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Coroners Court

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GLEBE 2037

ACS

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9:30 a.m. to 1 p.m.
2 p.m. to 4 p.m.

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Our ref:

0230/01

Your ref:

17 MARCH 2003

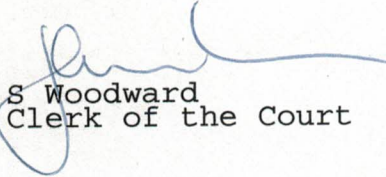
Attn: Mr Rozen

inquest touching the death of Jessica Michalik

A copy of the Coroner's finding in this matter is forwarded for your information.

If you require further information, or if I can be of assistance in any way, kindly contact this office by telephone 02 8584 7777.

Yours faithfully,

per 
S Woodward
Clerk of the Court

INQUEST BEFORE CORONER SITTING ALONE

Coroner's Act, 1980

New South Wales
to wit, Glebe
File no: 230/01
Finding 24/02

INQUEST held at the CORONERS COURT at Glebe on the 8th November 2002, before me Jacqueline Milledge, Coroner concerning the death of Jessica Michalik (hereinafter called the deceased).

I FIND THAT JESSICA MICHALIK DIED ON 31 JANUARY 2001 AT CONCORD HOSPITAL CONCORD.

THE CAUSE OF DEATH IS HYPOXIC ENCEPHALOPATHY DUE TO CRUSH AND MECHANIC ASPHYXIA WHEN SHE WAS CRUSHED IN A CONCERT CROWD AT HOMEBUSH ON 26 JANUARY 2001

GIVEN under my hand and seal this 8TH NOVEMBER, 2002.



J. MILLEDGE
Coroner

RECOMMENDATIONS

1. That a 'working party' be established under the auspices of the Workcover Authority of NSW, to review current 'entertainment' industry standards and practices and develop guidelines to ensure the safety and comfort of patrons attending large scale events. This working party should comprise of representatives from the police, ambulance, fire brigade, local government, promoters, security, entertainers and any other appropriate 'stakeholders'.

Given the changing dynamics of rock and pop festivals and the alarming number of deaths at outdoor venues, the working party should be established forthwith.

The 'working party' to devise guidelines for promoters to be adopted at events such as the Big Day Out and other large scale entertainment venues.

The guidelines should be developed with the intention that they be adopted as a National Code of Conduct'. Australian Standard AS:4360 of 1999, should be used when considering the issues of 'risk assessment'.

The working party should have regard to (but not limited to):

- crowd numbers generally and at individual venues
- the compulsory preparation of comprehensive 'risk assessments'
- emergency protocols for stopping artists during performance
- age restrictions
- the accessibility of water, shade and first aid
- the suitability of crowd activity such as moshing, slam dancing, crowd surfing etc
- barrier configurations

2. That the State Government establish a regulatory authority responsible for the licensing, regulating and policing of large scale entertainment events. This body should have enforcement powers to ensure compliance.
3. That Local Councils and the Sydney Olympic Park Authority request and review a comprehensive 'risk assessment' for all large scale entertainment events before granting permission.
4. That a National Code of Conduct be adopted by each state and territory, to ensure uniformity of approach to safety issues for large scale events.
 5. That anyone promoting or conducting a large scale event prepare a comprehensive 'risk assessment' after consultation with all stakeholders and service providers.
 6. That the Minister for Education encourage all schools to educate teenage students of the dangers of moshing, crowd surfing and the possibility of heat and stress exhaustion when attending concerts and festivals.
 7. That promoters ensure that protocols for stopping artists in emergency situations are clearly documented and agreed to by all parties affected.
 8. That promoters of large scale events give consideration to devising an effective and immediate 'alert' to artists in an emergency situation.
 9. All performance artists must adhere strictly to emergency procedure protocols once they are invoked. The laborious 'chain of command' where one person speaks to another, who speaks to another, is too time consuming.

A coloured card or coloured light would be the fastest way to communicate a problem.

10. That 'user pays' services ie Fire Brigade, Ambulance and Police, insist on, and sight, a comprehensive 'risk assessment' prior to agreeing to supply their services.

***INQUEST INTO THE DEATH
JESSICA MICHALIK
FINDING & RECOMMENDATIONS***

Jessica Michalik was the only child of Barbara and George Michalik. She was raised in the Dee Why area of Sydney, attending Cromer High School. Jessica loved sports, swimming, tennis and athletics, until her father gave her an electric guitar which she played every moment she could. She had dreams of forming her own 'all female' band with her friend Lisa Ryan.

Her father tells of her eagerness in attending the Big Day Out Festival:
(REFER TO HIS STATEMENT PARAGRAPHS 7,8,9,10, 13 & 14)

Jessica attended the Big Day Out (BDO) with her friends but never returned home. She had just turned 16 years of age.

Dr Chris Lawrence, the Forensic Pathologist, who examined Jessica post mortem, stated the cause of death is 'Hypoxic Encephalopathy' due to crush/mechanical asphyxia.

Autopsy revealed petechial haemorrhages around the eyes and some abrasions on her back and on her elbows, with bruising on the lower legs. There was no evidence of hypothermia or drugs such as ecstasy or alcohol.

Dr Lawrence states, in his post mortem report, that crush/mechanical asphyxia is as a result of 'mechanical compression of the chest causing the inability to breathe'. Quite simply, this 16year old girl was crushed to death.

The Big Day Out History & Format

Mr Ken West, the promoter for the Big Day Out, and business partner of Mr Vivien Lees, in his record of interview, describes the festival this way: "It actually started in the mid 80's, but didn't actually happen until January '92...the first show was based on a collecting of like minded artists and bands over various stages with a lifestyle aspect, which included extreme sports and food fares and markets and that, you know, it was built for the channel surfing younger crowd"

The earlier BDO festivals were held at the Royal Agricultural Society Showgrounds at Moore Park until 1994, when the show "picked up to being a six show travelling festival by 1994"

Mr West told us the original show at Moore Park drew 91/2 thousand patrons. In 2001 a total of 215,000 patrons had attended the festival in Auckland, Gold Coast, Sydney, Melbourne, Adelaide and Perth (in that order).

The 2001 Festival had the headline band Limp Bizkit as its closing act. There were 50 artists performing at the festival. Approximately 56,000 tickets had been sold.

The festival used a two stage set up, side by side with a platform between them. The idea for this was to allow for the flow of the artists, in that as one artist performed on the 'blue stage' another artist was setting up on the 'orange stage'. 5 minutes intervals between artists had been planned. Limp Bizkit (LB) followed Rammstein who were playing on the 'orange' stage. LB performed on the blue stage.

The main showground arena was the focal point for the 12 hour festival where most bands performed. The main arena was a large grassed area measuring approximately 163 metres long and 147 metres wide. There was also seating in stands around the ground.

Mr Craig Edwards, Security Manager for the Royal Agricultural Society opined that at 9pm there were between 6,000 to 8,000 people on the grassed area, with a further 8,000 in the stands. He said most patrons were congregating towards the 'blue stage' with plenty of room towards the rear of the arena. He said numbers in the arena were fairly consistent throughout the day.

We have constantly referred to the 'mosh pit' area as the area immediately in front of the 'pit' where security officers were placed to protect the artists and monitor and assist the crowd.

Mr Upton, an industry expert, told the hearing that 'mosh pits' can establish themselves anywhere. We have, however, only had the one 'moshing' area identified for scrutiny at this inquest.

Crowd activities in the arena included moshing, slam dancing and crowd surfing.

The inquest heard that there was a definite culture of 'moshing' at these events and, indeed, there was a 'mosh pit etiquette' where patrons would help each other up as they fell over.

Sadly, as we heard during the course of the inquest from many patrons, this could not be achieved at the time of Jessica's death due to the high density of the crowd.

It is also happens that objects are often 'crowd surfed' over the heads of patrons and indeed the videotape shows a rubber boat doing just that in the 'mosh' area as the rescue operation is underway.

Weather and Water

The day was described as an 'extremely hot day' by Detective Bamford. Meteorological records show the temperature as 23.3 at 6am, 31.2 at 2pm and 24.7 degrees at 9pm. Whilst it was hot, hot weather is to be expected that time of year. There was no shade over the grassed area and shade could only be found in the stands or in the covered venues.

There were sprinklers attached to the outside of buildings, similar to garden sprinklers, and the patrons were using them to cool down. Some bubblers and taps were also available.

Witnesses described the intense heat in the 'mosh pit' area as extremely hot and dry.

34,758 x 600 ml bottles of water at \$4 each were sold, with the St John's Ambulance officers distributing 22,000 cups of water as people needed it. Water cups were placed on the table in the first aid area, and evidence was, that at one stage, people desperate for water rushed at the table knocking it over.

Security personnel were also helping the crowd by filling water bottles when it was possible. There were a couple of 44 gallon drums near the pit area and the Fire Brigade was asked to fill the water drums using their hoses. The Fire Brigade were also called on to spray the crowd with fire hoses. The crowd welcomed their efforts. Heat and dehydration were significant problems.

Jessica's friends describe Jessica as being happy during the day and she couldn't stop smiling. However as the day progressed, she was noticeably tired and was walking slowly.

