

Lindt Cafe Inquest

Opening for 29 Jan 2015

Jeremy Gormly SC

1. This early directions hearing, so soon after the event, is in recognition of the need to launch a thorough and prompt examination into a harrowing event for Sydney life. The siege at the Lindt Café, on the 15th and 16th December has caused understandable, widespread concern and, for some, real grief.
2. The tragic loss of two people so obviously valued by all who knew them and the trauma for those caught up as hostages, is something we all want to understand in as much detail as possible. We could hardly imagine what the partners and families of everyone involved in this siege must be going through. This siege has had implications beyond the place and time of its occurrence. The siege seemed to break its way into the intimacy of Sydney life, daily Sydney life.
3. Monday the 15th of December began in such an ordinary way. People were starting their day, going to work, coming into town to see the doctor, doing shopping with family members, meeting friends for coffee before work. It was so ordinary that anyone, friends or family, could have found themselves that morning in the convenient

and pleasant Lindt Café in Martin Place, right in the middle of Sydney.

4. I make these comments because it seems by the end of this inquest, we are likely to end up with a very high level of information about exactly what did happen. We will most likely have a detailed and comprehensive picture of virtually every aspect of the siege; its cause, its lead-up, the detail of the life of Mr Monis, the events during the siege, its termination and its aftermath. As Your Honour has said, doubt may remain as to the precise state of mind and motivation of Mr Monis but it seems likely that even in that, some evidence and reasonable inference will be available.
5. There will be access to this high detail for a number of practical reasons. First, the events of 15th and 16th December were relatively short in time—just 17 hours. In addition, the siege involved a large number of hostages. And I am informed, as I have not yet met them, that they are articulate, cooperative and have demonstrated good recollections of the events. Furthermore, and although no fixed CCTV camera was operating inside the café during the siege, events inside the Café over the 17 hours of the siege have nevertheless had surprising levels of electronic sound recording and some film capture as well.
6. Apart from the events of the siege itself, a wide gathering of information about Mr Monis is occurring. That gathering is nowhere near complete but it is proving productive.

7. I will deal with the nature of the investigation being undertaken in a few minutes, but I take this opportunity to make the point that many of the questions that arise require us to respond in a detached, rational, analytical, precise, and ultimately, *factual* way. Those questions include: what happened, why it happened, whether it could have been avoided, whether the Lindt Café events have implications for daily life as we currently lead it; indeed anything else that arises from the siege and the deaths of Katrina Dawson and Tori Johnson. That is what Parliament requires through the *Coroners Act*. And it is what this Court does through investigation and the gathering of all useful evidence. Fact, accuracy of fact, is what everyone needs.

8. The result of the inquest will be findings by Your Honour covering the identity, and the time, place, manner and cause of each death. In this case, as in most cases, some facts are not contentious. We know the identity, the time and the place of the deaths in this matter. As to Mr Monis we can complete the investigation to establish findings concerning the manner and cause of his death. What needs full examination is the manner and cause of each of the deaths of Tori Johnson and Katrina Dawson and with all of the contextual and surrounding circumstances exposed.

9. A lot of the information that we need will come from the hostages, and I would like to say something about that before we move on to the other matters. The hostages

have had an experience that most of us would struggle to even imagine. Anyone would be struck by that in a reading of their statements which eventually we will all see. I am advised that all of them have greatly assisted the Police. I look forward to meeting and working with all of them. Their contribution will be an important part of this inquest. All hostages have been interviewed. Difficult as it may be for them, it seems unavoidable that they will be asked to give evidence. I am aware Your Honour is considering what can be done to assist them to minimise the difficulties that can arise in the evidentiary process.

10. Nevertheless, they are our eyes and ears and memory of what happened during those hours inside the Lindt Café. No doubt, recollections will differ and perceptions of events will depend on their position in the Café, on individual angles of view, proximity and any other matter. Courts are used to honest variations in witness account if variations occur, and can find them useful at times. We will listen to what the hostages have to say.
11. All of us will have tried to imagine what it would be like to be caught up as these hostages so innocently were. All of us will have wondered how we would have reacted had we been trapped in the siege and faced the events of those 17 hours. Only armchair hostages have a confident answer to how they would have reacted and it is no part of the business of this inquest to form moral judgments about such matters or to engage in philosophical hypotheticals. The evidence in this inquest will be detailed about all matters that occurred in the Lindt Cafe but the

conclusions to be drawn will be to fulfil the role of the Coronial Court—that is, that no deaths pass in our community without establishing how, when and why the death occurred and whether anything could have been done as Your Honour has said to prevent it or-- in the future- prevent any death like it in the future.

