become wet from the rain on the steps) - he struggled with the co-ordination required to do so.
27. Mr Macri sat down on one of the bench seats on platform 6 and drank some of his bottled water, spilling some onto the ground. With his jacket over his arm, his head to the side he sat as if he was dozing for less than a couple of minutes.

The Incident and Response

28. Daniel stepped closer to Mr Macri and indicated that the train was arriving. He then tapped his leg as if to waken him as the train was pulling into the station.
29. Mr Macri rose from his seat, jacket still over his left arm and instantly launched off the seat taking 4-6 steps running in a straight path without stopping at the safety line - perhaps it was due to his momentum and lack of orientation and co-ordination - Mr Macri collided with the side of the train, his left foot falling down the gap between the platform and the train carriage. His body is then "caught" by the train carriage and he is turned so that his right leg falls down the gap, his stomach and arms are on the platform until he is again turned so he is now facing upwards. His head collides again and he is turned again so that when the train stops, he is between the platform and the end doors of the train carriage, his

left shoulder against the train door and his right shoulder against the platform, both legs dangling in the gap and his head, face and body facing downwards, in a horizontal position in the direction from where the train had come.

30. Next to the doors was the train guards' cabin. The train guard exited her cabin saw Mr Macri and the closed carriage doors. She immediately returned to her cabin and called Sydney Trains Central Control advising of the accident. Daniel called Triple Zero. Other people also made calls.
31. The collision occurred at 23:06:28 and the train stopped at 23:06:40. Daniel spoke with the ambulance emergency operator at 23:07:36.² According to the IDR, the first ambulance unit containing paramedics Jeffries and Fazlic was dispatched at 23:09:05; a dispatch to NSWPF and NSW Fire Rescue at 23:09:11 indicated Mr Macri was *unconscious and not breathing*.³ At 23:09:07, the IDR update noted that *chemicals and other hazards not involved, there is someone trapped, everyone is not completely awake (alert) the type and nature of injuries are not known. There is no bleeding now*.⁴
32. Dr Tong, a general surgeon at St George Public Hospital, and his wife who had been travelling on the train had both heard a thud when Mr Macri collided with the train. Dr Tong exited the train and went to Mr Macri. Dr Tong stayed to assist if required for the duration of the incident.
33. Dr Tong attended Mr Macri momentarily touching his back but generally stood back until he went to him and assessed him for the **first** time between 23:08:55-23:09:12 at which point he then spoke with Daniel (who had given his phone to a train guard to speak with the emergency operator). The CCTV shows Daniel gesticulating while talking to Dr Tong, consistent with telling Dr Tong about how the incident happened.

² The Incident Detail Report (IR) Ex 1 Vol 1 Tab 51 p 517 Brief of Evidence indicates this call was 23:07:36-23:14:28. This time is consistent with the Sydney Rails CCTV. However, the time recorded on the transcript of this call is 23:03:24 is over 4 mins earlier than the time recorded on the Sydney Rails CCTV. (See Ex 1, Vol 1, Tab 47 p 493 of the Brief of Evidence). Further see footnote 3. The Consolidated Copy of the ambulance Electronic Medical Record (eMR) notes completed by Paramedic Jeffries has the time of call 23:07, en route 23:09, at scene 23:15, with patient 23:16 whereas the CCTV footage records the time that the paramedics had contact with Mr Macri was at 23:18. See Ex.1 Vol 1 Tab52 p 532 Brief of Evidence. I note that the first three times in the eMR are created electronically but I rely on the Sydney Rails CCTV to establish an accurate time of when Paramedic Jeffries attends Mr Macri for the first time, namely 23:18. Also See Footnote 3.

³ Ex 1, Vol 1 Tab 51 Page 518 Brief of Evidence. The Incident report at p 530 indicates the times agencies were notified as follows: Fire brigade 23:09:24, Police 23:09:27, Rescue 23:10:46, AMRS (Aeromedical and Medical Retrieval Services) at 23:10:48

⁴ Ex 1, Vol 1 Tab 51 Page 518 Brief of Evidence

34. The train guard who was speaking to the emergency operator gave the phone to Dr Tong at 23:09:49. Dr Tong spoke with the operator on Daniel's phone whilst he assessed Mr Macri at 23:10:39. This was his **second** assessment. At 23:11:00 at the end of his call, the transcript records that Dr Tong said "*he is breathing*" and the operator asked "*Is it effective?*" to which Dr Tong replied "*He is breathing but he also looks like his neck is starting to, he looks a little bit cyanosed*". He was still on the phone to the operator when NSWPF officers arrived at Mr Macri's location at 23:11:05.
35. At 23:10:31 the IDR indicates: *Police Rescue Tasked. RCO Doctor on scene patient is unconscious carotid pulse present torso and pelvis is trapped between train and platform*⁵. That information must have come from Dr Tong's assessment whilst speaking with the operator.
36. Four NSWPF officers who had been in the meal room at the railway station heard the police radio broadcast and arrived at the scene at 23:11:05. Dr Tong returned the phone to Daniel at 23:11:14. The NSWPF officers moved bystanders away.
37. Between 23:11:35-23:11:50, the CCTV footage shows Dr Tong speaking with Senior Constable Pezzullo during which he holds his two fingers to the side of the neck consistent with him advising that he could feel Mr Macri's carotid pulse, at which point NSWPF officers ask passengers who are on the platform to return to the train carriages behind where Mr Macri was. Dr Tong stands back.
38. The IDR indicates that at 23:12:13 the NSWPF officers asked for an arrival time for ambulance – they were advised they were 2-3 minutes away.
39. At 23:12:03-23:12:26 the IDR entry (from another triple 0 call) indicates: *the patient was stuck between train and platform, the patient was a male of unknown age whose consciousness and breathing is unknown. The broadcast also identified that it is not known when this happened. It is not known if there is serious bleeding, it is not known if he is completely alert, the extent of injuries unknown.*