Ambulance Officer Peter Monks walked the length of the 'orange stage' and observed a large number of patrons 'pinned' up against the barrier asking for water as they could not get to it.

He observed 100 to 200 patrons a minute going over the barrier into the pit. Of those being herded from the pit, 5 to 10 were coming into the first aid area every minute and of those 95% were dehydrated. The demand for water was so great that the first aid area had to be divided so those seeking water would not interfere with the treating of casualties.

It is of note that whilst 37,000 bottles of water were sold, 170,117 bottles/cans of alcohol were purchased throughout the day.

Organisations as support services

St Johns Ambulance and NSW Ambulance Service

The New South Wales Ambulance Service was in attendance as was the St Johns Ambulance Service.

Mr Sven Nillson, Nurse and Forward Commander of St Johns Ambulance Service, for the BDO, said there were 440 'registered' casualties treated, however, he stated because they were extremely busy, not all treatments were recorded. He believes 50% of their workload went unrecorded.

Dr Alfred HING, Senior Surgical Resident Medical Officer, St Vincents Hospital, was at the BDO as a Divisional Medical Officer with St Johns

Ambulance. He attended Jessica after she was rescued from the crowd crush.

Inspector Bamford has obtained a print out of the injuries that were treated during the day from all venues. 774 people were treated, 41 of those treated for 'crush' injuries, 6 of these patrons were treated between 9pm and 10 pm when Limp Bizkit were performing. 43 people were treated for heat related ailments. A number of people were conveyed to Concord Hospital for treatment.

The New South Wales Police Service

Police were in attendance by virtue of the 'user pays' scheme. Sergeant Roger CHELLEW was the events co-ordinator for the Flemington Patrol and it was his responsibility to negotiate with the promoters the number of police needed for the BDO. Sergeant Chellew raised with the promoters, police concerns regarding overcrowding in some inside venues the year before. Adjustments were agreed to and after negotiations on numbers of police officers required, he prepared his 'Operational Orders' for the event.

Chief Inspector Christopher Ashton was the senior police officer on duty and also the Forward Commander on the day.

The feedback he received from his officers at the commencement of his shift was that the crowd was very well behaved. He was briefed that there was very little breeze and the temperatures were in the vicinity of 38 to 40 degrees. He instructed his troops to drink plenty of water and take rest breaks.

Inspector Ashton inspected the venues when he arrived at Homebush and found the atmosphere was friendly and the crowds were well behaved at each venue. He stated he had worked 'at many events, such as the football, both state and interstate, and found this crowd to be much better to work with'.

Inspector Ashton said most of the jobs police attended were heat related. Only two arrests were made the entire day for minor drug related offences.

The New South Wales Fire Brigade

Inspector Peter Malek was the Operational Commander of Region West 1 on 26 January, 2001, working from the Parramatta Fire Station.

He had been briefed by the other commander Peter Murgatroyd at change of shift 'that a Big Day Out concert was in progress at the RAS Showground and he had a feeling that trouble may occur later in the evening due to the large numbers of people present at the venue'

At 8pm the Inspector drove to the fire station in the RAS Complex, Homebush, and viewed arrangements on site as to the fire protection of the concert.

(REFER TO PARAGRAPH 6 OF HIS STATEMENT)

Big Day Out Security Arrangements

Australian Events Protection were responsible for the provision of security at the BDO. Mr Geof Gray, is the security co-ordinator for the BDO and has been for the past five years, co-ordinating security for 30 BDO Festivals.

308 Security Personnel were employed on the day. 15 or 16 of them were medical staff clearly identified by special T shirts. The security operatives wore yellow T shirts that clearly identified them as 'security'.

Mr Gray stated that only experienced operatives worked in the pit area at the start of Limp Bizkit.

The security numbers were increased after the Auckland festival, and, all security personnel were required to watch a good quality training video prior to them taking up their positions.

Special security 'roving teams' and 'spotters' were placed around and in the arena to gauge crowd behaviour and alert supervisors to any problems requiring a quick response.

The security personnel were trained to communicate with 'hand signals' as noise levels made other communication ineffective.

The Inquest

Jessica died on 31 January 2001. On the 5 February, 2001 NSW Police established Strike Force 'Streatley' to investigate the circumstances of her death. Detective Inspector Greg Bamford and Detective Sergeant Dave Darke, were responsible for the investigation and they provided a comprehensive brief of evidence in this matter.

WorkCover, of its own volition, conducted an investigation into her death, and Inspector Gordon Tuckley provided the coroner with that brief of evidence.

Section 34 of the Coroners Act 1980, provides for interested parties to seek leave to appear at the inquest it states:

- (1) *Any person who, in the opinion of a coroner holding an inquest or inquiry, has a sufficient interest in the subject-matter of the inquest or inquiry may be leave of the coroner appear in person at the inquest or inquiry or be represented thereat by counsel or a solicitor, and may examine and cross-examine any witnesses on matters relevant to the inquest or inquiry*

Parties represented at this inquest were Mr Michalik, Jessica's father, Creative Entertainment (Australia) Pty Ltd for the Promoters, Australian Events Protection Security for the Security provider, Limp Bizness Inc for the band Limp Bizkit, NSW Police, and the WorkCover Authority NSW.

Mr Dean, appearing on behalf of Creative Entertainment Pty Ltd, objected to the inclusion of WorkCover in the appearances as they were a prosecuting authority. I accepted WorkCover as an interested party as they had conducted their own investigation and a copy of that investigation had been secured by Inspector Bamford during the course of his very thorough enquiries.

WorkCover is not simply a prosecuting authority, it is also an investigative body for the purpose of regulation and education. It may be that WorkCover will further involve themselves by participating in any future drafting of guidelines or assisting in the establishment of a working party.

As Mr Fordham states in his submission, Section 16 of the Occupational Health & Safety Act 1983 could very well apply in this instance of Jessica's death and other injuries sustained by patrons and others at the Big Day Out Festival: Section 16 states:

*Employers and self employed persons to ensure health and safety of persons other than employees at places of work
Every employer shall ensure that persons not in the employer's employment are not exposed to risks to their health or safety arising from the conduct of the employer's undertaking while they are at the employer's place of work.*

There is certainly a recent precedent set by WorkCover in the decision in *WorkCover Authority of NSW (Inspector Tucknott) – v – Company B Ltd (13 July 2000)*.

I understand that the statute of limitations for the laying of informations under the OH & S Act can be extended after an inquest. That is their decision.

Section 41 of the new Act allows WorkCover to draft industry codes of practice.

When considering 'procedural fairness', the WorkCover brief was available to all parties at the commencement of the inquest and indeed, had there been a request by any party to examine Inspector Tuckley, he would have been called during the course of the hearing. No call for Mr Tuckley was made.

Whilst Mr Fordham suggests I refer the matter to the NSW WorkCover Authority for consideration of proceedings against the promoter, WorkCover have already assumed an interest in the matter. It is now up to WorkCover to determine if informations should be laid.

I am only able to refer matters pursuant to Section 19 of the Coroners Act, 1980, which deals with indictable matters that should be considered

by the Director of Public Prosecutions. I will not be referring the matter pursuant to that Section.

Issues

The '*cause*' of Jessica Michalik's death is known, the manner of her death needed to be carefully scrutinised not only to determine why she died, but to learn from this terrible tragedy to ensure public safety at any future events.

During the course of the 25 days of hearing, a great deal of time has been spent examining the use of primary and secondary 'barriers'.

Questions raised were;

- was the primary barrier used on 26 January a contributing factor in Jessica's death?
- was the absence of a secondary barrier a contributing factor?
- Were there appropriate protocols in place for stopping an Act in an emergency situation?
- Is there a need for the Concert and Festival industry to be regulated and governed by an appropriate controlling authority?

Barriers

Secondary Barriers were not used at the BDO Festival in Sydney. The 'primary' barrier used was supplied by Mr Warren Perryman, Managing Director, D & P Concert & Event Barricades.

He describes his barricades as being made of steel, 1100mm wide, standing 1240mm high. Each barrier bolts to the other and weigh 70 kilograms each. A platform or step 550mm wide is at the rear to allow security personnel to stand on it in the pit area and assist people from the crowd. 66 metres of panels were positioned across the two stages in the main arena.

Mr Lees and Mr West both agreed that the use of a secondary barrier would impede crowd migration and could indeed set up additional pressure points for the crowd, particularly the use of a T barrier.

There is evidence that Limp Bizkit sought to have a T Barrier introduced into the Sydney Big Day Out after the crowd collapse in Auckland.

The promoters did not agree and the primary barrier system remained. Cost was not a factor they said, however the logistics in getting the barrier in place on short notice made the notion of a secondary barrier unworkable.

Mr Perryman, is to be regarded as an expert in the use of barriers in the rock and pop industry. He had been in his long career, a production manager with Paul Dainty and Gary Van Egmond, spending 2 years in Europe building stages and being exposed to all aspects of outdoor concert venues.

He has been supplying barriers to the BDO events since 1994. Until this year he toured with the festival and supervised the setting up of the barriers.

