

Inquest into the deaths arising from the Lindt Café siege

Opening address for siege segment

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21-22 March 2016

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(4th Segment) – 21 and 22 March 2016

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Opening Address for Siege Segment

INTRODUCTION

[Gormly SC]

1. The investigation underlying this inquest commenced on 16 December 2014, the day of the deaths. And I note your Honour and Ms Heris the solicitor assisting your Honour visited the crime scene at the Lindt café the following day.
2. The witnesses to give evidence over the next 8 weeks or so will be called in roughly chronological fashion having regard to the events of the night. We commence with the hostages, and then turn to hear from relevant witnesses from NSW Police about the response to the siege.
3. However, for this segment to remain relevant and productive, those assisting your Honour propose to focus the oral evidence on matters which go to the key issues under consideration. The parties have received an updated list of those issues in recent weeks – many of which will be touched upon in this opening.
4. The plan today is to provide an outline of the evidence about the events of the siege. I anticipate this opening will go through to this afternoon and possibly into tomorrow morning.
5. We will show on screen a number of images, pieces of film and sound items. Although they have been carefully selected to minimise distress, we must ultimately call evidence in this case which will assist your Honour to fulfil your statutory functions and to inform the public at large as to what occurred. Some of the material shown during this segment, and indeed later in this opening may be deeply distressing for some, including images which show the blood of

Monis and others. On each such occasion we will warn people when such images are to be shown, so as to allow sufficient time for those who wish to avert their eyes or leave the court room so that can occur.

COMMENCEMENT OF THE SIEGE

Chronology inside café – Limitations

6. I propose to begin with an outline of the evidence about Monis' commencement of the siege and events inside the café. Before doing so, I should make a preliminary observation that, despite the best efforts of the Police officers investigating the siege and the team of lawyers assisting your Honour, piecing together a precise chronology of events inside the café from the time the siege began through to its end has proven a difficult task.
7. We have the recollections of the various hostages, but for understandable reasons, it was difficult for them to keep track of what was happening at various points in time in the café and equally difficult for them now to recall those events.
8. We do have a number of aides to our understanding of the timing and order of events. We have it through CCTV footage from a number of angles, media footage, particularly from the Channel 7 premises, logs kept by Police, intercepted phone calls, and a surveillance device which was placed at a point in time within the café.
9. Ultimately, through the assimilation of all of the information from those sources, I believe that a fairly accurate and robust chronology has been compiled.

Monis enters Lindt Café

10. CCTV cameras capture Man Haron Monis walking up Martin Place toward the Lindt Cafe at approximately 8.26 am on Monday 15 December 2014. It's really

at this point that he was first was captured on a CCTV camera located at the MLC Centre. **SHOW** It appears that Monis was wearing a backpack.

11. Next, at approximately 8.28 am, Monis was captured on a CCTV camera outside of Tiffany & Co, again walking in an easterly direction. **SHOW**
12. At approximately 8.32 am, Monis was captured on a CCTV camera walking past 39 Martin Place. **SHOW** In this footage, which is better quality, the backpack is more clearly visible.
13. Also at approximately 8.32 am, Monis was captured on CCTV cameras from Hotel Chambers, which is adjacent to the Lindt café on the corner of Elizabeth Street and Martin Place, continuing his route up Martin Place. **SHOW**
14. Finally, at approximately 8.33 am, a CCTV camera located at the Reserve Bank of Australia building captures Monis walking into the main doors of the Lindt Café. **SHOW**
15. Throughout that footage, particularly in the last piece showing Monis walking into the Lindt Café, he appears to walk confidently and without hesitation. There is nothing in his movements to suggest any nervousness.
16. In the footage, Monis is also clearly identifiable by the cap and the clothes he wears, by his body shape and size and most significantly, by the black backpack he was wearing. The backpack is of significance and as later evidence will indicate, once Monis announced the beginning of the siege and claimed to have a bomb on him, he wore the backpack for the entirety of the siege through to the very end.
17. Interestingly, the only time Monis removed the backpack was when he was initially seated in the Lindt Café on his arrival, prior to the siege commencing. I will describe this evidence shortly.

18. A number of people in the community have provided investigating police with statements about seeing a man who fits Monis' general description visiting the Lindt Café prior to the siege – some recalled an event they thought had occurred weeks before, others thought it was closer to the 14th of December. The variance in these reports, and absence of corroborating evidence – for instance there is no CCTV footage captures Monis making such a visit, means that the evidence presently available is not strong enough to positively conclude that Monis did visit the café and conduct some sort of reconnaissance.
19. But the evidence does suggest that Monis chose the siege location because certain physical characteristics of the Lindt Café premises suited his purpose.
20. It is known that the area of Martin Place where the Lindt Café is located was familiar to Monis - he had previously protested as we have earlier seen outside of Channel 7 during the filming of the Sunrise program on two occasions in June 2008. We had evidence about this during segment 1, and on the screens now you will see an image of this (**SHOW PHOTO FROM Tab 28.29, pages 11,949**). We can see there on right hand side in clerical garb with a hat.
21. Not only is the Lindt café directly opposite the Channel 7 studios in Martin Place, it is also in the heart of the Sydney CBD. It is opposite the Reserve Bank Building, a few hundred metres from NSW Parliament House. It is in a busy, bustling location frequented by a range of people be they professionals who work nearby, shoppers attending the nearby Pitt Street mall precinct, or tourists.
22. The Lindt Café itself is in an old bank building on the corner of Phillip Street and Martin Place. We will shortly see a floor plan of the café itself.

23. But at this point it is convenient to note that despite extensive Police investigations, no trace of Monis' movements in the city prior to him first turning up on CCTV footage at approximately 8.26 am has been located.
24. Those investigative efforts have involved
- a. reviewing CCTV footage from multiple locations, including the various nearby train stations in the city and those close to Monis' home address,
 - b. reviewing CCTV footage from relevant bus routes into the city; and
 - c. reviewing CCTV footage from many fixed cameras in the city.

Inquiries have also been made of taxi companies to no avail, and police have canvassed dozens if not hundreds of hotels in the CBD area but turned up no record or sightings of Monis.

25. Precisely how Monis made his way into the city on the 15th of December remains unknown, but having regard to all the available evidence, there must be a real possibility that he was dropped into the city in a car driven by a person or persons unknown.
26. When Monis entered the Lindt Café just after 8.30am, he was as I have already mentioned – wearing a black backpack. I will later describe various of the items within that backpack, but it seems to have included a large blue Big W shopping bag which probably contained the sawn off shotgun. He was certainly seen withdrawing it from there later.

Layout of café and arrival of other hostages

27. Monis sat down at table 36, which is at the Phillip Street end of the café near the main doors.
28. As an aid in understanding events inside the café, appearing on the screen now is a plan of the interior of the café. **SHOW A PLAN OF THE CAFÉ INTERIOR [Tab 12.29].**

29. The café itself is on the ground floor although access to the ladies toilets is up a flight of stairs and men's toilets are down a flight in the rear corner. **Point out**
30. There are two entrances to the café. The main doors are set on the diagonal at the corner of Phillip Street and Martin Place – these are automatic glass sliding doors. **Point out**. This is at the south eastern corner of the café.
31. The other entrance is via the foyer of the building at 53 Martin Place. To enter this way, one must first go up a flight of stairs, through automatic sliding glass doors, up a further small flight of stairs and, then to the left are more old fashioned style glass swing doors into the Café. **Point out** This is the western end of the café.
32. The café space includes an area for retail chocolate displays along the eastern, Philip Street wall. **Point out**
33. The back wall of the café contains a chocolatier station, coffee machine and cash registers. Behind that wall sits the small service kitchen.
34. Immediately adjacent to the kitchen is a door leading to an emergency exit out onto Phillip Street. **Point out**
35. There is also a small office area used by Tori Johnson and Paolo Vassallo. **Point out**.
36. The remainder of the café comprises tables and chairs for customers. These are set out in three rows, which run east/west, parallel to the Martin Place wall of the café.
37. A long bench seat runs along the wall beneath windows onto Martin Place. There are four windows along that wall, from east to west, ie left to right, these came to be numbered by police as Window 1, Window 2, Window 3 and Window 4. These tables were numbered 1 – 12 along the bench, the 20s were

the middle row and the 30s were the next row in the centre of the café. As will soon be described, when Monis initially required hostages to hold a flag in the café window, that was the most north west window, being Window 4. **Point out**

38. As we can see, there are a second and third row of tables parallel to the Martin Place wall. **Point out**
39. I should also point out a waiters' station in the north west corner of the café, at the end of the 20s line of tables closest to Table 1 and 2, which will feature particularly in descriptions about the location of Monis and other hostages during the police entry just after 2am. **Point out**
40. As I've already observed, Monis sat down at Table 36 which is close to the main Phillip St entrance. **Point out**
41. It is convenient to leave this floor plan on screen for I will return to it from time to time in what I am about to describe.
42. At around 9am, some 20 minutes after Mr Monis sat down at Table 36, he ordered some tea and subsequently a piece of chocolate cake.
43. As your Honour will hear, at approximately 9.06 am, three barristers who worked nearby in Phillip Street, Katrina Dawson, Julie Taylor and Stefan Balafoutis, were texting one another, arranging to meet at the Lindt Café for tea or coffee. Katrina Dawson seems to have arrived at the café by approximately 9.15 am and Stefan Balafoutis shortly thereafter. At 9.22 am, she texted Julie Taylor to ask her "do you want coffee?" Julie Taylor responded by text indicating that she was on her way. It would appear that within a minute or so, Julie Taylor arrived at the café and joined the other two.
44. A few minutes later, three IT consultants working for Westpac in Martin Place, Puspendu Ghosh, Marcia Mikhael and Viswakanth Ankireddi also texted one another and arranged to go to the Lindt Café. They met up just after 9.30 am

and walked together to the Lindt Café, entering as a group. They sat at a table near the barista station. **Point out**

45. Also at about 9.30 am, John O'Brien entered the Lindt Café by himself. He was in the city for a doctor's appointment on nearby Macquarie Street. He ordered coffee and toast and sat by himself at a table which seems to have been along the Martin Place side near the Phillip St doors.
46. Prior to this – indeed at around 8.30am so about the same time Monis entered the café, Louisa Hope and her mother, Robin Hope, arrived. They had an appointment later that morning to meet with a barrister who was located nearby. They sat down at either table 8 or 9, more or less in the first bank of tables on the Martin Place side. **Point out**
47. Finally, Selena Win Pe, a manager at Westpac, went to the café by herself that morning with the aim of buying some Christmas presents and having a quick drink. She arrived at approximately 9.35 am and sat nearby to Louisa and Robin Hope.
48. Just after Monis had been served his tea and his cake, he asked to be moved to a different table (table 40) – and Elly Chen assisted him make this move. Table 40 is the table immediately to the left of the doors to the Martin Place Foyer, it is L shaped, slightly different to other tables.
49. I just mentioned Elly Chen was the staff member who moved him from Table 36 to Table 40 - the 15th of December was her third day at work, having secured this casual holiday work via Helen Ma, the sister of one of the other staff members, Fiona Ma who was also working that morning along with the store manager Tori Johnson, the back of house supervisor Paolo Vassallo, and other waiting staff being Joel Herat, Jarrod Morton-Hoffman, April Bae and Harriette Denny.
50. As you can see from the floor plan, Table 40 (**Point out**) is slightly isolated tabled compared with the other tables, and is immediately adjacent to the

swinging glass doors which open into the foyer of 53 Martin Place. Its location provides a good view of the entire café.

51. Your Honour will hear that, quite remarkably given events which subsequently unfolded, whilst sitting at table 40 Monis separately asked two of the café staff members to watch his bag while he left the table. He initially asked Harriette Denny who agreed, but as it turned out Monis did not leave his table at that point.
52. At just after 9.22 am, Monis recognised Mr Klooster, who had acted for Monis in a family law matter in September 2014. During segment 1 of this inquest we heard evidence about that custody dispute.
53. Mr Klooster will be called as one of the first witnesses in this segment. Whilst he was waiting for a take away coffee to be made, Monis called out to him. Mr Klooster walked over to table 40 and Monis stood up. They spoke for some minutes about the outcome of the family law application and Monis invited Mr Klooster to join him at his table. Because Mr Klooster had a Court commitment that morning, he declined, but described his observations of Monis that morning. I anticipate he will say that Monis did not appear in any way anxious, irritable or on edge and were it not for Mr Klooster having to be in court, Mr Klooster may well have sat down with him. Instead he left the café.
54. Not long thereafter, Monis asked Fiona Ma to watch his bag (being another staff member) which she did whilst he went to the male toilet. Given the presence of his gun in that bag and what Monis was about to do, one might think the more natural choice would have been to never let that bag out of his sight, including taking it with him to the bathroom. One can only imagine what Monis' frame of mind was to have left it basically unattended.

Doors are locked and Tori Johnson's 000 call

55. At approximately 9.40 am, Monis told the staff member Fiona Ma he wanted to see the manager. Tori Johnson was notified and went to sit with Monis at table 40.
56. Not long afterwards, Tori Johnson called over a staff member Jarrod Morton-Hoffman to table 40, and instructed him to get café keys from Tori's bag in the office. Tori said to Jarrod words to the effect of "I need you to go and get the keys and lock the doors. We're closed. Everything is OK. Tell the staff to be calm."
57. When Jarrod went into the office to obtain the keys, he saw chef Paolo Vassallo who was working in the office adjacent to the kitchen area and asked Paolo about the location of Tori's bag. After locating the keys, Jarrod arranged for both cafe doors to be locked.
58. Shortly after this, Jarrod wrote on a piece of paper, which he intended to place on the door to indicate to customers approaching that the café was closed. As Jarrod made his way to the main doors, Monis saw him and said to him "what are you doing?" When Jarrod indicated about the sign, Monis stopped him and forcefully directed him to sit down.
59. Staff members who will be called in the coming days will describe Tori Johnson's usual calm demeanour as manager. They will say they knew there was something wrong as Tori looked stressed while he was sitting at the table and speaking to Monis.
60. At about this time, Tori was observed making a call on his mobile phone. He was holding a piece of A4 sized paper. It is now clear from the evidence that phone call was to '000' at Monis' insistence. It was approximately 9.41 am.

61. Monis required Tori Johnson to read a message set out on the piece of paper to the 000 operator, and provide the operator with Monis' mobile phone number.
62. I must play the '000' call in its entirety and will do so in a moment. I pause to note that you will hear Tori Johnson's calm and control, as during this call. He was plainly under duress and in an unimaginably stressful situation but that calm and control says something about the strength of his character and his sense of responsibility as the manager in the café that morning.
63. The reason I point this out is because it becomes clear that Tori's authority and his position as manager played a role in the way Monis treated him — even the way Monis addressed him in a peremptory tone, as “Manager” when otherwise Monis would use first names for other hostages. It was the view of all hostages who commented on the matter that Tori Johnson's authority as manager seemed to figure in Monis's treatment of Tori throughout the day.
64. I will now play the call from Tori Johnson to the 000 operator, along with video of the keyboard entries made by the 000 operator. I emphasise that the call was made by Tori Johnson with Monis sitting directly across from him at table 40. **PLAY AUDIO/VIDEO from compilation**. As you watch the screen, you see the '000' operator was undertaking tasks while speaking with Tori, typing in boxes on the screen which is how information is sent to Police almost instantaneously.
65. The call lasted 12 minutes until approximately 9.53 am.
66. Two important things flow from the note Monis gave to Tori to read out loud to the 000 operator, which will now be shown in screen. **SHOW NOTE – Tab 4.76, page 959**. I will pause to enable some of it to be read. It takes only a little reading to see that the note contains what Tori had to read to the 000 operator.
67. First, the note is definitely in the handwriting of Monis, a fact which is established by handwriting analysis, and the note was plainly prepared prior to

the start of the siege. It is difficult to know precisely when it was written but I will come back to that in a moment.

68. The second thing to observe is that the content of the note stamps the event, at least from Monis' declared purpose, as an act of terrorism. Of course, whether it was in fact an act of terrorism continues to be a live issue in this inquest – your Honour already has the benefit of some expert evidence about this issue which we heard in an earlier segment, and there is further evidence from the café during the siege which will assist in that determination.
69. Now around this time (still well before 10.00am), people both inside and outside the café were trying to come and go, but found both entrance doors were locked. It seems at least two friends inside the café were able to leave, because one of them thought to press the green exit button and they walked out – he will give evidence about this. You will also hear from two witnesses who failed to get into the café. They were approaching the doors a matter of moments after the doors were locked. They will contribute observations they made by looking through the doors, about events inside the café as the siege began.
70. At about 9.46 am, during Tori Johnson's 000 call, Monis produced a shotgun from the blue Big W bag and said words to the effect of *"Everything's going to be alright. You are all safe. The manager is speaking to the Police so do not panic, everything is going to be alright. There is a bomb here."*
71. He also said *"There are other bombs as well. One is at Circular Quay and another one at Town Hall"*.
72. Perhaps surprisingly, the fact that a siege was commencing was not immediately obvious to all those inside. Not everyone within the café clearly heard the words or understood them.
73. But shortly afterwards, Monis directed the hostages to place their mobile phones and identification on the table and he began directing witnesses to

stand with their hands up in the windows and doors of the café, facing outwards. I will return to events inside the cafe shortly.

74. But meanwhile at approximately 9.49 am, the first 000 call by a person outside of the café was made. Many '000' calls were made over the ensuing minutes by members of the public and staff members arriving for work who found the doors locked. Some observed Monis holding a gun.

75. The following CCTV footage from the foyer of 53 Martin Place shows members of the public looking through the café doors, with one person (Rosemary Birt, who will give evidence later this week) endeavouring to communicate with staff through the door, seemingly seeking access into the café. But ultimately she can be seen hastily exiting the foyer when, one would assume, she saw Monis draw his gun. **PLAY BIRT Foyer exit CCTV footage.**

76. And as a sample of the 000 calls being made at the time by the public, I will now have played the call that Rosemary Birt made. **PLAY AUDIO OF CALL BY ROSEMARY BIRT**

77. Police arrived on the scene within moments of these first 000 calls. I will say more about that in due course.

The Hostages - Comment

78. But for a moment it is appropriate to make a general observation about those taken hostage during the Lindt café siege. Most will be giving evidence about what happened inside the café during the siege.

79. At the time the siege began, there were 18 people in the café besides Monis, comprising six members of staff and 12 members of the public. The two people who did not survive the siege, Tori Johnson and Katrina Dawson have been the

subject of considerable media reporting, outpourings of community grief including the laying of flowers through Martin Place in the days after the siege, and were remembered at a memorial ceremony on the first anniversary on 15th December 2015. Others of the staff and members of the public are also known to us from TV interviews and other media reporting.