⁵ Ex 1. Vol 1 Tab 51 Page 518 Brief of Evidence

40. At 23:12:35 Dr Tong is gesticulating to the NSWPF officers consistent with informing them of his concern about needing to move Mr Macri into a position whereby his torso is up and his mouth and airways open so he can breathe. The CCTV footage shows no response by NSWPF officers at this time.
41. An incident log⁶ received at 23:12:38 from Joanne from Sydney Trains Security, provided information that *"Passenger has fallen between a train and the platform and is wedged in place – rail staff unable to get person out."* Whilst on this call Joanne was advised that NSWPF officers were on scene and ambulance on the way.
42. The emergency operator called Daniel's phone and he handed it to Senior Constable Pezzullo at 23:12:50. At 23:13:05 Dr Tong reapproaches Senior Constable Pezzullo but he is on the phone with the emergency operator until 23:13:29⁷ The operator asked *"is someone maintaining his airway"* and when he answered *"no"* she asked *"is there anyone there that can maintain his airway"*. The phone cut out and Senior Pezzullo returned the phone to Daniel.
43. During this time (23:12:23-23:13:30) Dr Tong speaks to the train guard, his gesticulations are consistent with him conveying to her the need for Mr Macri to breathe (at which time he says he asked her for gloves).
44. Dr Tong then steps back again and only approaches the NSWPF officers when Senior Constables Pezzullo and Reid look to him. The time is 23:13:38. Dr Tong attended Mr Macri and assessed him for a **third** time, his hand going to the left side of Mr Macri's neck at 23:13:45.
45. At 23:13:48 the IDR was updated with information that the *"Patient is still breathing. Becoming cyanosed. Police on scene."* It is unclear whether this information was conveyed to the operator at 23:11 by Dr Tong during his second assessment or during Dr Tong's third assessment.
46. At 23:13:57 Senior Constable Pezzullo raises his arm. Dr Tong again steps back. At 23:14:15 the IDR records *"Doctor here. Still got pulse."*⁸ It is unclear where

⁶ Ex 1 Vol 1 Tab 38 p 214 of Brief of Evidence

⁷ These are the times shown on the Sydney Rail CCTV footage as the time on the ambulance emergency call records that the call commences at 23:08:12 which on the CCTV shows Daniel answering the call at (on CCTV time) 23:12:32 which is a 4min20sec difference).

⁸ Ex 1. Vol 1 Tab 51 Page 519 Brief of Evidence

this information comes from as the timing of it occurs prior to Dr Tong's third assessment of Mr Macri.

47. The train guard returns and provides Dr Tong with a pair of gloves at 23:14:14. Dr Tong returns to check Mr Macri for a **fourth** time at 23:14:41-23:14:45 while Senior Constable Pezzullo speaks with Daniel whose gesticulations are again consistent with explaining how the incident happened. By this stage there are seven NSWPF officers on platform 6 including the designated mobile supervisor Sergeant Chapman who was in charge.
48. Dr Tong stands back again at 23:15:07 and police direct rail staff to evacuate passengers from the train. Dr Tong approaches Mr Macri for the **fifth** time at 23:15:34 as passengers start leaving the train carriages onto platform 6.
49. At 23:15:45 many passengers are on the platform walking past Mr Macri while Dr Tong is leaning over Mr Macri. The CCTV footage shows the ambulance arriving alongside the boundary fence at 23:16:10. At this time Senior Constables Pezzullo and Reid assist Dr Tong by holding Mr Macri's head and keeping the train carriage doors from opening.
50. Senior Constable Pezzullo said in his statement that when he knelt down and held Mr Macri's head, he noticed that his face was purple especially his lips but that Dr Tong again checked for a pulse and told him that he could feel the pulse. Dr Tong said in his statement that they had tried to lift him up from under his arms but were unable to do so. All he could do was provide a jaw-thrust in an attempt to keep Mr Macri's mouth and upper airway open.
51. Paramedic Jeffries said that whilst she was en route she had seen the IDR that Mr Macri **was not breathing and had no pulse** so she ordered a specialist medical team. The earlier IDR entries of 23:08:39 and 23:09:11 indicated that Mr Macri was unconscious and not breathing but do not mention pulse. The 23:10:31 report identified that a doctor was on site and Mr Macri had a carotid pulse;. The 23:13:48 report stated he was still breathing but becoming cyanosed, followed by a 23:14:15 report that identified that he still had a pulse. The IDR indicates that the specialist medical team acknowledged the incident at 23:15:51.⁹

⁹ Ex 1. Vol 1 Tab 51 Page 519 Brief of Evidence - but at 23:19:18 they indicated they were 18 minutes from the scene