Mr Perryman spoke to Mr Doherty, the BDO Production Manager, after the 2000 BDO and the Red Hot Chili Peppers incident. He told Mr Doherty that after seeing that performance, a secondary barrier should be used to reduce the crush at the front of the mosh pit and improve safety. Mr Doherty believed the promoters would not agree to it. Whilst it can't be claimed that Mr Lees or Mr West were told of Mr Perryman's suggestion, Mr Doherty was responsible for staging and barriers amongst other things and should have been receptive to Mr Perryman's timely suggestion.

Mr Perryman agrees that a T barrier would not work for a 'two stage' concert and indeed had never constructed one. He did say that he did **not** have additional barrier panels on hand had there been a late minute change to the barrier system.

Mr Perryman is not only experienced in barrier design but is well experienced in outdoor venues and crowd behaviour. Mr Perryman believes a curved barrier is needed in the 'two stage' set up.

Mr Perryman endorsed the BDO's use of a D barrier at the 2002 festival. When asked of the advantages in using the 'D' Mr Perryman stated "It's going to reduce the push down into that centre area where everybody wants to get as close as possible". He also stated that the use of a 'T' barrier would push people into 2 x 90 degree corners causing pressure points and therefore would be unsuitable.

The promoters believe the request the band made for the use of the T barrier after the problems at Auckland were motivated by 'ego'. That Mr Durst required the 'ego' ramp for his performance.

The bands position is that it was a safety measure after they saw how the crowd reacted in New Zealand. I accept the band did **not** want the barrier for a prop, but were keen to introduce it because of the circumstances concerning crowd control. If it was merely to enhance their show, it would have been suggested prior to the commencement of the tour.

The promoter relied on the 'Contract Rider' to prove their point, that if the band wanted a particular barrier configuration it should have been disclosed in the 'rider'. My reading of the 'rider' confirms that its is a document dealing with the personal issues of the artist. Not crowd safety. The barrier LB mentions in the rider is meant for their protection from the crowd, not to protect the crowd.

Police Inspector Ashton at the time of the crowd problems, heard the bands security officer arguing with Mr West, the promoter, over the safety of the crowd. He accused the promoters of being concerned only with money and not crowd safety.

Industry experts, Mr Upton and Mr Tatrai gave evidence as to the use of barriers and also crowd densities.

Mr Michael Upton, a Senior Risk Consultant, for the rock and festival industry, gave evidence that he had been part of a working party that devised 'The Event Safety Guide: A guide to Health Safety and Welfare at Pop Concerts and Similar Events 1993'. His expertise was crowd management, and when the edition was revised in 1998, he was the consultant on the Crowd Management and Major Incident Planning chapters.

In his statement, exhibit 19, he says on the issue of 'barricades' "Barricading is used to create a pit between the audience and the stage from which point security officers operate and members of the audience can be removed to. **Barricading can also be used to control crowd density levels and crowd migration from one point in the audience to another**' (my emphasis).

He states that a T barricade would not be effective for a two stage concert, and, like Mr Perryman, he believes crushing points would be a significant concern.

Mr Andrew Tatrai, Managing Director of Australian Concert and Entertainment Security, worked with the BDO festival from 1992 to 1997. Mr Tatrai was another witness with considerable experience in the industry. It has been submitted that he is not, or indeed should not be considered a 'security' consultant for the purpose of providing 'expert opinion' to this inquest. I accept both he and Mr Upton as credible witnesses with significant experience within the industry.

Mr Tatrai gave evidence that he was concerned that secondary barriers had not been used in the BDO festivals. He stated "Well multiple barricades in Australia first began, were first, first started around 1990 I believe at the SGC when we did a G A Prince show. In Big Day Out in '92 and '93 was relatively small as shows, 15, 25,000 people. It wasn't until '94, '95 that I can recall that I started talking to Ken about it because of my concern, because I felt there was a large critical mass of people at the front and that the crush would become life threatening at that stage due to the large number of people".

Mr Upton gives evidence that barriers "must be designed for a particular event; there is no one appropriate system. Where crowd density levels need to be controlled and crowd migration encouraged a secondary barricade may be employed.....Typically, this secondary barricade can be constructed as a semi-circle and is sometimes known as a D barricade".

Mr Upton's expert opinion is that there **are** times when a D barricade is appropriate and that **barricading must be designed for a particular event.** (my emphasis)

Mr Upton and Mr Tatrai have different opinions as to the effectiveness of a secondary barrier in saving Jessica's life. Tatrai believes a secondary barrier would certainly have saved her life, Upton does not agree.

The evidence of Mr Lees, Mr West and Mr Doherty all stress the single primary barricade or barrier had always proved successful and for that reason the primary 'barrier' system was all that was needed. As Mr Tatrai says, however, the festivals were getting bigger and, as we have heard in other evidence, the bands and the patrons were becoming more extreme.

Crowd Density

When dealing with the issue of 'crowd density', Mr Upton opined in his statement "It is apparent from the video of the event that a short distance from the front barricade crowd density was at acceptable levels and crowd migration was occurring"

When asked by Mr Dean whether "proper operating densities were exceeded" Mr Upton answered "I don't believe the density levels were exceeded. In my opinion, the video clearly shows a density of .5 overall. In fact I would even suggest .75, a lower density, further back behind the mixer" Asked then "What about the front of the stage?" Mr Upton answered "The front of the stage was .3 density"

In earlier evidence he said ".19 is at which point everybody becomes alarmed, but .15 is generally accepted as being critical density on a static crowd and the reason there's a difference of opinion is because were not all built the same"

He stated "Crowd movement can definitely cause a crowd collapse. There's no question of that, but I've not seen evidence on the tape to indicate that it was crowd movement. It could have been heat exhaustion. It could have been a faint. It could have been any number of things. It could have been an accident, a slip, a trip. There's all sorts of..I don't know I wasn't there."

Mr Upton can't proffer an opinion as to how or why Jessica came to be on the ground.

There is overwhelming evidence that the crowd density was **not** acceptable. Mr Upton suggests it was just the first 5 rows at the front where crowd density was an issue. Witness accounts fly in the face of that assertion. There is also overwhelming evidence that crowd surges pushed people over and because of the critical crowd density, people could not get up.

One witness said he had to move back at least 10 metres before he felt the temperature getting cooler, however, he still experienced problems with crowd surges.

It's important to have regard to the accounts of people who were there. There accounts overwhelmingly establish that the crowd density was not at acceptable levels, indeed, the crowd density level was dangerous to say the least.

Firstly, an account by Ryan KEOGH, a 22 year old man and five year veteran of 'mosh pits'. He described this mosh pit as being "by far the worst that I have ever experienced". He describes his ordeal:

"Towards the end of Rammstein and before Limp Bizkit came on my mates and I started to move down towards the front about ten minutes before the band came on. It was already pretty crowded and we had to snake our way through and use our elbows a bit to make space and push past people. The crowd was already going off a bit and seemed a bit crazy. People were jumping around and crowd surfing without the band even being there.....the band came out about 9.15pm. People started going berserk. They were just stupid. People were just jumping around and just pushing and trying to get to the front. People were crowd surfing. To me it seemed out of control. You couldn't control it, it was just a surge of people".

(READ FROM PARAGRAPH 7 to 11 OF HIS STATEMENT)

Jason Steiner described the temperature in the most pit as 'extreme, like a sauna'. He said being in the 'mosh pit' was 'like standing in the surf on a wild day, pushing from side to side and all of a sudden a big wave catches you off guard and knocks you over'.

Mr Steiner helped people who had been knocked over and he also got pushed over by the crowd. One young woman he helped up got knocked over again by crowd surging.

(REFER TO HIS STATEMENT PARAGRAPHS 7,8,9,10)

46 year old School Teacher, Raymond Broady, attended the event with his son Kieran.

(REFER TO HIS STATEMENT PARAGRAPHS 5 to 10)

Kirsten Hambridge describes everyone as going psycho when Limp Bizkit started. She was being crushed from every direction, she was crying and hyperventilating. In her account she describes the 'surge' from the orange stage to the blue stage when Rammstein finished. As a result of her experience she suffered bruised ribs and couldn't talk for a week.

Troy Gordon had his shirt ripped off and his sunglasses smashed in his pocket as a result of the pressure. "After the band started playing, I could feel the crush of the crowd from behind, but there were also surges as well from behind"

Mr Gordon moved to the back away from the stage and he said at 10 metres the crowd was less dense 'which allowed the surges to be magnified. The surges were originally front to back, but started to go from side to side.

(REFER TO HIS STATEMENT PARAGRAPHS 8 to 12)

Amber Agresta was physically lifted off the ground by the swaying crowd. She too, fell over and was caught under other bodies who had fallen on top of her.

Justin Kojic described the scene as being like a 'riot'. He bled from his ear, his arms were pinned to his side.

Colin Drury describes the crowd 'jostling' before Limp Bizkit, but when the band came on 'all hell broke loose'. Interestingly he describes the problems beginning long before Limp Bizkit.

(REFER TO HIS STATEMENT PARAGRAPHS 6 TO 13)

There are many more accounts from witnesses describing their experiences in a similar vein.

