



CROWN SOLICITOR

NEW SOUTH WALES

Inquest into the deaths of New South Wales passengers on Board Malaysia Airlines flight MH 17

Opening address of those assisting the State Coroner

Introductory remarks

- 1 This is an inquest into the deaths of six people from New South Wales who were on board Malaysia Airlines flight MH 17 which crashed in the province of Donetsk, Ukraine, on 17 July 2014 at 13.20 local time (that is, 11.20pm AEST). The aircraft was travelling from Amsterdam, in the Netherlands en route to Kuala Lumpur, Malaysia. The events of that day caused shock worldwide and for a great many people, immense grief. We can hardly imagine what the loved ones of those involved in the crash have gone through in the last 22 months.
- 2 The plane was carrying 15 crew members and 283 civilian passengers – a total of 298 persons. All persons on board lost their lives. This included 27 Australian citizens, one dual citizen, 10 permanent residents of Australia and three people with close ties to our country. The six New South Wales passengers on the flight were Carol Clancy, aged 63; her husband Michael Clancy, aged 57; Gabriele Lauschet, aged 48; Jack O'Brien, aged 25; Victor Oreshkin, aged 29; and Sister Mary (Philomene) Tiernan, aged 77.
- 3 Initial information suggested that MH17 was shot down by a surface-to-air missile. Aircraft wreckage was scattered over about 50 square kilometres encompassing agricultural fields, villages and rough terrain. The location of the crash site was and remains an area subject to ongoing hostile military action between the government of Ukraine and pro-Russian separatists.

- 4 The crash is the subject of an ongoing, multi-national criminal investigation, however an inquest is being held in order to formally honour the six victims by recording their deaths, and to publicly acknowledge the enormous impact of their loss on their families, friends and the general community.
- 5 As to your Honour's jurisdiction, the deaths of the New South Wales passengers are reportable deaths pursuant to s. 6(1)(a) of the *Coroners Act 2009* ("the Act"). The jurisdiction to inquire into the deaths of the New South Wales passengers arises from s. 18 of the Act insofar as the passengers' deaths occurred outside New South Wales but the passengers had a sufficient connection with New South Wales as contemplated by that provision; that is, they were ordinarily resident in New South Wales when their deaths occurred.
- 6 The primary purpose of an inquest is to ensure that as a community, we are able to understand the circumstances of a person's death. To that end, the Act empowers the Coroner to conduct an inquest in order to make findings as to the identity of a deceased person; the date and place of their death; and the manner and cause of the person's death.¹ Your Honour is not empowered to make determinations as to criminal and civil liability in respect of a person's death – other Courts are charged with that task.
- 7 Given the nature of this inquest, our opening address will include references to available submissions on the statutory findings your Honour is required, if possible, to make, based on the evidence which is to be received by the Court, uncontested.
- 8 Before outlining the status of relevant investigations and the evidence to be tendered, it is important that we acknowledge the people to whom these proceedings relate.

¹ Section 81 of the Act.

Carol Clancy

- 9 Carol Clancy had been a primary school teacher and had worked with special needs students. Before her retirement she had worked at Lakelands Public School and Fig Tree Public School. Carol resided in Kanahooka with her husband Michael, and is survived by her daughter Jane, son Andrew, and daughter-in-law Yuliya. In describing her mother, Jane has said "Mum was the kind of person who always worried about everyone else".

Michael Clancy

- 10 Michael Clancy was the former Deputy Principal of Albion Park Public School. Michael and Carol were returning from a holiday they had taken in celebration of Michael's recent retirement. Michael's step-daughter, Jane, has spoken of Michael's love of travel. She has described how "Michael was a big traveller when he was younger - he actually volunteered as a teacher in the Maldives when he was young. He taught overseas." Michael's sister-in-law, Lisa, has described Michael as "a generous man giving his time to all of his family". Michael is survived by his mother Joy, his brother and sister-in-law Bryan and Lisa, his sister and brother-in-law Ruth and Michael, his sister and brother-in-law Anne and Graham, and his brother and sister-in-law Richard and Donna.

Gabriele Lauschet

- 11 Gabriele was a pre-school teacher at the German International School, Terrey Hills. She is survived by her son Tim, her twin sister, Monika, her mother Giesela, and her fiancé Andreas. At the time of the incident Gabriele was returning from a European holiday, during which she visited her mother in Germany. Tim has described his mum as "my rock, my security, my life, my everything", and as an extremely caring person who would "always be there for anyone who needed her". The Principal of the school at which Gabriele worked has described her as "always joyful, very optimistic", observing that this

optimism was "something she (could) spread around the children so everyone around her also (felt) the same way".