52. By 23:17:10 the platform is completely full of passengers and other police start directing the crowd consistent with the paramedics arriving at the emergency entrance to access platform 6. At 23:18:00 the passengers near Mr Macri are directed to exit in the opposite direction at which point the first of the paramedics arrives at Mr Macri.
53. Two NSWPF rescue officers arrived at Mr Macri at 23:18:00 simultaneously with the three paramedics. The police can be seen on CCTV footage at 23:17:45 making their way against the exiting crowd, along the edge of the platform from the entrance opposite to the end the paramedics entered.
54. The paramedics report that when they arrived on platform 6 the scene was chaotic with passengers. That is consistent with what is seen on the CCTV due to the unfortunately timed decision to evacuate the train just as the ambulance was arriving.
55. At 23:18:20 paramedic Jeffries bends down to assess Mr Macri. Her case description records that Dr Tong had told her that Mr Macri was pulseless and not breathing but she carried out her own assessment. Paramedic Jeffries described that Mr Macri was cyanosed, not breathing and had nil pulse. The paramedics attempted to place ECG electrodes on Mr Macri to identify if he had any cardiac activity but were unable to apply the electrodes due to his position.
56. Sergeant Chapman turned his BWV on at 23:19 because he was concerned about Mr Macri's colour.
57. When Paramedic Jeffries commenced her assessment of Mr Macri, the rescue personnel leave the platform by climbing over the boundary fence at the road. A fire engine arrives at 23:18:45 and the passengers who were diverted from platform 6 crowd the path between the fire engine and the footpath until 23:19:40 with the fire truck departing at 23:20:14.
58. The IDR records at 23:20:33 that the crew were attempting to gain access to assess Mr Macri.
59. At 23:21:00 three Fire and Rescue personnel arrive on platform 6 and at 23:21:29 the NSWPF rescue personnel return to platform 6 and pass equipment over the fence onto the platform completing this task at 23:22:00.

60. At 23:22:24 Fire and Rescue push or hold against the train carriage while NSWPF officers lift Mr Macri's legs onto the platform and Mr Macri is rolled onto the platform by 23:22:36. The paramedics placed ECG electrodes on Mr Macri but did not provide any resuscitation. Paramedic Jeffries declared Mr Macri deceased. At 23:23:50 Fire and Rescue return their equipment over the fence to the truck.

Dr Tong's Evidence

61. Dr Tong said that during his **first** assessment he spoke to Mr Macri but he only heard him grunt, he smelt alcohol and could see that Mr Macri was breathing. He was unable to assess any injuries Mr Macri may have had due to the position of Mr Macri's body. Dr Tong was concerned about any attempts to move Mr Macri could exacerbate any injuries he might have, and he was most concerned about any penetrating injuries. Daniel's information about what had happened was useful as it explained that a medical episode did not cause Mr Macri to fall.
62. Dr Tong said that when he was handed the phone to speak with the emergency operator at about 23:10 he noted that Mr Macri's lips were a little bit blue but he had a pulse and he was breathing.
63. Dr Tong said he was concerned to protect Mr Macri's airway but that that he did not feel that he had the skill set to move Mr Macri from the position he was in both in terms of an ability to physically move him onto the platform and noting the absence of any medical apparatus to treat him once he had been removed. Dr Tong said that he did not think he was the best or safest person to place Mr Macri in a better position.
64. Dr Tong said he conveyed his concerns about moving Mr Macri but denied having instructed the police not to move him.
65. Dr Tong said he stood back from Mr Macri because his role was as a bystander with medical experience, to do what he could to assist. He said the police were moving the crowd and telling the station master to call triple 0.
66. He said he became more concerned when he noticed Mr Macri becoming drowsier, having difficulty breathing and his skin becoming more mottled. As a

result Dr Tong felt that there was now a need to move Mr Macri into a better position to assist his breathing. He spoke with the train guard and asked if they had any breathing apparatus and he asked for gloves but did not make any other requests.

67. Dr Tong assessed Mr Macri again and though Mr Macri was still breathing and had a pulse he looked worse and Dr Tong was worried. By this stage eight minutes had elapsed since the collision and Dr Tong said that the need to move Mr Macri to keep him breathing outweighed any concerns that moving him would exacerbate any existing injuries.
68. At 23:16:00, Dr Tong cleared Mr Macri's mouth which had vomitus in it. Assisted by Senior Constables Reid and Pezzullo and Sergeant Chapman they tried to move him out but they couldn't because Mr Macri was stuck. In his statement (which he made that night), Dr Tong said *"The police officers and I began to move the man in a better position. We opened the door of the carriage partially. Once we moved the door to the correct position we asked the train workers to keep the door there. The man was still stuck but in a better position... that the man's neck and airway could be supported"*.
69. In his evidence, Dr Tong said that despite the support they were giving to Mr Macri he continued to deteriorate. When the paramedics arrived, he recalled telling them Mr Macri had fallen, he was intoxicated, he was wedged, and they had tried to move him but were unable to. It was pointed out to him that Senior Constable Pezzullo said in his statement that when he helped hold Mr Macri's head, Dr Tong said that he could still feel Mr Macri's pulse. Dr Tong said he could not recall if Mr Macri still had a pulse at that time. In his statement Dr Tong said that at that time he was holding Mr Macri in the jaw-thrust he was unable to feel a carotid pulse.
70. Dr Tong said that he could not recall telling the paramedics that Mr Macri was pulseless or breathless and he could not recall the paramedics inquiring how long Mr Macri had been pulseless or breathless for.
71. At 23:19 Senior Constable Chapman activated his BWV, because he was concerned that Mr Macri's face and lips were blue. Officer Chapman's said in his evidence that at the time he activated the BWV he believed that Mr Macri should be extricated from his position and placed on the platform.

