

his death was blunt force abdominal trauma. The available evidence does not allow me to make a finding as to the manner of death.

Recommendations:

To the Commissioner of Police, NSW Police Force:

I recommend that the death of **KBS** be referred to the NSW Police Unsolved Homicide Unit for ongoing investigation in accordance with the protocols and procedures of that unit.

NOTE: PROTECTIVE ORDERS AND RESTRICTED ACCESS ORDERS HAVE BEEN MADE IN THIS INQUEST AND COPIES CAN BE FOUND ON THE REGISTRY FILE

CULTURAL WARNING



Aboriginal and Torres Strait Islander readers are advised that these findings may contain the name of a deceased Aboriginal or Torres Strait Islander person.

Readers are warned that there may be words and descriptions that may be culturally distressing.

INTRODUCTION

1. This is an inquest into the untimely and cruel death of **KBS**. **KBS** was only 14 months old when he died at his home at [REDACTED], Ashmont, NSW (a suburb of Wagga Wagga) sometime during the early hours of 13 January 2019 as a result of blunt force abdominal trauma. At autopsy, not only was that traumatic injury noted but examination of his body showed many recent and old injuries including broken ribs, bruises to his forehead, bruises to his scalp, bruises to both sides of his body and thighs, a cut to the inside of his right leg, burns on his feet and right ankle and a striking cigarette lighter burn to his left hand.
2. The role of a Coroner is set out in Section 81 of the *Coroners Act 2009* (NSW) and requires a Coroner to make findings as to:
 - a. The identity of the deceased person;
 - b. The date and place of the person's death; and
 - c. The manner and cause of the person's death.
3. The primary role of this inquest is to determine the circumstances surrounding **KBS** suffering the blunt force abdominal trauma that caused his death.
4. Consideration is also given as to whether the external agencies involved in **KBS**'s care could have done more to prevent his tragic death occurring.

KBS

5. **KBS** has Aboriginal connections to the Wiradjuri, Yorta Yorta, Jerinjah, Wamba Wamba, Baraparapa, Dhudhuroa, Wurunderji, Yuin and Ngiyampa Nations. He was described as a happy and cheeky boy who loved to dance and sing. He is greatly missed by all his family.
6. **KBS** was born on 28 October 2017 at Wagga Wagga Rural Referral Hospital.¹ There were complications with the birth but nothing that resulted in ongoing medical

¹ Exhibit #3, V4/101 – My Personal Health Record (Blue Book). **KBS**'s birth does not appear to have been registered: Exhibit #3, V4/100 – NSW Births, Deaths and Marriages Result of Search dated 27 February 2019. See also Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 30, Q&A 4.

problems and overall, his health from birth was fine.² **KBS**'s newborn screening examinations were reportedly normal,³ and he was generally described by his family as a normal, healthy and happy child.⁴

7. At the time of his birth, **KBS**'s mother, Tonnisha Sebbens, was in a relationship with **KBS**'s father, Luke Bamblett, and Ms Sebbens and Mr Bamblett were living together with **KBS** and his older sister.⁵ The relationship between Ms Sebbens and Mr Bamblett was characterised by domestic violence and Mr Bamblett was later charged with domestic violence offences against Ms Sebbens.⁶ That relationship appears to have ended in the months following **KBS**'s birth when Mr Bamblett was remanded in custody from January 2018 for domestic violence offences against Ms Sebbens.⁷
8. In mid-2018, Ms Sebbens and her children moved into [REDACTED] Ashmont (a suburb of Wagga Wagga).⁸ This Department of Housing property was close to a number of immediate and extended family members. Ms Sebbens' mother, Cindy Knight, and sister, [REDACTED] lived next door at [REDACTED]. Ms Sebbens' grandmother, Shelly Aghan, lived at [REDACTED]. Another maternal aunt, Tiana Sebbens, lived at [REDACTED] with her partner, Justin Thomas Snr and four children.⁹
9. Ms Sebbens remained living at [REDACTED] until around August 2018, when she moved to Wollongong and both children remained in Wagga Wagga with her mother. During this period, the Department of Family and Community Services (FACS) (now known as the Department of Communities and Justice (DCJ)) became involved with the family in respect of both children.

² Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 30, Q&A 356-362.

³ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 2 of 15.

⁴ Exhibit #3, V2/29 – Statement of Ms Cindy Knight dated 16 January 2019, p 2 of 8, [12]; Exhibit #3, V2/30 – Statement of Shelly Aghan dated 16 January 2019, p 1 of 3, [5]. See also Exhibit #3, V3/73 – Wagga Wagga Rural Referral Hospital Records at p 3.

⁵ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 2 of 8, [7]-[8].

⁶ Exhibit #3, V1/12 – Statement of Detective Senior Constable Nicole Shaw dated 9 June 2019 (but signed 16 August 2019) (DSC Shaw 09.06.2019 (signed 16.08.2019)), p 5 of 134, [7]; Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 2 of 8, [7].

⁷ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, pp 30-31, Q&A 365-368.

⁸ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 2 of 8, [8].

⁹ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), pp 7-8 of 134, [12].

10. In Wollongong, Ms Sebbens was in a relationship with Emmett Brown.¹⁰ Ms Sebbens and Mr Brown had known one another since they were children and were related through marriage (Mr Brown's uncle, Justin Thomas Snr, was married to Ms Sebbens' aunt, Tiana Sebbens).¹¹ Between early August and November 2018, Ms Sebbens lived in Wollongong with Mr Brown and his family.¹² She returned to Wagga Wagga in around mid-November 2018 and moved back into [REDACTED] and resumed caring for both children.¹³ It appears that Mr Brown also commenced living at [REDACTED] with Ms Sebbens and her children at around this time.¹⁴
11. Mr Brown was subsequently sentenced to a 7-year sentence of imprisonment for various offences, including domestic violence offences committed against Ms Sebbens.¹⁵ On 12 December 2022, Mr Brown was found deceased in his cell at Cessnock Correctional Centre. Mr Brown's cause of death was the combined effects of bronchopneumonia and methadone toxicity.
12. Ms Sebbens had been the victim of serious domestic violence from her male partners. This violence was often committed in the home and witnessed by her children. In considering the evidence in this matter I am mindful of the context of her family's intergenerational experience with violence, child protection and police. I am mindful that this would have an impact upon her trust and engagement with police and child protection services.
13. Ms Sebbens told the Court that she still remembers the day **KBS** entered this world:
- "It was a long nine hour labour but I would do it all again just to hear him cry for the first time again. Laying eyes on him for the first time was one of the most precious moments of my life.
- He was happy, loving and the sweetest little boy you would ever meet.

¹⁰ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 2 of 8, [9].

¹¹ Exhibit #3, V2/36 – Statement of Brody Ugle dated 2 November 2020, p 1 of 2, [6]; Exhibit #3, V2/31 – Statement of Justin Thomas (Snr) dated 17 January 2019, p 3 of 3.

¹² Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), pp 5-6 of 134, [8]-[9].

¹³ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 3 of 8, [13]-[14].

¹⁴ See, eg, Exhibit #3, V2/31 – Statement of Justin Thomas (Snr) dated 17 January 2019, p 3 of 3 [12]; Exhibit #3, V2/32 – Statement of Tamara Thomas dated 17 January 2019, pp 1-2 [6] and 5 [24]; Exhibit #3, V2/33 – Statement of Justin Thomas (Jnr) dated 17 January 2019, p 2 of 4 [9].

¹⁵ Exhibit #3, V3/81 – NSWPF Criminal History – Bail Report for Emmett Brown dated 10 April 2024.

KBS was my sunshine in the dark times, he came into my life at a very hard time and showed me a whole different kind of love, I cherished every moment I had with him and always will.”