12. There are no magic wands in an inquest, but we owe it to the Dawson and Johnson families to conduct this inquiry with coolness, with reason, and with objective detachment. Results from an inquest that are merely comforting or merely satisfying or that give vent to the understandable feelings of anyone will not on their own, meet what is needed; all those things may legitimately occur in the process anyway; but what is needed from the inquest are results that dispassionately, without preconception or with the benefits of hindsight, answer the necessary questions; they are answers that ought be useful now, and if ever needed, useful for the future.
13. Some of the issues and evidence may be very difficult to confront and I understand that Your Honour intends that families will be given a high priority in the consideration of how some materials, are to be managed, but all relevant issues have to be confronted.
14. There are three particular matters that Your Honour has asked me to address today;
 - a. First, to provide a general description of the investigation.
 - b. Secondly, to provide some information about the future running of the inquest as it is seen now; and

- c. Thirdly, in recognition of the understandable public speculation and media, to release certain facts about what happened in the Lindt Café on 15th and 16th of December. It is being done at this early stage before hearings commence, to answer speculation that may be unhelpful to legitimate public discussion; and that is unnecessary, because the facts are known within the investigation with some if not complete, certainty. It is also being done consistent with the general policy that I know Your Honour adopted in this inquest, to make the evidence and the process as open as possible.

THE INVESTIGATION

15. I turn then to provide some information about the investigation. There is no other way to describe the investigation than as intensely detailed and broad. It has naturally fallen into identifiable segments although a close eye is being kept on the way each part may touch another. Some areas are familiar ones in an inquest.
16. The *Coroners Act* calls for the Police to assist the Court in its investigation. Much of the forensic work is done under the supervision of the Officer Assisting Your Honour, Detective Inspector Angelo Memmolo. Detective Inspector Angelo Memmolo is well known to the Coroners Court and has been Officer Assisting the Coroner in other significant matters. He is assisted in the management of the investigation by Detective Senior Constable Rosie Allen, Detective Senior Sergeant Mark Dukes, Detective Sergeant Ricky Hennessy, and Detective Sergeant Tim Attwood. Detective Inspector

Memmolo leads a team of more than 30 detectives, plus other investigating officers and various experts and specialists.

17. We understand that whatever Police resources or other levels of assistance are needed for this matter, will be maintained. There has been extensive work done over the last six weeks but there is much more to do.

18. In addition to the police side of this investigation there is myself as Counsel Assisting and I will be helped in due course by another barrister Ms Sophie Callan. We are briefed by Ms Melissa Heris, a lawyer ordinarily in the NSW Crown Solicitor's Office, but seconded to the Office of the State Coroner for this matter. The *Coroners Act* provides for the expertise of Police to be used in Coronial investigations including in matters where police action took place but an inquest is a civilian review of a death. It is for that reason that the investigation is overviewed by the State Coroner with counsel and solicitor assisting him to do so, together with such independent sources of evidence as the Your Honour may require and the matter suggests.

19. There is sometimes comment about the use of police investigators in coronial matters where police action is involved. The legislation governs the position but, in my experience, officers assisting the Coroner have no difficulty making criticisms in such matters and this court has not had difficulty making criticisms or adverse findings against police if it is appropriate to do so.

20. I will now identify some areas of the investigation. First let me say that, each of the autopsies has been completed by the forensic pathologists. After provision of the contents of those reports to the Johnson and Dawson families, the reports will be tendered in evidence at a hearing.
21. Ms Dawson's and Mr Johnson's bodies have been returned to their families.
22. Following an autopsy the remains of Mr Monis were buried and no more needs to be said about that.
23. The place of the siege, both the Café internally and the areas around the Café, including the police marksman positions in surrounding buildings, has been the subject of full forensic analysis. In the case of the interior of the Café which has been fully filmed and photographed at various stages, a 3D reconstruction has been generated of the scene in the moments immediately after the entry of police that ended the siege.
24. A full ballistics assessment of the sawn-off shotgun used by Mr Monis, and of each of the police weapons that were fired, is being carried out. Each of the five shotgun cartridges fired by Mr Monis and the other cartridges he was carrying will be detailed. Every shot fired by Mr Monis and by police officers is likely to be accounted for. I will come back to the ballistics issue to release some information about that later in these comments. Modern

ballistics is a painstaking technical process and it takes time. For example, segments of the windows in the cafe and segments of the plastered walls struck by bullets or shot, have been physically excised, removed and are being analysed. A full ballistics report is to be prepared and expert oral evidence will be received by Your Honour in the hearings.

