

## **INQUIRY INTO CORONIAL JURISDICTION IN NEW SOUTH WALES**

**Name:** Mrs Leesa Topic

**Date Received:** 27 June 2021

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# **Submission to The Coronial Jurisdiction in NSW**

Coronial Inquest File Number 2015/42730.

**Courtney died on February 10, 2015**

Good morning/afternoon/evening Ladies and Gentlemen.

My name is Leesa Topic. Alongside me is my husband Ron and our eldest son, Kristopher. We have two younger sons, also. We are the family of Courtney Jayde Topic. Courtney was not just a beloved daughter, sister, granddaughter, aunty, cousin, work colleague and friend. She was an integral part of our closely knit family. She continues to be so, but sadly we are forced to live without her now. Courtney and her three brothers were "Our Awesome Foursome." That has forever been torn apart. We are "THAT FAMILY."

Tragically and senselessly, our precious daughter, Courtney, was shot dead by NSW Police, whilst in the midst of a mental health crisis on February 10, 2015 at 11.48am. It was her first psychosis, to our knowledge. She was shot on the grass verge, at the corner of Cowpasture Road and Hoxton Park Road, Hoxton Park within 41 seconds of NSW Police arriving on scene. All calls to police were for "concerns for self harm, welfare check."

As this was a sudden, unexpected and unnatural death, our family was thrust into and endured the Coronial Inquest Process, Subsequent Findings and all that those processes entail. It is a gross understatement to say that this was another intensely harrowing and frightening experience within the horrific journey that we were already living. Yet, we believed it to be a vitally important component of the processes. We wanted the truth, transparency, accuracy and a fully funded investigation.

This was the process whereby we would be able to receive the truth and facts about the tragedy of February 10, 2015. We needed this and deserved this unequivocally. We believe that change is necessary and long overdue. The ramifications of the various short fallings, in our opinion have contributed to and continue to impact our mental health.

We are here today to convey our personal experiences with this process and what we believe would make this process more appropriate and accommodating for all involved, especially the bereaved families. The workings of the various processes must be streamlined and simplified to include the primary stakeholder, the bereaved family. They must not be made to feel like they are the "third wheel." The Coronial Inquest Process must be made more inclusive, respectful to the families involved, personalised and relevant to individual circumstances. This may include taking into account ethnicity, religious beliefs, financial constraints, disability access, as well as special circumstances that may apply to a particular family. There should not be a "one size fits all," approach. These families must be treated as human beings primarily, but their individual and personal circumstances must form part of the equation. Respect is paramount.

The families that are propelled into this foreign environment are first and foremost, still trying to come to terms with the sudden and unexpected loss of

their loved one, irrespective of time passed. They are grieving. Grieving is very much an individual experience, even within a family. From personal experience I can assure you that each and everyone of our family continue to experience good days, bad days as well as everything in between. Our baseline for coping with stress and stressful situations has been impacted on many levels throughout this horrific journey and continues to do so. The Coronial Inquest Process was another traumatic experience that definitely contributed to and exacerbated our mental and physical health. We feel that this was a direct result of the current and existing policies and procedures.

As intimated previously, our life-changing journey began on a beautiful sunny Tuesday on February 10, 2015. "A normal day." There was absolutely no inkling of what was to transpire as the day unfolded. The crushing, soul destroying events that were soon to engulf our lives.

We all left the family home to partake in our usual daily routines. Courtney did not work on Tuesday. She ordinarily stayed home. It was very rare for Courtney to leave the family home. She walked the two streets up to work and home on her own. Aside from this, she went out with me or occasionally her brothers or we all went out as a family.

At 11.48 am our lives as we knew them, were irreversibly shattered. We were not to find out until nearly three hours later. We'd heard reports from others in our workplaces and off social media, that there had been a shooting of a "16 year old girl" at Hungry Jacks, Hoxton Park. Courtney only left the house by herself to go to work. How awful. Too close to home, were some of the thoughts that came to mind. Yet, It didn't apply to us.....

Sadly.....it did. It was not a 16 year old girl but a 22 year old girl. Not any girl. Our Girl. Courtney Jayde Topic. Forever 22.

At 2.40pm detectives arrived at my work place and thus began our journey. To hear the words "your daughter is dead," is still surreal, even to this day. Courtney was an honest, genuine, beautiful person. How can this be??? The police advised that it took so long to find us as we were a family of "Cleanskins." Private citizens with no criminal history, profile or not known to police.....and yet our daughter is dead.....at the hands of those that are supposed to serve and protect.