One witness recalls he was so tightly packed by the crowd that at one stage that he was being held in place by his shoulders as he feet weren't even touching the ground.

Ms Amelia Tomiki, a 15 year old girl, had difficulty breathing and lost consciousness. She was helped from the crowd and can be seen laying in the pit area unconscious. She suffered bruising, chest pains and a blood clot in her eye. Ms Tomiki amazingly, told the court she would return to moshing even after her traumatic experience.

Relaying those accounts was necessary, because there appears to be a reluctance on the part of the promoters and Mr Upton to accept that the situation on that day was completely unacceptable. Crowd safety is of paramount importance, it was a nightmare for many patrons.

It is obvious to everyone who views the videotape that people are squashed and jostled and at times are fighting for survival. A fight Jessica Michalik lost.

Jessica simply went to a rock festival. It was to be expected that she would return home safely.

The promoters have blamed the band for the crowd behaviour, saying that Limp Bizkit is a highly volatile act and that is the reason the crowd behaved the way it did.

Mr Drury, a mosh pit witness, clearly has the problems beginning at the end of Powder Finger and at the beginning of Rammstein.

The entry of LB was delayed because of problems in the crowd before they reached the stage. Mr Durst said he was concerned about going on for this reason.

I accept that the type of crowd and its behaviour will be greatly governed by the act performing. Surely the style of Limp Bizkit could and should have been known to the promoters before they engaged them.

Rammstein was also an act that generated a lot of reaction in the audience but in a different way. Mr Drury speaks of poor crowd behaviour then.

To suggest there was an element of surprise in LB's style is a nonsense. You cannot blame the artist for their style of performance. All of that should have been factored into the overall management and 'risk assessment' of the BDO by the promoters.

For promoters to be taken by surprise because their headline act causes excitement and reckless behaviour shows they did not turn their mind to the crowd reaction to a particular performer. People are bound to be excited at the prospect of seeing a popular entertainer. The promoters placed the headline act on last for the 'crescendo' effect. Saving, perhaps, the best till last. How they react should have been predicted based on sound research of the act they were hiring.

'Stopping' Protocols & the behaviour of Limp Bizkit

Fred Durst, the lead singer of the band Limp Bizkit, described his act as 'new rock' & not anti-authoritarian "we are very powerful emotional band and that's why they booked us on the concert".

There has been evidence of considerable animosity between the band and the promoters whilst on tour.

The most alarming example of a failure to work in unison was the crowd collapse at the Auckland BDO.

Matt Doherty was told by Geoff Gray that there was a localised collapse with 'maybe half a dozen people down'. He asked Mr Doherty to stop the band and have them communicate with the crowd.

Mr Lees said the protocol for telling the artist to stop playing was this: "front line security were to immediately advise the artists of the need to cease playing thereby bringing the audience to a standstill so that the audience could be recovered"

That protocol was devised at a meeting on 28 November 2000, however Mr Lees stated whilst it had been discussed it wasn't set in place prior to Auckland.

Mr Doherty approached Mr Chris Grattan, the bands production manager and told him of the problem. Grattan motioned to Durst who, according to Doherty, came to the side of the stage and addressed him. Doherty told Durst of the problem and Doherty's evidence is that Mr Durst said "It's not my fucking problem its your problem". He dragged Mr Doherty onto the stage saying "you come and tell them" Durst addressed the crowd and said "Here are the authorities they want us to stop" and thrust the mike at him and walked away. While he was addressing the crowd, he felt wet, looked up and Mr Durst was pouring water over him.

I accept Mr Doherty's account of that incident. Mr Durst, whilst not denying it took place, said he didn't know who Mr Doherty was at the time. All he knew was an unknown person was interrupting his performance, wanting to talk to the crowd. He said he was unaware there was a problem in the crowd.

Mr Durst's version is fanciful. Why would he give an 'unknown' the microphone and allow him to talk to the crowd. It just doesn't make sense.

Mr Doherty said Durst used the words 'Here are the authorities', Mr Durst must have known that Doherty had some connection to the show.

Mr Durst's vast experience in the industry should also alert him to the fact that there may be real need to stop a performance in an emergency. That should have prompted him to have more regard to what Mr Doherty was telling him.

In Auckland his reaction to Mr Doherty and his urgent plea was reprehensible. His reaction in Sydney was no better.

Mr Andrew Liguz, a photo-journalist, who had attended last years BDO and witnessed the Chilli Peppers incident said of the band:

"They continued to play until the end of the second song. At the end of the second song, so it's probably like another minute and a half to two minutes after the guy had jumped up. At the end of the song Fred Durst started saying "we seem to have a little bit of a

problem down the front, can people help each other stand up” The band behind Fred Durst continued to play, which I personally think was extremely irresponsible. Previously when....the incident happened at the Red Hot Chilli Peppers the band stopped playing entirely, there was no music coming from the stage. I think that the band should have stopped playing completely, it should not have continued playing amongst themselves”

The timetable of events were these:

- Approximately 15 minutes past 9, Limp Bizkit’s performance commences.
- 8 minutes and 21 seconds later, security signals to Durst to stop
- Several seconds later we see security using a ‘throat cutting’ signal again urging the band to stop.
- At 23 ½ minutes past 9 the protocol of Gray to Doherty to Grattan is invoked.
- At 24 minutes and 10 seconds past nine the band stops but there is ‘interlude’ music.
- 21/2 minutes later Mr Durst instructs the band to ‘cut the drums’
- At approximately 9.30pm, Jessica is removed from the crowd – a critical 6 minutes after the security operatives first recognised the need to stop the performance.

It is possible that Mr Durst did not see the hand signals of the security officers urging him to stop.

What is clear from this is, that once the protocols were invoked, the band did pause, not completely, but they certainly changed their style and mood.

Whilst there are differing opinions, both expert and 'lay' as to whether the band's 'little jazzy loungey interlude type of piano loop' music, as Mr Durst explained it, had a detrimental effect on the crowd, it was the comments that Mr Durst made during the course of the 'rescue' attempts that were alarming and inflammatory. You can see that by the way the crowd reacted.

When asked by Mr Drummond what he observed when he went on stage he said:

"I was quite excited, I was overwhelmed, the size of the crowd, at that moment when you are performing you go into another layer of yourself when you are performing it is another layer of your soul, it is something you are going to the place you wrote the songs, you are just, a lot of things going on, there is thousands of people you just see, a sea of people just waving and jumping and you hear problems going on in the p.a. because your monitors aren't right and you are adjusting stuff, you are looking at the p.a. guy going turn this up, turn this down, it is all going on in one time so it is all the senses at once piling down on you. So I remember being very overwhelmed the response was, as soon as the drums started the whole place was jumping, it was literally one of the most amazing sights I have ever seen"

Mr Durst gave other evidence of how difficult it was to monitor crowd activity with the noise, sweat and lights in his eyes. I absolutely accept this. Limp Bizkit are entertainers and are paid for their enthusiastic performances. That is where emergency protocols must be clearly understood and accepted by all parties prior to the commencement of any performance.

It is an unrealistic notion to think that Fred Durst should be 'monitoring' the mood and behaviour of the crowd. His brief is clear....'to entertain'.

If he had to be responsible for crowd safety prior to him being told to stop playing, he could not give 100% to his performance and the patrons and the promoters would be short changed.

Having said that however, once the protocol was triggered and he became aware of the problems, he should have acted more responsibly. I accept that it may have been difficult for him to see the individual

security officers motioning him to stop because of the intensity of his performance, it is very clear in the video, that his words were inflammatory and indeed insulting to the security personnel who were engaged in their best efforts to extricate crucially injured patrons from the crowd collapse.

When asked this question “ Do you agree with the proposition that telling the audience to step back, calm down and create some space at the front of the audience around the problem is of the utmost importance to effecting a rescue in a crowd collapse situation” Mr Durst’s very honest answer to that was “Well watching that video now, I sure wish I would’ve said that, I’d make you a lot happier probably saved a human beings life”.

It is very clear from watching the video that when Mr Lees addressed the crowd and urged them to move back, the crowd did just that.

Mr Durst took advantage of a terrible situation to air his contempt for the promoters and security. Yet, there were moments when he sensibly urged them to look after one another and pick each other up.

This incident has been compared to the crowd collapse at the BDO 2000 where the lead singer of the Red Hot Chilli Peppers took a different approach, stopping the band and speaking calmly to the audience. There can be no doubt that the artist can exercise considerable and responsible control over a problem crowd.

The Performance of Security

There were 81 security operatives in the pit area. And as it transpired, their main task during the Limp Bizkit performance was the rescue of patrons in extreme difficulty.

I am satisfied that there are no issues of concern regarding the performance of these operatives at the BDO.

The head of security, Mr Gray, in consultation with the promoters, had sensibly increased the number of security personnel after the incident in Auckland.

One witness stated he thought at first when he saw the actions of security affecting rescues that they were 'cowboys' but quickly changed his opinion when he realised they were 'saving lives'.

They performed extremely well under the worst possible conditions.

Whilst safety and security issues seemed to be bundled in together, it was the brief of Australian Events Protection to provide security.