Jack O'Brien

- 12 Jack worked at Fitness First, Carlingford, and had a keen interest in soccer, playing for the Winston Hills Soccer Club. He had finished a degree in business and at the time of the incident was returning home from a seven-week trip to Europe. Friends and family have said that Jack would be remembered to them as "the life of the party", a man with a "big heart" and someone with an "insane passion for life". Jack is survived by his parents, Meryn and Jon, and his sister Bronwyn.

Victor Oreshkin

- 13 Victor was a groundsman for Ryde City Council. He had studied Horticulture at TAFE and was part way through a course in bible studies at Morling College, Macquarie Park. Amongst other past-times, Victor supported the New South Wales Blues and enjoyed fishing. He was a committed Christian and worshipped at Lidcombe's Slavic Evangelical Pentecostal Church. At the time of the incident Victor was returning from a five-week European holiday. Victor is remembered as a hardworking and devout young Christian. He is survived by his parents, Serge and Vera, and his siblings, Tracey, Sonya and Mark.

Sister Mary (Philomene) Tiernan

- 14 Sister Tiernan, or "Sister Phil" as she was known, was a religious sister with the Sisters of the Sacred Heart, Kincoppal Rose Bay School, Sydney. Her sister, Madeleine Wright, has described her as "beautiful, clever, strong, and determined. She was full of love and so often full of joy." A Year 11 boarder at Kincoppal Rose Bay said of Sister Phil: "thank you for all the love and support you have given to us over the years. You are truly the best boarding grandmother anyone could ever wish for".

Investigations into the downing of MH 17

15 Your Honour, it is appropriate that I set out the status of investigations into the downing of the aircraft before turning to the question of statutory findings.

The Australian investigation and Joint Agency Arrangements

16 Detective Superintendent Andrew Donoghoe is a senior investigator of the Australian Federal Police (or "AFP"). He and Dr Simon Walsh have prepared reports, which I will shortly tender to the Court, summarising the status of the various investigations.²

17 The day after the crash the AFP established Operation Arew in support of the Australian Government's response to the MH17 incident.³ The next day it deployed officers to the Ukraine and the Netherlands to assist in the recovery and identification of the passengers and to obtain evidence in relation to the incident.⁴ In its early stages the Australian contingent comprised more than 140 personnel.⁵ Fourteen AFP members remain deployed.⁶ The AFP members included specialists in disaster victim identification, forensics, criminal investigation and intelligence.⁷

18 The tragedy affected countries worldwide and the response has been international. Since the downing of MH17, a number of agreements have been

² Australian Federal Police, Operation Arew, *Background Brief(s) for Australian State and Territory Coroners*, dated 27 November 2015 and 9 May 2016.

³ Australian Federal Police, Operation Arew, *Background Brief for Australian State and Territory Coroners*, dated 27 November 2015, p 2.

⁴ Ibid.

⁵ Id at p 3.

⁶ Australian Federal Police, Operation Arew, *Background Brief for Australian State and Territory Coroners*, dated 9 May 2016, p 2.

⁷ Australian Federal Police, Operation Arew, *Background Brief for Australian State and Territory Coroners*, dated 27 November 2015, p 2.

entered into in order to ensure Australian representation as part of the various investigations:⁸

- a) One agreement concerns Australia's participation in the disaster victim identification process - or DVI - in the Netherlands. The identification process was led by the National Police of the Netherlands, with the Australian DVI Forensics Commander being part of the DVI command structure.
- b) There was an agreement between the Australian and Ukrainian governments for the deployment of personnel to the crash site for the purposes of protecting the site's integrity, allowing full search and recovery of the passengers' remains.
- c) An agreement was established between Australia, the Netherlands, the pro-Russian separatists and the Organisation for Security and Cooperation in Europe to allow police investigators access to the crash site.
- d) There was also an agreement for the formation of a Joint Investigation Team (or, "JIT") based in the Netherlands, established by the Netherlands, Ukraine, Belgium, Malaysia and Australia. That formal agreement was entered into on 7 August 2014, with Malaysia added as a participant on 19 August 2014. The JIT agreement remains in place and has been extended until 7 October 2016.