25. The police management of the siege was conducted under plans and protocols which will be the subject of examination. In doing that, we will have to bear in mind that public exposure of details of plans of that type can themselves involve security issues. That evidence may require special treatment. The actual handling of the siege by the NSW Police, who were in charge of the operation, will be the subject of various reports and analyses.

26. I am aware that Your Honour has arranged an independent, critical assessment of that response with UK Police experts who have particular expertise in siege management obtained through the Office of the Chief Coroner of the United Kingdom. The purpose of that course is to have an assessment independent of New South Wales police. The expert review team will comprise a number of individuals with varied and highly relevant experience, and included among them will be some interstate Australian policing experts to provide domestic context as well.

27. It would be useful and necessary to look at the options that were available to bring such a siege to an end, this one in particular. Questions concerning the use of police marksmen, whether to wait or to act immediately and other options have been discussed in public. I anticipate evidence on all of those matters. If there were defects in the management of the siege they will be exposed, but if there were not, a public review of the management and options for any future need is part of the current investigation.
28. On the same tack but in a different area, the management of the police by the police and others of the hostages and the families during and after the siege is of importance and that too is being examined.
29. The investigation involves the sifting and collating in chronological order, of the masses of film, the sound recordings, the texts, Facebook pages, other social media exchanges and posts, CCTV footage from surrounding sites, email, phone calls where recorded and all other electronic contemporaneous records. There were for example over 300, '000' calls. For an event that took only 17 hours there has resulted what has been described to me as "hundreds of hours of material". It all has to be sifted.
30. A substantial area of investigation is the background of Mr Monis. To that end and when all information has been obtained from all possible sources, I can say that Ms Heris for the Court has asked the eminent psychiatrist Dr

Jonathon Phillips, to provide a psychiatric profile of Mr Monis. Dr Phillips has been of assistance in other significant forensic matters. As full an investigation as possible of Mr. Monis' make-up and motivation is needed. There is reason in the investigation so far, to suggest that a psychiatric profile will throw light on coronial issues. Dr Phillips will be provided with the medical records relating to Mr Monis and there are such records available amongst other relevant material.

31. The investigation also has the benefit of the evidence of another well-known psychiatrist, [REDACTED]. He was present and assisting the police at the time of the siege. I anticipate that he will be able to provide a statement or report and that we will be able to hear from him in due course as well.
32. Of course quite apart from any medical assessment there is also occurring a detailed investigation and assessment of the associations of Mr Monis (such as they were), as well as his political activity, his religious claims, his criminal history, his record of public activity, his media profile, his litigation history and his personal and family relationships. I am not in a position to detail it at the moment but his gun history and the details of the shotgun he used in the siege, are likely to be fairly well established in the evidence.
33. As part of that process there is being conducted an investigation into the bail applications of Mr Monis particularly following the charges concerning the murder

of his wife. I will later refer to the issues that arise from that part of the investigation. There has been a change in legislation in recent times that had not taken effect at the time Mr Monis was first applying for bail and of course that will be examined during the course of the inquest.

34. Bail operates contrary to the usual presumption of innocence and can result in someone being held in a gaol before their trial and when they are not yet found guilty. Nevertheless, bail is a system that in part aims to prevent offenders from offending again and to ensure that they do not abscond before trial. Mr Monis was on bail at the time of the siege. It is necessary to examine without hindsight how he came to be granted bail.

35. As part of the investigation we will examine the product of the work of the Martin Place Siege Joint NSW and Commonwealth Government Review. That review is report to the respective governments in a few days. That Review is not taking oral evidence or dealing with the evidence of the siege. Its work is principally a gathering and a review of documentary records of both state and commonwealth government contact with or assessment of Mr Monis over the whole of the eighteen years since his arrival in Australia and the ten years since his citizenship.