80. It is important at this early stage to say something about the hostages, what they went through and the nature of the evidence they will give at this inquest. The hostages were unwitting and unwilling participants in Monis' plans and actions. As is widely known and reported because of Monis' refusal to speak to Police negotiators, about which more will be said, the hostages were placed in the role of intermediaries between Monis and the Police.
81. What the hostages endured on 15 and 16 December 2014 was deeply traumatic and perhaps fundamentally unimaginable to the rest of us who have never had such an experience. Their suffering was played out through national and international media coverage and also, through social media. It has not ceased. Their angst, pleas and messages to friends and family have been broadcast and commented on by countless people.
82. No doubt when the café staff and customers went into the Lindt Café on the morning of 15 December 2014, they were looking forward to the Christmas New Year holiday period. Certainly, none of them were prepared or could have been prepared for the events that unfolded over the next 20 hours or so. None of them had occupations or training that could have prepared them for such an event.
83. Each of the hostages from whom you will hear evidence will have their own perspective on what occurred and their response to it. It is impossible for anyone who was not in the café to fully understand and relate to the situation they endured.

84. It is not the role of this inquest to make moral judgments on these individual hostages or their actions, nor should the public at large or the media seek to judge them.
85. The randomness of their involvement is a stark reminder of how easily any of us could have been in their place and it is guesswork to say how any of us would have behaved over those long drawn out stressful hours. As we will hear, others could have very easily become hostages but for the passage of a matter of seconds, in terms of their arrival to the café or departure from it.
86. We will hear quite a body of evidence from the hostages as to the dealings between Monis and the hostages, also as to the escapes by a number of hostages. But throughout that evidence, it is important to bear in mind the extraordinary circumstances in which the hostages found themselves. I urge particular caution in considering and commenting on this evidence. The value of the hostage's evidence to all of us and to this inquiry will prove large. I am grateful for the cooperation of each of those hostages in this very difficult process.

The siege is declared

87. By the time Monis produced his shotgun, he had changed into a black vest and put on a black bandana and wristband. The headband, vest and bandana had Arabic script on them. The headband script translates as *"We are your soldiers Muhammad"* and *"May Allah honour him and grant him peace"*. The script on the wristband and vest (front and back) read *"There is no God but Allah and Muhammad is his messenger"*. That is known as the Shahada or the Muslim declaration of faith. I will say more about that shortly, these items that Monis chose to wear.
88. It was at this point that the siege can be properly regarded as having begun. The main and rear doors into and out of the café had been locked at Monis' direction, he had threatened those present in the café with a gun and bomb.

89. In one of many tragedies, at or around this time, Monis apparently looked at Katrina Dawson and Julie Taylor and, as unlikely as it seems in the circumstances, appeared to tell them that they could go. When Katrina asked if Stefan Balafoutis could go with them as well, Monis initially agreed, but then directed the three of them to stand near the main entrance to the café, on Phillip Street, facing outwards with their hand raised. Precisely what Monis's intention was at this point, and indeed whether there was some misunderstanding about what he had initially said or meant, is unclear.
90. It was about this time that Monis pulled out the black flag with Arabic script from one of his bags. It is unclear whether it came from his backpack or the blue Big W bag. In any event, whilst a number of the hostages thought that it was an Islamic State flag, it was in fact the Shahada or the Muslim declaration of faith. Monis threw the flag to Jarrod Morton-Hoffman (one of staff members) and told him to hold it up in a window.
91. After the message Monis made Tori Johnson read to the 000 operator, it would seem that raising the Shahada flag was the next public indication of a desire by Monis to link his actions to an Islamic or religious cause. However, his intentions became clearer as he then made further demands and public statements. **SHOW PHOTO OF THE SHAHADA IN THE WINDOW.**
92. As I have already observed, the Shahada flag was initially mistaken for an Islamic State flag. It was not an Islamic State flag. It was no more than the Muslim profession of faith. It is not known whether Monis was unable to source an Islamic State flag before the siege or whether he simply did not think of it. Remarkably, he tried to resolve that apparent oversight later during the siege by demanding the supply by the Police of an Islamic State flag. We will come to that and his other demands later in the opening.

The first police to attend

93. The first policeman to arrive at the siege was a highway patrol officer, Senior Constable Paul Withers, who did so in response to an alert via Police radio (which is known as VKG) probably based on Tori Johnson's '000' call.
94. At approximately 9.46am, Senior Constable Withers confirmed over the radio that he would be attending the Lindt Café and it seems that he actually arrived on scene at approximately 9.49 am, coinciding with the first 000 call made by a member of the public outside the café.
95. On arrival, Senior Constable Withers parked his motorcycle at the intersection of Elizabeth Street and Martin Place and then moved on foot up Martin Place towards the foyer of 53 Martin Place.
96. At approximately 9.54 am, after directing a number of pedestrians to move away from the vicinity of the café and speaking to concerned bystanders who had gathered, Senior Constable Withers proceeded up the steps into the foyer at 53 Martin Place, using the wall between the foyer and café for cover and concealment. He got close enough to see through the glass doors into the Lindt Café.
97. Whilst peering around a column, immediately next to the glass doors, Senior Constable Withers was able to make eye contact with Marcia Mikhael, who was standing up against the doors by this stage (next to April Bae). Through slight gestures, hand signals and mouthing words, Marcia Mikhael communicated with Senior Constable Withers and was able to give him the information that there was one gunman within the café and, with a head movement, roughly where he was.
98. Senior Constable Withers received a direction to withdraw from the lobby, which he did briefly in order to put on a bullet resistant vest. He re-entered the

lobby and took up the same position. He re-established eye contact with Marcia Mikhael and through her gestures, was able to see the man he understood to be the gunman.

99. Senior Constable Withers observed some basic details about Monis' appearance and also, significantly, that he had a black backpack on with curled wires coming out of it. He also observed that Monis was carrying a sawn off shotgun in his right hand.

100. There is some remarkable CCTV footage of Senior Constable Withers entering the lobby and attempting to communicate with Marcia Mikhael. I might point out that yet again we find that CCTV footage has proven of immense value in our later understanding of events of public significance. I will have this played now, **PLAY CCTV OF Withers**

101. I will now have played the audio of Senior Constable Withers' VKG report at approximately 10.00am. **PLAY AUDIO OF VKG Withers**

102. Not long after Senior Constable Withers provided information about Monis on the VKG, a number of significant events for the Police operation were occurring.

103. In particular, by 10am, TOU officers had arrived at the scene. TOU stands for Tactical Operations Unit—these are police officers trained for high risk situations such as a siege. They include weapons experts, forced entry experts, snipers and others with specialist skills.

104. TOU officers include those wearing helmets and dark clothing who were stationed adjacent to the café throughout the siege and ultimately entered the café just after 2am. Images of these officers have been shown in many media reports about the siege, so their appearance is likely to be broadly familiar to the public.

105. At about the same time that the TOU officers arrived, a purpose built police bus from Sydney City Local Area Command arrived at the scene. The forward command post was established in this bus, which was parked on the corner of Martin Place and Elizabeth Street.

The Monis plan

106. At this juncture, it is useful to step back briefly and look at the evidence about Monis' prior planning of the siege. To assist in doing this, we need to look at what Monis had with him on the day, and his conduct in the days leading up to 15 December 2014.

107. Much of what I will say on this topic is a distillation of large bodies of detailed evidence. Whilst it is hard – indeed impossible - to be definitive about Monis' thinking and planning, I will draw some tentative conclusions but emphasise that this is really a case of drawing inferences from the available evidence.

108. As Monis approached the Lindt Café on the morning of 15 December 2014, he was wearing camouflage patterned cargo style pants with multiple pockets, a long sleeve black shirt and a dark baseball cap. He also had the large black backpack on his back. The CCTV footage of Monis walking up to the Lindt Café shows that he is dressed as I have described. All that clothing has been retained but is too damaged and soiled to bring into court.

109. It seems that as Monis was speaking to Tori Johnson, he changed some parts of his clothing. He put on the black headband, black wristband and black vest, which contained the white Arabic script I have spoken of. We will now show a photo of the headband and wristband. **SHOW PHOTOS OF** headband at Tab 4.71 p.794 and wristband at Tab 4.71, p.796.

110. We can only speculate as to the significance Monis placed on his change of clothing. We suggest that it gave him a specific and quite deliberate presentation, which he intended. Whilst Monis arrived at the café wearing

clothes with a pseudo-military look, the change of attire gave him a distinctly more radical militant look, consistent with the appearance of Islamic State adherents as shown in the media in recent years.

111. Significantly, Monis' clothing was radically different from the clerical type robes he had worn in public on a number of prior occasions, particularly when he was conducting his protests outside of Channel 7, outside of the NSW Parliament and outside the Downing Centre Local Court – we saw these in Segment one but just as a reminder we have on the screen now a photo of him protesting outside NSW Parliament house. **SHOW**.
112. It is also clear that Monis was willing to adapt his attire to his purpose – for instance the very different clothing and look he adopted when attempting to join a bikie gang. It is plain that he paid attention to the impression his clothing would make and the message he was seeking to convey about himself through his attire.
113. Turning to the items that Monis brought with him into the Lindt Café that day also give some insight into how and when he did his planning. Of particular interest are the following items – and shortly we will show images of each:-
 - (i) a black backpack - as mentioned, I will shortly show a photo of this and we have an identical replica to display;
 - (ii) a speaker with attached wires, which was located in the backpack throughout the siege – it is too soiled with Monis' blood to bring into court;
 - (iii) a Global brand paring knife, which was also found in his backpack ;
 - (iv) Monis also had, as has been mentioned, the sawn off shotgun – it was a La Salle model, pump action, single barrel 12 gauge shotgun, pre-loaded it seems with a cartridge in the breach and three others in the tubular magazine;

- (v) he produced the gun from a blue Big W carry bag, and we have a photo of such a bag;
 - (vi) Monis also had a Samsung GT-E3309T mobile phone the details of which I'll come to shortly;
 - (vii) In his pockets, Monis had a motley collection of ammunition (some 22 rounds) which we examined in segment two.
 - (viii) And in addition Monis had other bits and pieces in his pockets including a wallet with various contents and scraps of paper with names, business cards and other things of limited note—though all have been investigated.
114. As to the handwritten note which Monis made Tori Johnson read to the 000 operator, we have already seen a photo of this. It is not clear whether Monis came to the café with that note already written out. It is possible that Monis wrote the note whilst sitting at either at table 36 or table 40, but none of the hostages – including the various staff who served him and observed him - recall seeing Monis writing anything. This makes it seem unlikely that the note was written on the spot or in the café.
115. Ultimately we will never know whether the note was prepared that morning in the café, or more ominously, in the hours, days or weeks prior.
116. But at least some of the items Monis brought into the café indicate strongly that he had earlier formulated a plan for the siege.
117. To gain a more complete picture of his likely plans, we need to go back a few days and examine Monis' movements as this assists in working out when and how he planned to stage the siege.

118. At 3.48 pm on 13 December 2014 (two days before he started the siege), Monis withdrew \$550 from a National Australia Bank ATM on Beamish Street, Campsie. Monis then withdrew \$300 from a Commonwealth Bank ATM on the same street. That \$850 was virtually all of the funds Monis had available to him. Monis was filmed at the ATMs (**SHOW ATM IMAGES**).
119. Monis then entered the Twin Shoes and Accessories Bag and Luggage store on Beamish Street, Campsie. Through Police investigations, it is known that this is one of only two stores in Sydney that sell the “Camel Mountain” brand backpack which Monis wore during the siege. The backpack sells for \$70.
120. I will now show a photo of Monis’ backpack - **I must warn people before this is shown there are some blood traces on the backpack – it seems very likely this is Monis’ blood - SHOW PHOTO**
121. Police have managed to obtain an identical backpack to the one worn by Monis and I now produce it so a sense of its dimensions can be obtained. With your Honours leave that replica can be made available for inspection. **SHOW BLACK BACKPACK REPLICIA ITEM.**
122. Monis was recorded on CCTV leaving the store without the backpack, but it seems very likely that he returned to the same shop some time later that day and bought the backpack. It would appear Monis paid \$70 in cash. As there are no sales records we do not have the benefit of such documentary proof. But the notion that Monis paid \$70 cash for the backpack is supported at least in part by the fact that when his possessions were examined after the siege, Monis was found to have only \$210 cash in his wallet (**SHOW THE CASH - TAB 4.5, PAGE 239**).
123. Assuming he had \$850, spent \$70 on the backpack and ultimately still had \$210 when he went into the cafe, the obvious question is what happened to the other \$570. This has, naturally, been the subject of a fairly intense police investigation.

124. In particular, we are not in a position to lead evidence about where, when, or from whom Monis obtained his sawn off shotgun. There is evidence available on that issue, but our assessment is that at this point in time, the evidence does not permit any proper conclusion to be drawn. Investigations on that front are continuing.
125. Your Honour will recall evidence presented during segment 2 about the shotgun. We will now show a photo of that gun - **SHOW PHOTO.**
126. Later in this hearing we will hear from an expert at the Australian Crime Commission about the type of gun Monis used during the siege and about the grey market which exists in Australia through which Monis probably acquired the gun.
127. What does seem likely is that Monis acquired the gun not long before the siege, probably paying up to \$570 cash, from the monies he had withdrawn on 13 December.
128. I say it is likely that the gun was a recent acquisition because there was no evidence of a gun during earlier search warrants conducted on Monis' premises. Further, he had not shown any apparent interest in guns even as a security officer in the early 1990's when he failed a series of gun licensing tests.
129. Monis produced the gun from a large blue Big W shopping bag – an entirely innocuous item – we just saw a photo of such a bag with the gun.
130. It seems he came into the café with both the gun and Big W bag inside his backpack – and that the only purpose of the Big W bag was that Monis could get it out, with the gun inside, keeping the gun hidden but immediately accessible for the moment he chose to brandish the gun about and commence the siege.

131. I now turn to the speaker which Monis had in his backpack. As I have already indicated, throughout the siege, Monis never took the backpack off. He was still wearing it when he was shot.
132. Monis claimed early in the siege that he was carrying a bomb. A number of the hostages saw wires protruding from the backpack, which they interpreted as a bomb or indicating a bomb. As we have already heard, when Senior Constable Withers observed Monis through the lobby doors at about 10 am, he saw and reported wires coming from the back of the backpack. TOU officers were later able to see the same wires and they too considered the wires corroborated Monis' claim that he had a bomb in his backpack.
133. The speaker was an ordinary Technics brand speaker and of itself, was unremarkable. However, unlike the backpack itself or any of Monis' clothes, the speaker must have been put in the backpack with the deliberate purpose of deceiving those present about Monis' malicious intent or capacity. Whereas Monis' shotgun was deployed to threaten and control the hostages and the paring knife may have been brought along to serve a similar purpose, the speaker and the connected wires can only have been there to create the illusion of him carrying a bomb.
134. The inference to be drawn from the presence of the speaker in the backpack and the wires which seem to have been deliberately left visible, is that Monis had played out the scenario in his mind at home and concluded that the speaker and wires would serve as a useful prop to give authenticity to a bomb threat.
135. As to the Global paring knife – it ultimately did not figure at all during the siege. Monis never pulled it out or used it. We will show a photo of this now. **I must warn people before this is shown there are some blood traces on the knife – again it seems very likely this is Monis' blood – SHOW PHOTO.** That's the single piece metal shaft and blade.

136. Although he never used the knife, its presence in the backpack seems unlikely to have been accidental or innocent given the balance of what is known of Monis' plan. As the backpack was apparently brand new, it seems Monis deliberately put the knife inside prior to coming to the city as a form of additional or back-up weapon to the shotgun.
137. I now turn to the mobile phone, an image of which is now on the screen – **SHOW PHOTO.**
138. Monis was a mobile phone user just as many of us are. But the Samsung mobile he took into the cafe was not his usual phone. His normal mobile phone was later located by Police when they conducted a search at his primary residence in Wiley Park on 16 December 2014 (immediately after the siege).
139. The mobile phone Monis took into the café was registered in another person's name, we suspect by Monis. It was a service which had been connected on 15 October 2014 and it seems Monis only began using it on the morning of 15 December 2014.
140. Monis used that phone solely for the purposes of the siege. It is quite possible that he acquired it specifically for the siege, although it's not possible to know when he got it. But assuming Monis acquired the mobile using a false name, that could suggest that he had the siege in mind as far back as October 2014. The name in which the phone was registered is a person who knew Monis, but extensive enquiries do not reveal any connection between that person and the acquisition of the phone or the planning or execution of the siege.
141. Monis was certainly secretive in his behaviour, and though his identity as the gunman was worked out by Police by early afternoon on 15 December (as we will hear in the evidence) Monis never announced himself or used his name during the siege. When negotiators first used Monis' name – Sheikh Haron - late in the afternoon at about 4.50pm on 15 December, the call was promptly terminated. He subsequently denied through a later call that he was that

person. This suggests he was highly protective of his identity and sensitive about it.

142. The fact that Monis had a different mobile, and was seemingly protective of his identity raises the possibility that he had some intention or hope of escape and evasion of police. That is something we can only guess at, though psychiatrist Dr Phillips comments on what conclusions may be drawn about Monis' plans and whether he might be thought to have expected to leave the Lindt Café alive.
143. Monis first used the particular Samsung mobile phone during the siege. It was the number that Monis directed Tori Johnson to give out during the initial 000 call, although Tori was using his own mobile to make that call.
144. Notably, Monis himself never answered that phone despite multiple calls by negotiators. He made no calls on it himself. As will become apparent through the evidence, all communications during the siege were conducted between Police negotiators and hostages, using either the Samsung mobile or hostage's own phones, usually on speaker phone, with Monis generally standing next to the hostage and giving directions as to what to say and when to end the call. On a number of occasions, he abruptly ordered that the hostage on the phone terminate a call, which they would then do.
145. Continuing with what evidence is available about Monis' movements immediately before the siege, in the early evening of Sunday 14 December, that is the evening before the siege, Ms Soula Droudis, the late mother of Monis' partner, Amirah Droudis, observed him drive up in and park Amirah's black Jeep on the street outside Soula Droudis' house. She (Soula) further observed Monis get out of the Jeep with a dark coloured backpack on his back and then to walk down the street alone (as he been when he arrived in the car) in a direction that led to a train station. Her description fits with Monis wearing the Camel Mountain backpack he had purchased the day before.