19 As I have noted, a team of investigators, intelligence and support officers led by an AFP Senior Investigating Officer are permanently stationed in the Netherlands and Ukraine and continue to work closely with the JIT members to collate evidence and support the multi-national criminal investigation.

⁸ Ibid.

Search operations

- 20 The Ukrainian Emergency Services commenced a recovery operation very soon after the incident, and all indications are that that process was undertaken with proper respect and dignity for the victims of the downed flight.
- 21 Joint search teams were formed comprising specialists from the Netherlands, Australia and Malaysia and included DVI, forensic investigations, search and navigation, and canine teams.⁹ Search areas were identified and prioritised according to available intelligence and data identifying concentration of debris and the likely location of human remains.¹⁰
- 22 The aim of the search operation was the recovery of human remains and items likely to assist in the identification of victims. Due to the security situation at the time, there was no ability to collect aircraft parts or other evidentiary material from the wreckage sites.¹¹
- 23 Between 24 and 31 July 2014 AFP officers accessed the crash and debris sites, conducting initial reconnaissance and assessment. On 1 August 2014 a joint Dutch and Australian search team commenced search activities at the site, joined on 3 August 2014 by members of the Royal Malaysian Police.¹²
- 24 The search continued until 5 August 2014 and on 6 August 2014 AFP, Dutch and Malaysian officers attended the village of Rozsypne, located within the debris field, and engaged with local residents, seeking their assistance in identifying human remains and evidentiary items.¹³

⁹ Australian Federal Police, Operation Arew, *Background Brief for Australian State and Territory Coroners*, dated 27 November 2015, p 3.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

25 Further recovery missions in the Ukraine were conducted by a joint team of Dutch police officers with members of the Dutch Safety Board and the Dutch Ministry of Defence in April, June and August 2015. In August 2015 the recovery missions were completed.¹⁴

Disaster Victim Investigation Processes

26 On 21 July 2014 Associate Professor David Ranson, a forensic pathologist with the Victorian Institute of Forensic Medicine, was requested by the AFP to form part of an overseas mortuary deployment team of specialist police, forensic odontology, forensic pathology and mortuary science staff to assist with identification. The team comprised forensic specialists from a number of countries including the Netherlands, Malaysia, Indonesia, Belgium, the United Kingdom and Australia.¹⁵ The team's work was a humanitarian effort and they were not part of the criminal investigation process.

27 A mortuary was established at a medical military base in Hilversum, just outside Amsterdam. Associate Professor Ranson's role was to assist with the forensic pathology aspects of the DVI procedures and he remained working at the mortuary for two-and-a-half weeks.¹⁶ Due to restricted conditions, it was not possible to perform a complete autopsy of all passengers. The DVI procedures involved a number of phases:¹⁷

- a) First, search of the scene and collection of the deceased persons' remains;
- b) Second, the "post-mortem" phase, involving the autopsy (where relevant), fingerprinting, sampling and property analysis;
- c) Third, ante-mortem data collection including medical and dental records and collection of personal items for DNA analysis; and

¹⁴ Ibid.

¹⁵ Report of Adjunct Clinical Associate Professor Ranson dated 25 August 2014, p 2.

¹⁶ Ibid.

¹⁷ Id at pp 2-3; see also Operation Arew, *Background Brief* dated 27 November 2015, p 4.

d) Fourth, the "reconciliation" phase in which information from the post-mortem findings was reconciled with the ante-mortem records.

28 Following their identification, the remains of the New South Wales passengers, with the exception of Sister Tiernan, were repatriated to Australia. The remains of the Australian victims were repatriated through Victoria, by way of a formal ceremonial process.

29 The inquest will not call evidence from Associate Professor Ranson, whose reports are comprehensive. I note that a number of families of the New South Wales passengers conferred separately with Associate Professor Ranson and Ms Jane Gladman of the Coronial Support Unit at the offices of the Crown Solicitor on 21 April 2016 in order to ask questions of him.

The criminal investigation

30 The Joint Investigation Team is conducting a criminal investigation into the disaster, with the ultimate goal of identifying and prosecuting the perpetrators of the attack.

31 As I will discuss in further detail shortly, the Dutch Safety Board concluded that flight MH17 was shot down by a BUK missile system.¹⁸ The interim findings of the criminal investigation also point to that conclusion.¹⁹

32 The interim findings of the criminal investigation also concur with the Dutch Safety Board's conclusion regarding the area of the launch site.²⁰ Within the scope of the criminal inquiry, certain persons of interest have been identified. Calls for witnesses from the conflict area to come forward were made in March and July 2015 and the response to those calls was significant. Over 100 witness

¹⁸ Dutch Safety Board, 13 October 2015, *Crash of Malaysia Airlines Flight MH 17 ("DSB Report")*, p 137.