14. **KBS**’s great-grandfather on his father’s side said:

“The impact of **KBS**’s death on my family has been enormous. His death has devastated all of us. It has knocked us rotten. **KBS**’s death has destroyed Luke, and I really struggle trying to reach him. I fear that **KBS**’s death has had a lasting impact on Luke, and that he may not recover from it.”

15. **KBS** was clearly greatly loved and is dearly missed by his family.

KBS’s child protection history

16. DCJ first became involved with **KBS**’s family prior to his birth in respect of his older sibling.¹⁶ In the period following **KBS**’s birth, DCJ received further reports in respect of **KBS** and his family in November and December 2017 and January 2018. These reports were made in respect of concerns about Mr Bamblett’s behaviour towards Ms Sebbens, which was alleged to involve verbal abuse and physical violence.¹⁷

17. DCJ worked with Ms Sebbens and her children between January and April 2018. Casework included attempting to arrange childcare, assisting Ms Sebbens with practical supports and referring her to support services.¹⁸ DCJ closed its file on 1 May 2018 after it received confirmation that a support service, to which it had referred Ms Sebbens and the children, had accepted the referral.¹⁹

18. In August 2018 a family member contacted DCJ requesting financial assistance in caring for **KBS** and his sister. DCJ provided the family member with financial assistance in response to this request and provided further financial assistance in September and October 2018 following further requests being made.²⁰

¹⁶ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, pp 13-14, [57].

¹⁷ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, pp 16-18, [70]-[80].

¹⁸ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, p 18, [82].

¹⁹ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, p 19, [86].

²⁰ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, pp 18-19, [87]-[94].

19. In late September 2018, DCJ made a referral to Mission Australia’s Brighter Futures program in respect of the family. That referral was made with the consent of the family member who was caring for the children in Ms Sebbens’ absence. In late October 2018, Mission Australia advised DCJ the referral to the Brighter Futures program had been accepted.²¹ From late October 2018 until after **KBS**’s death on 13 January 2019, Mission Australia had an open file for the family.²²
20. Brighter Futures staff began working with the family in early November 2018. They provided assistance to Ms Sebbens upon her return to Wagga Wagga when she resumed caring for the children. That assistance included supporting the family to enrol both children in childcare, supporting Ms Sebbens to bring **KBS**’s immunisations up to date, and financial assistance.²³
21. Brighter Futures staff report that from around mid-December 2018; the family had begun to disengage with their service.²⁴ Brighter Futures closed for the Christmas period between around 20 December 2018 and 8 January 2019. Brighter Futures staff attempted to re-engage the family on 10 January 2019, by texting a family member and visiting [REDACTED]. These attempts were unsuccessful and on 11 January 2019, Brighter Futures sent a letter to the family via Australia Post to advise that if there was no contact within seven days, Brighter Futures would close its file due to disengagement.²⁵ This was the last contact Brighter Futures had with the family prior to **KBS**’s death.

KBS’s medical history prior to death

22. **KBS** was variously described by his family as a healthy and happy child. His family generally reported **KBS** to be in good health in the period leading up to his death, beyond a reported spider bite four days prior to his death for which he received medical treatment.

²¹ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, p 20, [93]-[96].

²² Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, p 21, [97].

²³ Exhibit #3, V5/109 – First Statement of Amanda Bainbridge dated 9 August 2019, p 2, [9]; Exhibit #3, V5/110 – Second Statement of Amanda Bainbridge dated 4 July 2024, p 7, [36]-[40].

²⁴ Exhibit #3, V5/109 – First Statement of Amanda Bainbridge dated 9 August 2019, p 2, [11].

²⁵ Exhibit #3, V5/110 – Second Statement of Amanda Bainbridge dated 4 July 2024, p 46, Annexure AB-16.