The detectives who delivered the horrific news to us were all decent, respectful officers and they treated us well. They looked after us for the first week of this 'new life.' They drove Ron and Myself into Glebe to identify Our Beautiful Girl, on the third day. We organized our family priest to meet us there for support. We were also met by a wonderful social worker who was a Godsend, in one of the most traumatizing and shattering days of our lives. There are no words to describe what seeing your precious daughter, laying motionless in the morgue, does to you. Courtney was cold. A cold that I didn't even know was possible. I screamed at her to get up, please, please, please. She looked like she was asleep. She looked peaceful. I wanted to take her home to her own bed. Then, maybe, she would wake up???

We were blessed to have met the most amazing social worker, who continued to look after us, counsel us and advise us for a number of years following Courtney's untimely and violent death. This special lady went above and beyond to ensure that we were supported as time went on. She was our 'link' to Our Courtney. She had prepared Our Girl for when we went to identify her. The first thing that she said to us was "You have a Beautiful Angel in there." Those words meant the world to us. This lady, got permission from her superiors to stay with us throughout our journey and she sat with us through the nine days of the Coronial Inquest. I cannot emphasise the importance of this beautiful person and the impact that she had on us, at one of the most traumatizing and vulnerable times of our lives. She was also our connection to the Coronial Inquest Process. Our legal team were brilliant and were there for us throughout the whole process, but this lady was an added person who we could rely on to keep us informed if we had concerns, questions or needed things clarified. We had never been in a courtroom, so she organized a tour. This was necessary as we had had no exposure to courts, legal processes or systems. We were drowning in territory that we knew nothing about. Things that others may not have even considered were important to us.

Those same detectives were our point of contact for the following week. Then they advised us that they had handed our "case" over to Homicide. They gave us a business card and said if we needed to we should contact them. To hear the word "Homicide" was in itself traumatising. Remember, we are a week into losing our beautiful daughter in the most unexpected and violent circumstances. At the hands of NSW Police, those same people that we had always taught our children to turn to for help.....In the midst of this first week we were trying to organise a funeral, for our beloved daughter. That, in itself, was another trauma. I never thought that we would have to bury our precious child. I haven't even buried my parents. We were and still are, blessed to be surrounded and supported by so many amazing family and friends, whom we will be forever grateful to. Financially we did not have the funds to pay for a funeral. Family, friends, colleagues and our parish all came forward. Courtney had some money in her bank account that we were also able to access. We were in a state of shock. There was so much that needed to happen and we were not in any shape to do this. We were barely functioning. Our safe world had been ripped apart. We were waiting for the nightmare to end and to go back to our normal day to day lives. Hence we muddled our way through the coming days, weeks and months. Throughout this period we were shell shocked but the bills were still coming in, the mortgage needed to be paid, we need to eat. Life went on....

Ours had stopped at 11.48am on February 10, 2015.

The next month we returned to work, at least in body. It was necessary so that we didn't lose our home. Courtney's home. Our minds were forever elsewhere. As time went by our reality began to set in.

Our thoughts were all over the place. As this was a very public event, there was considerable media interest and coverage, which extended through the coming years, including the Coronial Inquest, The Findings and beyond.

Those that knew Courtney, us and our family knew the truth, but to see your daughter described as a knife wielding zombie on too many occasions to count added to our pain and suffering. We had to wait until the Findings were released three and a half years later to denounce this falsehood. We could publicly stand and say what we knew in our hearts and had been told very early on, by Gary Jubelin, "that Courtney had done nothing wrong." As the Police were involved, some of the public assumed that Courtney was a criminal or had taken drugs or was a bad person. Courtney was none of that, ever. She was a beautiful soul that had suffered for most of her life with mental health issues. S

he saw so many professionals over the years and was able to live a 'normal life.' She completed her HSC, completed a Certificate 3, worked part time up until her untimely passing, had a gold drivers license, her own car, savings in the bank. She'd never done drugs, nor did she drink. She was an upstanding citizen. More importantly Courtney was a wonderful human being, who is dearly missed, each and every day.

