

Inquest into the deaths arising from the Lindt Café siege

Short minutes of Order

proposed by the NSW Commissioner of Police, as amended by the Commonwealth
and those assisting the State Coroner

As at 13 July 2016

The Court orders that:

Closed court and non-publication orders in relation to tendered documents and oral evidence

1. When evidence is adduced on any topic in Schedule A (annexed) from any witness in this Inquest the following arrangements shall apply:

1.1 the Court will be closed to all persons except for those persons listed in Schedule B to these orders;

1.2 Any:

1.2.1 document tendered is not to be disclosed beyond the Court and those persons listed in Schedule B to these orders and, to the extent not covered by Schedule B, the NSW Commissioner of Police and those who instruct on behalf of the NSW Commissioner of Police ("**the Commissioner**") and those who instruct on behalf of the Commonwealth of Australia ("**the Commonwealth**"); and

1.2.2 transcript of any evidence is not to be disclosed beyond the Court and those persons listed in Schedule B to these orders and, to the extent not covered by Schedule B, the Commissioner and NSWPF and the Commonwealth, and Daud Sibtain, Justine Munsie and Richard Keegan;

until the Court shall have determined any application of the Commissioner and/or the Commonwealth that such evidence be subject to permanent non-disclosure and/or non-publication orders.

- 1.3. Any application for permanent non-disclosure and/or non-publication orders shall be notified to those assisting the State Coroner within 3 clear business days of the date on which the document is tendered or the transcript of the evidence is received by the legal representatives of the Commissioner and the Commonwealth.
 - 1.4 The Commissioner and the Commonwealth have liberty to restore the matter on 6 hours' notice before the Court should the Commissioner or the Commonwealth require further time to notify those assisting the State Coroner of any such application.
 - 1.5 Following determination of any such application, Daid Sibtain, Justine Munsie and Richard Keegan are to return the hard copy of the transcript of evidence to the Crown Solicitor within 1 business day following the date of determination.
2. Schedule A to these orders, referred to in Order 1, is not to be supplied or disclosed to any person, except those persons listed in Schedule B to these orders.

Non-publication and suppression orders in relation to the brief of evidence

3. Until further order, there shall be no publication of any document listed in Schedule C of these orders.

Non-publication in relation to the brief of evidence and oral evidence

4. [NEGSNPO1] There shall be no publication of any information identifying, or tending to identify, the number of NSW Police Force on-call police negotiation teams in the metropolitan region.
5. [NEGSNPO2] There shall be no publication of any information disclosing the details of police policy in relation to the use of third parties in negotiations.

6. [CTNPO1] There shall be no publication of any evidence in this Inquest referencing the [REDACTED]

Non-publication and other orders in relation to identities of police – Category 1 witnesses

7. There shall be no disclosure beyond the Court and those persons listed in Schedule B to these orders and, to the extent not covered by Schedule B, the Commissioner and the Commonwealth, of the name, physical likeness or any other information that would tend to reveal the identity of any NSW police officer who is currently attached, and/or was attached as at 15 and 16 December 2014, to the following groups, units of the NSW Police Force or individuals specified below (referred to in these orders as a “Category 1 witness”):
- 7.1. the Tactical Operations Unit (“TOU”)
 - 7.2. the Negotiation Unit;
 - 7.3. the Rescue and Bomb Disposal Unit (“RBDU”);
 - 7.4. the Dog Unit, insofar as those officers perform a function as a tactical dog handler;
 - 7.5. the State Technical Investigations Branch (“STIB”);
 - 7.6. the individuals who have provided statements at Tabs 12.37, 14.1, 15.8, 15.9 and 17.22 of the brief of evidence
 - 7.7. the individual referred to at page 10 of the iSurv log at Tabs 19.34 and 20.8.
8. When any Category 1 witness is called to give evidence, the Court is to be closed to all persons except for those persons listed in Schedule B to these orders.

9. When any Category 1 witness gives evidence;

9.1 there shall be no audio-visual transmission of the witness' evidence beyond the courtroom;

9.2 unless a witness is giving evidence on a topic not contained in Schedule A there should be no audio transmission of the witness' evidence beyond the courtroom.

10. The Category 1 witnesses shall be referred to by pseudonym.

Non-publication and other orders in relation to identities of police - Category 2 witnesses

11. There shall be no publication of the name, physical likeness or any other information that would tend to reveal the identity of any NSW police officer below the rank of Assistant Commissioner who is currently attached, and/or was attached as at 15 and 16 December 2014, to the following group, units and officers of the NSW Police Force (referred to in these orders as "Category 2 witnesses"):

11.1. the Anti-Terrorism & Security Group;

11.2. the Commander, State Protection Group; and

11.3. Task Force Pioneer.

Non-publication and access restriction of affidavits

12. There shall be no publication of the contents of, annexures and exhibits to the affidavits of Assistant Commissioners Malcolm Lanyon and Peter Gallagher set out in Schedule D in these orders.