23. On 9 January 2019, the “13CURE Home Visiting GP Service” was contacted in respect of **KBS**. The symptoms recorded by the call centre staff were that the “patient was possibly bitten a few days ago. Patient has blisters on feet and patients mother believes a white tail spider may have bitten him.”²⁶
24. Dr Saul Bunungam attended [REDACTED] and examined **KBS**. He has said that **KBS** was “well looking and active and had bilateral old plantar blisters which...were dry and peeling.” **KBS** also had what Dr Bunungam describes as a “desquamated vesicle” (in other words, a peeling blister) on the ankle. Dr Bunungam assessed **KBS** to be well and clinically stable.²⁷
25. Dr Bunungam has said that because the blisters appeared old and dry, were peeling, and there were no signs of active infection, he advised **KBS**’s mother to wash the wound with antiseptic solution and apply Bactroban daily to further aid the already healing wound. He recalled that **KBS**’s mother told him that she had previously used Bactroban on **KBS** and **KBS** had no issues with it.²⁸
26. Dr Bunungam has said he did not consider it likely that **KBS** had been bitten by a spider as he could not see any potential site of a spider bite. He also did not consider that the blisters on **KBS**’s feet looked like burns; rather, he thought that they were Impetigo, a common skin infection.²⁹

13 January 2019 and the investigation

*The day prior to **KBS**’s death*

27. The available evidence is that on Saturday 12 January 2019, Ms Sebbens, **KBS** and his sister [REDACTED] spent the day at home at [REDACTED]. It was a hot day, and the children spent much of the day playing in their backyard inflatable pool.³⁰ They also went back and forth between their house and their grandmother’s house next door at

²⁶ Exhibit #3, V4/104 – First Statement of Dr Saul Bunungam signed 10 September 2019, p 2, [15].

²⁷ Exhibit #3, V4/104 – First Statement of Dr Saul Bunungam signed 10 September 2019, p 2, [16].

²⁸ Exhibit #3, V4/104 – First Statement of Dr Saul Bunungam signed 10 September 2019, p 2, [17].

²⁹ Exhibit #3, V4/105 – Second Statement of Dr Saul Bunungam dated 9 June 2024.

³⁰ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 7, Q&A 65-68; Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 4 of 8, [21].

██████████³¹ Ms Knight told police, “KBS seemed happy because he was running in and out of my room during the day”.³²

28. Ms Sebbens, KBS and ██████████ continued to move between the two houses throughout the day. Early in the evening, Ms Sebbens, KBS and ██████████ were at Ms Knight’s house with Ms Knight and Ms Sebbens’ younger sister, ██████████ Ms Knight’s friend and neighbour, Amanda Ryan, visited with her 3-year-old and the children played together for 1-2 hours. Ms Ryan has said that KBS and ██████████ “seemed fine” and were playing normally. Ms Ryan left Ms Knight’s place at about 8:30 pm.³³

29. Also present at Ms Knight’s house at around this time was Brody Ugle, Ms Knight’s son and Ms Sebbens’ brother. He has told police that he was at Ms Knight’s house some time prior to 8 or 9 pm and that Miss ██████████ and Ms Ryan were also present when he was there, while Ms Sebbens was coming and going between her house and Ms Knight’s. While he was at Ms Knight’s house, Mr Ugle was playing and wrestling with KBS on Ms Knight’s lounge. He has told police that it was “normal play with a toddler”, “wasn’t overly rough” and he does not believe KBS got hurt in any way as KBS remained happy the entire time. Mr Ugle thought he played with KBS for around ten minutes and then left Ms Knight’s house at around 8 or 9 pm. Mr Ugle has said that when he left ██████████ KBS was fine, happy and smiling and seemed completely healthy with no injuries.³⁴

30. Later in the evening, Ms Sebbens and the kids returned home to ██████████ and Miss ██████████ went with them.³⁵ Miss ██████████ then dressed KBS and got him ready for bed.³⁶ Miss ██████████ has said she cannot remember exactly when this took place, but she

³¹ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 4 of 8, [21].

³² Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 4 of 8, [22].

³³ Exhibit #3, V2/37 – Statement of Amanda Ryan dated 16 January 2019, pp 1-2 of 3, [4]-[6].

³⁴ Exhibit #3, V2/36 – Statement of Brody Ugle dated 2 November 2020, p 2 of 2, [9]-[10].

³⁵ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 5 of 8, [24].

³⁶ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 5 of 8, [25]; Exhibit #3, V2/34 – Transcript of child interview with ██████████ of 17 January 2019, p 16, Q&A 195.

thinks it might have been before midnight.³⁷ That was the last time Miss [REDACTED] saw [REDACTED] **KBS** awake.³⁸

31. According to Miss [REDACTED] **KBS** seemed “perfectly fine” when she was getting him ready for bed, although she did notice a sore on his ankle and blisters on his foot.³⁹ Miss [REDACTED] has said she thinks **KBS** was only wearing a nappy before she got him dressed and that she dressed him in a green and white zip up jumpsuit.⁴⁰ She then returned to [REDACTED] leaving Ms Sebbens with the children.⁴¹
32. What is said to have happened between about midnight and about 10:30 am on 13 January 2019 is less clear and compounded by the fact that the witnesses who were variously present at [REDACTED] during that period have given versions that are not readily reconcilable into a coherent narrative. Ms Sebbens has given multiple versions of varying inconsistency. Mr Brown has since died.

13 January 2019

Triple-0 call and the accounts of the first civilians present on scene

33. Ms Knight has told police she was in bed asleep at her home at [REDACTED] on the morning of 13 January 2019 when she was awoken by Ms Sebbens screaming and saying, “**KBS**’s dead, **KBS**’s dead, he is blue”. Ms Sebbens opened Ms Knight’s front door, entered her bedroom, and dropped to the floor. In response, Ms Knight called her mother, Shelly Aghan, and her friend, Amanda Ryan. She then called triple-0 and initially spoke to the operator, before handing the phone to someone to give to Ms Ryan.⁴²

³⁷ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 23, Q&A 288-300.

³⁸ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 23, Q&A 288-289, 369.

³⁹ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, pp 27-28, Q&A 332-351.

⁴⁰ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, pp 21-22, Q&A 256-267 and pp 29-30, Q&A 371-377.

⁴¹ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 28, Q&A 367-368.

⁴² Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 6 of 8, [30]-[31].

34. According to Ambulance records, Ms Knight's call to triple-0 was received at 10:42 am.⁴³ Ms Knight requested an ambulance for [REDACTED] and said, "My grandson's dead" and "they wake up they found him dead, he's blue, in the bed".⁴⁴
35. Ms Ryan has said she received a phone call from Ms Knight in which Ms Knight was crying hysterically, and she heard the words "it's **KBS**" and "died". Ms Knight was hysterical and crying. Ms Ryan then ran to Ms Knight's place and saw Ms Sebbens sitting on her front steps holding **KBS** and sobbing, saying, "He is gone". Ms Ryan saw that **KBS**'s eyes were half open, and his skin was blue, and he had blue lips. She put her hand on his chest and her ear to his mouth but could not hear him breathing and he felt cold. She could not feel a pulse on his wrist. Ms Ryan said to Ms Sebbens, "You need to give him to me so I can start CPR". Ms Sebbens then gave **KBS** to Ms Ryan, and she laid him down on the floorboards in the doorway of [REDACTED] checked his airways, rolled him onto his back and started CPR. Ms Ryan performed two rounds of compressions before Ms Aghan arrived and took **KBS** from her.⁴⁵
36. Ms Aghan has said she was at home at [REDACTED] and was asleep on her lounge when she was woken by a phone call from Ms Knight. Ms Knight was screaming and crying and said, "He's dead". Ms Aghan worked out that Ms Knight was talking about **KBS** She then told Ms Knight to call an ambulance and got dressed and called her son-in-law, Justin Thomas Snr, and asked him for help. Mr Thomas Snr ran straight over to Ms Aghan's house, and he and Ms Aghan then ran to Ms Knight's house.⁴⁶
37. When she got to [REDACTED] Ms Aghan saw Ms Ryan and Ms Sebbens near the front door. Mr Thomas Snr was holding **KBS** and asked Ms Aghan to take him. Ms Aghan then took **KBS** ran into the main bedroom of the house, placed **KBS** on the bed and started performing CPR. As she did this, Ms Ryan had triple-0 on the phone and the operator explained what to do. Ms Aghan has said the ambulance then