146. Monis may have stayed in his own residence at Wiley Park on the night of 14 December 2014, but there is no independent verification of this.
147. As noted earlier, police have undertaken an enormous investigation for evidence of Monis' movements prior to him turning up on the CCTV footage at approximately 8.32 am in Martin Place on 15 December. Ultimately, it has not been possible to positively identify Monis anywhere prior to that time. It is possible he travelled into the city the night before and stayed somewhere nearby, though the evidence is lacking either way.
148. Monis does not seem to have driven himself into the city. No car was found in or near the city that was connected to him. The vehicles he was known to use were accounted for. There is thus nothing to suggest that Monis drove himself.
149. It is entirely possible – as I indicated earlier - that Monis was driven into the city and dropped off, but investigations continue as to who might have provided such assistance.
150. What can be said from the circumstantial evidence available is that Monis plainly had a plan of some kind for the siege. In that regard, I note the following specific matters-
- (i) First, Monis acquired the backpack on 13 December 2014 and put the Technics speaker into it. The likely purpose, as earlier stated, was to enhance his planned claim to have a bomb on him;
 - (ii) Secondly, Monis acquired a sawn off shotgun and ammunition, which he hid within the backpack. Monis used the shotgun menacingly and threateningly throughout the siege as must have been intended;
 - (iii) Thirdly, it seems much more likely that Monis composed the note which he had Tori Johnson read some time before the siege, most likely at home but certainly before the siege. That note is significant as it

asserted that the siege was a hostile attack on Australia by the Islamic State;

- (iv) Fourthly, Monis brought the Shahada flag with him and it seems that he must have intended to use it to signify a religious/terrorist purpose. Whilst it was not the correct flag for the Islamic State, it had the desired effect in the public mind. Further, Monis tried to correct his error by later demanding that he be given an Islamic State flag. The very fact of bringing the Shahada suggests that Monis had in mind seeking to portray his actions as those of a radical Islamic militant. The demand for an Islamic State flag gives some insight into Monis' state of mind;
- (v) Fifthly, Monis took with him particular items of clothing which suggest that he wanted to publicly portray his acts as those of a radical Islamic militant;
- (vi) Sixthly, Monis walked up Martin Place directly to the Lindt Café with what I would suggest demonstrates an observable resolve;
- (vii) Finally, Monis chose a site at the heart of the Sydney CBD, directly opposite a major media outlet with which he'd has some prior contact.

151. It seems plain that Monis had a plan for some form of violent, threatening act which would attract maximum media attention.

152. Whether he intended to come out alive, and the extent to which he planned or intended to commit actual physical violence, as opposed to threatened violence, is something that must be explored in the evidence in indirect ways.

153. There is some evidence on the topic by 'Consultant Psychiatrist', a consultant psychiatrist with particular experience in siege negotiation who attended the Forward Command that day and night. He gave advice to negotiators during the siege about their dealings with Monis. Consultant Psychiatrist had for many

years' trained Police negotiators and given advice in high risk situations, such as those involving hostages.

154. There is also evidence from Dr Murray Wright, the Chief Psychiatrist for New South Wales who also had siege and negotiator experience. He spoke to Consultant Psychiatrist at about midnight on 15 December 2014, providing him with information from public medical records about Monis' prior mental health during his stints in prison.
155. The most detailed and informed evidence on the topic will come from Dr Jonathon Phillips, an expert forensic psychiatrist. He was in no way involved on the night of the siege. He has prepared a report for your Honour addressing a number of issues, including Monis' mental health position, his motivations and his thinking leading up to and during the siege.
156. Dr Phillips was briefed with a volume of material about most aspects of Mr Monis life and the events of the siege, especially inside the cafe.
157. That material included evidence tendered during Segment 1 about Monis' situation in the weeks leading up to 15 December 2014 which to recap, includes:
 - a. Monis was facing serious criminal charges for accessory to murder and a large number of sexual assault offences;
 - b. he had lost a family court custody battle over his children;
 - c. he had minimal savings, no job, and his Centrelink payments were in jeopardy;
 - d. his attempts to develop a personal, religious following had failed;
 - e. he had few friends and no standing with any group or institution. His attempts to join other groups, even the bikies, had failed;
 - f. just days earlier, he had lost his High Court challenge in respect of the offensive letter writing charges,

158. From at least November 2014, Monis had developed an interest of sorts in relation to ISIS, writing to the Federal Attorney general about this.
159. And in early December 2014, he posted on his public Facebook page a message about the war in Syria, and images of dead children and women. This prompted some 18 calls to the National Security Hotline.
160. Through the culmination of all the circumstantial evidence available, and having regard to the views of Dr Phillips, I anticipate that your Honour will have some useful material upon which to form conclusions about Monis' motivation and planning for the siege.
161. It will be best to hear Dr Phillips' oral evidence, but there are some aspects of his opinion which are quite firm and can usefully be outlined now. The first is that was Monis suffering from some definable personality disorders including anti-social, paranoid and narcissistic components. He did not suffer a mental illness and his actions cannot be attributed to mental illness.
162. In Dr Phillips' view, Monis knew on each occasion what he was doing, had his reasons for his actions and had motives from which he expected to derive benefits that he sought. This distinction between mental illness / mental disorder and personality disorder will therefore become important.
163. There are aspects of the opinion of Dr Phillips that assist in considering what Monis' motives were, what he expected to derive from the siege and whether he was driven by any genuine political or religious goals as opposed to more immediate personal benefits.
164. I now hand over to Mr Downing who will provide more details about the initial response by police to the siege.
-

THE EARLY POLICE RESPONSE

[Downing]

165. It is now appropriate to return to the scene of the siege and the very early police response. The time period we are dealing with is still within the first hour after the café doors were locked.
166. Monis' choice of siege location, being a café in the middle of Sydney's CBD, led to a speedy Police response. Information conveyed by 000 calls and reports from the first officers on the scene, being Senior Constable Withers who we've already seen some footage from and others – some of which you will hear from in coming days, led to a number of things occurring.
167. First, the siege was promptly recognised and designated as a high risk situation. That is a term that has a particular meaning to police and it led to a co-ordinated and large scale response.
168. Secondly, the recognition of the siege as a high risk situation led to Police arrangements for such events (under set policies and protocols) being triggered. For instance, the Tactical Operations Unit were engaged and Police negotiators were promptly on site. I describe this in more detail shortly.
169. Thirdly, the Police Operations Centre (often referred to by its acronym **POC**) was stood up as occurs only at times of high need during major police operations especially those which involve multiple agencies.
170. Fourthly, a Forward Command Post was set up close to the Lindt Café, with senior officers allocated to it who stayed in close contact with the POC.
171. Quite quickly, the Forward Command Post moved to a purpose built police bus, and then at approximately 12 noon it shifted to the nearby NSW Leagues Club,

which allowed significantly more space for the forward command officers and negotiators to work.

172. Again, for convenience I will, later in this opening provide a more detailed description of the POC and the Forward Command Post.
173. Fifthly, notice of the siege was given to the Premier, the responsible Minister and the State Government more broadly.
174. The sixth thing to quickly occur was a police response to Monis' claim that he possessed a bomb, and that there were bombs in three other locations - Channel 7, Circular Quay and George Street. That claim was initially made during Tori Johnson's 000 call at 9.41am and repeated, at Monis direction, when various hostages spoke to 000 and the Police.
175. Consequently and quite properly, there was an immediate evacuation of the building adjacent to the Lindt café apart from Police, and thorough searches were undertaken by police of the Channel 7 building, around Circular Quay and in the George Street area.
176. The task faced by Police at the time was not made any easier by a number of reports of suspicious packages and people in the CBD. It seems early media reports of the siege caused an understandable increase in public vigilance and police responded methodically to all such reports.
177. For instance, the Police received reports at around 10.20 am of a package in the water near the Opera House. Further, at around the same time, the Police received a report of a person on the train tracks near Town Hall with a shotgun, although that transpired to not be the case.
178. Police also received reports that a man with a pistol was travelling into the city on a bus. Two officers, one of whom will give evidence, ultimately located and apprehended a man with a pistol who was walking up Martin Place towards the

Lindt Café. At the time he was apprehended, he stated that he had come into the city to “kill terrorists”. He was otherwise unconnected to the siege.

179. Consequent upon Monis’ threats and the various unconfirmed reports, the Police undertook searches not only around the Lindt Café/Martin Place/Channel 7 area, but at Circular Quay and around Town Hall Station/George Street. Ultimately, none of those searches uncovered any evidence of another bomb.
180. Your Honour will hear evidence from some of the police officers who undertook these tasks. These officers were working in the context of great uncertainty and high alert about what was going on at the Café and the unknown scope of a seeming terrorist attack underway.
181. Seventhly, a broader evacuation plan was formulated by police in response to the Lindt Café bomb threat and as a consequence, evacuations were undertaken around the Phillip Street/Martin Place area. As the evidence will disclose, an exclusion zone was created, with both an inner and outer perimeter. The western outer perimeter moved somewhat during the day, with it being set at Elizabeth Street at one point and then moved out to Castlereagh Street. Thousands of people were evacuated. Their shared experience of the evacuation and the fear and uncertainty associated with Monis’ bomb threats has touched a great number of Sydney’s population.
182. I will return to some evidence about the initial Police responses, but it is perhaps helpful at this point to look at a map of the part of the CBD we are talking about, in order to better understand the police imposed perimeters and other key locations referred to in evidence (**SHOW MAP WHICH INCLUDES PERIMETER MARKED**). I might point out:
 - a. location of Lindt café
 - b. location of perimeter
 - c. location of Leagues club.

- d. location of electrical substation, which we will refer to later in this opening in relation to Monis' requests for the lights in Martin Place to be turned out.

BACK INSIDE THE CAFÉ

183. Having considered the early response of the Police to the siege, we now go back inside the café.
184. As earlier noted, Monis directed the hostages to place their telephones and ID on a table which was close to the Martin Place windows. The hostages complied by mostly placing their mobile phones and drivers licences on the table in front of them. That compliance was unsurprising given that Monis was armed with a shotgun and claimed to have a bomb in his backpack. However, at least one phone was not handed over at this point, as I will indicate shortly.
185. Monis directed the hostages to stand in different positions in the café, with Marcia Mikhael and April Bae up against the glass doors looking into the foyer of number 53 Martin Place. As you have heard, it was from that position that Marcia Mikhael gestured and communicated with Senior Constable Withers.
186. Most of the other hostages were directed to stand with their eyes closed, on the bench seat which runs along the Martin Place side of the café, with their hands up in the café windows.
187. But even during this period Tori Johnson was treated differently and kept seated at a table for longer than the others, though he too ultimately spent time standing on the seat facing out onto Martin Place.
188. Monis directed that the hostages standing in the western-most window on the Martin Place side hold up the black Shahada flag. At various times, the persons holding the flag changed through the morning. Further, after

complaints, Monis permitted the hostages to take a break and sit down when they became tired or unwell.

189. Monis made inquiries of different hostages as to their backgrounds and family and their work positions.
190. Not long after Monis directed the hostages to stand in the windows, he asked Tori Johnson about the café doors. He seemed particularly interested in whether the main doors could be opened from the outside and Tori confirmed that they could not, as the green button on the inside needed to be depressed for the doors to open. Monis also expressed concern about whether there was a door out the back onto Phillip Street - Tori confirmed there was a fire exit door, but it could only be opened from the inside.
191. Monis threatened Tori at this point, stating that if he was lying, Monis would shoot him. It was a feature of Monis' dealings with Tori Johnson that he seemed to single Tori out and act more aggressively towards him than other hostages. Whilst it is impossible to know precisely why, this kind of conduct by Monis to Tori confirms the impression of many of the hostages that it was because of Tori's position of authority at the cafe. Monis continued to refer to him as "Manager!" quite forcefully throughout the day
192. There is footage available of most of the hostages as they stood in the Martin Place windows of the Lindt Café. On the whole, the hostages looked terrified, although at times particularly as the hours passed, some appeared steely and introverted, and at other times they seemed to be trying to look around for a sense of what was going on outside, despite Monis' direction that they close their eyes.
193. Images of the hostages faces is something all Sydney-siders, indeed anyone who saw the media coverage at the time, will remember. Some footage of the hostages standing in the windows can be seen in a compilation video prepared by the Police which will be shown during the evidence of Detective Chief Inspector Memmolo who will be the first witness.

194. At 10.01 am, Monis directed Louisa Hope to make a telephone call to 000, during which she relayed Monis' demand for Tony Abbott to call him and participate in a live debate on ABC Radio National. Monis also directed Louisa Hope to state that he would release the hostages one by one.
195. Monis then directed Louisa Hope to make a further call at 10.21 am, in which she stated that Monis did not want the hostages to be hurt and that Police should therefore keep their distance from the café. Monis said, through Louisa Hope, that he did not want the Police to make mistakes or to come too close, which would result in the hostages being hurt and the other bombs being exploded. Throughout the siege, Monis was clearly edgy about police approaching or attempting to enter the café.
196. Once news of the siege began to spread, calls were made to a number of the hostages' telephones, which were on the table near the Martin Place windows. Monis initially did not permit the hostages to answer these calls. As you will hear, two of the hostages, Puspendu Ghosh and Selena Win Pe, had more than one phone with them so were able to keep a mobile in their possession but these were of very limited utility because of Monis' constant scrutiny of the hostages.
197. The landline in the Lindt Café also frequently rang during the siege, with negotiators trying to get through and speak to the hostage taker. At an early point, Monis directed one of the hostages to disconnect the phone on the main floor of the café. There was however another phone in the office, which continued to ring throughout the siege.
198. As I have mentioned, police negotiators frequently rang the mobile number that Tori Johnson had supplied, which was the number for Monis' Samsung. On most occasions, these calls diverted to voicemail. However, on a number of occasions, Monis permitted the hostages to answer the phone and then directed them about what to say – generally this involved reiterating his demand to speak to Tony Abbott live on ABC Radio and, later, for an IS flag.

199. Through the morning, Monis seemed to favour certain of the hostages to attend to tasks for him around the café. When John O'Brien, who was 83 years old, complained about a health condition and others, including Louisa Hope and Paolo Vassallo also described their health problems, Monis singled out Fiona Ma to obtain water and food for them. Over the course of the siege, Monis seemed to develop a particular reliance on Fiona Ma, telling her at one point that she was to direct other hostages as to whether they could open their eyes, and permitting her to escort them to the bathroom when required.
200. As I will describe shortly, the other hostage Monis consistently listened to and placed reliance on was another staff member, Jarrod Morton-Hoffman. Both Jarrod and Fiona will be called as early witnesses and I anticipate will be able to provide impressive accounts of what occurred.
201. After Louisa Hope's calls to 000 did not result in his demands being met, Monis had the hostages make a number of calls to various media outlets, including ABC Radio National, ABC Television and SBS Radio.
202. It seems Monis quickly became frustrated with Louisa Hope, as he did with each hostage he put to the task of securing his demands.
203. He next had Jarrod Morton-Hoffman take over the task. At 11.36 am, Jarrod Morton-Hoffman telephoned SBS Radio and explained that Monis wanted a public announcement made to his brothers of the Islamic State not to blow up their bombs at George Street and Circular Quay.
204. Monis clearly had an intense interest in the media coverage of the siege and through the day and evening, he listened to radio coverage via live streaming apps on various mobile phones.
205. As I stated earlier, Monis was ever concerned about the police presence near the Café. At 12.28 pm, he had Jarrod Morton-Hoffman call 000 and demand that Police move back from the Café. Monis directed Jarrod to state that

someone would be shot in two minutes if the Police did not move back. Shortly afterwards, Monis directed Fiona Ma to hold up a piece of paper in one of the Café windows again directing the Police to move away. This demand was met by the tactical police, who promptly adjusted their position.

206. Through the afternoon, Monis directed Jarrod Morton-Hoffman make a number of further calls to media outlets, including the radio station 2GB, seeking on air publicity of his demands. By and large these media outlets declined to cooperate with Monis' demands, although they were of course covering the siege extensively. There was some degree of cooperation and understanding between police and media during the siege, but as we will hear Monis was closely following media coverage from inside the Cafe.
207. At 12.39 pm, Ray Hadley broadcast on Radio 2GB that the flag being held up in the Café window was an Islamic Shahada flag, not an Islamic State flag. That or some other media coverage to similar effect was apparently heard by Monis because at 1.34 in the afternoon, whilst Jarrod was speaking to negotiators, he conveyed Monis' request for an Islamic State flag to be placed on the café doorstep in exchange for a hostage.
208. A little earlier, at 12.56 pm, Monis had Jarrod telephone 000 and request that an Armaguard truck and a VW white van parked outside the café on Phillip Street be moved. In response, police located keys and the Armaguard truck was moved later in the afternoon, just after 5.00 pm. This was one of only a few of Monis' demands to be complied with by police.
209. As one would expect, the mood in the café through the day remained tense. Whilst Monis permitted hostages to rest, take limited toilet visits, and directed staff to provide food and water, he nonetheless continued to direct all the hostages' actions and movements, keeping hold of his shotgun and his backpack on. I anticipate the hostages will give evidence that Monis' frustration seemed to build through the day, particularly as his demands were not met.

MORNING POLICE COMMAND RESPONSE

Initial POC and Forward Command Post

210. Your Honour, I turn now to the Morning Police Command response.

211. As has already been described, police swiftly converged on Martin Place, and both the Police Operations Centre and Forward Command post were established. It is to the higher level command response that we now wish to turn.

212. Things were happening very quickly from 9.45 am onwards both at Forward Command and at the POC. This was based on a comprehensive and detailed set of protocols for high risk situations such as the Lindt Café siege.

213. First, there was a command structure in place so that within minutes of Tori Johnson's 000 call, senior Police officers took command both at the Police Operations Centre and the Forward Command in the city.

214. Secondly, a direction was given to activate the TOU. The consequence, as we have said, was the swift attendance of TOU officers and commanders at the scene.

215. Thirdly, the establishment of both the Forward Command Post and the Police Operations Centre meant that clear lines of communications were in place and a Negotiation Unit was quickly in place at the Forward Command.

216. Superintendent Sicard took up the role of Forward Commander, and your Honour will hear evidence from him about the evacuation of buildings and the creation of exclusion zones which I have pointed out.

217. Steps were also taken to prevent trains stopping at Martin Place and to close that station. Also, a review commenced of City of Sydney CCTV to ascertain when the hostage taker had entered the Lindt Café and whether he had accomplices.
218. It is important at this stage to say something about the Police Operations Centre being stood up. That occurred as the result of a decision by Assistant Commissioner Fuller at approximately 9.53 am shortly after receiving his first briefing from Superintendent Sicard.
219. The Police Operations Centre was at the heart of the command and control of the management of the Lindt Café siege. Under each of the three commanders who fulfilled this role during the siege, the POC had functional management of the police response to the siege – this covered the areas of tactical response, negotiation, operations, investigations, intelligence, planning, administration and logistics, public information, counter-terrorism liaison, traffic and public order.
220. It consists of a large communications centre under Police control, linked in various ways to the scene and the Forward Command Post. The POC contains liaison officers from numerous other agencies. It is a point from which all inter-agency communications can occur. It was, for example, at the POC that ADF officers were present in an observer role in the event that the ADF was called upon – a matter to which we will come in due course. Also present were liaison officers from the AFP, State Rail, and numerous other agencies who assisted police in the siege response.
221. Whilst the Forward Command Post, which had its own Commander, looked after on the ground execution of Police action at the site of the siege, it was the Police Operations Centre where the highest level decisions were made.
222. It was also through the Police Operations Centre that briefings were given by the POC senior officers in charge of siege management, to the New South Wales Police Commissioner, Mr Scipione and relevant Government Ministers.