72. Officer Chapman said that he did not have any discussion about this with any other NSWPF officer and said in his evidence that he made no attempts to carry out an extrication because he did not think it was possible due to the lack of "manpower".
73. Within 9 minutes of their dispatch the general paramedics were with Mr Macri, which was 11 minutes after the collision. The last information contained in the IDR had been logged 4 minutes earlier "*Doctor here-still got a pulse*". Paramedic Jeffries said that when she assessed Mr Macri he was pulseless and unconscious. She attempted to place ECG electrodes on him but she was unable to do so because of his position relative to the platform and the train.
74. At 23:20 Sergeant Chapman's BWC records Dr Tong stating "there's no response, he's no longer breathing, he's clearly cyanosed."
75. At approximately 23:22 Fire & Rescue assist police in extricating Mr Macri, by what appears to be an application of force by 'pushing' the train and swiftly extricating Mr Macri, placing him on the platform.
76. Officer Chapman said that he did not know that it took such little effort to push the train to enable this extrication and with the benefit of hindsight he would have done so earlier. Mr Coates, the Director of Sydney Trains Safety and Security has reviewed the CCTV footage and suggests that the train was not moved at all when pushed by the three or four Fire and Rescue officers. Mr Coates suggested that it was unlikely that 400 kg of manpower would have any effect shifting a 50-ton train carriage. I think he is correct.
77. I suspect that Mr Macri's extrication was possible partly due to his death and the number of people available to lift him to the platform. It is regrettable that this extrication was not attempted immediately at 23:18 when both the Rescue personnel and the Paramedics arrived on the platform, given the retrieval equipment was not needed and the electrodes could not be placed on Mr Macri.
78. Once Mr Macri was placed on the platform the paramedics attached ECG electrodes which indicated that there was no activity. Paramedic Jeffries declared Mr Macri deceased at the scene at 23:22.

Whether the multiple injuries suffered by Mr Macri, absent the positional asphyxia, were fatal.

79. Associate Professor Holdgate addressed this issue in her report setting out that she agreed with the cause of death as identified in the post mortem report. She noted that although Mr Macri suffered multiple traumatic injuries, they were "*more likely than not survivable*" if he had not also suffered positional asphyxia.
80. Associate Professor Holdgate commented that Mr Macri had a serious pelvic fracture often associated with more significant haemorrhage than noted by the forensic pathologist and opined that Mr Macri's wedged position may have prevented or stemmed such bleeding. Additionally he had very significant soft tissue contusion which could have resulted in significant blood loss. She remarked that had he been extricated, given the proximity of yet-to-arrive paramedics and major trauma hospitals, such haemorrhage could have been well managed.
81. I find that Mr Macri's injuries were such that, absent the positional asphyxia, had he been extricated prior to the arrival of paramedics, his injuries were likely survivable.

Whether the actions of police officers were in accordance with relevant policies and were otherwise appropriate in the circumstances (in particular, the decision not to remove Mr Macri from his position between the train and the platform).

82. This issue requires a consideration of the decision to not remove Mr Macri together with the standard operating procedures and policies in place regarding same.
83. The time by which Fire and Rescue and other emergency services arrived at the scene is without controversy in both timeliness of request, dispatch and arrival. Unfortunately, due to his unconsciousness, his deteriorating medical condition and his entrapped position, Mr Macri was unable to sufficiently breathe and became cyanosed by the time those services arrived.
84. Associate Professor Holdgate described Mr Macri's position: "*Mr Macri was trapped in a flexed position, with his torso partially compressed between the train*

and the platform and his head in a rotated downward position and his face possibly compressed against the side of the train". She noted that "his position made it very difficult to breathe effectively and difficult if not impossible for bystanders to render meaningful first aid measures to allow him to breath". To add to Mr Macri's respiratory difficulties he was intoxicated and unconscious.

85. Associate Professor Holdgate said in her report: *"Dr Tong noted that Mr Macri was breathing shortly after the train came to a stop but approximately eight minutes later he was noted to become cyanosed indicating a lack of oxygen and a few minutes later he had no pulse. Thus Mr Macri was making efforts to breathe initially, but due to his compressed position and loss of consciousness, these efforts were not effective.*
86. There are a number of statements in the brief of evidence in which bystanders say they wanted to pull Mr Macri out of the gap but the police told them not to move him. Some NSWPF officers such as Constables Zwan and Windass asked their colleagues if they were going to move Mr Macri and were advised that it was doctor's orders that he be left in place.
87. The emergency services transcripts and IDR details make it clear that the police, the train staff, Dr Tong and other callers to emergency services thought that Mr Macri was "stuck" or "wedged" in position. Dr Tong said that any decision or action to remove Mr Macri was not within his skill set. Mr Coates said that train staff are not trained or expected to remove people from being trapped. Senior Constable Pezzullo was concerned that the train door opening would further compress Mr Macri.
88. Sergeant Chapman arrived when Dr Tong held Mr Macri in the jaw-thrust. In his statement he says that he asked *"What's happening with him?"* and Dr Tong responded *"I am maintaining his airway"*. Sergeant Chapman said he did not consider there was any reason to intervene and saw that Dr Tong was checking Mr Macri's vitals. After about 5 minutes he noticed Mr Macri turning blue
89. In his evidence, Sergeant Chapman said that his understanding is that a trapped person, such as Mr Macri, should not be moved unless there is medical help available, the exception being when the person was in immediate danger. He agreed that at the time he activated his BWV, Mr Macri was in need of immediate removal.