⁴³ Exhibit #3, V13/162 – Transcript of First Triple 0 Call.

⁴⁴ Exhibit #3, V13/162 – Transcript of First Triple-0 Call, p 2.

⁴⁵ Exhibit #3, V2/37 – Statement of Amanda Ryan dated 16 January 2019, pp 2-3 of 3, [7]-[12].

⁴⁶ Exhibit #3, V2/30 – Statement of Shelly Aghan dated 16 January 2019, p 2 of 3, [7].

arrived and took over.⁴⁷ Ambulance records indicate that ambulances arrived on scene at 10:49 am, approximately 7 minutes after the triple-0 call was placed.⁴⁸

38. Mr Thomas Snr's recollection is consistent with Ms Ryan and Ms Aghan. He has said he was at home when he got a distressed call from Ms Aghan, his mother-in-law, asking for his help. He rushed over to Ms Aghan's, and she told him something was wrong with **KBS**. He then ran to [REDACTED]. When he arrived, he saw Ms Sebbens on the front step, crying and hysterical, and Ms Ryan kneeling in the doorway performing CPR on **KBS**. Ms Ryan passed **KBS** to Mr Thomas Snr, who in turn passed **KBS** to Ms Aghan.⁴⁹ **KBS** appeared lifeless, and Mr Thomas Snr did not see any movement or breathing. He was not cold and was just pale and not quite blue. He was just wearing a nappy at the time and the only injury Mr Thomas Snr observed was "a small bruise on his belly".⁵⁰

Attendance of paramedics and police

39. The ambulances arrived at [REDACTED] at 10:49 am.⁵¹ Inspector Eamonn Purcell arrived on scene and entered the house.⁵² Upon entering the front bedroom, he observed two females performing CPR on **KBS**, who did not appear to be breathing and was unresponsive.⁵³ Inspector Purcell immediately picked **KBS** up and carried him outside into a waiting ambulance. Together with paramedics Mark Stephenson and Julie-Ann Exton, he commenced resuscitation efforts.⁵⁴
40. Inspector Purcell has told police that when he picked up **KBS** inside the house, **KBS** felt warm but lifeless. The ambient temperature in the room was extremely hot, with a strong smell of vomit. Inspector Purcell believed **KBS** was in cardiac arrest and most likely deceased at that time.⁵⁵

⁴⁷ Exhibit #3, V2/30 – Statement of Shelly Aghan dated 16 January 2019, p 2 of 3, [7].

⁴⁸ Exhibit #3, V13/162 – Transcript of First Triple 0 Call; Exhibit #3, V3/71 – Incident Detail Report 50148.

⁴⁹ Exhibit #3, V2/31 – Statement of Justin Thomas (Snr) dated 17 January 2019, pp 1-2 of 3, [5]-[10].

⁵⁰ Exhibit #3, V2/31 – Statement of Justin Thomas (Snr) dated 17 January 2019, pp 1-2 of 3, [5]-[10].

⁵¹ Exhibit #3, V3/71 – Incident Detail Report 50148 pp 1, 3 (10:48:58).

⁵² Exhibit #3, V3/66 – Statement of Inspector Eamonn Purcell dated 14 January 2019, pp 1-2 of 3, [5]-[6].

