

Part D – Coroner’s opening remarks

1. This is the resumption of the inquest into the deaths of Katrina Dawson, Tori Johnson and Man Monis.
2. Fifteen months have now passed since the terrible events that cause us to be here today. A mountain of evidence has been gathered since then that has given us a better understanding of how that incident unfolded, the background to it and whether there were opportunities to prevent the deaths that are the subject of this inquest. The evidence in this segment will focus on what occurred during the nearly 17 hours Monis terrorised the people inside the Lindt Café. As will become apparent, even now, there are aspects of how that occurred that are still unknown.
3. For those unfamiliar with the conducting of major investigations the time taken to reach this stage might seem lengthy. In fact, coronial investigations frequently take in excess of a year before the inquest even commences – this one has proceeded apace. It has also proceeded in a designed and orderly fashion dealing with areas of investigation by segments. so that information could be gathered and collated and used in subsequent segments if relevant.
4. In this manner we have covered the background on Monis, the issues of terrorism and radicalization, the gun used by Monis, the bail issue and ASIO’s interaction with him—of which I will say more later.
5. The Lindt café siege is Australia’s first experience of this sort of incident and it has needed a closeness of attention to detail now, that will enable us to be better prepared should there be a next time.

6. From the outset we have had to consider the frightening possibility that a similar event could occur at any time. Speed in reviewing what occurred was therefore imperative if any mistakes made by the authorities were to be avoided or improvements affected.
7. This was complicated by the number and complexity of the issues that had to be canvassed. The detectives being led by Detective Chief Inspector Memmolo operate under the group title Strike Force Verum. To date they have completed 9600 investigative tasks, including the taking of nearly 1100 statements from police officers, experts and civilians witnesses. Technical experts from numerous diverse fields in Australia and elsewhere have been consulted.
8. The investigation commenced the day the deaths occurred. It continues. Throughout we have striven to balance the competing imperatives of urgency and thoroughness; speed without sacrificing detail or accuracy.
9. This inquest is part of the investigation; it is not separate to it or detached from it. It is the more public and participatory aspect of the investigation. For this bracket alone, some 70 arch lever folders of evidence have been assembled and hundreds of hours of recorded vision and sound have been collated. Those assisting me, in consultation with the legal representatives of the parties have combed through that huge amount of evidence and identified which witnesses should be called to give oral evidence and which video and audio clips should be played in court.

10. The fact that a witness is not called does not indicate that his or her evidence is unimportant. For example, an eminent experienced interstate emergency medicine specialist, Professor Tony Brown, reviewed the medical care given to Katrina Dawson by the paramedics and the clinicians at the RPAH. He described it as “copy book perfect”. Similarly, that specialist has given reasons why the decision to take Katrina and the other wounded hostages to the RPAH rather than the closer Sydney Hospital was entirely correct. Accordingly, at this stage it is not proposed that the specialist will be called to give oral evidence – it is anticipated his opinions will be accepted.
11. There has not always been unanimity about the selection of witnesses to be called. In resolving those disagreements I have of course had regard to the sensitivities of the families who lost loved ones. But I have also had regard to the interest of the public in knowing what happened. I’m not referring to prurient or unwholesome curiosity but rather to the right of the broader community to know what their fellow citizens endured and how their emergency services responded. The siege impacted more than those directly involved.
12. For over 800 years coroners have been part of civil society’s response to unnatural death- the open, public and transparent nature of coronial proceedings are essential to their credibility. There is no substitute for hearing the oral account of those involved in an incident and allowing those who weren’t there to ask question of them.
13. However, the interest of the public and the public interest are not always concomitant or coterminous. In the coming days and weeks, the people who survived the siege will give evidence about what happened during that horrible day. We will also hear evidence about how the authorities responded.

14. As can be readily anticipated, revealing all details of that could severely compromise the effectiveness of those responses in future – that would not be in the public interest. In some cases, so sensitive are those details that I have upheld claims that the evidence be excluded from the brief on the basis of public interest immunity. With respect to other aspects, it may be that the evidence can be called but only in closed court. This will enable the families to be present and for their lawyers to test the evidence while limiting the likelihood the information will become known to those who might misuse it.
15. We are still working through what evidence can be heard in public. I commend those senior police officers and members of the executive who have demonstrated a willingness to allow the cloak of secrecy to be lifted wherever it can be and urge them to continue to have regard to the benefits of transparency and public accountability.
16. We are also still working through the ASIO segment of the inquest. At the opening of the last bracket of the public hearing it was acknowledged that national security considerations precluded evidence about how ASIO responded to what it knew and could/should have known about Monis from being heard in public. At that opening I commended the agency on its willingness to engage with the inquest. It was then anticipated that the ASIO segment would by now have been completed. Some oral evidence has been given by ASIO officers but that hasn't been finalised. Further evidence is needed. It is well advanced and it will be pursued.

17. I acknowledged on the last occasion we sat in public that hearing the proceedings in segments may have increased the stress on the bereaved families and I sincerely regret that. We have modified our program to accommodate those concerns. It is anticipated this will be the last public segment. However, had we not adopted this approach it is unlikely any evidence would have yet been heard and this bracket would still be many months off.
18. We have now received a detailed and insightful report from the very senior team of UK police who came to Sydney at the end of last year and who were given access to key parts of the evidence. That report will in due course be made public and a member or members of the team will give oral evidence.
19. The report questions some of the decision-making on the days and some of the policies of the NSWPF for responding to such incidents but it seems largely supportive of the actions of the members of NSWPF. Any criticism is constructive, solely aimed at striving to ensure that if future incidents of a like nature occur the NSW police response can be informed by the experience and expertise of the best policing organisations from around the world.

20. We understand there will be news media coverage of these proceedings. That is appropriate so that those who can't be here can nonetheless be informed. However, as already indicated some of the evidence is sensitive from a security perspective and much of it may be alarming and distressing. Non publication orders will be made when necessary. I exhort the journalists covering the proceedings to do so with care and sensitivity. The court staff and the department's media officers will assist journalists to gain access to documents tendered in evidence and make available to them copies of the non-publication orders if necessary. However, it is the individual media professional's responsibility to ensure that he/she complies with those orders.

21. I will now ask Mr Gormly, Mr Downing and Ms Callan to open the evidence. It will be called in chronological order as far as possible so as to present a coherent account of what occurred. It will commence with the hostages and move on to the officers involved in managing the police response and affecting the entry into the stronghold. It will include excerpts of audio and visual recordings made at the time. Some of it will be confronting. Counsel assisting will forewarn of particularly distressing imagery so that those who do not wish to see or hear can withdraw. I regret any distress caused but do not shy away from using the material that may cause it: first and foremost this is a search for the truth that should as far as is practical proceed in public.