90. Sergeant Chapman said that he did not see any reason to move Mr Macri prior to the time of him turning blue. He said at the time he saw Dr Tong apply the jaw-thrust he believed that Mr Macri had an effective airway but when he activated the BWV, he believed Mr Macri needed to be extricated as he no longer had an effective airway. He said however, he did not give any consideration or direction to NSWPF officers and Sydney Trains staff to "push" the train and attempt Mr Macri's removal to the platform.
91. Sergeant Chapman said that he deferred to Dr Tong and additionally held a belief that more manpower was required for removal, but he did not discuss removing Mr Macri with any other NSWPF officers who were there. It was only with the benefit of hindsight that he learned that it was possible.
92. Senior Constable Windass arrived shortly after Sergeant Chapman and seeing Mr Macri, she asked the Sergeant *"are we going to take him out"* to which he replied *"No there's a doctor here who said don't take him out. Something about crush injuries"*.
93. Sergeant Chapman does not recall that conversation but I note that there is not usually any risk of crush injury syndrome in such a short period of time, a topic discussed in Associate Professor Holdgate's Report.
94. In his statement Sergeant Chapman did not say that Dr Tong said *"don't take him out"*, however it should be noted that the NSWPF officers may have been under the misapprehension that Dr Tong's initial concerns about moving Mr Macri had remained where in fact that was not the case and that Dr Tong had articulated that Mr Macri needed to be moved. Dr Tong said in his statement that when he and Senior Constables Reid and Pezzullo tried to lift Mr Macri under the armpits to at least sit him up they were unable to.
95. Senior Constable Reid said in her statement that Dr Tong advised the police not to move Mr Macri. In her evidence she said she asked Dr Tong if they should move him and he replied that *"we should not move him because we are not sure of what his injuries were"*. She said that at no time did she verbalise that they could try and move him to the platform because she did not feel confident in doing so. She said that she would have waited for paramedics to arrive even if he was turning blue. She said that if she attended a motor vehicle accident and

a person was trapped, she would not attempt to extricate them but rather wait for paramedics and Fire and Rescue to arrive.

96. Senior Constable Pezzullo's evidence was similar to that of Senior Constable Reid. He said that if Dr Tong had not been there, he would have tried to protect Mr Macri's airway and wait for paramedics to attend. He was taken to the First Aid Handbook provided to NSWPF officers for training and updates. He said he had never seen the Handbook before and was uncertain if he held an up to date First Aid Certificate. When asked questions by Mr Coffey he said that he attends weapons training on an annual basis during which time the police do CPR training.
97. Having seen the CCTV footage which shows Dr Tong's actions towards Mr Macri, his engagement with the police, his standing back, his concerns to the emergency operator and from having heard Dr Tong in the witness box I accept his evidence that he did not at any time direct nor did he advise the police that they should or should not remove Mr Macri from the gap. At the time he had grave concerns about Mr Macri's ability to effectively breathe. He tried to communicate that to the police. Simultaneously, the emergency operator was on the telephone raising the same concerns with Senior Constable Pezzullo.
98. After that telephone call, the police directed the evacuation of the train and then sought Dr Tong to assist in airway management. The evacuation process unnecessarily created a chaotic environment for both that airway management and the arrival of the paramedics; however, it is unlikely that situation had any adverse outcome other than causing stress to those attempting to assist Mr Macri.
99. Whilst Dr Tong did not direct police nor express himself in any commanding or authoritative manner, I accept that the police deferred to Dr Tong's well founded concern about moving Mr Macri. The mechanism of how Mr Macri came to be in that position had been explained to both Dr Tong and the police by Daniel. They had every reason to suspect that Mr Macri likely had very serious injuries which could include penetrating injuries had he any broken bones. Given Mr Macri's position, it was not possible to assess whether he had any of those potentially life-threatening injuries.

100. Dr Tong said that when he saw Mr Macri's colouring turn blue, that any concern for exacerbating Mr Macri's unknown injuries was outbalanced by the need to move him to protect his airways. This was when he pointed out to the police that Mr Macri needed to have his head held for him to help him breathe.
101. Associate Professor Holdgate set out in her report that *"entrapped patients should be extricated as a matter of urgency to allow management of airway breathing and circulation and to avoid the development of crush syndrome. Extrication can be very challenging, as in this case, and there is always a risk of inadvertently exacerbating a spinal injury or worsening blood loss by moving broken bones or releasing compressive forces which are containing blood loss. In all cases the risks and benefits need to be assessed before attempting extrication and the decision will also depend on the skills and experience of the treating team....While in retrospect early extrication may have been life-saving for Mr Macri, in my opinion Dr Tong made his best decisions based on the scene in front of him and his own clinical experience"*. In her evidence, Associate Professor Holdgate recommended immediate extrication, except for persons who had been injured by an impalement.
102. Although I accept that Dr Tong's role was to assist and he was not directing the NSWPF officers in any way, I do not think it was unreasonable for the NSWPF officers to have deferred to Dr Tong's concerns about moving Mr Macri especially in light of the fact that they thought Mr Macri was stuck or wedged in position. It may have been that his extrication was uneventful due to both the number of people then available and perhaps regrettably, the fact of his demise.
103. Regarding the NSWPF standard operating procedures and policies about lifesaving extrication of entrapped persons – there are none.
104. In her closing address Counsel Assisting fairly set out what, if any, guidance was provided to NSWPF officers in the NSWPF policy and procedure documents, which were in evidence, namely:
- The NSW Police Force Handbook Chapter D 'Fatal or serious train accident'¹⁰:
This document gives no guidance at all (save for calling emergency services), as to what, if any first aid, should be rendered to a trapped or injured individual.