Five months after Courtney was shot dead, my Dad went with my Mum to Cabramatta Police Station after church, one Sunday. He was a broken man. His granddaughter was dead, his daughter, son in law and other grandsons were broken people. He stated his disgust at how we had been treated. Since they had handed the case over to Homicide we had absolutely no contact whatsoever with NSW Police. In our opinion, they'd murdered our daughter and then wiped their hands of us. We had no comprehension of what was normal protocol. Keep in mind, we were and are 'cleanskins.' We'd had no previous interactions with the police, aside from routine traffic interactions, nor with the courts. We were in such remote, foreign territory and left to our own devices, all the while trying to come to terms with the devastating loss of Courtney and function 'normally, in a world that had since moved on. That afternoon Investigating Officer, Chief Inspector Gary Jubelin arrived at our family home. He apologized profusely. He simply stated that he assumed that we would not want anything to do with the police. We told him that we were never given the option of accepting or refusing assistance. We felt abandoned. We explained to Gary that we had no idea whether we or Courtney were considered to be criminals. He promised us a transparent and thorough investigation. He was the first NSW Police officer to say to us "Courtney did nothing wrong." We voiced our concerns of police investigating police quite vehemently to Gary. He again reiterated that he would deliver an honest and transparent investigation. Gary went on to prove himself to us ten fold. We consider Gary a friend. Throughout those early months and prior to Gary speaking with us, we were unsure of our 'role' in this tragedy. We were the shattered family, but no one seemed to place any importance or value in that. Things changed in that respect, for the positive. We were grateful to finally have someone, whom we had met, to contact if needed. From this moment onward, Gary kept us informed and was always just a phone call away.

We were told many months later to apply for Legal Aid. We had no concept that we needed a lawyer or what a Coronial Inquest meant. This needs to be explicitly explained to family very early on to eliminate unnecessary additional

stresses. We thought that we would lose our home as we didn't have the funds for a lawyer. We still thought that we were perceived to be criminals from the police's perspective. No one at this stage had said to us, that we'd done nothing wrong. That we were "Victims." We were told to put in a claim through Victims Services, for financial support for counselling and including the costs of the funeral. \$32000 to be exact. We were assured that we were victims of crime and this was a logical step to take. We did. We rarely heard from them, but when I contacted them intermittently, I was assured that the claim was still in progress. We were granted Legal Aid. We were granted access to ongoing counselling through victims' services, but after the findings were handed down, we were contacted by Victims Services to say our claim for the financial costs of the funeral were denied. Apparently, the findings that stated that "Courtney's death was avoidable" and that there had been many lapses on that day, by police, were not sufficient for them to pay for her funeral, even though she had been killed by a public servant. There were so many inconsistencies with differing departments. It begs the question, how can we be a victim of crime in some instances, but not in others? It seems that there were no set policies and procedures in all involved departments but we wonder whether personal opinion was factored into the decision-making? An apology from the NSW Police Commissioner to our family but victim's support denied our claim. We commenced civil action against the NSW police, so fortunately we had another avenue for redress. Many don't. Another inconsistency. Our Counsellor through the coronial court, organised viewing of sensitive footage.....Courtney being shot dead and breathing her last breath.....and stayed with us during this with our lawyers. This occurred in the rooms at the Coroners Office. This was vitally important. She also called us later to check in and debrief. She organised parking for us under the courts, so that we didn't have to contend with the media. We came in through a back entrance. This was important for our sanity. We were provided water and tissues in our private room.

Following the Findings being handed down, it is important to explain to families how to follow up. Advising them where to get access to the legal papers. Access to The Inquest, The Findings and the follow up to the findings. Were they implemented?

Gary worked on the investigation as funding and workload allowed. He was reliant on other government departments for their input too. We were not interviewed nor our statements taken until September 2015, seven months after Courtney was shot. Another traumatic process, but at least things were finally happening. The Brief of Evidence, compiled from the Police Investigation, took two years to be completed. Throughout this time we were regularly involved in legal appointments, which were extremely exhausting on so many levels, but again vitally important to us. We wanted the truth and this was the only way to achieve this. It was important to forge ahead through the defined processes.

Another important aspect is "Never Assume." Explicit and basic language should be used and understanding verified.

The family may have been well versed in the actual legal side of things by their legal team, but not in the day to day goings on of the court nor the expectations or order of proceedings. Education is extremely important. A liaison person is crucial for those random and scary thoughts that occur during such a difficult time. It can alleviate the stress of a situation that may be huge to the family, but if explained adequately, at their level, then the additional stress can be relieved relatively quickly. This applies to everyone.

Each person or department has a role to play in the proceedings, but the families of the deceased's emotional and psychological trauma should never be dismissed or underestimated.

