

Inquest into the deaths arising from the Lindt Café siege

Protective orders made by the State Coroner on 11 July 2016: ANZCTC documents

The Court NOTES:

1. The Commonwealth of Australia (**Commonwealth**), on behalf of the Australia-New Zealand Counter-Terrorism Committee (**ANZCTC**), proposes, after the making of the Orders below, to produce to the Court one (1) hard copy of the documents listed in Schedule 1 to these Orders (**ANZCTC documents**) that has been watermarked to identify the copy as the copy produced to the Court.
2. The Commonwealth, on behalf of the ANZCTC, undertakes that, after the making of the Orders below, it will provide:
 - (a) the State Coroner;
 - (b) each legal practitioner assisting the State Coroner for the purposes of this inquest who is listed in Schedule 2 to these Orders (**an assisting legal practitioner**) and has given a written undertaking in the form of Schedule 3 to these Orders; and
 - (c) each legal representative of a party granted leave to appear at this inquest who is listed in Schedule 2 to these Orders (**a party legal representative**) and has given a written undertaking in the form of Schedule 3 to these Orders,with one (1) hard copy of the ANZCTC documents that has been watermarked to identify the State Coroner, the assisting legal practitioner or party legal representative personally.
3. Counsel Assisting the State Coroner for the purposes of this inquest propose to tender the ANZCTC documents into evidence.
4. Nothing in these Orders limits the closed court, access restriction and non-publication orders made on the application of the Commissioner of the New South Wales Police Force.

The Court ORDERS:

No supply or provision of, or access to, the ANZCTC documents otherwise than in accordance with these Orders

1. Subject to Orders 2, 3 and 4, pursuant to s 65(4) of the *Coroners Act 2009* (NSW), the ANZCTC documents must not be supplied or provided to, or accessed by, any person, and a copy of these Orders is to be placed as a notation on the Court's file for the purposes of this inquest.
2. The Commonwealth will provide a personally watermarked copy of the ANZCTC documents to the State Coroner.
3. Each assisting legal practitioner and party legal representative who has given a written undertaking to the Court in the form of Schedule 3 to these Orders may inspect the ANZCTC documents produced to the Court by way of:
 - (a) inspecting, in the precincts of the Court, the copy of the ANZCTC documents that has been produced to the Court; or

- (b) inspecting the personally watermarked copy of the ANZCTC documents provided to the assisting legal practitioner or party legal representative by the Commonwealth.
- 4. Each party granted leave to appear at this inquest who is listed in Schedule 4 to these Orders (**a party**) and who has given a written undertaking to the Court in the form of Schedule 5 to these Orders may inspect the ANZCTC documents produced to the Court by way of:
 - (a) inspecting, in the precincts of the Court, the copy of the ANZCTC documents that has been produced to the Court; or
 - (b) inspecting, in the physical presence of his or her party legal representative, the personally watermarked copy of the ANZCTC documents provided to his or her party legal representative.

No publication of the ANZCTC documents

- 5. Pursuant to s 74(1) of the *Coroners Act 2009* (NSW), there must be no publication of any evidence (whether adduced orally, by tender of a document or otherwise) of or derived from the ANZCTC documents or the information contained in them (including, without limitation, any submission or other statement made in the proceedings that reveals any of the information contained in them).

Closed court

- 6. Subject to Order 7, pursuant to s 74(1)(a) of the *Coroners Act 2009* (NSW), when any evidence referred to in Order 4 is adduced, the following arrangements apply:
 - (a) the Court must be closed to all persons except the persons listed in Schedule 6 to these Orders;
 - (b) any transcript is not to be disclosed beyond the Court and the persons listed in Schedule 6 to these Orders until the Court has determined any application by the Commonwealth or the Commissioner for Police of the NSW Police Force (**Commissioner for Police**) that the evidence be subject to permanent non-disclosure/suppression orders and/or permanent non-publication orders; and
 - (c) any application for permanent non-disclosure/suppression orders and/or permanent non-publication orders must be notified to the assisting legal practitioners within 3 clear business days of the date on which the transcript is received by the legal representatives of the Commonwealth and the Commissioner for Police.
- 7. Order 6 does not apply in relation to evidence of or derived from the definition of "Emergency Action (EA)" that appears on pages 5-6 of the *Police Tactical Group Operations Manual* (August 2015) (see item 3 of Schedule 1 to these Orders).



Michael Barnes

State Coroner

Schedule 1 to protective orders: ANZCTC documents

1. *National Guidelines for the ANZCTC Bomb Response Capability: Person Borne Improvised Explosive Device (PBIED) Response* (February 2014).
2. *Marksman Manual* (2005) (extracts).
3. *Police Tactical Group Operations Manual* (August 2015) (extracts) and the following attachments only:
 - (a) *Police Tactical Group Operations Manual: Attachment A: Close Quarter Tactics* (July 2013) (extracts); and
 - (b) *Police Tactical Group Operations Manual: Attachment E: Method of Entry (Basic)* (July 2013) (extracts).
4. *National Strategy for Terrorist Negotiation* (February 2013).
5. *2010 National Counter-Terrorism Handbook: Part 1* (June 2010) (extracts).
6. *2014 National Counter-Terrorism Handbook: Part 1* (January 2015) (extracts).
7. *Guidelines for Terrorism Incident Reception Centres* (December 2013).

Schedule 2 to protective orders: assisting legal practitioners and party legal representatives

Assisting legal practitioners

1. The assisting legal practitioners are:
 - (a) Jeremy Gormly SC;
 - (b) Jason Downing;
 - (c) Sophie Callan; and
 - (d) Melissa Heris.