⁵³ Exhibit #3, V3/66 – Statement of Inspector Eamonn Purcell dated 14 January 2019, p 2 of 3, [7].

⁵⁴ Exhibit #3, V3/66 – Statement of Inspector Eamonn Purcell dated 14 January 2019, pp 1-2 of 3, [7]-[8].

⁵⁵ Exhibit #3, V3/66 – Statement of Inspector Eamonn Purcell dated 14 January 2019, p 2 of 3, [10]-[11].

41. Even so, attempts to resuscitate **KBS** on scene continued until 11:03 am. During this period, paramedics requested police assistance and advised police of suspicious injuries to **KBS**'s body, including a burn mark on his right hand. At 11:03 am, **KBS** was conveyed to hospital. The ambulance arrived at hospital at 11:09 am and **KBS** was handed over to Emergency Department staff for further treatment.⁵⁶

Ms Sebbens' first account

42. Paramedic Sascha Baldry arrived at [REDACTED] at the same time as Inspector Purcell and other paramedics. As other paramedics commenced resuscitation efforts on **KBS** Ms Baldry approached Ms Sebbens to obtain details of what had happened.⁵⁷ The conversation that followed is the first recorded account Ms Sebbens gave of the events of the night of 12 to 13 January 2019.
43. When asked, "What time did this happen?", Ms Sebbens initially said, "Ten o'clock" but then clarified, "maybe it was ten-thirty". Ms Baldry confirmed **KBS**'s name, date of birth and brief medical details. When asked, "When did you last see him ok?", Ms Sebbens said she had put **KBS** to bed with a vegemite sandwich, and she took Ms Baldry into his bedroom.⁵⁸
44. Ms Baldry has said there was a strong smell of vomit as soon as she entered the house and the temperature was hot.⁵⁹ Inside the bedroom, the smell of vomit was very strong and she observed a yellow substance on the floor about the size of the top of a coffee cup, which she thought was vomit. When they were in the bedroom, Ms Sebbens told Ms Baldry, "He was bitten by an insect on the ankle two days ago, the doctor said he was ok".⁶⁰
45. Ms Baldry exited the house and relayed this information to the other paramedics and police on scene. At the suggestion of another paramedic, Ms Baldry returned to ask Ms Sebbens when **KBS** was last seen. Ms Sebbens told Ms Baldry, "It was about 2 am". Another woman present during this conversation then told Ms Baldry that she

⁵⁶ Exhibit #3, V3/66 – Statement of Inspector Eamonn Purcell dated 14 January 2019, pp 1-2 of 3, [9]-[11].

⁵⁷ Exhibit #3, V3/68 – Statement of Sascha Louise Baldry dated 18 January 2019, pp 2-3 of 7, [9]-[10].

⁵⁸ Exhibit #3, V3/68 – Statement of Sascha Louise Baldry dated 18 January 2019, pp 3-4 of 7, [10].

⁵⁹ Exhibit #3, V3/68 – Statement of Sascha Louise Baldry dated 18 January 2019, p 4 of 7, [11].

⁶⁰ Exhibit #3, V3/68 – Statement of Sascha Louise Baldry dated 18 January 2019, pp 4-5 of 7, [11].

had returned to the home from a club at about 4 am and saw **KBS** sleeping normally. Ms Baldry relayed this additional information to the other paramedics and police before departing the scene to transfer **KBS** to hospital.⁶¹