¹⁹ Operation Arew, *Background Brief* dated 27 November 2015, pp 6-7.

²⁰ *Id* at p 7.

statements have been taken to date.²¹ It is anticipated that the criminal investigation will continue until at least late this year.²²

- 33 I note, your Honour, that for Australia's part, our government has publicly stated that it will continue to do everything it can to ensure the perpetrators of the act which led to the downing of MH17 are held to account, and that there is no end to Australia's determination in this regard.²³

Dutch Safety Board Investigation

- 34 The Dutch Safety Board, the accident investigation authority of the Netherlands, is a member of the International Civil Aviation Organisation and has primary responsibility for the conduct of the investigation into the cause of the downing of MH17.²⁴ It is not the purpose of the Dutch Safety Board's investigation to apportion blame or liability in respect of any party or parties.²⁵
- 35 The examination of recovered wreckage from MH17 at the Dutch Air Force base in Gilze-Rijen is complete.²⁶ The first convoys containing aircraft wreckage obtained during the recovery missions arrived in the Netherlands on 9 December 2014, followed by a second convoy in May 2015. A reconstruction of

²¹ Ibid.

²² Operation Arew, *Background Brief* dated 9 May 2016, p 4.

²³ MH17 Tribunal: statement after the vote by the Hon. Julie Bishop, Minister for Foreign Affairs, 29 July 2015: http://foreignminister.gov.au/speeches/Pages/2015/jb_sp_150729.aspx?w=tb1CaGpkPX%2FIS0K%2Bg9ZKEg%3D%3D

²⁴ The International Civil Aviation Organisation is a specialised agency of the United Nations working with 191 organisational members to develop international standards and recommended practices for safe, efficient and secure flight operation worldwide. These standards and recommended practices are contained in Annexes. There are 19 Annexes which support the *Convention on International Civil Aviation* and set out aviation standards and practices endorsed by the International Civil Aviation Organisation. Annex 13 is titled "Aircraft Accident and Incident Investigation". It provides that the objective of an investigation by the Organisation is the prevention of similar incidents and accidents.

²⁵ Australia is represented at the International Civil Aviation Organisation by the Australian Transport Safety Board (or "ATSB"). The role of the ATSB and other members of the Organisation is to provide a global context for the investigation findings by the Dutch Safety Board.

²⁶ Operation Arew, *Background Brief* dated 9 May 2016, p 3.

recovered aircraft wreckage was undertaken by the Dutch Safety Board at this location.²⁷

Findings of the final report

- 36 On 13 October 2015, the Dutch Safety Board (“the Board”) released its final report into the investigation of the crash of flight MH17. The report comprises 638 pages, including annexures, and makes a number of findings as to the cause of the crash. It is proposed to shortly play excerpts of a film issued by the Board, which explains its findings.
- 37 In summary, however, the Board found that flight MH17, a Boeing 777-200 aircraft was airworthy and operated by a competent and qualified crew when flying at 33,000 feet near the Ukrainian/Russian border under the control of Ukrainian Air Traffic Control. At 1:20pm (local time) a warhead carrying a missile installed on a BUK surface-to-air missile system was detonated outside and above the left hand side of the cockpit of flight MH17. The impact of the explosion caused structural damage to the forward part of the aircraft. This led to an in-flight break-up and immediate decompression. The break-up resulted in a 50 square kilometre wreckage area and the death of all 298 occupants.²⁸
- 38 In terms of the specific mechanism leading to the in-flight break-up of the plane, the Board found that the aircraft was impacted by a large number of fragments from outside of the aircraft. In this regard, the Board stated:

“The combination of the recorded pressure wave, the damage pattern found on the wreckage caused by blast and the impact of fragments, the bow-tie shaped fragments found in the cockpit and in the body of one of the crew members in the cockpit, the injuries sustained by three crew members in the cockpit, the analysis of the in-flight break-up, the analysis of the explosive residues and paint found, and the size and distinct, bow-tie, shape of some of the fragments, led the Dutch Safety Board to conclude that the aeroplane was struck by a 9N314M warhead as carried

²⁷ Operation Arew, *Background Brief* dated 27 November 2015, p 5.