¹⁰Ex. 1 Brief of Evidence Vol 3 Tab 86

The NSW Police Force Standard Operating Procedures (SOPs)¹¹:

This document is largely silent on the issue of what, if any, first aid should be rendered to a trapped or injured individual.

The Incident/Emergency General Action Check Sheet, contained in the SOPs¹² does not mention first aid checklists. The Crime and Incident Scene Checklist, also contained in the SOPs¹³, only states that an NSWPF officer should not enter a scene unless absolutely necessary to render assistance to victims. Lastly, the Rail Incident check list¹⁴ contained in the SOPs, is silent on the rendering of first aid – rather the focus is on directing and liaising with railway officers.

The Incident and Emergency Standing Operating Procedures¹⁵:-

This document is silent on when, or if first aid should be rendered to a trapped or injured passenger. Specific directions in relation to rail emergencies¹⁶ is focused on the logistics of managing the scene and the incident and does not guide an officer as to when- if ever, to render assistance to an injured or trapped passenger. It does however state that before a rescue is attempted, a train's power is to be immobilised¹⁷.

The Rescue Co-ordinators Course Manual¹⁸:

This document states that the overriding principle is to ensure that access is gained to the patient as quickly as possible but the manual's focus is on co-ordinating the response team - namely paramedics and Fire and Rescue.

The First Aid Manual¹⁹ (provided to police during their mandatory first aid training course):

This document states that in regard to an unconscious patient "*care of the airway takes precedence over any injury, including the possibility of spinal injury*".²⁰ And in regard to a person with a crush injury '*remove the crushing force immediately if safe to do so*'²¹.

¹¹ Ex. 1 Brief of Evidence Vol 3 Tab 87

¹² Ex. 1 Brief of Evidence Vol 3 Tab 87 p230

¹³ Ex. 1 Brief of Evidence Vol 3 Tab 87 p240

¹⁴ Ex. 1 Brief of Evidence Vol 3 Tab 87 p249

¹⁵ Ex. 1 Brief of Evidence Vol 3 Tab 88 p251-330

¹⁶ Ex. 1 Brief of Evidence Vol 3 Tab 88 p284

¹⁷ Ex. 1 Brief of Evidence Vol 3 Tab 88 p 285 [1.397]

¹⁸ Ex. 1 Brief of Evidence Vol 3 Tab 90 p352

¹⁹ Ex. 1 Brief of Evidence Vol 3 Tab 91

²⁰ Ex. 1 Brief of Evidence Vol 3 Tab 91 p374

²¹ Ex. 1 Brief of Evidence Vol 3 Tab 91 p381

Policing Series, A Practice Journal article "Incidents on Public Transport Systems", July 2004²² with attached flow chart²³.

This document is silent as to when, if ever, a police officer should render first aid to an injured or trapped passenger.

105. I agree with Counsel Assisting's submission that the tenor of the NSWPF policies tend to be focussed on the responsibilities involved in co-ordinating other first responders, namely, emergency services and liaising with personnel of varying rank and station.
106. NSWPF officers who are first responders should have some guidance to take life saving measures and attempt to extricate a person who would otherwise die while awaiting the arrival of paramedics. In that regard I commend the contents of Associate Professor Holdgate's report.

Whether there are any passenger safety systems which could be installed to the Sydney train network to enhance passenger safety.

107. Whilst the issue of the installation of passenger safety systems was investigated it was not the subject of particular questioning during the inquest. The Sydenham railway station, like many throughout NSW, was constructed many years ago. Platform 6 is a curved platform and the gap between the train carriage and the platform is 236mm. Sydney Trains provided documentation and addressed the issue of whether safety barriers would ensure passenger safety and has determined that such are not possible due to the curvature of the platform. During the inquest Mr Coates provided an additional statement setting out that pushing a train to secure the release of a person trapped in the platform-to-carriage-gap raised a number of issues including the number of different models of train carriages with different specifications which could cause more injury to the trapped person. Having read that statement it would be unwise to presume that the method to extricate a person from that gap would be as simple a procedure as it turned out to be in this case.
108. Mr Macri did not fall into the train-to-platform-gap because he was exiting or entering a train carriage, or he was behaving recklessly on the platform. His

²² Ex. 1 Brief of Evidence Vol 3 Tab 93

²³ Ex. 1 Brief of Evidence Vol 3 Tab 93 p403

reaction to Daniel's information that the train was arriving appears to have been distorted due to his intoxication and dozing.

109. Though Mr Coates gave evidence that there are hundreds of incidents a year of "near misses" with the train-to-platform-gap, the way Mr Macri entered the gap is far different to those cases. The evidence in this inquest does not give rise to consider any recommendations to Sydney Trains to install any passenger safety systems to prevent such an incident from occurring again.
110. The rail staff at the scene did not have any relevant equipment, nor are they trained, to extricate persons. Sydney Trains' policy requires the train guard to immediately notify their Central Control operator, who then organises emergency services and deals with logistics. Mr Coates said he reviewed the actions of train staff and was satisfied that they complied with the relevant policies and made the necessary notifications.
111. I note that Fire and Rescue NSW have a training manual in which Chapter 16, which deals with railway incidents. It is apparent that there is an apparatus called a hydraulic airbag which can be utilised in combination with step blocks. This induces sideways movement of the train carriage so as to release a trapped person. That apparatus is best used by trained personnel. Thus, the fate of a person trapped in the gap may well depend on the arrival time of relevantly trained rescuers.
112. Whilst I accept Mr Coates' analysis that the train guards carried out their required duties, I do so with one exception and that is: no train guard fetched an emergency first aid kit. Mr Coates agreed but stated there would be nothing in the kit which would have assisted. With respect, that is not the point, and certainly there is no evidence that any rail staff engaged in any decision-making process where it was determined that the kit was not required. Rather, it just didn't happen. Dr Tong said that he had asked for gloves on at least two occasions. Had a first aid kit been provided at least he would have had those without having to repeat his request.