36. There have been meetings with representatives of the Review and this court. The Review is likely to be able to hand to us the product of its work as soon as transfer arrangements can be put in place. The work of the Review is likely to be useful and speedy in the gathering of

material for this inquest and the cooperation from the Review is acknowledged.

37. I should also take the opportunity to acknowledge the assistance of other persons and entities at least so far, no doubt there'll be others in the future. I include Lindt and Sprüngli (Australia) Pty Limited owners and operators of the Lindt Cafe, Channel Seven, the Westpac Bank, the Reserve Bank, many surrounding businesses and the Council of the City of Sydney. Each has given unfettered access to the relevant part of their premises as needed for the investigation.
38. All of the matters I have raised deal with many of the important parts of the investigation but I need to add that there are many other matters being investigated as well. The items I have listed are just a part of the whole. The number of persons carrying out the investigation in total is large and that will become clearer as the hearings progress.
39. I raise this description of the investigation for two reasons. The first is to give an idea of its extent. The second is to demonstrate that the completion of some parts of the investigation will not be quick and easy. The conclusion of the various parts of the investigation is likely to occur in stages. Some matters will take much longer than others to investigate. That then leads me to the second matter Your Honour has asked me to deal with and....

2. RUNNING OF THE INQUEST

40. ...it concerns the future running of the inquest.
41. Because the whole of it the whole of the investigation will take time to complete Your Honour has asked that an assessment be made to see what oral evidence can be taken in early hearing segments as material becomes available rather than waiting till the conclusion of the whole investigation.
42. Detective Inspector Memmolo, his officers, Ms Heris and myself are looking at that issue. We expect to be able to report to Your Honour on the question of segments in the next few weeks. I do not anticipate as I understand it from Your Honour that there will be a further directions hearings, however we will contact all parties with leave and keep them informed of proposed segments of the final hearing and the areas of evidence to be led in the hearings. That could be done with a view to Your Honour fixing dates for a segment of the hearing in those later months. Thereafter, segments could be listed for hearing as investigation material becomes available.
43. So that there is no doubt about what is meant by "hearing segments", it seems that some obvious segments might be without putting them in any particular order at present;
- a. firstly, the facts of the siege
 - b. secondly, the hostage experience

- c. thirty, siege management in this case and siege procedure in Australia.
- d. fourthly, Mr Monis (and his history and the motivation for the siege)
- e. fifth, the bail question
- f. sixth, the gun used by Mr Monis, and of course there (could) be other sequents as well.

44. Some segments may run consecutively if the material is available. A benefit of segmented hearings is that the public hearings can start many months earlier than could occur if we waited for the completion of the whole investigation. Completion of a segment would not prevent a return to some issue in a later hearing if additional evidence become available or emerged or for some other useful reason. We must accept that some cross referencing problems will arise as segmented hearings advance but that is a manageable problem and worth the benefits of being able to start earlier.

45. There are likely to be a large number of witnesses. Witnesses will be called when there is an evidentiary matter to be addressed or exposed. Many witnesses will not need to be called. Parties granted leave to appear will be consulted about the witnesses to be called to give evidence and early notice of witnesses to be called will be given and wherever possible, pertinent documents will be identified in advance.

Issues

46. I turn now to a provisional list of issues likely to shape the content and questions raised in the hearings. The list of issues has been marked 'provisional'. It will be distributed to the parties in due course as a detailed document. I will also engage with all parties to ensure that all useful issues are included and are before the Court for examination. Naturally, an issues document is not a pleading document of the kind used in civil Courts to state a claim or a defence. These are not adversarial proceedings. The issues list may alter as the evidence develops. Some matters may drop by the wayside as information emerges. Equally, new matters may be included as issues depending upon the evidence that emerges. Parties will be consulted about those changes, although of course the investigation is that of this Court, and Your Honour will determine the final issues.

47. The current provisional issues list is large, it is a large and detailed document. I propose now to try to summarize it in a way that identifies most of the issues it is intended to cover. The summary of the issues then includes the following:

- a. First the PARTICULARS OF the DEATH OF EACH PERSON. As required by the *Coroners Act 2009*.
- b. Next security issues concerning Mr Monis will be examined in some detail. They include the information held by NSW and Commonwealth government agencies concerning Mr Monis as a public security risk. For example was he being monitored at all, and if so, what emerged from any such surveillance?