Whilst Mr Gray, at one pre event meeting represented the interests of the promoter and discussed 'barriers', the security company should not be responsible for designing a safe barrier system. Their role is to consider barrier design from the point of view of the security operatives and how best to service the crowd.

A number of professional service personnel such as police and ambulance officers praised the security personnel, saying they worked professionally and tirelessly.

If I am critical of anything, it is that Mr Lees, Mr West and Mr Doherty relied on Mr Gray's team to be 'reactive' to problems without them, the promoters, focussing on a 'risk assessment' approach to the Big Day Out Festival.

The Police response

I am also satisfied that there are no issues with the NSW Police. Police, naturally, couldn't enter the mosh pit area to assist patrons as they were wearing full appointments. Their presence in that area would also have been unwelcomed.

Mr Ashton's assumed command over the event when it became obvious there was an emergency situation. His response was timely and appropriate. He exercised sound judgement.

The Medical response

Jessica was pulled from the 'mosh pit' in an unconscious state by security staff.

When Jessica was removed, she was taken immediately to the first aid area where she was expertly attended to by Ambulance Officer Monks. He could not locate any pulse and she was not breathing. Within minutes he was assisted by other ambulance staff and paramedics until the arrival of Dr Hing.

Dr Hing stated Jessica was not breathing, no palpable carotid pulse, she was cold and peripherally shut down, her pupils were dilated. A defibrillator indicated she was in asystole. Intravenous adrenaline injection had no effect.

Dr Hing accompanied Jessica to Concord Hospital.

Jessica was pronounced dead on the 31 January 2001.

The security and medical response in dealing with Jessica after she was extricated is faultless. She received the best possible attention.

BDO Past, Present and Future

As I previously stated, the promoter of the BDO Festival adopted a primary barrier system for the BDO, that they say had worked since the beginning of the Festival.

The dynamics of rock concerts and festivals have been changing over a number of years. A fresh approach was needed after the Roskilde Festival in Denmark, where 9 people were crushed to death.

Mr Fordham makes mention in his submission, of a crowd crush in Stockholm in 1885, where 50,000 people gathered to hear an acclaimed opera singer perform from her balcony. 18 people died.

1979, 11 people were killed while queuing for a 'Who' concert in Cincinnati.

Many hundreds of patrons have been crushed to death at sporting fixtures worldwide.

Crowd control and management issues must be paramount on the minds of promoters to ensure proper 'risk assessment'.

9 deaths in 1990 at a pop festival should sound alarm bells for the industry. We heard during the course of the inquest that some members of the industry actually blame the barrier system for the deaths.

The issue here is crowd control, ensuring density levels are safe and comfortable. The evidence at this inquest, by both experts Mr Upton and Mr Tatrai, is that barriers can have a positive effect of crowd movement.

The incident in Auckland where the crowd collapsed and the performance had to stop to allow rescue operations should have been seen as an indication of similar problems that may present in other venues. After all, Mr Perryman had alerted Mr Doherty to his concerns that a secondary barrier was needed

The document, Ex 16, which is entitled "Operational Plans: Site and Security Risk Assessment" does not have one scintilla of a risk assessment within its pages. How anyone could consider that a 'risk assessment' is beyond me. Even Mr Tuckley, the WorkCover inspector, chooses his words carefully, he describes it as 'risk management' document. Very different from a 'risk assessment'

It is however, a very good document for what it is - a compilation of site and operational plans.

It is apparent that the BDO organisers focused on rescue and how to react to any given situation. And their response to crises was good. Security was finely tuned, the use of police and fire brigade worked well and the medical response to casualties, particularly Jessica, was faultless.

However, the crowd densities and the lack of an appropriate barrier system meant that they needed a 'reactive' plan as their pro-active approach was sadly lacking.

The minutes Jessica was on the floor with people falling on and around her were critical. Because of the crush of the crowd and the enormity of the task in moving the people back, security could not get to her quickly enough to remove her from the crowd for urgent medical assistance.

The promoters have blamed the band and the crowd for their predicament on 26 January 2001. They even submitted that their 'risk assessment' document had been seen by the Police and they did not disapprove. The promoters also said that Senior Sergeant Chellew hadn't advised them of concerns regarding the 'mosh pit'.

I have not heard any evidence to convince me that Mr Lees, Mr West or Mr Doherty had prepared the necessary 'risk assessment'. The responsibility is theirs, no one else, and their reluctance to accept this has been of concern. However, having said that, the pro-active '12 point plan' implemented at the BDO 2002 was certainly a step in the right direction. The introduction of the secondary barrier system is a good indication that crowd safety is very much on their agenda.

The industry needs to be carefully scrutinised and regulated. I am not saying these very good festivals should not go ahead.

Nor am I saying moshing, slam dancing and crowd surfing should be banned. Those activities will be considered by a working party and a subsequent regulatory authority should one be established.

Mr Michalik has said many times, that Jessica's legacy should be to improve conditions at these events to ensure patron safety. She would not want these activities outlawed.

There are some limited but very good guides for promoters to use when organising events. The 'Pop' guide, whilst not exhaustive in its information, provides a sound foundation for organisers. The Australian Standard AS:4360 of 1999 sets out what is required for proper 'risk assessments'.

Mr West & Mr Lees have been promoters for many years. They have a wealth of experience in concert and festival production. It is obvious, however, they need to be assisted by industry experts when addressing issues such as crowd control and risk assessment.

The indicators were there, Roskilde and Auckland. Now this terrible tragedy involving 16 year old Jessica must stand as a warning that the industry must be regulated and crowd safety given the priority it deserves.

The 'Jessica' Recommendations

1. That a 'working party' be established under the auspices of the WorkCover Authority of NSW, to review current 'entertainment' industry standards and practices and develop guidelines to ensure the safety and comfort of patrons attending large scale events. This working party should comprise of representatives from the police, ambulance, fire brigade, local government, promoters, security, entertainers and any other appropriate 'stakeholders'.

Given the changing dynamics of rock and pop festivals and the alarming number of deaths at outdoor venues, the working party should be established forthwith.

The 'working party' to devise guidelines for promoters to be adopted at events such as the Big Day Out and other large scale entertainment events.

The guidelines should be developed with the intention that they be adopted as a 'National Code of Conduct'. Australian Standard AS:4360 of 1999, should be used when considering the issues of 'risk assessment'

The working party should have regard to (but not limited to):

- crowd numbers generally and at individual venues*
- the compulsory preparation of comprehensive 'risk assessments'*
- emergency protocols for stopping artists during performance*
- age restrictions*
- the accessibility of water, shade and first aid*
- the suitability of crowd activity such as moshing, slam dancing, crowd surfing etc*
- barrier configurations*

2. *That the State Government establish a regulatory authority responsible for the licensing, regulating and policing of large scale entertainment events. This body should have enforcement powers to ensure compliance.*
3. *That Local Councils and the Sydney Olympic Park Authority request and review a comprehensive 'risk assessment' for all large scale entertainment events before granting permission.*
4. *That a National Code of Conduct be adopted by each state and territory, to ensure uniformity of approach to safety issues for large scale events.*
5. *That anyone promoting or conducting a large scale event prepare a comprehensive 'risk assessment' after consultation with all stakeholders and service providers.*
6. *That the Minister for Education encourage all schools to educate teenage students of the dangers of moshing, crowd surfing and the possibility of heat and stress exhaustion when attending concerts and festivals.*
7. *That promoters ensure that protocols for stopping artists in emergency situations are clearly documented and agreed to by all parties affected.*
8. *That promoters of large scale events give consideration to devising an effective and immediate 'alert' to artists in an emergency situation.*
9. *All performance artists must adhere strictly to emergency procedure protocols once they are invoked. The laborious 'chain of command' where one person speaks to another, who speaks to another, is too time consuming.*

A coloured card or coloured light would be the fastest way to communicate a problem.

10. That 'user pays' services ie Fire Brigade, Ambulance and Police, insist on, and sight, a comprehensive 'risk assessment' prior to agreeing to supply their services.

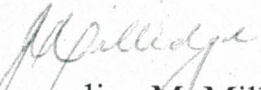
The reason I have not specifically suggested physical changes to the Festival is that a 'holistic' approach must be taken when considering the type of event, the artists and the intended audience.

Many experienced industry workers, and, indeed, concert attendees, have made a number of suggestions during the course of the hearing.

Some suggest higher stages so people have to stand back, single stages, rotating stages, wider stages to spread out the patrons at the front of the stage. Stop the music, don't stop the music and so on.

In fact, at one stage after Jessica was removed, Inspector Ashton directed the band to play, concerned that there may be a riot.

Because there are so many variables, what is needed is a co-ordinated response drawing on experts in the field to devise guidelines for all large scale events.


Jacqueline M. Milledge
Senior Deputy State Coroner
8 November 2002

EXCERPTS FROM STATEMENTS

- *George Michalik*
- *Inspector Peter Monk*
 - *Ryan Keogh*
 - *Jason Steiner*
- *Raymond Broady*
 - *Troy Gordon*
 - *Colin Drury*

George MICHALIK

STATEMENT (continued) in the matter of: Death of Jessica MICHALIK
Name: George MICHALIK

5. About 2 years ago, I bought Jessica a classical guitar, and at this time she lost interest in swimming. She still played tennis, but gradually she lost her interest in the competitiveness of the game.