²⁸ The Board’s principal findings are summarised in Operation Arew, *Background Brief* dated 27 November 2015, pp 5-6.

on a 9M38-series missile and launched by a BUK surface-to-air missile system."²⁹

- 39 The BUK surface-to-air missile system, which was designed in Russia, is a medium range, mobile weapon system equipped with semi-active radar systems. Missiles launched by the BUK system can engage targets at altitudes up to 80,000 feet. Importantly, it is the only weapon system whose missiles have warheads containing, amongst other fragments, pre-formed fragments in the shape of a bow-tie. The BUK system was known to be in the region of the conflict zone.³⁰
- 40 The Board found that considering the wreckage distribution and damage patterns, the aircraft was "not struck by more than one weapon".³¹
- 41 Computer simulation analyses corroborated the Board's views as to the estimated detonation location of the warhead to the left and above the cockpit and with respect to the observed damage to the wreckage by the detonation of a 70kg warhead.³²
- 42 For completeness, it is also noted that the Board analysed whether the in-flight break-up could have been caused by other scenarios such as the detonation of an explosive device inside the aircraft, a fuel tank explosion, uncontained engine failure, or an external event such a lightning or meteor strike. Those scenarios (and others) were all excluded based on the evidence available.³³
- 43 The Board also found that none of the investigated wreckage parts showed indications of the presence of pre-existing damage (such as fatigue, corrosion or

²⁹ Dutch Safety Board, *Crash of Malaysia Airlines Flight MH17, Hrabove, Ukraine, 17 July 2014*, published 13 October 2015, ("DSB Report"), p 137.

³⁰ Id at p 132.

³¹ Id at p 131.

³² Id at pp 138, 143, 149-150.

³³ Id at pp 116-126.

inadequately performed repairs).³⁴ Nor was the damage caused by the preformed fragments from the warhead exacerbated by any technical issue.³⁵

- 44 Calculations based on the impact patterns allowed the Board to identify an area of 320 square kilometres within the Eastern Ukrainian conflict zone from which the missile was launched. The Board stated that further forensic research was required, however, to determine the (specific) launch location – a matter beyond the mandate of the Board's investigation.³⁶

Findings under s. 81 of the *Coroners Act 2009*

- 45 Before proceeding to discuss the formal findings your Honour is empowered to make under the Act, I should acknowledge the other coronial proceedings conducted in relation to this tragedy.

- 46 In December of last year Victorian Deputy State Coroner Ian West conducted an inquest into the deaths of the 17 Victorian passengers who were on the flight, and made formal findings of fact under the *Coroners Act 2008* (Vic) with respect to the deceased persons who had resided in Victoria. His Honour found that while the deaths of the 17 Victorian residents were the result of the actions of another person or persons, he was not able to make any findings as to who caused the deaths, noting that the criminal investigation of the crash is ongoing. His Honour noted and accepted the findings of the Dutch Safety Board, and the conclusions and recommendations made by that Board as a result of its investigation. His Honour's findings detail his own observations of the high standard of the identification procedures when he attended Hilversum in the Netherlands.

- 47 I turn now to the formal findings your Honour is empowered to make under the New South Wales Act.

³⁴ Id at p 156.

³⁵ Id at p 157.

³⁶ Id at p 147.

Identity

48 There is no issue as to the identity of the New South Wales passengers. The passengers' identities were established by an identification Commission formed in the Netherlands utilising Interpol disaster victim identification protocols.³⁷

49 More specifically, in Victoria the remains of each of the five New South Wales passengers were subject to a DVI review conducted by Associate Professor Ranson. This review consisted of a comparison of the ante-mortem and post-mortem documents which accompanied each set of remains, a post-mortem CT scan and an external examination. Associate Professor Ranson produced a medical investigation report for each of those five passengers, confirming the identity of their remains and the cause of their deaths. Those reports are contained in the briefs of evidence compiled in respect of each New South Wales passenger, which will shortly be tendered.

Date and place of deaths

50 There is no issue as to the date and place of the passengers' deaths - the material before the Court confirms that the deaths occurred on 17 July 2014 near the province of Donetsk in Eastern Ukraine.

Manner and cause of deaths

51 As to manner and cause of the passengers' deaths, a number of documents will assist your Honour. The main document going to "manner" (that is, the circumstances of the crash) is the Board's report titled "*Crash of Malaysia Airlines Flight MH 17*" published on 13 October 2015. Those assisting your Honour submit that the Court can rely on the Board's report in forming a view as to manner of death. The methodology set out in the appendices to the report

³⁷ Operation Arew, *Background Brief* dated 27 November 2015, p 4.

demonstrates the Board's rigorous and searching approach, including the use of computer simulation to support its conclusions.