13. There shall be no access beyond those assisting the State Coroner, the interested parties and their legal representatives (listed in Schedule B) to the open affidavits of Assistant Commissioners Malcolm Lanyon and Peter Gallagher referred to in Schedule D in these orders.



SCHEDULE B

1. the legal team assisting the State Coroner in this Inquest;
2. Detective Chief Inspector Angelo Memmolo and his team of detectives assisting the State Coroner in this Inquest;
3. the legal representatives of the following interested parties granted leave to appear in this Inquest:
 - a. the family of Katrina Dawson;
 - b. the family of Tori Johnson;
 - c. the Commissioner of New South Wales Police;
 - d. the Commonwealth of Australia;
 - e. the person known as "Officer A" in these proceedings;
 - f. the person known as "Officer B" in these proceedings; and
 - g. the consultant psychiatrist to the New South Wales Police Force who was on duty at the Forward Command Post during the siege;
4. with respect to the family of Katrina Dawson, referred to at (3)(a):
 - a. Alexander Dawson (Snr);
 - b. Alexander Dawson (Jnr);
 - c. Alexandra Dawson;
 - d. Angus Dawson;
 - e. Jane Dawson;
 - f. Nikki Dawson;
 - g. Paul Smith;
 - h. Anne Smith;
 - i. Ian Smith; and
 - j. Mark Smith;

5. with respect to the family of Tori Johnson, referred to at (3)(b):

- a. Thomas Zinn;
- b. Rosemary Connellan;
- c. Daniel Piazza;
- d. Jamie Johnson;
- e. Camille Piazza;
- f. Julian Piazza; and
- g. Ken Johnson;

6. with respect to the Commissioner of the New South Wales Police Force, referred to at (3)(c):

- a. the Commissioner of the New South Wales Police Force;
- b. Detective Superintendent Michael Willing;
- c. Detective Chief Inspector Gordon Dojcinovic;
- d. Inspector Kristina Skvorc;
- e. the Category 1 officer known by the pseudonym 'Ross' in these proceedings;
- f. Detective Sergeant Kristy Hales;
- g. Sally Webb;
- h. Stuart Robinson;
- i. Jennifer Windsor; and
- j. any designated support person(s) in attendance;

7. with respect to the Commonwealth of Australia, referred to at (3)(d):

- a. Elizabeth Forbes;
- b. David Lawler;
- c. Geordy Araya-Bishop; and
- d. the protected Australian Federal Police employee listed in the confidential annexure to the orders made on 15 March 2016 as officer number 111;

8. the person known in these proceedings as "Officer A";

9. the person known in these proceedings as "Officer B";

10. the consultant psychiatrist to the New South Wales Police Force who was on duty at the Forward Command Post during the siege; and
11. Such other persons as are granted leave.

Schedule C

1. Indigo log (at Tab 8.9)
2. Log of the day shift Forward Commander (at Tabs 12.1, 12.2 and 12.3)
3. Transcript of audio file of the Dictaphone of the day shift Forward Commander (at Tab 12.4)
4. Log of duties undertaken by the officer who performed the role of Investigations Liaison at the Forward Command post (at Tabs 12.8 and 12.9)
5. Police Operations Centre Handover Running Log of Assistant Commissioner Mark Murdoch (at Tabs 13.8, 13.10, 15.18, 15.19)
6. Police Operations Centre Handover Report of Assistant Commissioner Mark Murdoch (at Tab 13.9)
7. Senior Investigating Officer log of the Commander of the Terrorism Investigation Squad (at Tab 15.3)
8. Strike Force Eagle Investigation Log (at Tab 15.17)
9. Senior Investigating Officer log of Detective Superintendent Luke Moore (at Tab 15.21)
10. Operations Log for the Forward Command Post (at Tabs 17.1 and 17.6)
11. Notes of the night shift Forward Commander (at Tab 17.5)
12. Notes of Detective Inspector Neil Snowden (at Tabs 17.11, 17.12, 17.13 and 17.14)
13. Notes of Detective Senior Constable John Lothian (at Tabs 18.3 and 18.4)
14. Police Operations Centre Running Log Report of Assistant Commissioner Mark Jenkins (at Tab 18.5)
15. Police Operations Centre Handover Report of Assistant Commissioner Mark Jenkins (at Tab 18.6)
16. Handover notes of the Police Operations Centre (at Tab 18.6A)
17. iSurv surveillance log (at Tabs 19.34 and 20.8)
18. Personal Event Log of the Commander of the State Protection Group (at Tabs 20.1, 20.2 and 20.3)

Schedule D

1. Open affidavit (Logs) of Malcolm Lanyon APM sworn 26 April 2016;
2. Open affidavit (Closed Court and Non-disclosure) of Malcolm Lanyon APM sworn 26 April 2016;
3. Open affidavit (TOU Debrief Notes) of Peter Gallagher APM sworn 10 August 2016;
4. Open affidavit (Quartering & Supplementary Statement of Vince Mirenyi) of Malcolm Lanyon APM sworn 7 September 2016
5. Open affidavit (TOU Debrief Notes) of Peter Gallagher APM sworn 21 September 2016