- c. On the issue of **TERRORISM**. How can this siege be appropriately categorized? And how was it at the time? Mr Monis claimed in the Café that his actions were an attack on Australia by Islamic State. Apart from holding people up with a gun, he claimed (falsely as it turns out) to have bombs in his control. At present it seems he had not established any contact with Islamic State before the siege though someone claiming to be from Islamic State adopted Mr Monis' actions and his siege after his death. What terrorist associations, if any, did he have?
- d. On the question of **BAIL**. Did prosecuting authorities respond adequately to both the application, the applications for bail and its grant, for the charges he was facing at the time of the siege?
- e. On **MENTAL HEALTH** issues. Were there mental health issues for Mr Monis and what role did they play in his actions and behaviour? Some evidence about this is emerging. Did the management of mental health issues in Mr Monis play any identifiable role in his undertaking of the siege?
- f. As to Mr Monis' **OBJECTIVES AND MOTIVATIONS**. This is critical part of the investigation. Any evidence about the reasons that motivated Mr Monis will be examined.
- g. As to **THE GUN**. All aspects of the gun used by Mr Monis are being investigated and will be examined.
- h. Next as to the **INSIDE of THE LINDT CAFÉ**. What were the communications, demands and actions of Mr Monis throughout the siege? How were the demands

managed? And what happened to the hostages during the siege?

- i. As to CONTACT WITH THOSE OUTSIDE THE CAFÉ. What interactions occurred between hostages, police, non-police parties and hostage families? How did that how did social media contact impact the prospects of resolution?
- j. On SIEGE MANAGEMENT. How was the siege managed in any way and in every way? Was it regarded as a terrorist siege and how did that affect management of the siege? What options existed for management including use of police marksmen and other possible actions? By what process was the siege to be managed at the time of this siege, how did that plan work and how is it said to be assessed now?
- k. As to the DEATH OF Mr TORI JOHNSON. What were the circumstances surrounding his death? How did he die? What change did that make inside the Café before Police entry? (I will address some of those facts about Mr Tori Johnson's death in a few moments).
- l. As to POLICE ENTRY. How was the decision made to enter the cafe? How did entry occur and what happened upon entry?
- m. Then as to the DEATH OF KATRINA DAWSON. How did Katrina Dawson die? Could it have been avoided in the circumstances? (And I will again address some facts about her death in a few moments).
- n. And next as to EVENTS AFTER THE SIEGE. This will review a thorough investigation and examination. This area concerns communications with family

during and after the siege as well as with hostages. It also looks at post-siege management of all relevant services.

48. That is a summary of the possible issues. There are numerous other questions in the provisional issues list to be answered along the way. On the evidence as it appears at the moment, all major issues have been covered but should parties with sufficient interest consider any other matter to warrant examination in this coronial contest, they can inform me or my instructing solicitor Melissa Heris so that any new issue can be brought to His Honour and examined.
49. I say again that these are not adversarial proceedings. Issues may be contested as the matter proceeds, parties may find themselves in opposing camps on important issues at times during the hearings. Nevertheless, as in many inquests there is every reason to conduct this inquest and its questions on a common goal basis.
50. Those assisting Your Honour will do everything possible to assist parties in the inquest and will assume that they will adopt the same approach. If anybody comes upon or has relevant evidence I ask that it be brought to the attention of the Coroner by telling someone on the assisting team; me, Ms Heris, Ms Sophie Callan or Detective Inspector Memmolo.

RELEASE OF FACT

51. I turn now to the third matter that Your Honour wishes to have dealt with being the release of some known facts. Some facts from the investigation seem clear and it is plainly in the public interest that information about them be released.
52. The facts being provided now must be heard with two things in mind. The investigation is incomplete—expert examination and reports have not been finalized and the contextual material has not yet been collated. Secondly, it must be borne to mind that the provision of this material is not evidence and is not a coronial finding. No conclusion should be drawn from the way the facts are presented now because it is so early in the investigation. The facts as I recite them are my current interpretation of some evidentiary material, put by way of opening. On that basis the following can be said;
- a. On the morning of the 15th December 2014 at about 8.33am, Mr Monis entered the Lindt Café.
 - b. At the time he was dressed in a camouflage long pants, a white t-shirt, a black jacket, a baseball cap and was wearing a large black backpack and carrying a blue plastic bag.
 - c. He brought into the Lindt Café a hidden pump action shotgun. It was short having been sawn off at both the butt end and the barrel. Mr Monis met his own family law lawyer by chance in or near the Lindt Cafe, but no relevant discussion occurred. The

lawyer had a commitment elsewhere. Mr Monis sat in the Café, he ordered and ate a piece of chocolate cake and drank some tea.