Whenever I rang the Coroner's Court to speak to our counsellor, I had to repeat the name of my daughter, and the person would say is that the name of the deceased. Date of death, date of birth and so on, which I also found traumatizing. I knew my daughter was dead, but having to repeatedly go over her details and to hear it out loud was very traumatic. It was like every time I heard or said it, it became more real.

Collateral damage to those that witnessed the horrific events of that day was another aspect that was not considered. Many of those witnesses were subpoenaed to attend the Coronial Inquest. Again having little to no comprehension of what they were required to do and sit through. They also had to go through the traumatic events of that day and be questioned and re-questioned about the statement they made and what they saw. Were they offered any counseling, assistance or even guidance. I know of some of those witnesses are extremely traumatised and had to source their own counseling and psychological help. Some of those witnesses have since contacted us to offer their sympathies and to share the trauma that they have experienced and continue to experience.

What occurred on February 10, 2015 should never have happened. We knew this from the very beginning. Yet we had to wait until various government departments completed their component of the investigation before we even received a sitting date for the Coronial Inquest to begin. The Inquest was allocated nine days. This was not concurrent. The first seven days were consecutive business days then there was a day's break, then another day of the Inquest. On the eighth day the Inquest was postponed until eighteen days later, 16<sup>th</sup> April, 2018. The Coronial Inquest Findings were not handed down until some three and a half months later, on the 30<sup>th</sup>, July, 2018. This was all incredibly traumatising too. The disjointedness of the whole process, from start to finish definitely added to our trauma. Assistant Commissioner Elizabeth Ryan was empathetic to us and our family, which we truly appreciated. She completed her role with the utmost professionalism and yet recognized and respected that here in front of her was a broken family. I have said on many occasions throughout this awful journey that **Courtney was a human being, not a number, not a statistic and the involved departments need to have this thought forefront in their minds.**

We were never informed of our 'role' in this whole scary and traumatizing process. We felt like the third wheel. That no one cared about us. We were involved, by default, but not really included, respected or valued.

We had to put our faith in so many individuals, professionals and government departments. All we wanted was truthfulness, honesty, openness and transparency. Courtney deserved that at the very least, as did we.

Three years since we were thrown into this harrowing new life and finally we were given a start date for the Coronial Inquest. Our contribution to our horrific life experience was virtually limited to a 30 minute victim impact statement that I read out at the close of the Inquest. A soul destroying experience in every aspect. How was this our lives? How could Our Courtney be dead at the hands of the NSW Police?

A dominant concern of ours was that our private life had become very public due to circumstances beyond our control. Our daughter and the perceived view of her and what had occurred that day was dissected through varying media outlets, not all. Many of the reporting was baseless. Assumptions had been made and reported on publicly, based on the Police PR machine, most of what was disproved throughout the Coronial Inquest. This was incredibly disrespectful and hurtful to us and our family and friends. Hence why we pushed for a meeting with Mick Fuller and an apology. Transparency had to come from the top. We are again grateful that Commissioner Fuller took the time to meet with us.

The police had all the 'power' from the get go and were all about controlling the 'critical incident,' that had occurred because of their failings on the day. We were not privy to any information throughout the process until Gary Jubelin brought us into his Offices, prior to him handing over the brief of evidence to the Crown. Gary was not bound to do this, but we were so grateful to him. Everyone (Police) seemed to know what was going on, except us. Gary reiterated to us "Courtney had done nothing wrong." Accountability and responsibility are crucial. This particular aspect of proceedings was disempowering and demoralizing to us as a family and individually

Police investigating police must also be addressed. An external, independent, transparent and public investigation should've been completed, in our opinion. In saying this I am not implying any wrongdoing. We were extremely grateful to Gary Jubelin and his team for the utmost professionalism throughout. It is common sense that those that are employed by the same department and answer to the same bosses, should not be investigating their own. Transparency must be in action not just in words.

It was imperative that the ten Recommendations that arose from the Coronial Inquest into Courtney's senseless and avoidable death were implemented. This again ensured that there would be change. Change for the better, change that would save another life and another innocent family from having to live our neverending nightmare. Accountability. It wouldn't bring Courtney home, sadly.