Whether the level of care and skill provided by NSW Ambulance paramedics to Mr Macri at the scene was appropriate.

113. In a statement dated June 2019 Paramedic Jeffries said that when her ambulance was dispatched at 23:09, the information on the Mobile Data Terminal (MDT) stated that the patient was trapped, pulseless and unconscious and when she arrived, Mr Macri was cyanosed, not breathing and did not have a pulse. She said that Dr Tong told her that he was pulseless and unconscious but that she didn't pay much attention preferring to carry out her own assessment. She appears not to have noted the IDR report of 23:14 that Mr Macri was at that time reported to be breathing and as having a pulse.
114. It has not been possible to ascertain from where Ms Jeffries obtained the information that when she was dispatched, Mr Macri was pulseless and not breathing, because at the time of dispatch the IDR did not mention a pulse. Further, the last IDR at 23:14 reported that Mr Macri was breathing and had a pulse. Ms Jeffries said in her statement that when Dr Tong told her Mr Macri was pulseless she did not ask him how long he had been without a pulse. It would seem that when she arrived, Ms Jeffries was under the misapprehension that Mr Macri had been in cardiac arrest for nine minutes. It is more likely that he went into cardiac arrest after the time Dr Tong and the NSWPF officers held his head up and placed him in a jaw-thrust.
115. Ms Jeffries was concerned that the power to the train was still on and asked that it be turned off. She considered that Mr Macri was well stuck and she unsuccessfully tried to place ECG electrodes on him. The CCTV footage indicates that that attempt was complete by 23:20.
116. A police officer suggested they could extricate Mr Macri and asked Ms Jeffries if she wanted them to try. She reconsidered how wedged Mr Macri was and replied "yes". She held Mr Macri's head while three or four officers removed him. She then successfully applied the ECG and Mr Macri was asystole. She said she believed Mr Macri had central cyanosis, that is, he was blue around the face. She noted blood on her gloves and thought his head was deformed consistent with injuries.
117. In a second statement made in November 2020, Ms Jeffries reiterated that she had read on the MDT that Mr Macri was trapped, not breathing, unconscious and pulseless. She described that Mr Macri's legs were above the platform and his head was below it, and that although she was able to see that his eyes were

fixed and dilated, she was unable to use a torch to assess his pupils due to his position. I think Ms Jeffries has incorrectly recalled Mr Macri's positioning because his legs were dangling down and his head was still being held by Dr Tong and the NSWPF officers. But in any event she did correctly recall that she thought he was in cardiac arrest and he was trapped.

118. She said in her second statement that after the police officer said to her "I think we can move him" she says she considered that Mr Macri's condition was critical and extricating him was a priority in order to assess his injuries, and consistent with the Ambulance NSW Protocol T15, *Trapped Patient*, asked that he be extricated.
119. It is difficult to reconcile Ms Jeffries evidence because if she thought Mr Macri had been breathless and pulseless since 23:09 it is more likely that she would have formed the view upon her arrival rather than at 23:22 that Mr Macri's condition was critical requiring priority extrication. If it had been a priority it should have been considered when she arrived and when the Rescue police were standing next to her at 23:18. It is unclear why she referred to the policy in any event as it applied to patients at risk of crush injury syndrome which, given the shortness of time involved, was not a risk to Mr Macri. I accept Ms Jeffries evidence that due to the chaos on the platform due to the number of passengers being evacuated she was not even aware that the rescue personnel had arrived at the same time as herself. This may have led to her delayed consideration of extricating Mr Macri.
120. Ms Jeffries explained that she did not perform cardiopulmonary resuscitation (CPR) after the ECG electrodes confirmed that Mr Macri was in asystole. She deemed his injuries incompatible with life. She had regard to the history of the mechanism of injury and trauma; that he had been trapped and crushed between the train and the platform; that prior to her arrival there was no pulse and no breathing; she noted central cyanosis; Mr Macri had fixed and dilated pupils, a likely significant head injury and, as mentioned above, the ECG confirmed he was in asystole.
121. Ms Jeffries attached to her statement Ambulance NSW protocol C2 *Cardiac Arrest Decision Algorithm*, which sets out that a patient with suspected reversible causes of cardiac arrest require minimal scene time and urgent transport to hospital, such causes relevantly including hypoxia and hypovolaemia.