- d. He then asked the Lindt employee that had been serving him, if he could move to a table which is close to the rear doors that open into the Martin Place foyer. He was assisted to make that move. From this table Mr Monis would have been able to view the whole of the cafe.
- e. About 30 minutes later, he told the waitress that he wished to speak to the manager. He did not say why. The manager, Mr Tori Johnson, approached and sat with him. Staff watching them knew Mr Johnson well and could tell from his body language that he was stressed by what he was hearing from the customer.
- f. Mr Johnson then said to another employee, in a low voice, something like *"I need you to go get my keys from the office and lock the doors. We're closed. Everything is ok. Tell the staff to be calm."* The doors to the cafe were locked as requested.
- g. Mr. Monis then put on a vest and a bandana, he stood up, produced the pump action shotgun and by one account he states, "this is an attack, I have a bomb." Mr. Monis then ordered everyone to stand up and move to the northern wall of the Cafe. He ordered hostages to hold a flag, which the hostages describe as being an Islamic type flag, at one of the windows facing Martin Place and I am aware most people would have seen film of that during the siege.

- h. At 9:44am, at the request of Mr Monis, Tori Johnson placed a 000 call and was told by Mr Monis what to say. That was in effect that Australia is under attack by Islamic State and there are a number of radio controlled bombs situated in Martin Place, Circular Quay, and George Street and that proved to be false, ultimately. Tori told the operator that Mr Monis had pointed a gun at him and that he had been taken hostage along with others within the Lindt Cafe.
- i. The call to '000' from Tori Johnson lasted 12 minutes, however Police radio was broadcasting the incident while the '000' operator was still on the phone to Tori. Police acknowledged the incident at 9:46am and were at the scene within 5 minutes, at 9:51am.
- j. At 9:52am the Tactical Operations Unit acknowledged the job and were enroute some 4 minutes later arriving at the scene at approximately 10:07am.
- k. Police negotiators were also positioned. A combination of the raising of the Islamic flag and the information coming from the Café meant that the siege was treated not just as a domestic or general siege but as a possible terrorist siege. That had a significant impact on the personnel and systems used to manage the siege.
- l. Mr Monis told hostages he had a bomb in his backpack. He did not remove his backpack throughout the entire incident. During the course of the siege he said that he would shoot people for

various reasons, for example, that if he did so, he would be taken seriously.

- m. During the siege Mr Monis discharged a total of 5 shotgun cartridges in four periods of time. He first fired a gun once that is fired his gun, striking the area above the door of the entry to the foyer off Martin Place. He did that following the departure of some hostages.
- n. The second time Mr Monis discharged his gun was at about 2:14am when he shot Mr Tori Johnson and I will come back to that shortly. The third and fourth times seem to have been in response to the forced entry of the Tactical Response officers immediately after 02:14 a.m. The last period of time involved two shots by Mr Monis at the police entry team. At the moment there is still some doubt about the timing of these discharges but there is, that is, likely to be resolved by the time public hearings occur.
- o. On the last occasion when Mr Monis shot two rounds, one was towards a window on Phillip Street when he heard signs of an entry and another was at the Tactical Response Officers entering from the main door on the corner of Martin Place and Phillip St.
- p. No shot fired by Mr Monis other than the one that killed Mr Tori Johnson, struck anyone, although he appears to have been trying to do so.
- q. Apart from the 5 rounds he discharged, Mr Monis was later found to have had 21 other shotgun cartridges of various brands and shot size in his pockets. Despite firing 5 rounds from his shotgun,

Mr Monis had two rounds in the three round magazine of his shotgun. He must at some stage prior to entry have reloaded to keep the magazine and chamber full. After his death the breach of his shotgun was found to be open. It seems he was trying to re-engage another round when he was shot.