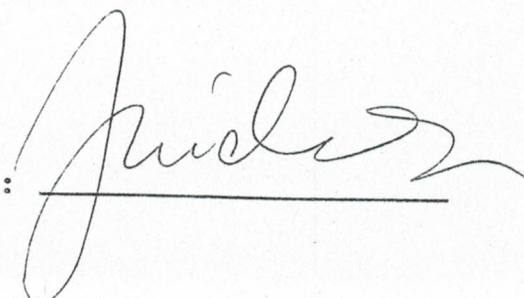
6. About one year to one and a half years ago, I bought Jessica an electric guitar. She played this every possible moment, because she really enjoyed playing the guitar. Her tennis playing was really only played as routine, as she preferred the guitar. Jessica planned with her best friend, Lisa Ryan, that they would form a female band, as Lisa played the drums.

7. Jessica had always decided that she wanted to be a teacher, but it was around this time that she decided she wanted to be a rock star. Jessica stayed up late at night watching the Rage program on television, sometimes taping various video clips. Jessica also chatted to people on the internet about music. Some mornings I found her asleep on the couch, as she had been watching the television most of the previous night and fallen asleep on the couch.

8. Her musical aspirations became such that she wanted to be a big concert organiser, so she could be inspired by the big and famous musicians.

9. In 1999, Jessica attended her first concert at Dee Why Beach. Jessica was so impressed with the concert, that she wrote a letter to the local paper praising the organisers of the concert. Jessica also attended other concerts at Maroubra Beach and Sutherland Civic Centre, and one at the Hordern Pavilion.

Witness: 

Signature: 


STATEMENT (continued) in the matter of: Death of Jessica MICHALIK
Name: George MICHALIK

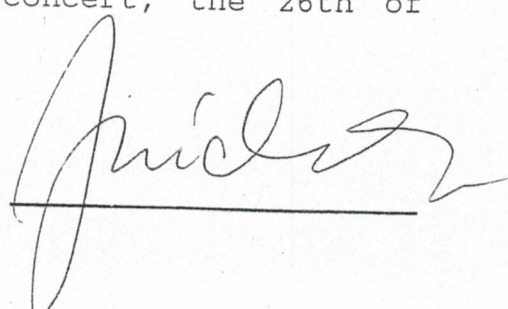
10. Jessica attended the Big Day Out concert at Homebush in 2000. She prepared for it several months in advance by organising her clothing and saving money to buy the ticket herself, rather than myself buying the ticket for her. After the concert, she told my wife and myself that it was great fun at the concert and she wanted to go back again. Jessica attended the concert with her school mates.

11. Jessica was invited to a party last year, and was told that she could take some alcohol to the party. She did not drink alcohol, apart from trying one of those 'coolers', they are the low alcohol drinks mixed with soft drink. I decided to test Jessica's tolerance to alcohol by giving her a sample of Polish vodka, this vodka is very high in alcohol. Jessica tried a nip of it, but didn't look like she would ever try it again.

12. Jessica told me that Cromer High School was a leader in our area for drug usage at school, however, we did not have to worry as she would not be trying any sort of drugs. Jessica did not smoke, and did not appear to like alcohol. Some of her peers were trying these things, but she was strong in her mind that she did not need to use any sort of drug or alcohol.

13. After the concert in 2000, Jessica and her friends planned for the Big Day Out concert for 2001. Jessica and her friends made a special T-shirt each, designed with the names of the favourite bands. On the night before the concert this year, Jessica wanted to dye her hair, as she did last year. My wife and I did not approve, but Jessica convinced us to change our minds. My wife helped Jessica dye her hair 3 different colours, and this was completed about 1am on the day of the concert, the 26th of January, 2001.

Witness: _____ 

Signature: _____ 

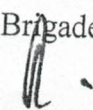
Inspector Peter Monk

Page 2 of 4

the Fire Brigade I have attended numerous fires which have been caused by accident or deliberately set.

4. At 1700 hrs on 26.1.2001 I was the Operational Commander of Region West 1.
5. On 26th January I was rostered on an evening duty, at Parramatta fire station commencing work at 1700hours in charge of fire fighting operations in Region W1. On the change of the going shift, Inspector Peter Murgatroyd had briefed me as to the fact that a Big Day out concert was in progress at the RAS Showground and he had a feeling that trouble may occur later in the evening due to the large numbers of people present at the venue..
6. Approximately at 2000 hours I drove to the RAS Complex in Homebush to visit our fire station there and view arrangements on site as to fire protection of the concert. After visiting the fire station I asked firefighter Drury from RAS Fire Station to accompany me on tour of the arena. I visited the back stage as I was concerned when proposed fire works were to be let off and what arrangements were in place if a fire developed in the back stage area. I met the stage manager at the rear access to the stage and he was not very cooperative in answering my questions. Eventually I received sufficient information from him (unfortunately I do not remember his name) to satisfy my concerns. I then proceeded to the triage area on the side of the stage. I observed large number of young people pulled out from the area in front of the stage by security personnel, transferred to the triage area and being treated by ambulance paramedics and St Johns Ambulance volunteers. I observed the ambulance officers being over whelmed by the sheer numbers of persons requiring treatment. I approached Peter Monk from the ambulance service and offered services of the NSW Fire Brigades to assist. This

Witness: 

Signature: 

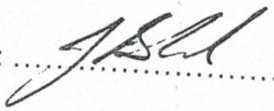
offer was accepted and I ordered on 4 additional units. Upon the arrival of above said appliances we assisted in setting out additional lighting for the triage area, first aid treatment and removal of casualties to waiting ambulances and eventually again on the request of ambulance in setting out 4 streams of water over the assembled crowd for cooling purposes(it was a warm that evening). Fire Fighters also dispersed drinking water to the crowd , over the fence from the triage area and from in front of the stage.


7. I observed a young girl being brought into the triage area by several security personnel, being layed out on the grass and bleeding from her ear. This girl was being resuscitated by ambulance officers. This occurred around 2120hrs. I then left and next time I saw the girl she was being carried to a waiting ambulance.

8. At some time later I again conferred with Peter Monk from the Ambulance service and the water spray on the crowd was discontinued. Fire brigades operations concluded at the RAS Showground approximately 2400hrs.

9. Having considered the circumstances in this tragic incident I feel the following recommendations may prevent it from happening again.

- Joint approach by all 3 services (ambulance, police and fire brigade) in pre planning any incident of this magnitude.
- Fire brigade to have more say in pre incident on site planning and larger task force proportional to the size of the event be available and financed from the proceeds of the day.

Witness: 

Signature: 

Ryan Keogh

5.

Statement of Ryan Keogh
in the matter of Death of Jessica MICHALIK

7. I lost my mates by the first song because of crowd surge and we just got separated. I was standing about five rows back from the front just to the left of the center of the stage. As the second song started I saw a couple of people go down in front of me. I tried to help them up. I saw one girl go down. She put her hand up and I grabbed hold of her hand and tried to pull her up but she was locked in amongst other people who had fallen on top of her. I still had hold of her hand when the crowd surge forward knocking me over. I let go of her hand and fell to the ground with a stack of people on top of me.
8. When I fell over I was lying on my back with my head pointing towards the stage. With all the people on top of me it was just pitch black. I couldn't tell you how many people were on me. When I was on the ground I found that it was very difficult to breath because it was so hot and humid with all the people on me. Not to mention the fact that people are sitting on my chest and crushing me but mainly it was because of the thickness of the air. The air was really hot and it was hard enough to breath when I standing up let alone lying on the ground.
9. I can't really say how long I was on the ground for but it felt like a good five to ten minutes. After that people started getting pulled off. After a while a bloke got taken off the top of me and after that I could see what was going on. I could see a pile of people on me from the chest down. I also had a bloke next to me who was screaming in panic. Whilst I was under everyone and I couldn't see I thought that I was going to die. I really did. I had given up. I thought that I was stuck there and that I was not going to get out. Once I could see things, I put my hand up and begged some bloke standing near me to help me up. The bloke has grabbed hold of my hand and dragged me out from underneath the other people so that I could stand up. When I was standing up I saw that there were still a few people lying down who were getting picked up.
10. I saw the girl that I was helping up lying face down on the ground. She wasn't moving and had her eyes closed. She seemed to be unconscious. I couldn't get to her because there was all these people still in front me on the ground with other still trying to pick them up. Each time one person got picked up another person would fall over. It just didn't stop. There was also still people jumping around not caring, just listening to the band.
11. By this point the security had come in over the fence. I was screaming at them to stop the music, to cut the music. A lot of people were yelling this out. My thoughts at the time were that if the music stopped people would stop jumping around and settle down and we would be able to get these people off the ground. I got the attention of one of the security guards. I was yelling out to him to stop the music but he couldn't really hear me. I pointed down to the girl on the ground and I saw him look over at her and try to scamper across to her. By this time I was nearly passing out myself because of the heat and being crushed and I had to get myself out of there. I got out by pushing myself through the people and getting out the back to where we had been all day. My friends were up the back and I joined them. When I got

Witness:

Brian Lee
Detective Senior Constable

Signature:

Ryan Keogh

Jason STEINER

6.