The timeline was also another traumatic component of this process. Adequate resourcing was an issue, we believe. It seemed that we were just a number in the day of many different departments and personnel. There was no conscious thought for timeliness in decisions made, throughout the process. This of course, factored into the decline of our mental and emotional wellbeing. Those that were involved with us throughout the journey were all the utmost professional. They completed the specified role that was assigned them. It was quite disconcerting though when you'd go into the Court for a hearing and a date still hadn't been assigned. We went to Inquest just over three years after Courtney was shot dead. We couldn't begin to grieve the loss of our Courtney throughout this period as we were constantly going over and through everything again and again. Trauma on trauma on trauma.

Coronial Inquest started on site at Hungry Jacks, Hoxton Park.

Day one of the Inquest and Police walked in with all their appointments on and sat beside us. All the top brass were there and it was very intimidating. We felt it to be an act of bullying. A show of power. That they were telling us that they were better than us and we were nobody. No respect for us or what they had done to Courtney and our family. We were given a 'safe space' our own room. Crucial. The disregard for us felt calculated. It seemed to us that we were criminals, to their way of thinking. There was a sign in the foyer stating "No appointments' to be worn in the courtroom, but until they were explicitly told to remove their appointments, the police did not. There was a bit of back and forth as to why they had to. They were the police. In my mind and in my nightmares, these were the people who had surrounded my beautiful Courtney and put a bullet through her beating heart. That footage is part of me, now. I see my Gorgeous Girl running for her life. Terrified, frightened and in the midst of her first psychotic episode and the people that I'd always told our children to go to for help were hunting her down. She fell to the ground. Grasping for air, choking on her own blood. My Beautiful Courtney, bled out by the side of the road at a major intersection.

It was very important to us that the Coronial Inquest started on site. That everyone had a real understanding of where those tragic events transpired. Immersed in our reality. We are grateful to Assistant State Coroner Elizabeth Ryan for granting this request. Our opinion of the police was reinforced at that time. They turned up in their uniforms and proceeded to get out of their cars and joke and laugh, as though this was a game, a joke. They showed no respect for us or Courtney. Disgusted, hurt, broken are a few words that come to mind. The police had a separate door to us, to exit from the courtroom. On a few occasions involved officers walked in front of us, between rows of seats, out our door. Again, no respect for us or Courtney. This was downright cruel. They were the officers who killed our daughter. In the foyer they sat around, including right next to the door where we exited. This again felt to be an orchestrated act of defiance or at least condescension. When asked to move they were very indignant. Again, for us they were our child's murderers. No one approached us from the police to offer their condolences. In our opinion

there was a significant disparity between their approach to us and the reality and humanity of the situation. THEY KILLED COURTNEY.

We are extremely grateful for Courtney being referred to throughout the Inquest, by her name. She was a human being. Not a number, not a statistic, not a workload. Yes, it was difficult to comprehend, but it was real. Court staff were empathetic and kind. We were humbled by this and very appreciative. Media were also very respectful to us and our family and this was again appreciated.

We were gutted on the day the Findings were delivered, as it seemed that no Police officers had the decency to turn up. We asked ourselves was this an admission of guilt or a show of not giving a damn. Was it that they believed that it was over and they didn't care about the findings? Was it that it was irrelevant to them? Absolutely disgusted. Just another day at work for them? Common decency does not exist, it seems.

We met with Police Commissioner Mick Fuller long after the Coronial Inquest had concluded. We met in 2020. Five years after Courtney's senseless death. We received the apology that we desperately needed to receive. It didn't bring her home or erase our daily trauma, but at least her short life and untimely death at the hands of the police was acknowledged. Courtney had done nothing wrong. Her senseless death could have been avoided. Ten recommendations came out of the Inquest. In response to the Findings, and in speaking to Police Commissioner Mick Fuller, he assured us that nine out of ten of the recommendations had been implemented and the tenth was in progress.

We are eternally grateful to all concerned for this positive outcome that will prevent another family going through the trauma and loss that we do and will continue to do for our lifetime.

- Adequate resourcing is vital.
- Counselling access.
- Support counsellor throughout Inquest process and for findings.
- Separate spaces for each side. The police were the perpetrators, in our opinion.
- Private room for prior to the commencement of the day's proceedings and during breaks.
- All appointments checked into safe prior to entering court.
- Utmost respect for the family and their loss.
- There needs to be consistency across all involved departments.
- Explicit explanation of all aspects and processes.
- Provide Parking

We, the Topic Family are willing to meet with the government regarding this submission and forming positive steps going forward, together.

Addendums submitted separately  
Coronial Inquest File Number 2015/42730.  
Family Statement Coronial Inquest