52 As I adverted to earlier, the Board made a number of findings regarding the cause of the crash, including, significantly that:

- a) The in-flight disintegration of the aircraft near the Ukraine/Russian border was the result of the detonation of a warhead.
- b) The detonation occurred above the left hand side of the cockpit.
- c) The weapon used was a 9N314M-model warhead carried on a 9M38-series missile, as installed on the BUK surface-to-air missile system.

53 As to the manner of deaths then, in our submission it would be appropriate for your Honour to adopt the findings of the Dutch Safety Board as to the source and mechanics of the detonation, in addition to finding that the deaths of the New South Wales passengers were the result of the actions of another person or persons.

54 The main documents going to cause of the passengers' deaths are the two reports of Associate Professor Ranson dated 25 August 2014 and 11 May 2016.

55 Associate Professor Ranson makes a number of observations. He notes that the pattern of clothing loss and tearing he saw would be expected where individuals have been exposed to a sustained period of high speed airflow.³⁸ The major physical injuries he saw on the people he examined had occurred after the people had died. He saw no evidence of any macroscopic tissue reaction to any of the heat damage, suggesting that passengers were deceased prior to the heat injury. There was little or no bleeding around fracture sites, indicating that the individuals had no effective circulation or blood pressure when the fractures occurred and were most probably deceased by that time. Similarly, the absence

³⁸ Report dated 25 August 2014, p 6; and report dated 11 May 2015, p 3.

of bruising around soft tissue injuries suggests that such damage occurred after the cessation of circulation; that is, after the individuals had passed away.³⁹

56 He notes that the mechanisms of death would have included a range of injuries such as the effects of explosive decompression, hypothermia, hypoxia, penetrating trauma and kinetic trauma from airflow-related body movement.⁴⁰ Associate Professor Ranson observes that the physiologically hazardous nature of the environment, amongst other factors, could well have caused rapid unconsciousness and death.⁴¹

57 To similar effect were the findings of the Board, which stated:

“As a result of the impact, they [being those on board] were exposed to extreme and many different interacting factors: abrupt deceleration and acceleration, decompression and associated mist formation, decrease in oxygen level, extreme cold, strong airflow, the aeroplane’s very rapid descent and objects flying around.”⁴²

The Board concluded that as a result, some occupants suffered serious injuries which were probably fatal, and that for others, this exposure led to reduced awareness or unconsciousness within a very short time. In this regard, the Board stated that it:

“... did not find any indications of conscious actions performed by the occupants after the missile’s detonation. It is likely that the occupants were barely able to comprehend the situation in which they found themselves”.⁴³

58 I will not detail the trauma to each of the New South Wales passengers other than to say that the weight of the evidence to be put before the Court points to the likelihood that they would have lost consciousness quite quickly after the aircraft was struck.

³⁹ Report dated 25 August 2014, pp 5-6; and report dated 11 May 2016, p 3.

⁴⁰ Report dated 25 August 2014, p 8.

⁴¹ Report dated 11 May 2016, p 4.

⁴² DSB Report, p 166.

⁴³ Ibid.

59 In our submission then, it is open for your Honour to find the cause of the passengers' deaths to be "injuries sustained as a result of high altitude aircraft disintegration caused by detonation of a warhead".

Concluding remarks

60 An inquest is not purely a mechanism for the making of formal findings under legislation. The families have lost people whom they loved very much. Some have indicated their desire to make statements to the Court about the personal impact the tragic and senseless incident of 17 July 2014 has had on them, and to publicly acknowledge how important their cherished family members were to their lives, to the lives of those around them, and indeed to the community more broadly.

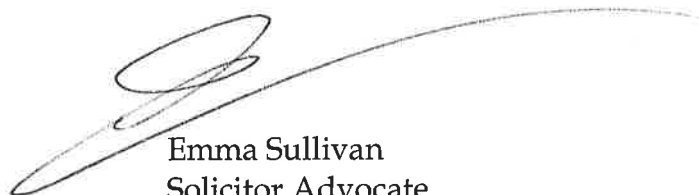
61 Before tendering evidence and hearing from the passengers' families, those assisting your Honour would like to extend our deep condolences to the families and friends of the six New South Wales passengers for their incalculable loss.



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