Page 2
Statement of Jason STEINER
in the matter of Death of Jessica MICHALIK

7. I started making my move to the front as the band came on the stage. With these other guys there was about four of us. We made a line and started to snake our way through the crowd and head to the front. On our way to the front I noticed that we were being pushed through the crowd from behind. The was just a constant force moving you forward. Before I knew it was only a couple of meters from the front. I saw a crowd of people in front of me fall over. It looked like the barrier at the front had given way and fallen over. I couldn't see the barrier I could just see the stage. The number of people that had fallen over looked like 15 to 20.
8. I started to try and help people up by grabbing them by whatever means I could and drag them to their feet. It was very difficult to grab hold of people as no one was wearing shirts and everyone was slimy and slippery from sweating in the heat. As I was trying to pull people up I got pushed by another surge from behind and fell over onto the crowd. Other people behind me fell on me. I was on top of people for only five or ten seconds before someone helped me back to my feet but it felt like forever.
9. As I got up there was a little bit of clearing as people moved back. I saw this girl freaking out. She standing there looking for a way out screaming at the top of her lungs. She was screaming help, get me out of here. She was wearing a black top and I purple hair. I remember seeing purple on black. There were three other guys around me and we were all saying to her to calm down as we would get her out. We all picked her up and got her to as high as our shoulders. We were trying to get her over the top of our heads but she was limp and just dead weight. She was too heavy for us to lift properly. When we got her up another surge came from the crowd and she fell to the ground. We just couldn't hold her. She fell on another group of people. More people fell over near us. I fell again but got pulled up straight away.
10. A security guard dived into the crowd near me and was telling the crowd to get back. I told him to help me and both of started pushing the crowd back. It seemed like a pretty fruitless exercise. It is like trying to move the car on your own. The band had stopped playing at this stage and were telling everyone to calm down and get back. That helped things a lot and people calmed down. Once everyone calmed down it became easier to get people out. I could just see security pulling people out one after another off the pile. I decided to get out of there after that as it was just crazy. About six of us started snaking our way back out again. It took us about five minutes to get to the back of the crowd where we had enough room to hold our arms out and it was easier to breath. That wasn't until we got back past the screen though.
11. I hooked up with my friends who were at the back. When I got back to my friends I noticed that the sound quality at the back was really poor. I couldn't hear the band at all from where we were standing at the back. It was a very muffled sound of someone playing music a long way off. It was really odd because we had been in the same position all day and had not had a problem with any of the other bands in terms of hearing the music. I think the fact that the sound was so poor for Limp Bizkit contributed to the

Witness:



Brian Lee
Detective Senior Constable

Signature:



Jason STEINER


NSW Police Service
STATEMENT OF A WITNESS

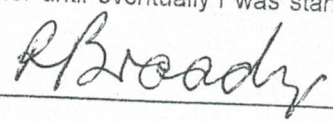
In the matter of: Death of Jessica MICHALIK
Location: 9 Glenora Street, Yarrowarra
Date: 17th February 2001

Name: Raymond BROADY

STATES:

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.
2. I am 46 years of age.
3. On Friday the 26th January 2001 I went to the Big Day Out concert at Homebush with my son, Kieran. We caught the train into Homebush and arrived at the concert about 10.30am. We spent the first part of the day in the middle of the arena field watching a couple of the bands. After them we moved up into the stands to take a bit of a break and get in the shade. The sound quality wasn't as good in the stands as the sound was bouncing around. The people up in the stands around us were talking very loudly and this was all giving me a bit of a headache so we took a walk and went over to the green stage. It was very hot and oppressive at the green stage so we went and sat on the grassed area near the food plaza and rested for bit.
4. We headed back in the main arena and stood just to the left of the mixing table just left to the center of the blue stage. This would have about 6.30pm as Placebo were playing on the orange stage. We had positioned ourselves to watch Powderfinger and Limp Bizkit. We watched Powderfinger perform and I noticed that the crowd at that stage was excellent. I had plenty of room to move around at that stage. It was packed in but I still had my own little bit of personal space around me.
5. When Rammstein came on and performed on the Orange Stage, Kieran and I were able to walk right up to the front of the Blue Stage. It wasn't even a push. We were just able to walk up there. We got to within two and three metres of the barrier and had about five to six body layers of people in front of us. I went into the mosh pit wearing a back pack, collared shirt and shorts. Kieran was wearing a white t-shirt and shorts. When we first got to the front I was able to stand with my legs about shoulder width apart and my elbows slightly out to give myself personal space and balance. Slowly as the crowd built up, my elbows were forced in and I had to keep bringing my legs closer together until eventually I was standing there

Witness: 
Brian Lee
Detective Senior Constable

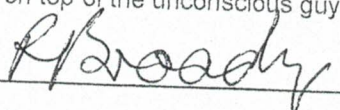
Signature: 
Raymond Broady

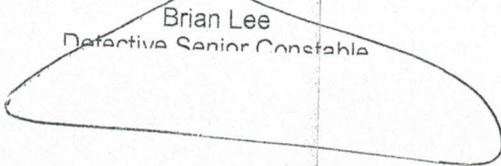
Page 2
**Statement of Raymond Broady
in the matter of Death of Jessica MICHALIK**

with my hands by my sides, my shoulders hunched up and my legs together because of the push of the crowd. The time at this stage was about five minutes before the Limp Bizkit started.

- 6. About this time there was a big push from the right hand side which would have been all the crowd coming over from Rammstein. The push moved us about a meter to the left. Then there was the obligatory push back from the other side. The problem with standing with your feet together was that I was unable to take a step to balance myself as I normally would when pushed. All I could do was shuffle my feet and move with the crowd to stop myself from falling over.
- 7. Limp Bizkit came on at about 9.15pm. When the band came on the crowd became more intense because of the energy and the music of the band on stage. About a couple of minutes into their first song people started to fall down. By this stage I was more in survival mode than anything else. By this stage Kieran and I were still fairly close to each other. He was about a meter behind me with about three or four people between us. He indicated to me that he was okay. At this stage I was weighing up whether to stay in or to get out. My reason for thinking that it might not be a bad idea to get out was that I was having the energy sapped out of me because of the heat and the constant effort of trying to brace myself to stay standing. I also had people crowd surfing over the top of me. As a result of the crowd surfers I copped some kicks to the head and other things just because they couldn't decide whether they just wanted to surf or to get out. A couple of time I nearly fell over but because the crowd was so tightly packed I couldn't fall. My thinking was that if I did fall that I wasn't going to be able to get myself up again.
- 8. All of sudden a girl has fallen to the ground in front of me. I immediately reached down and grabbed hold of both her arms in monkey grips. I found her really hard to hold because she was really hot and sweaty. She was pleading with me to get her up. She looked petrified. She just had a look of fear on her face. She was wearing a pink coloured top, like a halter neck but it had slipped down towards her waist and wasn't where it was meant to be. I couldn't get her up because she had a male person lying across the top of her and he appeared to be unconscious. I was aware that there were people in front of the this girl and guy who were also lying down. These people seemed to be sitting on the ground with there backs to the barrier and didn't appear to be making any attempt to get up. I don't know why they didn't try to get up, whether they couldn't or just didn't want to, but because they had a created a space this is why more people fell over. When everyone is standing up it is virtually impossible to fall because you don't have the space.
- 9. I am half aware that some appeal was made for the crowd to settle. I was looking at Fred Dourst the lead singer and thought that I made eye contact with him. I was yelling out that he was the man with the microphone and he should do something. I don't know if this did any good. Next thing I remember is a security guard jumping into the crowd from the barrier. He landed on top of the unconscious guy lying on

Witness: 
Brian Lee
Detective Senior Constable

Signature: 
Raymond Broady

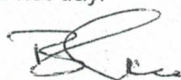


**Statement of Raymond Broady
in the matter of Death of Jessica MICHALIK**

top of the girl I had hold of. I was then pushed forward by the people behind me and have lost my balance. I was worrying about the girl that I had hold of then because I fell on top of her. I was worrying about smothering her. I was grabbed from behind by the arm and pulled backwards. When I was pulled backwards my grip on the girl has slipped and I lost hold of her. As I got pulled up it has created a bit of space around the people on the ground. I lost contact with them because people around me moved in front of me into the space.