- r. I turn now to the shooting by Mr Monis of Mr Tori Johnson. Mr Johnson was made by Mr Monis to kneel on the floor of the cafe. After a short lapse of time Mr Monis simply shot him without further notice or warning, in the back of the head. The end of the barrel was about 75 cm from Mr Johnson's head at the moment of discharge. Mr Johnson is believed to have died immediately.
- s. The shot was witnessed by a police marksman who called it in. That resulted in an immediate order to force entry. Entry to the Café occurred within seconds.
- t. At the time of the Police entry those who entered were tactical operatives specifically trained for such incidents. A number of those officers entered from the door at the front of the Café and also from the Martin Place foyer.
- u. Immediately prior to entry, glass windows and doors were shot by Police using rounds designed for the purpose and the glass doors shattered. A total of 11 distractors were then thrown into the Café.
- v. Distractors or 'SF9's' often known as 'flash-bangs' are items that make the noises of explosions like a gun and make sudden violent flashes of light. There

were nine flashes and bangs in each of the 11 SF9's thrown in making a total of 99 sounds and flashes. They have the effect of stunning and distracting but can also sound like there is a hail of bullets being fired from guns. In this case there were 22 shots fired by the two police officers who discharged weapons at Mr Monis and there were two cartridges discharged by Mr Monis at the Police.

- w. The distractors were immediately followed by of course the entry of the armed Tactical Response officers.
- x. Bullets and fragments of bullets hit Mr Monis who was it seems, killed instantly.
- y. At least two police bullets or bullet fragments hit Mr Monis in the head and 11 other police bullets or fragments hit him in the body.
- z. I turn now to Ms Katrina Dawson. There is been public speculation about the cause of Ms Dawson's death and some information has already been provided. Ms Dawson was struck by six fragments of a police bullet or bullets, which ricocheted from hard surfaces into her body. I will not detail the damage done to Ms Dawson other than to say that one fragment struck a major blood vessel, she lost consciousness quickly and died shortly afterwards.
- aa. As to the injuries, one of the Tactical Operatives was struck in the face by fragments of police bullets and three hostages were struck by ricochet fragments. They are all recovering.

53. Your Honour, I appreciate that even outlining these facts, raises further questions in the mind of any interested person, but the state of the investigation prevents me safely going beyond these facts. I should say, however, that it appears that there is a large history and a complex narrative of fact behind the short facts I have outlined. It was important to address the speculation concerning bullets fired and, the deaths of Mr Johnson and Ms Dawson, and some of the circumstances that led to decisions about terminating the siege but of course there is a great deal of evidence to be hearing and presented in detail.

54. It is not anticipated that any further provision of material in the way I am doing now will occur before the first hearing. I turn now to some more practical matters.

55. I do suggest to the legal representatives of the parties granted leave a first meeting date once enough material in the form of a brief (which will become available) build over time. I invite any party granted leave to contact my instructing solicitor Ms Melissa Heris, my junior Ms Sophie Callan or myself should they wish to meet or to discuss any matter concerning the inquest but I do intend canvassing a date for a meeting of all practitioners and persons not represented should Your Honour grant leave.

56. I am informed that another courthouse for hearings in this inquest is being found. These premises at Glebe do not have the necessary facilities required for larger

inquests. There is a lack of family and other meeting rooms, insufficient public seating and facilities, work rooms and rooms for representatives. Assurances however, have been given for provision of the quality and quantity of resources needed in this matter information will be provided when the hearing rooms and courtrooms we are to use, are known.

PAID INTERVIEWS

57. Some reference should be made to the question of the well-publicised paid hostage interviews. I can say that Your Honour and those assisting have been well aware of them. The interviews have not been viewed by the Coronial team although the promotional material has been viewed. The question of whether paid interviews ought to be prohibited has been publicly discussed. At present however, the law is that unless there is a contempt, it is not automatically illegal for a witness to give a paid interview. Whether that is to change is a matter of public debate and decision outside this inquest, but dealt with in this inquest. In this case in this inquest there is not considered to be likely actionable contempt. The tapes of the interviews are of course a version of the events and will be examined like any other evidence. All hostages have already been interviewed for this inquest and statements have been obtained and almost everyone of them been signed.

FINALLY

58. After this Directions hearing I would like to say there will be a period of intensive work done to complete the investigation into all the issues raised and any others that emerge in the process. The lawyers assisting the State Coroner would be grateful for the opportunity to have those meetings in the next few weeks . And really Your Honour, that completes this short opening. In the future I will present detailed openings on the material and evidence at the commencement of each segment, but there is nothing further I have to say at present.