122. The protocol provides that *"a paramedic may withhold cardiopulmonary resuscitation (CPR) if any of the following are present"* and it then sets out four situations:
- i. injuries incompatible with life, e.g massive cerebral destruction;
 - ii. the patient has been deceased some time as evidenced by rigor mortis/or dependent lividity and/or tissue decomposition;
 - iii. there has been no CPR for over 20 minutes prior to paramedic arrival; or
 - iv. the direction of a medical practitioner.
123. Associate Professor Holdgate was asked questions about Mr Macri's condition once he was placed on the platform and she, like Mr Mutchmor, agreed with Ms Jeffries assessment that Mr Macri had, by then, injuries incompatible with life. Associate Professor Holdgate explained that Mr Macri's cardiac arrest came at the end of Mr Macri's deterioration marked by his inability to breathe rather than it being a cardiac injury. She explained that a successful resuscitation was extremely unlikely and even if it did occur, Mr Macri's would have had profound systemic hypoxic injury.
124. Mr Mutchmor reviewed Ms Jeffries actions and decision to declare Mr Macri deceased without attempting CPR. He said that in addition to hypoxia and hypovolemia being causes of Mr Macri's cardiac arrest, the scenario suggested it could also have been due to tension pneumothorax or a cardiac tamponade or all four. He noted that Ms Jeffries carried out all of the appropriate tests, including the ECG, to confirm Mr Macri's death before declaring it.
125. The only criticism he made was in relation to Ms Jeffries notes after the incident which make up the eMR, stating that it would have been appropriate for Ms Jeffries to more specifically document her clinical interpretations, physiological assessments and her rationale for clinical decisions, thereby disclosing her clinical thinking at the time. I note that it would also have made a better source of information to include in any later statements about the incident. As earlier stated, there is no question about the timeliness of arrival of the paramedics. Given the subsequent expert reviews and evidence provided regarding the medical care Mr Macri received, I find that the paramedics applied an appropriate level of skill and care at the scene.

Whether the actions of staff at Marrickville Bowling Club in continuing to serve Mr Macri alcohol on the evening of 5 October 2018 were appropriate and, relatedly, whether there were appropriate systems/training in place at Marrickville Bowling Club with respect to the responsible service of alcohol.

126. Constable Windass provided comments in her statement regarding Mr Macri's state of intoxication at Marrickville Bowling Club upon viewing the relevant CCTV footage from the club, when Mr Macri left the premises and when he was at Sydenham railway station. Mr Valentin, on behalf of Marrickville Bowling Club, conceded that in some of the club footage Mr Macri is seen to trip, but notes that is as he is leaving the club. Earlier footage of Mr Macri shows no obvious signs of intoxication, which was consistent with other interactions with staff during that night. Mr Valentin points out that after NSWPF undertook a review of the incident involving Mr Macri, they took no action against the club in relation to Mr Macri's intoxication.
127. The inquest had numerous statements from Marrickville Bowling Club and heard evidence from the then bar manager Tom Jones. Mr Jones confirmed he was familiar with the Prevention of Intoxication on Licenced Premises and Intoxication Guidelines published by Liquor and Gaming NSW and that adherence to these Guidelines was implemented at the club. Between September and October 2018, he was liaising with licencing police to ensure the club complied, given it had been pointed out to the club by NSWPF that the alcohol service management plan required updating and that NSWPF were concerned with some recent incidents involving assaults and intoxicated persons on or from their premises.
128. Mr Jones said that on 5 October 2018 staffing and patron numbers were compliant with the club "Dance Party" policy. A statement made by a friend of Mr Macri indicates that he was on the dance floor and exuberant and would give hugs. There is no suggestion that his behaviour was untoward or would have caused staff to become concerned about his behaviour or to question his level of intoxication. Even his friends did not think he was overly intoxicated, although Daniel made that realisation when they left the club.
129. Mr Valentin submitted that I would find that the continued service of alcohol to Mr Macri was appropriate. Given Mr Macri's blood/ alcohol reading of 0.229 I do not think such a finding is possible, but given Mr Macri's apparent ability to not

overtly display such a level of intoxication whilst at the club, I do find that the continued service of alcohol to him was not inappropriate.

130. I agree with Mr Valentin's submission that Marrickville Bowling Club had sufficient policies and procedures in place to ensure the responsible service of alcohol at the club. I agree there are no recommendations to make in that regard.

Whether it is necessary or desirable to make any recommendations

131. The final issue relates to whether I consider it desirable or necessary that recommendations arising out of this inquest be made. Counsel assisting put forward the following two matters for consideration:

1. That NSWPF consider using the facts of this case in its officer training as it relates to first aid and public transport incidents. This incident should act as a reminder to all NSWPF officers about how critical effective airway support and removal of any constrictions to the airway is.
2. For all first responders, including train employees, to be reminded of what Associate Professor Holdgate said were the four critical factors to remember
 - i. their own safety is paramount;
 - ii. call for expert assistance;
 - iii. focus on airway breathing and circulation; and
 - iv. if a person is trapped and their airway and circulation cannot be assessed or effectively maintained, get the person extricated so as to facilitate both. There are situations where it could be dangerous to remove someone (eg when impaled), but otherwise airway and circulation are critical.

132. I commend both suggestions put forward, but I am of a view that a recommendation to the NSWPF is desirable so that this issue is included in the First Aid Handbook. Accordingly, I make the following recommendation:

To the Commissioner of the NSWPF – that the First Aid Handbook, and relevant policies, be amended to include the instruction for first responding NSWPF officers to remove a trapped person where their requirement to maintain breathing and circulation outweighs any risk of further injury, when time is of the essence and prior to the arrival of paramedics and other rescue personnel.

133. I now enter my findings:

Identity	Nathan Macri
Date of Death	5 October 2018
Place of Death	Sydenham Railway Station
Cause of death	Mr Macri died of the combined effects of positional asphyxiation and multiple injuries
Manner of death	Whilst intoxicated Mr Macri accidentally collided with the side of a carriage of an incoming train which resulted in him becoming injured and unconscious. When the train stopped, he was wedged between the train and the station platform and remained there until extricated by emergency responders by which time he had died due to his injuries and an inability to breathe effectively due to his position.



Magistrate E Truscott
Deputy State Coroner
5 March 2021