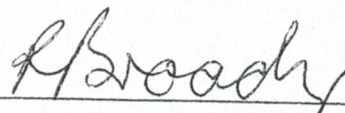
- 10. I realised that I couldn't help the girl anymore as I had lost contact with her. I made the decision to get out of the crowd so I pushed my way through and off to the side near the ambulance tent. One thing that I did notice as I pushed through the crowd was that once I had gone a couple of meters peoples bodies were noticeably cooler. I move right up to the corner of the barrier and the concrete wall. I had ample space around me here. I could move my arms about straight out and not have hit anyone. This was mainly because from this point the view of the stage was very limited.
- 11. People were handing me free water. I was very dehydrated and drank several cups in quick succession. This was also about the time that they started spraying hoses into the crowd to cool things down. I was that hot that I went over and stood under the spray to make myself cooler. I was dripping wet with sweat anyway so it didn't matter to me. I met up with Kieran at that point. He was on the other side of the barrier. I also saw the guy who was lying on top of the girl who appeared unconscious. He was just sitting down. My son and I introduced ourselves to him and asked him if he was alright. He said his name was Michael from Canberra. I also saw the girl who I had been trying to help, she was on my side of the fence. I introduced myself to her and she said her name was Toni from Doonside. I introduced her to Michael also.
- 12. Kieran and Michael both walked out from their side of the fence and all four of us sat down where we were and chatted for a little while. Toni even took a photograph of the four of us.
- 13. When we had all recovered sufficiently we moved around to a point still on the field but about three or meters in front of the stand. We were in between the stand and the mosh pit. At this point we had enough room to move around without to many problems. We all stood there and enjoyed the rest of the concert. When the concert finished Kieran and I caught the train home.
- 14. My feelings on the concert are that it was a great day. Up until the point in the mosh pit of Limp Bizkit I had a really good time. My only criticisms are that the hoses that they sprayed into the crowd should have been going all day as it was that hot. Also I think that there should have been a lot more free water for a crowd of that size. I think one of the major problems was that people were dehydrating faster than they could get fluids into them and having on one real free water point was useless for a crowd of that size on a hot day.

Witness:



Brian Lee
Detective Senior Constable

Signature:



Raymond Broady

Troy Gordon

10

STATEMENT(continued)

Page No: 2

P.190A.

in the matter of: Big Day Out Concert, 2001

Name: Troy David GORDON

6. I heard the band Rammstein finish their last song when I was in the stand. I am not sure of the time, but it was starting to get dark. I walked down to the crowd with another mate, but during the walk we got separated and he was left behind. I walked through to the front, and it took me about 5 minutes to get through to the barricade. The crowd was solid, but I could still manage to get to the front. Some people seem to know that you want to get through, and they will move to let you through.

7. I was at the barricade just as the band Limp Bizkit started playing, near the centre of the stage. After the band had started playing, I could feel the crush of the crowd from behind. There was constant pressure from behind, but there were also surges as well from behind. The security officers were standing back from the barricade at that time. Some people appeared to be hot and bothered, and were crowd surfing over the top of me. Others were also climbing over the barricade. There were about 3 people per minute going over the top near me. During this time, my shirt was ripped off and my sunglasses smashed in my pocket. I did not notice my shirt coming off, I found it was missing some time later. I saw it some time later on the ground, but it was destroyed.

8. About half way through the second song, I pushed backwards through the crowd until I was about 10 metres away from the stage. The crowd was less dense at this area, which allowed the surges to be magnified. The surges were originally front to back, but started to go from side to side. Near the end of the second song, people were losing their footing and falling onto the ground. The usual practice is to pick up the falling people, to help your mates up from the ground. People on the edge of the mosh pit kept falling into the middle of the others.



9. I saw a girl on the ground, on her back. She was moving her arms around, I looked back at the band for about 20 seconds and

looked back at the girl again. She was still on the ground, about 3 metres away from me. I walked over to her, I asked her was she okay and she said no in a distressed voice. I tried to pick her up by placing my arms underneath hers. I got her up half way, but I could see other people's legs on her. I could not lift her any higher.

10. I layed her back down and held her left hand in my left hand. I was pushed back by the crowd, but still had hold of her hand. There were heaps of people walking all over her. Because she was on the ground, other people were falling over her. I told her to cover her head, and she put her hands over her head. I knelt down next to her with my knees beside her head. I got pushed down onto me elbows and I placed my head over hers to protect her. People were falling over her and me.

11. I could not move in any direction for about 15 seconds, with the people on me it was dark and the noise was muffled. I started thinking about my own survival, I couldn't move and I couldn't see her face because of the darkness. People got off us and I could see her face. I stood up and could see a yellowish thick liquid down each side of her mouth and some yellow thinner liquid coming from her left eye. Her eyelids were open but her eyes did not look right. I have completed a first aid course and the girl looked as though she was in trouble. She appeared to be unconscious, as she did not respond to anything.

12. I tried to pick her up by myself, but she appeared to be a dead weight. I pointed to 3 guys and told them to help me get her up. I picked the top of her body up to head height and the other guys grabbed the legs. I lay her face up on top of someone else beside me and pushed her along to the front. I had hold of her hand while she was being surfed over the top. When I let go, her arm fell down. She was limp. She was surfed towards the front, but I could not see exactly where she went. /



NSW Police Service
STATEMENT OF A WITNESS

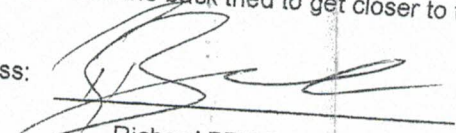
In the matter of: Death of MICHALIK
Location: 91 Fredrick St St Peters
Date: 12/2/01

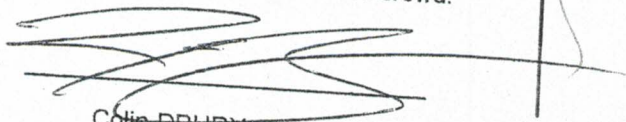
Colin Drury

Name: Colin DRURY

STATES:

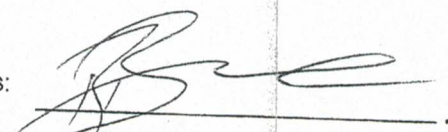
1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.
2. I am 20 years of age.
3. On the 26th of January 2001 about 12.30pm I left home to go to The Big Day Out concert at Homebush Showground. I left home alone and I was going to meet friends when I got to the concert. I went to the concert by train and I arrived at Homebush around 2 o'clock. I met with my friends out the front of the Dome in the Showground. My friends were Greg McManous (0415765626), Damon Rowan, Baxter Ciale and Dayana Leach.
4. During the day I walked around the Showground and watched a few bands about 5 on the various stages around the showground. The whole Showground was fairly crowded. The main stadium was really crowded. I recall think that water at the day would be free but I found when I got there that water cost \$4 or \$5 per bottle. I also remember that it was a very hot day. It was thirty or thirty two degrees on the day.
5. About 8.30pm I went into the main stadium and my intention was to get near the stage so I could get some pictures of Limp Bizkit when they were playing. Went I went in I remember that Powder Finger were on the blue stage. Powder Finger played for about 20 minutes. I was standing back a bit about 30 meters from the stage. In this area it was starting to get crowded. I was always in contact with other people. It had cooled down a bit but it was still humid.
6. About 5 minutes after Powder Finger stopped playing Ramstein started to play. I was standing in the center of the blue stage about 15 to 20 people back from the barricade at the front of the stage, about 10 meters. It was really crowded it wasn't particularly bad but it was crowded. Ramstein started to play people from the back tried to get closer to the stage. I could feel pushing from the back of the crowd.

Witness: 
 Richard BROOME
 PC Constable

Signature: 
 Colin DRURY

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Statement of Colin DRURY
in the matter of Death of Jessica MICHALIK

7. Eventually about 30 minutes later I thought to myself that I should probably get out of this. I thought this because the area I was in was too packed. I looked around and I could see that there was no way I would be able to get out of the area. I was in the moch pit at this time still in the center of the stage about 10 people back. I felt like I was only 5 to 8 meters from the barricade. I don't know whether this was from people leaving or just from squashing up.
8. All around me I could feel surges from the crowd. People would try to get closer at the back and force others forward and then the people at the front would push back causing more surges this also from side to side but not as intense.
9. Ramstein stopped playing and the surges continued until the DJ came out and played the intro to Limp Bizkit. I could tell people were getting excited because there was stronger pushing from the back of the crowd. I remember that all I could do was concentrate on standing up in the crowd because the pushing was very bad. The packing got a little looser at this time.
10. The rest of the band came onto the stage. This was when all hell broke loose. I remember that it was nearly impossible to stand up. I remember that people were screaming for help and starting to get hurt by being squashed and elbowed. At this point some people were tripping over but regaining their feet. At this point I felt someone at my shins.
11. I looked down and saw a girl crouched at my shins she was in the foetal position. I thought that if she did not get up she would get kneed in the head. I reached over and grabbed her either under the arms or under the elbows and tried to pull her up. She got to her feet and I don't know whether she was able to stand or it was because of the people pressing against her that she stayed up.
12. I would describe the girl as being well built she was about 5'8" tall. I can't recall what she was wearing it was dark at the time. I remember that her hair was shoulder length and a dark in colour. When I picked her up she felt like she was relaxed and limp and she was sweating profusely but everyone was.
13. She stood up for about 5 or so seconds. I remember being kicked in the head by someone crowd surfing. I was dazed by this. I could feel something was happening behind me I was being pushed from the front and there was no support behind me. I fell over backwards and landed on the ground. I looked up and I could not see the sky at all. All I could se was people trying not to step on me. I was reaching up for people to pull me up. I rolled to one side and someone stepped on my neck. After 5 or 6 seconds I don't remember how but I got to my feet.

Witness: 
Richard BROOME
PC Constable

Signature: 
Colin DRURY