223. During a teleconference at about 11 am involving senior New South Wales Police including Commissioner Scipione, it was agreed the siege should be treated as an act of terrorism. The immediate consequence was that police protocols, referred to as Operation Pioneer and Strike Force Eagle were activated. These protocols provide a clear and specific framework for responding to and investigating terrorist acts.
224. A particular group of senior Police officers trained and experienced in counter-terrorism then became involved. Assistant Commissioner Mark Murdoch took over as the Police Commander at the POC, and there was a change in Forward Commander to a Superintendent with particular familiarity with Operation Pioneer.
225. I anticipate that in the course of the oral evidence, your Honour will hear from each of the successive Commanders at the Police Operations Centre as well as the Forward Commanders, and a number of the other senior officers who fulfilled particular roles in respect of tactical operations, negotiations, intelligence, and counter-terrorism.

Attendance of Tactical Operations Unit and Snipers

226. Dealing in more detail with the initial tactical response, as mentioned earlier, it was just on 10 am that a number of TOU officers arrived at the scene of the siege.
227. The TOU is part of the State Protection Group, which has overall responsibility for high risk policing and high risk responses, attending any of the various forms of high risk situations which occur in NSW, including sieges.
228. The Commander of the State Protection Group was in attendance at the POC to advise the Commander there. There is a commander of the TOU, who went to the Forward Command post to advise and assist the Forward Commander.

Also present at the Forward Command post was the Tactical Commander of the TOU.

229. The TOU and negotiators used radios to communicate, as well as an application on their smart phones and tablets called iSurv. This allows various of the users to post information and updates which is instantaneously visible to all other users. The iSurv log will be tendered in evidence and your Honour will hear witnesses refer to information gleaned from that log. By all accounts it was a heavily utilized and useful form of communication technology that has been of value in examining the police response to the siege.
230. The TOU also includes Police snipers, who attended as part of the response to the siege.
231. Between about 10 and 11am on 15 December, a number of snipers attended the Forward Command and began to scout locations near the Lindt Café which offered what was available as vantage points.
232. The precise times at which snipers established their positions will need to be explored in the evidence but it would seem that all were in place by around 12 noon. In particular:
- a. a sniper who will be known as Sierra 1 established a position in the Reserve Bank of Australia building directly across Phillip Street from the café.
 - b. a sniper who will be known as Sierra 2 established a position in the Channel 7 building, directly across Martin Place from the café; and
 - c. a sniper who will be known as Sierra 3 established a position in the Westpac Building, which was located between the RBA building and the Channel 7 building.

Your Honour will hear evidence that whilst the team leader in the sniper cell provided some assistance to the individual snipers in choosing their positions, the decision was largely theirs.

233. The evidence will also indicate that the snipers performed a dual role during the siege, not only to be in position for taking a shot at Monis, but they also undertook observation of events inside the café from their vantage points.
234. The question of whether Monis could or should have been shot through the café windows or doors at some point has been the subject of some considerable speculation in the media and amongst the general public. This is an issue to which I will return.
235. Your Honour will hear evidence as to the practical hurdles faced by the snipers in being able to take a shot into the Lindt Cafe. Your Honour will also be called upon to consider the legal constraints within which the snipers operate, the thinking of those commanding the snipers as to the circumstances in which it would be permissible to take a shot, and the consequences of these perceptions of the legal constraints. It is a matter commented upon by the UK review team whose report has been received and to which we will later turn in this opening.
236. Separate to observations reported by snipers, police command also had access to live footage from a number of cameras trained on the café. This showed real time events through the café windows, albeit with significant limitations because of the size and spacing of the windows and Christmas decoration material affixed to the windows which further obscured the view.
237. The camera footage was monitored by police command during the siege, as well as material from other fixed and mobile cameras, is available to us, providing useful evidence of police actions outside, and movements within the Lindt Café. However, it is important to understand that across all footage available, the view into the café is very limited.
238. On the topic of camera footage, your Honour will hear evidence that Mr Gregory Parker, a Channel 7 cameraman, set up three cameras within the otherwise evacuated Channel 7 offices soon after 10 am on 15 December

2014. The camera which ultimately proved most valuable was directly opposite the Martin Place side of the café, on a mezzanine level next to the sniper known as Sierra 2.

239. To get some idea of one of the sniper positions and the position from which that footage of the café was filmed, I will shortly have shown a photograph Mr Parker took of Sierra 2 in position in Channel 7 **SHOW PHOTO ATTACHED TO PARKER STATEMENT Tab 28.20 p.11857**. It's a view of Sierra 2 from the rear.

240. As has already been mentioned, your Honour will hear evidence about the extent to which police sought the cooperation of media outlets in relation to certain aspects of the broadcasting of the siege which had potential consequences on the police operation. It seems that the media were respectful of those police requests in respect of not broadcasting particular footage. The role of the media, of social media and of mobile phone access during the siege is a recognised issue which was raised at the earliest stages of this inquiry. It will be explored in the evidence and is commented upon by the UK Review Team.

Negotiators

241. I have already mentioned that the negotiators were set up in the Forward Command Post at an early stage of the siege.

242. Negotiators played an important role during the siege and indeed, they are used regularly by the New South Wales Police where situations such as attempted suicides, sieges or hostage taking occurs. From about 10.42 am onwards, Police negotiators made frequent and repeated attempts to contact Monis.

243. Police negotiators are specifically trained in the art of communication with persons involved in high risk situations, and in seeking to influence the behaviour of those persons. The negotiators work as a team, with individual members having defined roles. Their principal operating strategy in responding to a high risk situation is to endeavour to resolve it by containment and negotiation. That is an expression which is used in policing all over the world and is deeply embedded in NSW Police protocols. Evidence will be given by the Commander of the Negotiation Unit, as well as the Negotiation Co-Ordinator and the individual negotiators who spoke with the hostages.
244. As is well known through media reports and as will be the subject of significant evidence during the inquest, Monis refused to speak directly to the negotiators. At all times, communications had to be conducted through hostages, with Monis often being heard in the background directing the hostages about what to say and when to end the call.
245. The Negotiation team was seeking to influence Monis' behaviour in order to bring about a peaceful resolution of the siege. I anticipate the negotiators will say that whilst direct communication might have been preferred, they were nonetheless content that there was some form of dialogue, in order to get information from the hostages about what was happening in the café and to try to reassure the hostages. The extent to which Monis' refusal to speak to negotiators affected what they were trying to achieved will be explored in the evidence.

Public Interest Immunity

246. Having just described the role of the negotiators in the management of the Lindt Café siege, this is an opportune time to say something about public interest immunity – or PII - and the need to protect police methodology and strategy, because this will necessarily impact on the way evidence is presented in this inquest.

247. It is beyond question that there is a public interest in the maintenance of secrecy and confidentiality in methodologies and capabilities including in relation to counter-terrorism. If those considering or planning violent activities on Australian soil were aware of the specific methods used particularly by Police in investigating and responding to such acts, there would be obvious scope for such persons to frustrate police efforts in a bid to cause maximum harm.
248. In addition, there is currently a particular and it would seem justified sensitivity about the identities of a number of Police officers, particularly in the counter-terrorism and tactical operations sphere because of the danger to those persons and the capabilities of the agencies employing them if such information were widely known.
249. Where a public interest immunity claim has been upheld by your Honour, the evidence is excluded from this inquest.
250. But where sensitive information is plainly relevant to your Honour's tasks in this inquest, I note that there are alternatives under the *Coroners Act* by which the Court can protect sensitive information, such as confidential tender, closing the Court to the public, or making non-publication orders. Your Honour's power to do so rests on balancing the competing public interest in open court against the public interest in protecting sensitive information which if disclosed, might be harmful.
251. As part of the process of preparing the evidence for this segment of the inquest, both the Commonwealth and New South Wales Police have reviewed all documents and other material and notified those assisting your Honour of their public interest immunity claims.
252. Ultimately, significant agreement was reached between the parties that small parts of documents containing sensitive information, should be redacted or the subject of confidential tender with restricted access, and I note your Honour reviewed all such material and formed a consistent view.

253. The PII process is necessarily a substantial and continuing one and I anticipate that during the hearing of this segment of the hearing, further issues will arise when oral evidence is given by particular witnesses about matters of police sensitivity. The task we face is how to best accommodate such claims, whilst conducting as much of this inquest as possible in the public domain and ensuring your Honour has the benefit of all relevant evidence.
254. Notwithstanding the public interest immunity claims which have been made and the manner in which they will have to be dealt with, we are nonetheless confident that by the end of the inquest, the public will have a good overall picture of what occurred during the Lindt Café siege and what the response to it was.

Negotiator's Response - Continued

255. I now wish to return to the early efforts of negotiators. The first call to Monis was made by negotiators at 10.45 am. The negotiators largely communicated by making phone calls to either Monis' mobile, which hostages answered - or slightly later, by calling hostages' mobiles directly.
256. There are no recordings of the early discussions between the negotiators and the hostages. However, a log kept by the negotiators summarises what occurred.
257. Further, a number of the calls involved the hostages repeating Monis' demand of speaking to Tony Abbott on public radio. For instance, the negotiators' log indicates that calls to Monis' mobile were answered by Fiona Ma at 10.53 am and 10.58 am. At 11.02 am, the negotiators called Monis' mobile again and spoke to a female who was not identified (but may well have been Fiona Ma). The entries made in the negotiators' logs indicate that Monis was becoming irritated by the fact that Tony Abbott had not called him. That necessarily required an assessment by police about how to manage the Monis demands.

258. Later in the day, the negotiators used a dictaphone to record the calls with the hostages, to which I will come.
259. As mentioned earlier, Monis had the hostages contact a number of media outlets to try and publicise the siege and his demands. One might expect that had its own effect on the negotiators' efforts to control communication with Monis. To the credit of the media outlets involved, none of them put to air live conversations with any of the hostages during the siege.
260. Assisting the negotiators in their efforts was Consultant Psychiatrist, consultant psychiatrist, who attended the Forward Command at about 1pm. As has already been mentioned, Consultant Psychiatrist was experienced in training Police negotiators and in providing advice as part of the resolution of high risk incidents.
261. Consultant Psychiatrist provided advice to the negotiators through the afternoon and evening. At certain times, Consultant Psychiatrist also participated in briefing telephone conferences with the Police Operations Centre.
262. Consultant Psychiatrist will give evidence about the information made available to him during the day about the gunman. He will outline the advice he gave to the negotiators as the siege unfolded about Monis' likely state of mind and behaviour
263. The role of a psychiatrist in the police response to a siege is described by the UK Review team as of high value, and they comment on the use of Consultant Psychiatrist by police negotiators.
264. I anticipate the evidence from the police negotiators and Consultant Psychiatrist will be that whilst Monis presented particular challenges, they nonetheless maintained a fair degree of confidence that a negotiated resolution was likely to occur. The factors influencing this view will be explored in the oral evidence.

Identifying Monis

265. Earlier I mentioned in passing, the point in time when Monis was identified as the hostage taker. I will now address that topic further.
266. Early media camera footage of the café windows provided limited glimpses of Monis. For example, the following images are stills from the early Channel 7 footage taken through the Martin Place windows of the Lindt Café (**SHOW TAB 16.2, PAGES 6322 AND 6323**).
267. Monis was ultimately identified from television coverage through two independent sources at about the same time – and I'll just give an overview of that evidence.
268. First, as we heard in segment 1 of the inquest, prior to the siege Monis was known to a number of NSW Police officers because he was the subject of the homicide investigation into the murder of [REDACTED].
269. Just before midday on 15 December, a Penrith Detective, Senior Constable Adam Thompson, saw some of the TV footage and thought the gunman might be Monis. He had worked on the investigation into the murder of Ms Pal.
270. Senior Constable Thompson telephoned Detective Senior Constable Melanie Staples, who was the officer in charge of the murder investigation. She confirmed that the person depicted on TV looked like Monis and advised her superiors.
271. Detective Senior Constable Staples and Senior Constable Thompson then collated various material they had about Monis, including photographs, intelligence reports and psychological profiles. That information was sent to the Negotiation Unit over the next hour or so.

272. By approximately 2.35 pm, that information had been relayed to the Forward Command and was put on iSurv.
273. Independent of these efforts by police, the barrister Michael Klooster also formed his own suspicions from television coverage. As Mr Gormly described, Mr Klooster had encountered Monis in the Lindt Café early in the day. Late in morning, Mr Klooster saw footage of the siege and began to wonder whether Monis might be the gunman.
274. At approximately 1.53 pm, Mr Klooster telephoned Mr Miller, the solicitor who had instructed him to appear for Mr Monis in the Family Court proceedings. Mr Klooster expressed his concern that the hostage taker might be Monis. At 2.17pm and again at 3pm Mr Klooster telephoned the Federal Police to express his view that the gunman might be Monis. At around 4.00 pm, three Police officers attended Mr Klooster's house and he made a statement.
275. Through these various sources, by mid-afternoon on 15 December 2014 police had strong evidence to indicate that Monis was the gunman, and as we know, that was correct.

Identifying the Hostages

276. Following on from that, police also faced the task of trying to identify the hostages.
277. Although the identity of all hostages ultimately became widely known, as one might imagine at the very outset of the siege police had limited information about even the total number of persons inside, let alone their identities. After all, aside from café staff, it was a wholly random group of people who happened to be caught up in these events.
278. During the morning and into the afternoon of 15 December, the hostages were gradually identified. In part, that was achieved by 000 calls made by persons

within the café. There was also information gleaned by Police from Lindt as to the staffing roster for the day. And additionally, 000 calls were made by family and friends who confirmed the presence of certain hostages inside.

279. As the identities of the hostages were confirmed, the negotiators compiled a list. Elsewhere, a white board was kept and updated as identities were confirmed. Photos of the white board were communicated via iSurv.

280. Because of the number of hostages involved, it was not until early to mid-afternoon that they were all positively identified.

TOU Plans for entry into the cafe

281. I turn then to the tactical planning which began very soon after the TOU arrived at the scene of the siege.

282. When the TOU arrived on scene at the corner of Martin Place and Elizabeth Street, an officer known in these proceedings as Officer B was nominated as commander of any Emergency Action which might need to be undertaken by the TOU.

283. His immediate task was to develop an immediate emergency action plan and in due course, a more complete and detailed emergency action plan.

284. Emergency action planning is a standard procedure by police in response to high risk situations such as sieges. As the name would suggest, it involves the creation of a plan for a forced entry by police into a stronghold in certain emergency circumstances. An emergency action plan, or **EA** - is reactive – that is, triggered in response to action by the hostage taker such as a threat to life which means police must act suddenly and with force if necessary.

285. Officer B created an immediate emergency action plan promptly after his arrival at Martin Place. It was basic at that stage because the TOU officers had limited

information about the premises and the gunman at that point. Its details were circulated via iSurv. As events transpired that plan was superseded.

286. By 1.30 in the afternoon, Officer B had created a new emergency action plan, which again was circulated on iSurv – it was subsequently updated on a couple of occasions through the afternoon. This emergency action plan was more sophisticated and based on greater information which the TOU had obtained through the morning, including plans of the internal café layout.
287. It is also standard procedure for the tactical unit to prepare a deliberate action plan or **DA**. By contrast with an EA, the Deliberate Action Plan is proactive. It involves forced entry by police in a manner and at the time of the TOU's choosing. Although a DA was formulated, it was not ultimately used. The strategy of 'contain and negotiate' was continued throughout the siege until the Emergency Action Plan was triggered by the shooting of Tori Johnson.
288. Another TOU officer was tasked with creating the deliberate action plan. Because of the nature of this plan, it was still being developed in the early part of the evening, and was the subject of scrutiny and ultimate approval by the Commander at the POC.
289. The TOU officers present at Forward Command were divided up into a number of different teams. Alpha Team, which is the team that ultimately entered the café on 16 December 2014, spent most of the day situated on Phillip Street, near the fire door from the cafe. There were eight members of Alpha Team, including Officer A and another officer, known in these proceedings as Officer B. It was Officers A and B who ultimately discharged their weapons when police entered the cafe.
290. The other teams were Charlie Team, which was situated on the fire escape which leads into the foyer of 53 Martin Place and Delta Team, which was situated in a library area, off the foyer of 53 Martin Place.

291. Papa Team 1 and Papa Team 2, were situated mainly in Hotel Chambers but also moved close to the 53 Martin Place foyer entrance on occasions.
292. These TOU officers remained on standby for either an emergency action or deliberate action through 15 December and into the early hours of 16 December. All TOU teams were exposed to the detail of both EA and DA.
293. The evidence will disclose that there were a number of briefings of senior officers in the Forward Command and at the POC in respect of the emergency action and deliberate action plans that had been formulated.
294. As the siege became protracted, arrangements were made for Police Tactical Groups from Queensland and the AFP to be deployed to New South Wales. I hasten to emphasise this was not because it was thought the siege was beyond the capability of the NSW police TOU, but rather because there was a real possibility that replacement officers would be required if the siege continued through the night and into the next day.
295. As it turned out, although tactical officers from Queensland and the AFP travelled to the Police Operations Centre and were sworn in, they did not become involved at the Lindt Café siege.
296. However, their willingness to assist is a demonstration of the impressive cross border arrangements between police in this country. It appears that these tactical personnel were, if required, able to work seamlessly together as a result of coordinated training under joint counter-terrorism arrangements.
297. For reasons which will be explored in the evidence, right up until the emergency action was initiated, police command held the view that deliberate action was not appropriate and the strategy of contain and negotiate ought continue. This is a matter commented upon in the UK Review Report and will no doubt be the subject of some oral evidence.

298. I will return to this topic later, but I anticipate that issues will arise in the inquest as to the particular events that caused the TOU to initiate the emergency action at 2.14 am on 16 December and whether an earlier entry could or should have occurred.

299. In particular, I anticipate there will be focus on:

- a. whether police ought to have entered the café at 2.03 am, when the escape of 6 hostages through the Martin Place foyer doors caused Monis to shoot at them, being his first use of the firearm; or
- b. whether police ought to have entered the café at approximately 2.06am when Monis ordered Tori Johnson to his knees with his hands behind his head; or
- c. whether police ought to have entered when Monis fired a shot into the south eastern corner of the café near the kitchen at approximately 2.11am.