The family of Katrina Dawson

2. The party legal representatives for the family of Katrina Dawson are:
 - (a) Phillip Boulten SC;
 - (b) Michael O'Connell SC;
 - (c) Julia Roy;
 - (d) Peter Hodges; and
 - (e) Sophie Jeliba.

The family of Tori Johnson

3. The party legal representatives for the family of Tori Johnson are:
 - (a) Gabrielle Bashir SC;
 - (b) Peggy Dwyer;
 - (c) William De Mars; and
 - (d) Peerce McManus.

The person known as "Officer A" at this inquest

4. The party legal representatives for the person known as "Officer A" at this inquest are:
 - (a) David Jordan; and
 - (b) Kenneth Madden.

The person known as "Officer B" at this inquest

5. The party legal representatives for the person known as "Officer B" at this inquest are:
 - (a) Tim Watts; and
 - (b) Greg Willis.

Consultant psychiatrist

6. The party legal representatives for **Consultant psychiatrist** are:
 - (a) Michael Fordham SC;
 - (b) Callan O'Neill; and

(c) Kerrie Chambers.

Schedule 3 to protective orders: form of undertaking to be provided by an assisting legal practitioner or party legal representative

In respect of the following documents (**ANZCTC documents**) provided to me:

1. *National Guidelines for the ANZCTC Bomb Response Capability: Person Borne Improvised Explosive Device (PBIED) Response* (February 2014);
2. *Marksman Manual* (2005) (extracts);
3. *Police Tactical Group Operations Manual* (August 2015) (extracts) and the following attachments only:
 - (a) *Police Tactical Group Operations Manual: Attachment A: Close Quarter Tactics* (July 2013) (extracts); and
 - (b) *Police Tactical Group Operations Manual: Attachment E: Method of Entry (Basic)* (July 2013) (extracts);
4. *National Strategy for Terrorist Negotiation* (February 2013);
5. *2010 National Counter-Terrorism Handbook: Part 1* (June 2010) (extracts);
6. *2014 National Counter-Terrorism Handbook: Part 1* (January 2015) (extracts);
7. *Guidelines for Terrorism Incident Reception Centres* (December 2013),

I, _____,
(Insert name)

UNDERTAKE to the Court:

1. to use the ANZCTC documents and the information contained in the documents only for the purposes of this inquest;
2. to store the ANZCTC documents securely in a locked safe, cabinet or container;
3. not to copy (physically, electronically or otherwise) the ANZCTC documents;
4. not to remove, or permit the removal of, the ANZCTC documents from New South Wales;
5. not to provide or give (permanently or temporarily) the ANZCTC documents to any person other than a person who has given an undertaking in accordance with the Orders made by the Court on 11 July 2016 for the purpose of secure storage;
6. not to disclose the information contained in the ANZCTC documents to any person other than a person who has given an undertaking in accordance with the Orders made by the Court on 11 July 2016;
7. to return the ANZCTC documents to the Australian Government Solicitor within 14 days of the delivery of findings by the State Coroner in relation to this inquest (noting that I may return them in a sealed envelope that is not to be opened without my permission); and

8. to treat any record of the information contained in the ANZCTC documents as an ANZCTC document subject to this undertaking.

Name: _____

Signature: _____

Date: _____

Schedule 4 to protective orders: parties

The family of Katrina Dawson

1. The parties are:
 - (a) Alexander Dawson (Snr);
 - (b) Alexander Dawson (Jnr);
 - (c) Angus Dawson;
 - (d) Jane Dawson; and
 - (e) Paul Smith.

The family of Tori Johnson

2. The parties are:
 - (a) Thomas Zinn;
 - (b) Rosemary Connellan;
 - (c) Daniel Piazza;
 - (d) Jamie Johnson;
 - (e) Camille Piazza;
 - (f) Julian Piazza; and
 - (g) Ken Johnson.

The person known as “Officer A” at this inquest

3. The party is: “Officer A”.

The person known as “Officer B” at this inquest

4. The party is: “Officer B”.

Consultant psychiatrist

5. The party is: Consultant psychiatrist

Schedule 5 to protective orders: form of undertaking to be provided by a party

In respect of the following documents (**ANZCTC documents**) which I have inspected:

1. *National Guidelines for the ANZCTC Bomb Response Capability: Person Borne Improvised Explosive Device (PBIED) Response* (February 2014);
2. *Marksman Manual* (2005) (extracts);
3. *Police Tactical Group Operations Manual* (August 2015) (extracts) and the following attachments only:
 - (a) *Police Tactical Group Operations Manual: Attachment A: Close Quarter Tactics* (July 2013) (extracts); and
 - (b) *Police Tactical Group Operations Manual: Attachment E: Method of Entry (Basic)* (July 2013) (extracts);
4. *National Strategy for Terrorist Negotiation* (February 2013);
5. *2010 National Counter-Terrorism Handbook: Part 1* (June 2010) (extracts);
6. *2014 National Counter-Terrorism Handbook: Part 1* (January 2015) (extracts);
7. *Guidelines for Terrorism Incident Reception Centres* (December 2013),

I, _____,
(Insert name)

UNDERTAKE to the Court not to disclose the information contained in the ANZCTC documents to any person other than a person who has given an undertaking in accordance with the Orders made by the Court on 11 July 2016.

Name: _____

Signature: _____

Date: _____

Schedule 6 to protective orders: persons entitled to be present when the Court is closed

Refer to Schedule B to the closed court, access restriction and non-publication orders made on the application of the Commissioner of the New South Wales Police Force.