300. As I said, we will return to this later in the opening.

Counter-Terrorism

301. Stepping back for a moment, it is important to understand the NSW Police response to the Lindt Café siege within the framework of counter-terrorism. This has already been referred to in part, when mention was made of the activation at 11am of both Taskforce Pioneer and Strike Force Eagle.

302. Assistant Commissioner Murdoch was the Commander at the Police Operations Centre from midday until about 10pm on 15 December.

303. He is the NSW Police Commander of the Counter-Terrorism and Special Tactics Command. As he will explain, that command is structured to provide the New South Wales Police Force with a specific capability for anticipating,

preventing and if required, responding to and recovering from acts of terrorism and politically motivated violence.

304. New South Wales does not embark on counter-terrorism measures on its own. The Commonwealth, States and Territories have all developed an agreed set of counter-terrorism arrangements which form a framework to deal with terrorism through cooperative partnership.
305. The nationwide counter-terrorism arrangements for an event such as this were addressed in a helpful submission by the Commonwealth which was publicly tendered in segment two.
306. As the evidence from Assistant Commissioner Murdoch will disclose, the principal operating strategy adopted in relation to the Lindt café siege, being one of containment and negotiation, is also one which is specified in both the Australian and New Zealand Guidelines for Deployment of Police to High Risk Situations and the National Counter-Terrorism Plan.
307. Evidence will also be given by the Commander of the State Protection Group, in relation to New South Wales counter-terrorism preparations. He is one of the authors of the New South Wales Counter-Terrorism Plan and has represented the NSW Police Force on many counter-terrorism working groups for a number of years. He has also been active in establishing strategic and operational relationships with key Australian Defence Force capabilities in order to support the New South Wales Police Force counter-terrorism capability. I will refer to an example of that during the siege in a moment.
308. Your Honour will hear evidence about why Taskforce Pioneer and Strike Force Eagle were activated in response to the siege, by reference to the New South Wales Counter-Terrorism Plan and other associated documents.
309. Also early on 15 December, Assistant Commissioner Murdoch gave instructions that the Police seek authorisations under the *Terrorism (Police Powers) Act*. This provides the Police with special powers to prevent a terrorist

act or investigate one after its occurrence. During the afternoon, the relevant authorisations were obtained, giving police broad powers of investigation, seizure and apprehension.

310. I pause to note a further part of the NSW counter-terrorism response is the Joint Counter-Terrorism Team (or **JCTT**), which comprises counter-terrorism units from not just the New South Wales Police, but also the Australian Federal Police (**AFP**), the New South Wales Crime Commission, and the Australian Security Intelligence Organisation (**ASIO**).
311. In light of the multi-agency structure of the JCTT, it operates under a Memorandum of Understanding, signed by all participating parties, which governs all facets of JCTT's operations. It is another example of the strength of the cross jurisdictional coordination in counter terrorism, and the evidence will show the way in which officers from the JCTT contributed to the police response to the siege through their capabilities, resources and intelligence gathering.
312. Once Strike Force Eagle was activated, investigating officers from the New South Wales police Terrorism Investigation Squad undertook a range of investigative inquiries – to put it bluntly it was their job to figure out what was going on, whilst others were responding to the siege incident itself. Priorities were to identify who the hostage taker was, and whether he had accomplices. Also to determine who else was inside the café, and any other information which might be relevant to command or in the investigation of the incident.
313. Efforts were also made to source an Islamic State flag in light of Monis' demand for this and I note that one arrived at the Forward Command at approximately 5.00pm. By that time a clear decision had been made not to provide it to Monis. The concern was that the flag might lead to use by Monis as a backdrop for an IS style atrocity.

Intelligence

314. As I have already indicated, by reference to the structure and functions of the Police Operations Centre, there was a specific unit dedicated to intelligence.
315. The Acting Commander of the Terrorism Intelligence Unit participated in a threat assessment panel at about 10.15 am on 15 December 2014, which assessed the threat level at Extreme - Acting Commissioner Murdoch confirmed this assessment as valid shortly thereafter. It was that assessment which in large part, resulted in Taskforce Pioneer and Strike Force Eagle being activated.
316. As the evidence will indicate, a decision was soon made that a Joint Intelligence Group (**JIG**) should be established.
317. From the afternoon of 15 December into the early hours of 16 December, the JIG provided regular intelligence updates to police command. These largely concerned the identity of the gunman and as soon as this was confirmed, as much intelligence information as could be gathered about Monis. The JIG also collated information about the identity of the hostages.
318. In this respect, it can be seen that the work of the JIG paralleled the work of the investigating officers under Strike Force Eagle. I anticipate your Honour will hear this was because the nature of the events that day meant the JIG was only able to perform a limited and necessarily reactive role.

The Australian Defence Force

319. The New South Wales Police were contacted by senior officers within the Australian Defence Force just before 11.00 am on 15 December, as the news of the siege at the Lindt Café spread. From that early stage, the ADF offered assistance if and when it became required.

320. A couple of minutes later, the New South Wales Police made a request that the ADF Tactical Assault Group (TAG) be recalled, in the event that it was required. Further, a request was made that the ADF designate a liaison officer to the Police Operations Centre.
321. Before midday, the ADF appointed a special operations liaison officer and deployed him to the Police Operations Centre.
322. During the course of the day, the ADF created a mock up to replicate the Lindt Cafe site and offered this to the NSW police for use in TOU training – I anticipate you will hear evidence that this offer would have been taken up had the siege continued through the day on 16 December.
323. There is also evidence in the brief indicating that the ADF Tactical Assault Group was mobilised and conducted a run through of the NSW Police Deliberate Action Plan using the mock-up of the Lindt Café, and evidence indicating that the ADF liaison at the POC confirmed that this run through validated the Deliberate Action plan. Ultimately your Honour, the ADF Tactical Assault Group was not deployed and played no role in response to the siege.
324. I will refer shortly to the public debate about the level of involvement of the ADF in response to the siege.

Australian Federal Police

325. In describing the multi-agency response to the Lindt Café siege, I should observe that the Australian Federal Police played a not insignificant role. As I have already noted, the AFP are an important member of the Joint Counter-Terrorism Team and during the siege, the AFP assisted in organising telephone intercepts of a number of telephones (including telephones belonging to identified hostages) and in relation to surveillance of the cafe.

326. From about 7.15pm when the surveillance device inside the café was deployed, the audio was monitored by AFP officers in conjunction with New South Wales Police officers. Important information about what was going on in the café was then relayed to the Forward Command and through to negotiators and TOU officers.
327. AFP officers also contributed to intelligence analysis, retrieving and reviewing known information about Monis within AFP records.
328. Finally, I have already made mention of the AFP's Tactical Response Team. These officers were, along with Queensland tactical officers, to receive a hand-over from NSW tactical officers. However, ultimately this did not occur and these AFP officers played no part in the emergency action.

SIEGE MANAGEMENT - OVERVIEW

329. Although other state and Commonwealth agencies made contributions to the response to the siege, the response was at all times managed by the New South Wales Police Force.
330. The New South Wales Police made the critical decisions as to when and in what manner to respond to Monis' demands and actions, and as to when and in what manner to enter the café bringing the siege to an end.
331. In the aftermath of the siege, there has been a debate in the media and amongst members of the public as to whether the Australian Defence Force should have managed the siege and if it had, whether it might have managed it differently.
332. That is not an issue which at this stage is likely to be covered by a great deal of evidence in the inquest, but I note the following matters.

333. First, there are constitutional limitations on the extent to which the ADF can be involved in domestic situations such as the Lindt Café siege. The nature and extent of those limitations will be considered.
334. Secondly, the evidence will establish that throughout the siege, the New South Wales Police Force considered that the events were well within its capabilities and that it had sufficient trained and experienced officers to deal with all aspects of the siege.
335. I referred earlier to arrangements by which TOU officers could be relieved in the early hours of 16 December 2014. But I note that had to do with fatigue and the length of time they had been actively on duty, rather than any concern that they were not equipped to handle the situation.
336. Thirdly, it is a matter of some limited comment by the UK Review team as to what difference might have been made by use of armed forces. In short they do not detect the response would have altered greatly, if at all.
337. The best source of information about the role that could have been played by the ADF is, of course, the ADF itself but at present we do not have evidence from the ADF about what it might have done or what procedures it might have used if called upon to take over the response to the siege. Steps have been taken to seek such evidence.
338. In any event, I anticipate there will be consideration in this segment as to whether the ADF should perhaps take a greater role in managing events such as the Lindt Café siege and whether, in the future, it may be appropriate to define when the ADF should become so involved and to what extent.

AFTERNOON POLICE COMMAND RESPONSE

Further negotiation attempts

339. Your Honour, turning to the afternoon police command response, this principally featured attempts by negotiators to communicate with Monis.
340. Because they began using a dictaphone from about 1.30 pm, we have a much clearer idea as to precisely what was said during the various calls.
341. Monis continued his refusal to speak directly to negotiators despite their frequent requests. During the early afternoon, Monis frequently directed Jarrod Morton-Hoffman, in whom Monis seemed to have placed a particular reliance, to answer the phone when negotiators rang. In a number of the calls made during the early afternoon, the negotiators attempted to persuade Monis to place his bomb outside the café, but each time that request was made, Monis directed Jarrod to change the topic to matters such as why his demand for a debate with the Prime Minister had not been met and why the media were not truthfully reporting Monis' intentions (being that the siege was an attack on Australia by the Islamic State).
342. Of significance, it was during one of the calls between negotiators and Jarrod at 1.34 pm, that Monis offered to release one hostage in return for an Islamic State flag being placed on the doorstep of the café. In later calls through the afternoon, initially involving Jarrod, but later involving Marcia Mikhael, Monis expressed increasing frustration that he was not being provided with an Islamic State flag (amongst other things).
343. As noted earlier, an Islamic State flag was sourced and delivered to the Forward Command by about 5.00 pm. However, a decision was made at command level, that the flag should not be provided because of a concern that it would be used as a backdrop to a public execution.

344. The inquest will also hear evidence from Consultant Psychiatrist that he was asked to give his interpretation of Monis' request for an Islamic State flag during the afternoon and early evening. I anticipate Consultant Psychiatrist will say that whilst he did not regard Monis' actions to date as being in any way indicative of an actual Islamic State terrorist attack, he was concerned about what the consequences might be if an Islamic State flag were provided to Monis.
345. Also during the afternoon, Monis continued in his efforts to contact media outlets directly in order to have a statement read on air as to his demands and motivations. Just after 2.00 pm, Jarrod Morton-Hoffman contacted SBS and ABC radio and it was during a call to the ABC at 2.10 pm that Jarrod indicated Monis was prepared to exchange one hostage for an Islamic State flag and two hostages if the media reported that the siege was an attack on Australia by the Islamic State. Jarrod also conveyed, at Monis' direction, that Australian politicians were not telling the truth about the situation and motivation behind the attack. Again, to the credit of the media organisations, none of this was put to air.
346. Negotiators again called Jarrod at 2.22 pm and Jarrod stated, clearly at Monis' behest, that Monis would release one hostage for a flag and two hostages if the ABC announced that the siege was an attack on Australia by the Islamic State. None of these offers by Monis were accepted.
347. During that telephone call, as in others, negotiators tried to reassure Jarrod and also to coax Monis into speaking with them directly. However, Monis directed Jarrod to state that the negotiators were playing a game and had not been honest. He promptly terminated the call.
348. After Jarrod's lack of success in having any of Monis' demands met, he had other hostages contact media outlets. At 2.44 pm, Julie Taylor telephoned 2GB at Monis' direction, and she was put through to Ray Hadley. The call was not put to air, but Monis directed Julie to indicate that he would let five hostages go

if Tony Abbott would speak with him live on national media. Julie also repeated Monis' offer that one hostage would be released in return for an Islamic State flag and that two hostages would be released if it were confirmed in the media by politicians that the siege was an attack on Australia by the Islamic State.

349. It was also at about this time that a firm conclusion was reached by the Commanders at the Forward Command and Police Operations Centre that Monis was in fact the hostage taker.

Hostage family reception

350. By this point in the afternoon – around 3pm, family members of the hostages were gathering in the city and arrangements were made for them to be accommodated at the Supreme Court building on King and Elizabeth Streets.

351. Over the next hour or two, a number of family members of the hostages had congregated at this location in the old Supreme Court building. They were understandably expressing concern about what was happening to the hostages and some frustration at the lack of information coming from Police.

352. The adequacy of the arrangements made for family members will be covered in the evidence both from the perspective of the police and family members. At this point, it suffices to say that that the allocation of Police to assist and manage family members was at times disorganised and lacking. The flow of information was a persistent problem, and the location of the family reception centre so close to the site of the siege proved problematic. I understand that this is a matter that the Police are likely to acknowledge and respond to.

353. Late in the afternoon, a Detective Sergeant was directed to take the lead in dealing with the families at the Supreme Court complex and she will give evidence about some of the challenges she faced.

354. More generally, I understand we will hear evidence that this is an issue which has already been the subject of consideration by police, so that in future such problems might be minimised or avoided.

AFTERNOON EVENTS INSIDE THE CAFÉ

355. Back inside the café, it is now just past 3pm and the siege had been going on for more than five hours.

356. At 3.10 pm, Julie Taylor made a further call to the media, though this time to ABC Radio. Monis again directed her to explain his demands/offers and again, the discussion was not broadcast.

357. At 3.32 pm, the negotiators made a call to Monis' mobile phone and it was answered by Marcia Mikhael. Marcia was clearly distressed and enquired forcefully as to why the Islamic State flag had not been provided and why Tony Abbott had not called. The call was ended abruptly at her end.

358. By approximately 3.30 pm, Monis seemed to become distressed about the Police presence around the café and the prospect of a Police entry. He directed various hostages, including Jarrod Morton-Hoffman, Katrina Dawson and Marcia Mikhael, to form in a group around him, presumably as a type of human shield. Monis then directed the movements of those hostages, as he tried to keep an eye on all of the entry points around the café.

359. Monis directed some of the café staff to stack tables and chairs close to the front doors. Again, it would appear this was to create a form of barrier to impede a Police entry.

360. Other hostages remained placed in the windows and were there for many hours.

The First Hostage Escapes

361. It was at or around 3.30 pm that the first hostage escape occurred.
362. Stefan Balafoutis was standing on the bench seat on the Martin Place side of the café in the window closest to the main doors. John O'Brien had been permitted to sit down on the bench seat next to Stefan, after earlier having complained of a heart condition and chest pains. Both Stefan and John were in the vicinity of table 12, just behind the large and heavy glass panel which divided the seating in the café from the main doors.
363. Earlier in the day, not long after the siege had begun, Stefan had noticed the green button to the right of the glass doors and suggested to Julie Taylor that they should press it and try to escape. Julie had discouraged Stefan from making such an attempt at the time.
364. As the time passed, Stefan had become increasingly concerned about Monis' actions and motivations and he began to think again about trying to make an escape out the front doors. At around 3.30 pm, he spoke to John O'Brien about trying to press the green button and get out the front doors. Initially, John indicated his belief that the button would not work, based on something he had understood one of the female staff members to say earlier. John then asked to go to the bathroom as a pretence for asking one of the staff members about whether the green button worked.
365. When he returned, he indicated to Stefan that the waitress was not sure as she had not been working at the café for very long.
366. At 3.35 pm, without any further discussion, John O'Brien crouched down low, moved to the end of the bench seat, squeezed through the gap between the wall and the heavy glass panel, hit the green button and then ran out the main doors.

367. At that point, Monis was located towards the opposite end of the café – the north west end. Once Stefan saw what John O'Brien was doing, he made an instant decision that if the green button worked, he would try and escape as well. As the sliding doors opened, Stefan also squeezed through the gap and made his way out onto Phillip Street. He and John O'Brien quickly ran down Phillip Street, where they were grabbed by TOU officers.
368. Paolo Vassallo, one of the café staff members, was located on the Phillip Street side of the café, not far from the windows, when he saw and heard the main doors open and hostages escaping, though he was not sure precisely who at the time.
369. I anticipate he and others will give evidence that Monis also noticed the doors opening and then closing and expressed anger and concern that a Police entry was occurring. In response, Monis tried to gather the hostages close around him near the north western end of the cafe, presumably again to form a type of human shield. It seems that all the hostages and particularly Jarrod Morton-Hoffman endeavoured to reassure him that what had occurred was an escape without police involvement.
370. At that point, Paolo was particularly concerned about Monis' next actions and made a decision to try and get out himself.
371. Whilst the other hostages were gathering around Monis, Paolo made a run through the kitchen and out via the fire door and onto Phillip Street. Once he emerged from the fire door, he was also grabbed by the TOU officers.
372. At this point, it will assist to see some footage of the three escaping. **SHOW FILM.**

373. I should observe that because of Paolo's particular work in the kitchen at the Lindt Café, he was one of the few staff who had particular familiarity with the Phillip Street fire door.
374. I also point out that these escapes highlight an aspect of the physical layout of the café, which affected the degree to which Monis could control events. The café had three separate exits - given that Monis was by himself and he had, at least initially, 18 hostages, he was never in a position to fully control or watch over all escape routes. To a degree, escapes were inevitable.
375. Throughout the siege including during these first escapes by John O'Brien, Stefan Balafoutis and Paolo Vassallo, Monis was holding his gun. However, he did not fire it. He did nonetheless seem angry and I anticipate hostages will give evidence that soon after the escapes he said words to the effect of "that was a stupid thing to do, I'm going to shoot someone now".
376. Further, you will hear evidence that Jarrod had the presence of mind to try to pacify Monis by explaining that none of the hostages remaining in the café had done anything wrong. In effect, Jarrod tried to make a case as to why Monis should not shoot anyone. It would also appear that Jarrod succeeded in calming Monis by suggesting that all of the remaining hostages should come close around Monis.
377. The hostages huddled in an area in the north western corner of the café, between the Martin Place windows and the side doors leading into the foyer of 53 Martin Place. The evidence will indicate that the hostages largely remained in this part of the cafe for the balance of the siege. Also at this point, Katrina Dawson and Julie Taylor were standing in the westernmost window on the Martin Place side, holding up the Shahada flag.
378. Around the same time, with all this movement of hostages and commotion inside the café, it appears that April Bae and Elly Chen positioned themselves under table 40, which as has already been pointed out was near the glass

doors into the foyer. It will be remembered this was the table to which Monis moved earlier in the day.

379. At 4.04 pm, the negotiators, who had been making calls to a number of different mobiles after the hostage escapes, phoned Monis' mobile and Marcia Mikhael answered. During the call, the negotiators tried to direct the conversation to having Monis release one of the sick hostages, in order to permit him to concentrate on other things. However, Marcia, at Monis' behest, directed the conversation back to the escapes. She noted that the "deal" was that if anyone else tried to escape, one of the hostages would die. Marcia also communicated Monis' concern that the Police stay away and his belief that the earlier escapes had actually been the Police making an entry. She pointed out that one of the hostages (Jarrod) had explained to Monis that the Police were not involved in the escapes.

380. Shortly after John O'Brien, Stefan Balafoutis and Paolo Vassallo escaped, they were debriefed at the Forward Command, where they provided a verbal account of important facts they could remember about Monis, his actions and equipment. An entry put on the iSurv log at 4.16 pm indicates that as a result of the debrief, certain information was obtained which included:-

- (i) that there was only one gunman, who had been seen to have only one firearm (described as a "long shotgun");
- (ii) that the gunman had a blue bag, to which he kept returning and a black backpack, which was described as "full";
- (iii) that the gunman was not communicating with the outside or media and was instead getting three of the female hostages to do most of it for him;
- (iv) that the gunman had tasked a female staff member (who we now know was Fiona Ma) with directing the hostages as to what to do;

- (v) that the gunman was not speaking to the hostages except when he wanted communication with the media;
- (vi) that there were at least 14 hostages in the café, but less than 20;
- (vii) that in the hostages' opinion, the gunman did not have an exit plan.

381. That is a convenient point to hand over to Ms Callan, who will address your Honour on events during the afternoon and evening of the siege.

Further negotiator and media contact

[Callan]

382. Your Honour, the opening concluded yesterday with the escapes of John O'Brien, Stefan Balafoutis and Paulo Vassallo, and Monis' reaction to this. It is apparent he soon renewed efforts to promulgate his message to the world. These efforts, via the hostages, continued through into the evening.

383. At approximately 4.20 pm, Monis had Marcia Mikhael telephone the Nine Network Australia. She reiterated Monis' demands about speaking to the Prime Minister, about the media hearing a truthful account of his motivations and about the supply of an Islamic State flag. Just over five minutes later, Nine Network reporter Mark Burrows, called Marcia back and spoke to her for over ten minutes. Mark Burrows tried to encourage Monis to get on the phone himself, but Monis declined to do so and directed Marcia to reiterate his earlier demands.

384. The Nine Network did not broadcast the discussions between Marcia and Mark Burrows.

385. Next, Monis had Jarrod Morton-Hoffman search for contact numbers of other media organisations, including Al Jazeera and the BBC. Around this time, the negotiators called Monis' mobile on a number of occasions and at different times, Joel Herat and Viswakanth Ankireddi answered, but promptly hung up after indicating that they were still waiting for a flag.
386. At 5 minutes to 5, the negotiators telephoned Monis' mobile and spoke to Selena Win Pe. Selena was clearly significantly distressed and expressed in forthright terms Monis' desire for a flag and to speak to Tony Abbott. I anticipate the evidence will indicate that Monis stood by Selena whilst she was on the phone, as he had done with many of the earlier calls.
387. Also about this time, Marcia Mikhael was standing in one of the Martin Place windows, whilst Katrina Dawson holding the Shahada flag up.

Next hostage escapes

388. It was whilst Selena was on the phone to the negotiators just before 5pm that Jarrod Morton-Hoffman noticed April Bae moving out from under table 40, this was where she and Elly Chen had been hiding since the escapes of John O'Brien and the others.
389. At 4.57pm, while Selena was still on the phone April slowly and carefully attempted to open the patio type locks at the top and bottom of the side doors which lead out to the foyer of 53 Martin Place. Jarrod tried to signal to April not to do so, by mouthing those words, but she continued with her efforts. Elly Chen coughed to try to cover the sound of the door locks being undone. Jarrod also made some noise to try to cover the sounds.
390. April Bae and Elly Chen then slowly and carefully pushed the door open and crawled out into the foyer of 53 Martin Place. Elly quietly closed the door, so as to minimise noise. The two then stood up, and ran towards the automatic

doors, exiting the building down Martin Place towards Elizabeth Street where they were met by TOU officers. At this point, I will show footage of their escape, taken from the CCTV camera in the foyer and media footage. **SHOW.**

391. After April and Elly escaped, they were also debriefed by police – their description of events inside the café was in turn relayed to command, the TOU and negotiators.
392. Your Honour, what is striking about the escape of April Bae and Elly Chen is that it produced no apparent reaction from Monis. This, we now know, is because he did not observe their escape and in fact did not realise they had fled.
393. Indeed, so surreptitious was their escape that although Jarrod Morton-Hoffman had seen April unlocking the door, even he did not actually notice either of them make their way out.
394. I anticipate Jarrod will explain in his evidence that one of the jobs Monis assigned him at around this time was to research what the media was saying about the siege on-line. Jarrod saw media reports that a total of five people had escaped. Jarrod was concerned that Monis only knew about three of these escapes, so he lied to Monis and said only three escapes were being reported.
395. It was apparently about an hour later, when the radio was put on again via live stream, that Monis heard a media report that five escapes had occurred. That is, two more than Monis was aware of. He was perplexed and Jarrod and others sought to persuade him that the media had it wrong, saying that one of the “Asian girls” who had earlier been sick had left with the original escapees (being Elly Chen). And Jarrod thought that Monis did not even remember April Bae being in the café during the siege.
396. Accordingly, the escapes of Elly Chen and April Bae did not produce any particular reaction from Monis.

EVENING POLICE COMMAND RESPONSE

397. Continuing into the early evening of 15 December, Monis repeatedly directed hostages to contact media outlets, seeking to publicise his demands and message.
398. For instance, Selena Win Pe and Marcia Mikhael made a call to the Ten Network at approximately 5.18 pm and Selena contacted Radio 2GB five minutes later and sought to go to air live. On each occasion, the media outlets did not broadcast the call.
399. In addition to this, Monis had hostages, including Selena Win Pe and Fiona Ma, send out text messages and put up social media posts in a bid to get his messages and demands into the public domain.
400. At 5.13 pm, negotiators called Monis' mobile phone, which was answered by Marcia Mikhael. In a further effort to convince Monis to come to the phone, the negotiator directly asked Marcia if he could speak to Sheik Haron. When Marcia indicated she was not aware of who Sheik Haron was, the negotiator stated that he was the "brother". After speaking to Monis, Marcia said that he denied he was Sheik Haron and reiterated his demands to speak to Tony Abbott and receive a flag. The call was then abruptly cut off.
401. The negotiator made a number of further calls in the following minutes, again asking to speak to Sheik Haron. Each time Marcia answered, indicated that Monis would not come to the phone and that he wanted a flag.
402. At around this time, the negotiators sought advice from Consultant Psychiatrist about how to manage Monis in view of his continued refusal to speak to them and his repeated demands to speak to the Prime Minister and receive an Islamic State flag.

403. Consultant Psychiatrist [REDACTED] advice was to the effect that Monis may want the flag in order to provide public proof of his Islamic State bona fides, rather than seeking it to execute someone in front of it. But he also suggested that Monis was a narcissist and as his frustration built up, if he did not get his flag and his nationally broadcast debate with the Prime Minister, he could become a dangerous proposition.
404. Also at around this time, a number of the mobile phones in the café were going flat and Monis sent Jarrod to find chargers. Whilst moving through the kitchen looking for chargers, Jarrod picked up a knife and hid it in his pants. He also obtained the basement key card from the office, with the intention that he could slip it out under the door to Police so that they might be able to gain access to the café via the basement. Additionally, Jarrod drew pictures and messages for police on the back of a number of business cards which he slipped out under the back door of the café leading to the fire escape onto Phillip Street.
405. As Monis expressed his frustration about his message not getting out, one of the hostages suggested using Facebook and YouTube. From approximately 5.55 onwards, videos were made by Selena Win Pe, Julie Taylor, Marcia Mikhael and Louisa Hope, on each occasion standing in front of the Shahada flag. They reiterated Monis' demands for a broadcast debate with Tony Abbott, an Islamic State flag and a statement to the media that the siege was an attack on Australia by the Islamic State. The hostages then uploaded the videos to YouTube. Calls were also made to various TV networks, about sending the videos for broadcast.
406. Whilst these videos were being made, at about 7.05 pm Tori Johnson sent an SMS to Paolo Vassallo, who was by this stage at St Vincent's Hospital. The SMS read *"tell the Police the lobby door is unlocked. He's sitting in the corner on his own"*. Paolo immediately telephoned one of the Detectives who had debriefed him and relayed the text message. About 30 minutes later Tori sent the same text message to a Lindt and Sprungli Australia phone number. What police did on receiving word of these messages is a matter which will be addressed in the evidence.

407. Your Honour, I anticipate a number of the senior officers from both the Forward Command and the Police Operations Centre will give evidence as to how their thinking was affected through the late afternoon and early evening by Monis' continued refusal to directly engage with negotiators.
408. A couple of things are evident from the records of various briefings and telephone conferences between the Forward Command and Police Operations Centre - which often included Consultant Psychiatrist.
409. First, it is apparent that during a telephone conference at 6.30pm, the negotiators remained committed to regularly telephoning those within the café, persisting in their efforts to speak directly to Monis and trying to reassure the hostages about their perceived lack of action in respect of Monis' demands.
410. It was agreed during this teleconference that an SMS message should be sent to hostages' phones explaining, even if in oblique terms, why Monis was not being provided with an Islamic State flag.
411. Secondly, during a telephone conference at about 7.30 pm, which seems to have included Assistant Commissioner Murdoch, the Commander of the State Protection Group, the Forward Commander, the Tactical Commander of the TOU, members of the negotiation team and Consultant Psychiatrist, there was considerable discussion about Monis' behaviour and whether the situation within the Café remained stable.
412. Consultant Psychiatrist seems to have expressed the observation that despite Monis' repeated demands, he had actually achieved nothing to date. The Forward and POC Commanders agreed it was appropriate to continue with the strategy of contain and negotiate. There was further discussion about supplying Monis with the flag, but it was again decided that even though one was available, it was not appropriate to do so.

413. Finally, between about 8.20 pm and 8.40 pm that evening there were discussions between senior commanders about seeking to resolve the siege through a Deliberate Action. It seems the Tactical Commander of the TOU suggested to the Forward Commander that there may be some merit in executing the Deliberate Action, as this would allow Police to resolve the siege at a time and by tactical methods of their choosing, rather than in response to Monis' actions. The Tactical Commander of the TOU went through the documented DA plan, explaining the methods and tactics to be employed.
414. After that discussion, a telephone conference was organised with the Forward Commander and Tactical TOU commander at one end - and at the other were Assistant Commissioner Murdoch and his team at the POC at the other. I anticipate the evidence will indicate that the Tactical Commander of the TOU again explained his proposal that a Deliberate Action be pursued. However, at the end of the telephone conference, the conclusion of both the POC Commander and the Forward Commander, was that negotiations should continue, a Deliberate Action should not be pursued and that the Emergency Action plan should be utilised if the need arose. Those thinking processes will be explored in the evidence.

Surveillance inside cafe

415. I want to turn now to surveillance inside the café. As mentioned earlier in this opening, New South Wales Police, with the assistance of their Federal counterparts, were able to obtain audio from within the café through the use of a surveillance device.
416. The product of that surveillance first became available at approximately 7.15 pm.
417. The sound quality is not good and it is clear that some conversations within the café were not effectively captured.

418. Nonetheless, the surveillance device resulted in the negotiators and TOU officers receiving valuable information about what was happening inside the café within minutes of the events occurring.
419. This evidence in turn assists us now in understanding how events unfolded inside the café in the hours leading up to the Police entry. I note that a transcript of the surveillance recordings has been prepared and will form part of the evidence before your Honour.
420. The earliest parts of the recordings reflect continued efforts by Jarrod Morton-Hoffman to placate and calm Monis - and to protect the other hostages. In the portion of recording I will have played shortly, Jarrod suggested that he could print an Islamic State flag for Monis if he let one of the pregnant women in the café go. This is not something touched upon previously in the opening, but both Julie Taylor and Harriette Denny were pregnant and Monis was aware of this.
421. Playing this early portion of the surveillance device audio also gives some idea as to the quality of the recording. **PLAY FIRST 31 SECOND OF SD.**
422. Your Honour, further reference will be made in later parts of this opening – and in the evidence over coming days - to recordings obtained through this surveillance device.

Issues in Relation to Lights

423. I turn now to the issue of Monis' requests to have the lights in Martin Place turned off. It is worth examining not only because of what it shows about the course of the negotiations, but also, it seems that turning the lights off might have been a bargaining tool for police if doing so was acceptable to the tactical officers on the ground. Whether this was something of a missed opportunity will be an issue for your Honour to consider.

424. Now as 15 December was part way through the first month of summer, it was daylight saving time and sunset occurred around 8 pm.
425. At approximately 7.59 pm, Monis requested that the lights within the Lindt Café be turned off and Fiona Ma did so. This can be seen on the following footage.
SHOW FOOTAGE OF LIGHTS GOING OUT
426. As we can see from the footage, it was becoming dark outside, but there was still some natural light when the lights inside the café were turned out.
427. The negotiators became concerned about the wellbeing of the hostages when the café lights were turned out. After a number of calls to the café went unanswered, the negotiators sent a text message to Marcia Mikhael's mobile asking for the hostages to pick up one of the phones and indicating the negotiators' concerns that everyone was OK.
428. The surveillance device transcript from around this time indicates Monis' edginess about noises within the café and his concern that Police may be attempting to enter. On a couple of occasions, noise came from the kitchen when an ice machine intermittently dropped ice. Monis was very jumpy about such noises and the hostages, particularly Jarrod Morton-Hoffman, worked hard to calm him down, and explain the source of such noises was innocuous.
429. At approximately 8.38 pm, Marcia Mikhael telephoned the negotiators and explained that the lights had been turned off so that the Police could not see inside the café. Marcia requested that a flashing blue light outside of the café (which seemed to have been part of Christmas lighting in Martin Place) be turned off. She also asked that Police stay away from the café.
430. The negotiator who took Marcia's call agreed to pass Monis' request about the lights on to his superiors. That occurred, with the negotiator speaking to a Detective Sergeant who was assisting the Forward Commander. The negotiator

requested that enquiries be made about shutting down the lights outside the Lindt Café.

431. Detective Sergeant Byrne-Hickman then seems to have contacted Sydney City Council and spoke to a Council officer about whether the Council or Ausgrid had the ability to turn the Martin Place lights off.

432. That led to Paul Gowans, a principal engineer at the City of Sydney Council, contacting Nick Speranza, a field supervisor for Ausgrid based at Zetland. It seems that after some to-ing and fro-ing between them, it was arranged that Mr Speranza would call the Detective Sergeant directly.

433. It is not clear precisely when Mr Speranza telephoned, but it would seem to have been between 9.30 and 9.45 pm. The Detective Sergeant asked what would be involved in turning the lights off and I anticipate Mr Speranza will say that he explained there were two options.

434. One option, which could be done remotely from Ausgrid Head Office in Sydney, involved turning off lights in Martin Place, as well as lights in Elizabeth, Castlereagh, King, Bligh and Phillip Streets.

435. The second option involved accessing a substation on Martin Place, between Castlereagh and Elizabeth Street, just outside the Tiffany & Co shop. Mr Speranza explained that this would permit more localised lighting, on Martin Place only, to be turned off.

436. It seems the Detective Sergeant asked for an Ausgrid team to be assembled so action could be taken if required. Accordingly, Mr Speranza made calls to the Ausgrid on-call crew and senior management and ultimately, he and the balance of his team assembled at the Ausgrid Zetland depot at approximately 10.30 pm.

437. At this point in time, Mr Speranza telephoned the Detective Sergeant to inform her that the crew was ready and waiting for further instructions. Indeed, Mr

Speranza and two other Ausgrid employees had prepared two vehicles and their equipment, in order to travel to the city, access the substation and turn the Martin Place lights off.

438. At approximately 10.46 pm, the Detective Sergeant called back and indicated that the Ausgrid team did not need to be deployed for the time being and should simply remain on standby. Accordingly, Mr Speranza let his crew go and went home himself.
439. At present, the evidence is somewhat unclear as to why the decision was made to have an Ausgrid team prepare to go into the city but then for that plan to be put on hold.
440. Based in part on evidence of Mr Gowans from Sydney City Council, it may be there was a concern on the part of Police about the Ausgrid crew accessing the substation, which was within the expanded exclusion zone.
441. Irrespective of why a decision was made not to pursue turning the lights off at around 10.45 pm, there is an issue to be explored as to whether this was a missed opportunity. I say that because later, just after midnight, Monis renewed his request that the lights be turned off – this was again communicated via hostage discussions with negotiators, particularly involving Marcia Mikhael and Selina Win Pe. Negotiators were told that if the lights were not switched off, a hostage would be shot. We will return to these calls in due course.
442. But to complete the particular evidence about the lights, at around 1.40am, police contacted Ausgrid again to see about turning the lights off. I anticipate Mr Speranza to give evidence that he received a call from Sergeant Tsykalas, who was assisting the night Forward Commander, asking about how the lights could be turned off. Mr Speranza explained again that the lights could be turned off in two different ways, either localised lights via the substation, or a bigger area of lights.

443. Sergeant Tsykalas indicated the Police would call back if they wanted one of the options pursued. Mr Speranza received no further communication and as such, nothing was done to turn the lights off before the siege came to an end.
444. It is not clear at present quite why someone at a command level did not pursue turning the lights off after the first request was made at about 8.38 pm. Even if there was a concern about civilians entering the Police exclusion zone, the substation was outside the inner perimeter and fairly close to the outer perimeter.
445. It is also not as though there was a blanket refusal by police to comply with Monis' demands – as we have heard, Police did meet some of his demands earlier in the day – namely for police to move back and for an armoured vehicle to be driven away from Phillip Street.
446. The issue will need to be explored in the evidence your Honour.

Inside the Café, Late Night

447. As the evening wore on inside the café, Monis permitted staff to circulate further food and drinks. He continued to be concerned about the Police coming close to the café and had hostages warn negotiators on a number of occasions that the Police should stay away or Monis would shoot one of the hostages.
448. Also during the evening, Monis had hostages continue to contact media outlets and repeat their efforts to have the videos disseminated. At about the same time, discussions were occurring within the Forward Command about whether there were means of shutting down the hostages' social media posts.
449. Monis also listened to radio broadcasts through live streaming and he spent a considerable period during the night of 15 December listening to 2GB. Monis

was plainly fixated on the media coverage of the siege and what was being said about it.

450. At approximately 9.05 pm, Monis discussed a 2GB broadcast with Selena Win Pe and Marcia Mikhael and suggested the news was positive. Paraphrasing, Monis suggested that it was good news that the Police had not attempted to enter the café, wished to finish everything peacefully and were emphasising that they were confident the siege could finish peacefully.
451. In contrast, at other times, Monis' behaviour was tense and erratic, with him expressing concern about movements outside the window and telling hostages that he was maintaining an account of each of them, so that if they did the right thing they would attract points. But if they were not honest, that would count as debits against them.
452. The surveillance device also captures Monis repeatedly expressing his desire to speak to Tony Abbott and to be taken seriously by Tony Abbott. A number of Monis' comments to the hostages indicated his increasing frustration at not being taken seriously. It is plain from what he said that Monis regarded the Police failure to comply with his demands in relation to the flag, speaking to Tony Abbott and about the lights as an indication that the police failed to take him seriously.
453. The surveillance device recording captures Monis' ongoing preoccupation with tracking Facebook likes and comments on the videos which had been posted – his obsession is quite startling and almost child-like in its intensity. At various points when Monis realised that the videos had been taken down, he became even more frustrated and upset.
454. As things became quieter in the café, negotiators again became concerned for the welfare of the hostages and at approximately 10.06 pm, sent a text to various hostage mobiles indicating the negotiators' phone number if anyone needed to call the Police.

455. By about 10.30 pm, efforts were still being made by hostages to check the status of earlier posted videos. However, Monis also directed them to move furniture (tables and chairs) so as to form a sort of barricade around the north western corner of the café (close to the Martin Place windows).
456. As the time ticked over closer to 11 pm, Monis suggested that the hostages call their loved ones. A number of the hostages did so. Your Honour, these communications will not form part of the evidence – such intensely personal and private exchanges are not relevant to the tasks in this inquest.
457. From around 11 pm the negotiators were aware, via the surveillance device, about Monis' suggestion that the hostages ring loved ones.
458. The negotiators' log indicates they interpreted Monis' encouragement to call loved ones as a quote a "finality thing", though it was also recorded that Monis' demeanour remained calm. The log entry suggests a suspicion on the part of the negotiators that Monis was encouraging contact with family as a strategy to facilitate media contact about his cause.

Police Response – Late Night

459. Your Honour, just on 10pm there had been a further change in police command. A new Forward Commander took over for the evening – and Assistant Commissioner Mark Jenkins took over as overall Commander at the POC. There was a similar handover of other Police personnel, including negotiators.
460. At 10.17 pm, Assistant Commissioner Jenkins received a briefing from the Commander of the TOU in relation to the existing Emergency Action plan. It would appear the commander of the TOU confirmed the triggers for activation of the EA plan were death or serious injury to a hostage.

461. It also appears that during this briefing there was a discussion as to the risk posed by the backpack Monis was wearing. The recollection of Assistant Commissioner Jenkins is that he was informed the current assessment was that the backpack was likely to contain 2 to 4 kilograms of explosives, and that if the bomb was triggered, those inside the café and those attempting a rescue were not likely to survive. At the completion of the briefing, Mr Jenkins confirmed the Emergency Action plan and triggers, being death or serious injury to a hostage.
462. At approximately 11.35 pm, there was a telephone conference between the Forward Commander and Assistant Commissioner Jenkins at the POC. By that time, Mr Jenkins had reviewed the Deliberate Action plan and was satisfied, on the basis of advice from the commander of the TOU, that the current strategy of contain and negotiate was appropriate, and a Deliberate Action should not be pursued at that time.
463. During the telephone conference, there was confirmation that triggers for the Emergency Action plan were death or serious injury to a hostage. An update was provided about Monis having encouraged hostages to contact loved ones, the ongoing attempts to post videos on You Tube and about family liaison in the Supreme Court building. Further, there appears to have been some discussion about the pros and cons of releasing Monis' name to the media. It seems Consultant Psychiatrist had given advice that releasing Monis' name should not have adverse consequences.
464. It is perhaps worth noting that efforts were being made throughout the afternoon and evening to provide information to Consultant Psychiatrist which might be relevant to his ongoing assessment of Monis. Consultant Psychiatrist had access to police material from the murder investigation including a psychological profile. At about midnight, Consultant Psychiatrist telephoned Dr Murray Wright, the chief psychiatrist for New South Wales Health to discuss Monis. Dr Wright had considered psychological assessments from when Monis was in prison which they discussed. Your Honour will hear evidence from both about their thinking as to how Monis was behaving that night.

INSIDE THE CAFÉ – FINAL HOURS

465. Back inside the café, late in the evening Monis indicated he needed to relieve himself. He obviously did not want to go to the bathroom as this left the hostages unattended. After some discussion, a bottle was obtained from the kitchen which Monis took into the corner and urinated into. Fiona Ma then took it to the toilet to empty it.
466. Shortly before midnight, Monis also indicated that he wanted to have a cigarette but was seemingly concerned about smoke alarms and sprinklers. Again after some discussion, a bottle was obtained which Monis blew smoke into.
467. Meanwhile, Monis continued to have hostages check the status of the posted videos. With a view to appeasing Monis, Selena Win Pe showed him the people she had emailed about the You Tube videos.
468. Shortly after midnight, Monis again began listening to the news, this time a live stream of ABC news.
469. At approximately 12.35 am on 16 December, Selena Win Pe called 000, was put through to a police negotiator. She relayed Monis' demand that the lights in Martin Place be turned off. She indicated that the lights needed to be turned off as soon as possible or Monis was going to hurt the hostages.
470. It is apparent from the surveillance device that Monis continued to talk to the hostages about having the lights turned off and expressed his doubt that this would ever occur. Again to pacify Monis, Jarrod Morton-Hoffman came up with suggestions about the delay, observing that turning the lights off would not be easy as they would be connected to the main frame.
471. Selena Win Pe called 000 again at approximately 12.48 am and was connected through to the Police negotiators. She reiterated Monis' demand that the lights be turned off, indicating that he was becoming very angry and was going to hurt

the hostages. She also noted that Monis was becoming edgy about noises around the café. It is plain from the recording that Selena was becoming increasingly distressed.

472. The negotiators called Selena Win Pe back 5 minutes later at 12.53 am and she confirmed that it was a blue light outside the café that Monis required off. The negotiators confirmed that they would pass the request to their superiors.

473. At 1.12 am, Selena called negotiators again and pleaded for the lights to be turned off, indicating that she would be shot in 15 minutes if that did not occur. The negotiator stated that steps were being taken and that they were council lights, suggesting that it may take a little time. After Selena again indicated that she would be shot within 15 minutes, the call was abruptly terminated. I will play the audio of this telephone call. **PLAY AUDIO**

474. Almost immediately after the call concluded, Monis was captured on the surveillance device in the café apparently querying the 15 minute deadline and in effect suggesting this then placed the onus on him to do something in those 15 minutes. I will have that portion of audio played now. **PLAY** I must emphasise the sound quality is poor.

475. This exchange provides an interesting insight into Monis' thinking at the time and I anticipate Dr Phillips will have something to say about it. At the very least, it suggests that Monis was did not have a clear vision about what he should be doing.

The Final Hostage Escape

476. Your Honour, inside the café in the period between approximately 1.30 and 2.00 am, the hostages were becoming increasingly tired and so, it seems, was Monis.

477. Their precise positions within the café at this stage of the night are hard to discern, but it seems they were all more or less huddled in the north western corner of the café, between the Martin Place windows and the glass doors into the foyer of 53 Martin Place.
478. As best we can tell from the hostage accounts, Monis was on the long bench seat sitting between Selena Win Pe and Julie Taylor. Marcia Mikhael and Katrina Dawson were in the back corner, near to the waiter's station.
479. Puspendu Ghosh and Viswakanth Ankireddi were seated near the foyer doors,
480. Jarrod Morton-Hoffman and Fiona Ma were seated in the same vicinity, but a bit closer to the Phillip Street end near Joel Herat who was seated nearby at a table with Harriette Denny.
481. Robin Hope, Tori Johnson and Louisa Hope were seated on the long bench seat, but further along, slightly closer to the Phillip Street end.
482. As best we can, we will clarify their positions when we hear oral evidence from some of the hostages.
483. Just after 1.30 am, Monis suggested the hostages call ABC and state that he wanted to release one person, who would then need to speak to the media and contact human rights organisations to explain that the Australian Government had failed to meet Monis' demands for a flag and a discussion on radio with the Prime Minister. Further, Monis wanted the released hostage to verify that he had treated the hostages well and had not told lies.
484. Monis discussed who should be released. He suggested that as Fiona Ma had assisted him during the day, she might be released and Jarrod Morton-Hoffman reinforced this, stating that Fiona could go first.
485. There was then a further discussion in which Jarrod suggested that either Louisa or Robin Hope could be released and Katrina Dawson suggested that

Julie Taylor should be released, as she was a lawyer and able to talk to people and was also pregnant.

486. At approximately 1.41 am, Marcia Mikhael telephoned 2GB and spoke to a radio producer, indicating she had a message from Monis. Marcia conveyed his offer to release one hostage provided that the call would be broadcast live, so that the public would know the hostage had been released, as opposed to having escaped.
487. Marcia was put on hold for a period and then the radio producer gave her the number for Police negotiators. Marcia indicated that the Police had done nothing, had lied and had not negotiated. She said the Police had left the hostages to die in the café and expressed her anger that the radio producer would not even take a message.
488. After that call, Marcia spoke to Monis about it. Monis said if the media were not allowed to take any messages there was no point releasing one person. Jarrod suggested that the message be posted on Facebook and then the hostages had a discussion about the utility of posting videos again.
489. As the time ticked over closer to 2.00 am, Monis continued to talk to the hostages about how to get the media to broadcast his message. The hostages tried again to post the videos to YouTube. Monis expressed his anger that the YouTube videos seemed to have been blocked or deleted in some way.
490. Not for the first time, Jarrod tried to calm Monis, by suggesting that before the videos had been taken down, members of the public would have mirrored them, so that copies would now be available and re-uploaded. Jarrod sought to reassure Monis that people would have the videos and offered to check this.
491. Just before 2.00 am, Monis became concerned again about noises outside the café. Jarrod recalls Monis being very quiet and tense by this time. He also thought Monis was becoming paranoid at every sound in the café, such as the fridges or freezers' motors turning on or off.

492. At approximately 1.57 am, Monis began to move hostages around the café. By virtue of the Channel 7 footage taken across Martin Place and the surveillance device, it can be determined that Monis had Fiona Ma stand up and he directed her to walk in front of him, with a gun in her back, towards the Phillip Street end of the café. I will now have shown this footage. **SHOW STIB CAMERA 8**

FOOTAGE OF MOVEMENTS AT APPROXIMATELY 2.01AM

493. Monis also had Jarrod Morton-Hoffman and Selina Wi-Pe accompany him, with Monis again seeking to use the hostages as a human shield. He directed Fiona and Jarrod to the windows on Phillip Street and he peered outside. Jarrod could see the shadows of Police, presumably the TOU officers who were just along Phillip Street.

494. Monis had become increasingly agitated. In what appears to be a manifestation of that agitation he did something he had not at any stage done prior. He went to have a look at part of the premises outside the main café floor area.

495. Now as will have become apparent from the opening, up to that point Monis had not gone to the kitchen area, or to either of the toilet areas. Obviously to do so would leave hostages unattended.

496. But on this occasion, Monis directed Fiona Ma and Selina Win Pe to walk with him towards the kitchen. In doing so he caused great fear among the hostages. Selena Win Pe was crying. Everyone appears to have been conscious of his mood and fearful of the significance of this movement to the kitchen area.

497. Some thought the time had come that he would shoot someone, out in the kitchen.

498. On the way, Monis directed Jarrod Morton-Hoffman to stop directly next to the glass doors into the foyer of 53 Martin Place.

499. I pause to note that of course, Jarrod was aware these doors were unlocked, having seen April Bae undo them earlier in the day, and your Honour will hear that through the afternoon he had been carefully clearing the way to allow a possible escape through those doors.
500. Jarrod stood there as Monis, Fiona and Selina moved towards the kitchen. Monis had the gun at Selena's back and was directing her movements.
501. Monis walked Selina and Fiona through the kitchen to the door leading to the fire escape onto Phillip Street. He directed Fiona Ma to start packing empty boxes as some form of barricade. Selena Win Pe thought Monis' plan was ridiculous, as the boxes were empty and would be useless as a barricade, but Fiona nonetheless stacked them up as required.
502. Whilst Monis, Fiona and Selena were out the back of the café, Jarrod decided to take the opportunity to escape. He motioned to Puspendu Ghosh in the direction of the doors and Puspendu in turn nudged Viswakanth Ankireddi who at the time had his eyes closed. Puspendu then made eye contact with Katrina Dawson and Marcia Mikhael, seeking to direct them towards the door with his eyes. Various of the hostages made eye contact.
503. Puspendu readied himself to move and observed that Joel Herat and Harriette Denny could also see what Jarrod was doing. In an instant, Jarrod pushed open the glass doors and ran into the foyer. This was at approximately 2.03 am.
504. Jarrod down ran into the lobby and tried to get out the sliding doors. He quickly realised he needed to push a release button, which he did. Jarrod was followed out into the foyer by Joel Herat, Harriette Denny, Viswakanth Ankireddi, Julie Taylor and Puspendu Ghosh.

505. In the process of these escapes a glass was knocked over - it is not clear whether this was Jarrod or one of the hostages immediately after him, but the sound alerted Monis – who, whilst the final hostages were running out the door into the foyer, fired a single shot which hit the glass panels directly above the door. At the time, it would seem that he was located at the Phillip street end of the café. Precisely where he was will be explored via video footage and hostage accounts. All of the escaping hostages raced their way onto Martin Place, with Puspendu running up Phillip Street towards Hunter Street and the rest of the hostages running down Martin Place, towards Elizabeth Street. We will now show footage of this escape including the flash of Monis' shot. **SHOW FOOTAGE**

506. Your Honour I should note that during the first opening delivered on 29 January last year by Mr Gormly, described this shot fired by Monis as having been a warning shot. That assessment was made without the benefit of evidence which has since been gathered and analysis of video footage. It now appears that although his shot missed, the very strong inference is that Monis was shooting at the hostages. The fact he missed by some margin is consistent with him having limited experience with guns, with the difficulty of aiming his sawn off shotgun plus the suddenness of the escape.

507. We cannot know why Tori Johnson or Katrina Dawson did not leave at this point, it may have been either by decision or because of their positions in the corner and down the length of the Café did not allow them to move in time.

508. Marcia Mikhael decided not to escape, it seems because she did not have time. Louisa Hope was not prepared to leave her mother behind.

509. In response to these events, Selena Win Pe either fell or was knocked to the ground in the kitchen area and then crawled around behind the chocolatier's station where Fiona Ma also hid.

510. Marcia Mikhael ducked to the ground and hid under a table in the north western corner of the café. She observed Katrina Dawson on the ground in that same corner.
511. Contemporaneous evidence of how police interpreted that first shot by Monis is mixed. The Tactical Commander of the TOU states that very soon after the 2.03 am hostage escape, information was received at the Forward Command that Monis had fired a shot at the hostages but missed. An entry on the iSurv log at 2.10 am indicates that from debriefs with the recently escaped hostages, it was understood that Monis had fired at them as they ran out the foyer doors. However, a 2.04 am entry in the Forward Command Log reads "POI fired in air, shattered glass". Although that was strictly correct, it needs to be explored whether some in command thought Monis had deliberately fired a warning shot above the hostages, as opposed to attempting to shoot at them.
512. Shortly after the six hostages escaped, Monis directed Louisa Hope to stand up and it would seem, act as a human shield in front of him. She explained that it was difficult for her to stand because of her leg, but Monis persisted in his demands.
513. Monis moved further chairs around to form a barricade in the north western corner of the café.
514. Very shortly afterwards, Monis directed Tori Johnson to stand close to him, near the bench seat. The precise location will be explored in the evidence. At approximately 2.06 am, Monis directed Tori to put his hands on his head and, it would seem, required him to kneel. The degree to which that was seen by police, and if so how it was interpreted, must be explored in the evidence. In the next few minutes, Monis continued to direct hostage movements, telling Robin Hope to stand behind him.
515. At approximately 2.11 am, Monis fired a second shot, this time in the direction of the kitchen, toward the top of signage in the southern wall. It is unclear why Monis fired that shot or who or what he was attempting to shoot at. The

evidence suggests that Tori fell forward to the ground at this point, then resumed kneeling. He must have felt seriously at risk at this point.

516. After the second shot was discharged, TOU officers from both the Alpha and Papa Teams moved towards the main entrance and foyer entrance respectively.

517. The surveillance device audio suggests that Monis reloaded his shotgun at about 2.11 am. At almost that moment, Fiona Ma, who had been crouching near the chocolatier's station, ran towards the main doors, pressed the green button and made her way out onto Phillip Street where she was grabbed by the waiting TOU officers. We will now show the footage of this. **SHOW**

518. At 2.12 am, Monis is heard saying words to the effect "you will be right everyone, you will be fine".

519. Yet tragically, less than a minute later at approximately 2.13 am, Monis discharged his weapon for the third time, shooting Tori Johnson in the back of the head and causing him to fall forward onto the café floor. Inexplicably, he then said words to the effect of "don't move, everything will be fine".

520. At 2.13.22 am, the sniper known as Sierra 3, located in the Westpac Building, made a call over the TOU radio "Sierra ... white window 2, hostage down". That call is also recorded on the iSurv log. It was heard by other snipers and repeated by Sierra 2, who was located at Channel 7.

521. If one is outside the café facing the Martin Place side, White window 2 was second from the left.

522. At 2.14 am, Assistant Commissioner Jenkins was informed that a further shot had been fired and that a hostage was down in white window 2. He states that he authorised the Emergency Action, seemingly in parallel with the Tactical Commander of the TOU who also communicated over TOU radio to enact the EA.

523. At this point, the Alpha team were near the corner of the café, at the fire door on Phillip St. They had been at or near that site for hours.
524. Officer B, who as you might recall was the EA commander, also heard the call “Hostage down” and knew what it meant in terms of triggering the EA. He heard the tactical commander over the radio say ‘commit the EA’ and so Officer B issued a code word which his TOU colleagues knew meant it’s time – confirmation they were going in.
525. Earlier Officer A had been able to look into the café from the viewing port of a ballistics shield. He had seen Monis, the backpack and the wires. He had heard about the bomb in the backpack and what he saw inside the café confirmed this for him.
526. It is apparent, your Honour that the TOU officers who entered the café that night believed there was likely to be an explosive device inside.

THE EMERGENCY ACTION

527. In describing what occurred once the Emergency Action was authorised, I intend to refer to the critical steps taken but without, in most cases, identifying the particular TOU officer involved.
528. That said, where relevant, specific reference will be made to individual Officers A and B, who it is already known were the officers who discharged their weapons.
529. I intend to summarise the key events before playing the available video footage. As the events happened very quickly in real time, it helps to have an understanding of what is occurring when watching the footage.

530. The starting point of the Emergency Action, at 2.14 am, was one of the members of Alpha Team attempting to breach the southernmost window on the Phillip Street side with two Hatton rounds from a shotgun. I note Hatton rounds are specifically designed for breaching and do not result in any projectiles which might cause harm to a person as they go through the glass.
531. In this instance, the rounds did not breach the glass sufficiently so the TOU officer attempted to break it with the butt of his shotgun. However, that particular window was apparently made of reinforced security glass, likely reflecting the earlier history of the location as a bank. So none of these attempts made a big enough opening to pass objects through.
532. Whilst that was going on, the remaining Alpha Team members moved fast forwards towards the main doors on the corner of Phillip Street and Martin Place. One officer held a large ballistic shield and another carried a shotgun, with which to breach the glass doors.
533. A further Hatton shotgun round was discharged into the left sliding glass door, which immediately shattered to the ground. The right hand side glass door was then shattered by the ballistic shield.
534. At that point, still at 2.14 am, the first three members of Alpha Team entered through the main doors. One officer held the ballistic shield and Officers A and B entered behind him, with Officer B on the right and Officer A on the left, using the shield as cover given the likelihood of Monis firing at them.
535. Very soon after the first three TOU officers from Alpha Team entered the main doors, Monis discharged one round then another in their immediate vicinity. There is some evidence that he was then in the process of reloading. The evidence will show the two rounds he fired impacted above the main doorway, high and slightly to the left. In view of the location of the shotgun damage and the evidence I anticipate from these three TOU officers, it seems likely that Monis was responding to their entry by taking aim at them and shooting.

536. Evidence from a ballistic expert is that the spread of discharge shotgun rounds in the café walls is consistent with Monis being in the western end of the café and reasonably close to the Martin Place windows.
537. Whilst this was taking place, officers from Alpha, Charlie and Delta Team deployed a total of 11 flash bang distraction devices into the café. From the footage available, it is possible to see these being thrown in by Alpha Team through the main doors. And by members of Charlie and Delta Teams through the foyer doors. However, I note that because the sprinkler system was engaged by the Emergency Action, the footage becomes obscured as it goes on.
538. I note that each of these distraction devices makes a total of nine loud bangs and flashes. As one would expect, the aim is to distract and disorientate the target, though one might imagine the flash bangs can also make the task of identifying and engaging the target somewhat more difficult for TOU officers, notwithstanding their experience and training.
539. At this point, Officers A and B fired a number of shots at Monis. As will be seen in the footage, upon entry Officer B appears to slip on some of the broken glass near the main café doors but he recovers his footing.
540. I anticipate the evidence from Officers A and B will be to the effect that they cannot now recall the number of rounds they discharged. They do however remember viewing Monis with his gun up, they sighted him with their guns, in Officer A's case using a laser spot, and commenced firing by pulling the trigger. Neither counted their shots and in fact have little memory of the shots other than that they commenced to shoot. The crime scene and ballistic evidence will demonstrate that Officer B discharged five rounds and Officer A discharged 17 rounds.
541. I anticipate Officers A and B will say that because Monis was shooting at them, their intention, in terms of the number of bullets they fired, was to continue shooting until such time as they believed he no longer posed a threat. Officer A

describes Monis as dropping slowly. One of the issues that will be explored in their evidence is whether they continued to fire at Monis even as he was falling towards the ground.

542. Because the café was dark and flash bang distraction devices were going off, vision within the café was far from perfect. Nonetheless, I anticipate Officers A and B to say that once they saw that Monis was on the ground and disabled, they stopped firing and moved further into the café.
543. The autopsy evidence demonstrates that Monis sustained multiple gunshot wounds to the head, left shoulder and lower back, right upper back, buttocks, the left side of the chest, the left axilla, the left upper arm and the right posterior foot.
544. At this point the other Alpha team members moved into the café. Based partly on the recollections of witnesses who were in the café at this point, video footage and crime scene 3D reconstruction evidence, I believe we will be able to piece together a fairly reliable version of where each of the hostages was and where Monis was positioned when the TOU officers fired at him and where he fell to the ground.
545. I note that piecing this together has been complicated by fact that furniture within the café was significantly disturbed during the Emergency Action and evacuation of hostages after Monis was killed. When locating and removing injured hostages, it was necessary for police to act with haste and furniture had to be moved quickly.
546. The evidence suggests that at the time he was shot, Monis was standing behind a chair in the northwest corner of the café, some short distance in front of the waiters' station. That conclusion is supported by evidence that his blood spatter marks were in that location on the café floor.
547. As best as can be discerned, at the time of the EA, it seems that Louisa Hope was standing close to Monis, slightly in front and to the side. Indeed, on some

footage taken from the Phillip Street end, she can be seen illuminated in the torches used by the TOU officers upon their entry.

548. The positions of the other hostages are more difficult to be confident about. Selena Win Pe seems to have been behind the chocolatier's station, to which she had moved some minutes before.
549. Robin Hope seems to have also been close to Monis - perhaps slightly in front of him and closer to the Martin Place windows. It would seem that she went to ground early during the Emergency Action and was in a position close to where Tori Johnson lay on the café floor.
550. Marcia Mikhael and Katrina Dawson remained in the north western corner of the café, in the same positions they had taken up when Jarrod Morton-Hoffman and the other hostages escaped. The evidence strongly suggests that Katrina was lying prone, with her hands up around her head and that she was positioned on the floor close to the waiters' station, with chairs above her. Marcia seems to have been closer to the long bench seat, also on the floor.

Aftermath of Emergency Action – Hostage Removal and Treatment

551. By 2.15 am, the Emergency Action was complete. TOU officers then began identifying the remaining hostages and helping them out of the café.
552. I pause to note that ambulances had been on standby on Elizabeth Street for some time and accordingly, paramedics were available to attend to injured hostages immediately. They were inside the café by approximately 2.16 am.
553. At 2.15 am, Robin Hope was escorted out by TOU officers through the foyer doors and taken down to Elizabeth Street, where paramedics attended to her.
554. Also at 2.15 am, Tori Johnson was carried out of the main doors onto the footpath on Phillip Street, where the TOU officers initially performed CPR. At

2.16am, paramedics took over the CPR and at 2.22 am, Tori was transported by paramedics down to Elizabeth Street, where the ambulances were waiting.

555. At 2.16 am, Louisa Hope was carried out of the café through the main doors onto the Phillip Street footpath. She was attended to on Phillip Street by paramedics and then at 2.21 am, she was transported down to Elizabeth Street.
556. Also at 2.16 am, Marcia Mikhael was carried out of the main doors of the café to the Phillip Street footpath. She was then attended to by paramedics and at 2.18 am, she was carried to Elizabeth Street by Police and paramedics.
557. At 2.16 am, Selena Win Pe was escorted out of the main doors by TOU officers to Phillip Street.
558. To understand the manner in which Katrina Dawson was located after the Emergency Action, it is necessary to go back a step.
559. After Officers A and B saw Monis fall to the ground, Officer A walked up close to where he lay and satisfied himself that Monis was no longer a threat. More particularly, he observed that Monis had suffered a significant head injury and at that point, Officer A concluded that Monis was deceased.
560. It would seem that Officer A and another TOU officer then located Louisa Hope and carried her out the main doors at 2.16am. I anticipate the evidence to indicate that Officer A then returned to the café and continued to look around for any remaining hostages.
561. It seems it was at that point he went to the north western corner of the café and noticed Katrina lying face down under tables and chairs. Officer A and an officer from Delta Team quickly moved this furniture to get access to Katrina.
562. Officer A observed a pool of blood under her and with the assistance of the other TOU officer, turned her over to check on her condition.

563. Officer A called words to the effect of “there’s a hostage down, hostage down”, - this is not picked up on the surveillance device, although this is unsurprisingly given all the other events going on inside the café at that point.
564. Officer A felt Katrina’s neck to check her carotid pulse and found that she had one.
565. It would appear that at this point, two paramedics began attending to Katrina. Their immediate observation was that she was unresponsive, pale and having difficulty breathing. While that was happening, TOU officers dragged Monis’ body out of the way, so as to clear a path for Katrina to be carried out of the café.
566. At 2.18 am, the paramedics and a TOU officer carried Katrina out the main doors, and continued to perform CPR. At 2.22 am, she was transported to a waiting ambulance on Elizabeth Street, and then rapidly transported to Royal Prince Alfred Hospital.
567. Katrina arrived at the Emergency Department of the hospital at approximately 2.35 am. En route, she was treated by the paramedics including doses of adrenalin. Despite continuing resuscitation efforts at hospital, Katrina could not be revived and resuscitation efforts were ceased at 3.12 am.
568. I pause to note that crime scene and ballistic evidence strongly suggests that the injuries Katrina Dawson sustained were the result of a round fired by either Officer A or Officer B, which passed through one of the café chairs, most likely a wooden leg, and then fragmented.
569. As to the other injured hostages, Robin Hope was transported to hospital where she was treated for a gunshot wound to her left shoulder, Louisa Hope was transported to hospital and treated for gunshot wounds to her abdomen and left ankle. Marcia Mikhael was also transported to hospital, where she was treated for gunshot wounds to both lower legs.

570. Tragically in Tori Johnson's case, it was evident to the paramedics that he was deceased. He was transported by ambulance to hospital where he was immediately examined by an emergency medicine specialist, who pronounced him dead on arrival.
571. Officer B sustained a wound to his right cheek as a result of shotgun fragment – he was conveyed to hospital for treatment.
572. Before showing video footage of the EA, I should observe that the removal of hostages from inside the cafe and the provision of treatment to them, were complicated to a degree by the remaining concern that Monis' backpack contained a bomb. The evidence will show that at about 2.20 am, a particular code word was spoken in the café, requiring an evacuation immediately because of the concern that an explosive device was present.
573. Later, Rescue and Bomb Disposal Unit officers cleared the café site, arriving on scene at about 2.34 am, deploying a robot and ultimately, confirming that there was no bomb present, either in Monis' backpack or elsewhere.
574. I now propose to show a portion of the compilation video prepared by investigators assisting the inquest which shows the Emergency Action from multiple camera angles. **SHOW VIDEO OF THE EA**

Emergency Action – Significant Issues

575. Your Honour, as was foreshadowed by Mr Downing yesterday in this opening, I anticipate there will be considerable attention paid to the timing of the Emergency Action. In particular, I expect questions will be asked of the relevant Police Commanders and Tactical Commanders about the appropriateness of setting the EA triggers as death or serious injury to a hostage or whether something less should have prompted the EA be carried out.
576. That issue has relevance in this case because of the 10 minutes which passed between Monis firing his weapon for the first time at 2.03 am and Tori Johnson being shot at 2.13am. In the interim, Monis had fired another round into the wall of the café and ordered Tori to his knees.
577. Consideration of these issues will involve focus not only on the particular events, but also the guiding principle of contain and negotiate which was at the heart of the Police response to the siege.
578. It is appropriate and necessary at this point to acknowledge that the statements from the senior police officers and a number of documents such as decision logs created during the siege, indicate that as the siege continued, the police did reflect from time to time prior to 2am upon whether there was a need to depart from the contain and negotiate strategy.
579. However, the strong view they formed was that it should continue to be pursued and that a peaceful, negotiated outcome was achievable. That view was based on matters such as Monis not having harmed any hostages despite having threatened to do so, Monis not having reacted violently despite the escape of five hostages on two separate occasions and the fact that Monis' behaviour had not escalated despite most of his demands not being met. The approach police took will be explored in evidence.

580. I also expect there will be close attention paid to the manner in which the EA was executed in terms of the appropriateness of the weapons and ammunition used by the TOU officers and about the number of bullets fired.

581. In considering these issues, it must be borne in mind that the TOU officers faced a situation of extraordinary complexity and pressure. The courage and bravery of the TOU officers in entering the café has been the subject of particular acknowledgment by the UK police experts.

582. Nonetheless, it is important and appropriate that consideration be given to the way the EA played out and whether it may have been done differently, with a view to minimising the prospect of hostage deaths.

583. It is likely that considerable assistance on these issues will be provided by the ballistic and crime scene reconstruction evidence which will be put before the Court.

Family Liaison

584. Finally in terms of the events of the siege, I turn to the issue of police communication with family of hostages during this part of the night. Reference has already made in this opening by Mr Downing to difficulties which arose in the reception area established for hostages' families.

585. As one might imagine, the families' concerns escalated particularly in the early hours of 16 December.

586. The families were present in the Supreme Court building through to the end of the siege. They heard the Emergency Action as it unfolded.

587. The evidence indicates they were particularly upset and frustrated that they were not being provided up to date information about what was going on and

were relying on smartphones to check media reports for information. This will be examined.

588. Even more significant, perhaps, are concerns expressed by the families of Katrina Dawson and Tori Johnson about the timing and manner in which news of their deaths was conveyed by police. The evidence indicates that as the other hostages escaped or were removed from the café, family members were informed and eventually allowed to see them. The Dawson and Johnson families effectively deduced that their loved ones had been killed by a process of elimination as they were the only families remaining. This too will be addressed in the coming evidence.

589. At this stage your Honour, I hand back to Mr Gormly for the remainder of the opening

EXPERT EVIDENCE – UK REPORT ETC**[Gormly SC]**

590. We're drawing very close to the end of the opening. There remains to be made some comments about expert witnesses, a summary of the factual matters or issues that your Honour would be addressing and then just some concluding remarks that relate to the future management of the proceedings.
591. During the course of the opening there has been reference to a number of expert witnesses and reports.
592. Your Honour has heard about the forensic psychiatrist, Dr Jonathan Phillips, who will give a detailed account of the psyche of Monis.
593. There is a ballistics type report from a Mr James Buford Boone III of the United States of America, formerly an FBI officer, who has some opinions to offer concerning ammunition and the TOU weapons. It's a report that was prepared some time ago. I will just spend a moment on that now before I turn to probably the most significant expert report, and that's the UK review.
594. Just on Mr Boone's report, he comments generally on the appropriateness of the particular point 223 ammunition used by the TOU officers during emergency action. I might say that it is a matter on which the UK police review team also comment, although differently.
595. Mr Boone concludes that the ammunition was somewhat underpowered for the purpose of rapidly stopping average human subjects and he recommends a series of alternative bullets, all of which are bonded; that is, the content of the bullet itself is different from those which was used, and which he suggests would be more appropriate, or the suggestion appears to be in fairly broad terms.

596. I anticipate that his view would be the subject of contrary evidence from both the head of the New South Wales Police Force armoury, Inspector Richard Steinborn. I think your Honour will find him an impressive witness. I have had a conference with him. Also the ballistics expert, scientific officer, Lucas van der Walt, that your Honour heard from in an earlier segment when we were dealing with the Monis gun.
597. In any event, there's a difference of view there that can be explored in the evidence. It's not intended to call Mr Boone to come to Australia and give oral evidence. Whether he is ever called by video is another matter and can, perhaps, be considered later. That's all I need to say about the Boone report.
598. We have, then, to deal with the report of the UK team. That team in dealing with this issue is somewhat more circumspect than Mr Boone, but does observe that there might be a basis for a slightly different type of round to have been used.
599. What's plain is that no expert suggests that a different type of ammunition would have produced a different consequence in terms of avoiding the death of Katrina Dawson. Indeed, I anticipate that there will be evidence that the outcome for Katrina would have been no better even if one of the bullets that had been preferred by Mr Boone had been used.
600. The view expressed by the UK police experts, a team led by Deputy Chief Constable Simon Chesterman, from who your Honour will hear in person, is that in many respects the police response overall to the siege, not just in relation to this ammunition issue, but overall to the siege was an entirely appropriate one. For instance, in terms of resources, there's no suggestion that there was any lacking.
601. They do, however, query the trigger for an EA, which they suggest might have been set lower than it was, and they offer some evidence about various options. The UK team also make a number of suggestions about sniper tactics and capability and they note the difficulties encountered here in respect of the

glass barriers that sat in front of each of the three snipers. Martin Place is a very difficult place for snipers. It consists largely, of course, of hard buildings and boxes of glass so to find a spot did prove a problem and all three snipers found themselves behind glass barriers. As well, more general limitations around the use of deadly force or lethal force by police officers. All those topics will be addressed by the UK team.

602. The team also identify areas for improvement change in respect of overall management and command of sieges, and also about the use of negotiators and the use of consultant psychiatrists during the course of police negotiations, but I should say both at the start of the report and it's apparent during the course of the report they observe that inevitably with the benefit of hindsight and time, there's always going to be a process of learning and it's relatively easy to judge after the event that in the heat of the response when things are dynamic and people's lives are at risk, the situation is somewhat different. I anticipate as well that the UK experts will address the question of changes in thinking about the management of sieges as part of an overall or international development as sieges and similar problems being studied and reviewed.

ISSUES FOR THE INQUEST

603. The inquest has developed over time a list of issues. It is a fairly lengthy document, not one that can be read out. It's available to all. It has been distributed to the parties and the parties have had an input into the formulation of the various issues. Its detail reflects the complexity of the event and the response to what occurred on 15 and 16 December that year, but just in broad summary, without going to what I think are around about 80 factual questions that have been enumerated in that list, it's possible to identify some broad topics. I will do that now, but, of course, in doing so, what I seek to do is not in any way substitute for the list of issues. That's the defining document, the one your Honour has approved and the one that the parties will be guided by:

- i. what was the general motivation and plan of Monis and what did he expect to achieve from the siege?
- ii. what happened inside the café during the 17 hours of the siege?

- iii. how was the management of the siege handled?
- iv. how were Monis and the hostages identified?
- v. what role did negotiations and communications between those inside the Café and those outside including police, family and friends media or others, play in the resolution of the siege?
- vi. what impact did escapes have on the siege and how did the hostages deal with the demands of the siege?
- vii. what role did snipers play and what role could they have played?
- viii. why did Monis shoot Tori Johnson and what were the circumstances of the shooting?
- ix. what were the circumstances of the death of Katrina Dawson?
- x. was the resolution of the siege appropriately handled, could it have been done differently, earlier or deliberately by DA rather than EA?

604. Among all those topics are a myriad of other questions including those that relate to the ADF involvement, the psychiatric issues and lessons for the future. It may be that the list of issues will be further refined as the evidence emerges.

605. Your Honour, I suggest that it will be of assistance to have the list of issues in mind as the evidence is adduced during this segment of the inquest. It should provide a useful framework within which to consider the evidence and it should also help in understanding the relevance of particular pieces of evidence.

CONCLUDING REMARKS

606. That concludes the opening remarks.