Ms Sebbens' second account

46. The first police officer to arrive at [REDACTED] was Senior Constable Michael Carr, who arrived at approximately 10:57 am.⁶² Upon arriving, Senior Constable Carr exited his vehicle and ran over to the ambulance in the driveway. He was then asked by one of the paramedics to enter the ambulance and make observations of **KBS**. Upon doing so, Senior Constable Carr observed two distinctive burn marks on **KBS**; one on the back of the left hand, which he considered to be from the back of a cigarette lighter, and another on the right outside area of **KBS**'s right ankle.⁶³
47. Senior Constable Carr exited the ambulance and provided an update of the situation to police radio as further police had not yet arrived on scene.⁶⁴
48. Senior Constable Carr approached Ms Sebbens and was joined by other police who had by then arrived, including Constable Tony Johnston and Leading Senior Constable Symon Parsons. Leading Senior Constable Parsons activated his body worn camera and SC Carr questioned Ms Sebbens about what had happened. The conversation that followed is the second account Ms Sebbens gave of the events of the night of 12 to 13 January 2019. In summary;⁶⁵
 - a. She found **KBS** at about 10:30 am in his cot. He was on his back and had his blanket on and a pillow on his belly, near his chest. It was how he normally lays.
 - b. He was not breathing. He was blue and his mouth and eyes were open.
 - c. She had entered the kids' room at about 10 am when [REDACTED] woke up crying. This woke her up, so she got up and gave [REDACTED] a dummy and drink of milk

⁶¹ Exhibit #3, V3/68 – Statement of Sascha Louise Baldry dated 18 January 2019, pp 5-6 of 7, [12]-[14].

⁶² Exhibit #3, V2/44 – Statement of Senior Constable Michael Carr dated 16 January 2019, pp 1 of 6, [2].

⁶³ Exhibit #3, V2/44 – Statement of Senior Constable Michael Carr dated 16 January 2019, pp 1-2 of 6, [2]-[4].

⁶⁴ Exhibit #3, V2/44 – Statement of Senior Constable Michael Carr dated 16 January 2019, p 2 of 6, [7].

⁶⁵ Exhibit #3, V2/44 – Statement of Senior Constable Michael Carr dated 16 January 2019, pp 3-5 of 6, [9]-[13].

before going back to bed. She thought **KBS** was asleep like normal at 10 am so she did not take notice of him. She was not sure if he was breathing.

d. Upon finding **KBS**, she ran over to her mum's house because she did not know what to do.

e. She said several times there was no one else in the house and the only people who lived at [REDACTED] were her and her two children.

49. Officers Carr, Johnson, and Parsons then entered the house to ensure there were no other persons present. Senior Constable Carr has said that during the search, he was confronted with a strong smell of faeces, vomit, rotten food, and cannabis. He said the smell of vomit was ever present in the children's room.⁶⁶

50. After exiting [REDACTED] Officers Carr, Johnson, and Parsons spoke to Detective Senior Constable Nicole Shaw who had arrived on scene shortly after 11 am and directed that all persons be removed from [REDACTED]. A crime scene was declared at around 11:15 am.⁶⁷

Ms Sebbens' third account

51. A short time later, Detective Senior Constable Shaw went over to [REDACTED] and approached Ms Sebbens, who was sitting on a seat on the front veranda crying hysterically. The conversation that followed is the third account Ms Sebbens gave of the night of 12 to 13 January 2019.⁶⁸

a. **KBS** was bitten by a spider a couple of days previously and it was not healing. She had called 13CURE and a doctor had come and said it was an allergic reaction.

b. She had checked on **KBS** at 10 am and he was sleeping.

c. At 10:30 am, she went into the children's bedroom and "there was a strong smell of poo and **KBS** was blue".

⁶⁶ Exhibit #3, V2/44 – Statement of Senior Constable Michael Carr dated 16 January 2019, p 6 of 6, [15].

⁶⁷ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), pp 9-11, [13]-[16].

⁶⁸ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 46, [22]; Exhibit #3, V1/13 – Extract of Official Police Notebook A004782 pp 21-22.

Transfer to hospital

52. **KBS** was transferred to Wagga Wagga Rural Referral Hospital at 11:03 am and was handed over to Emergency Department staff at 11:09 am.⁶⁹ Resuscitation efforts continued but were ceased at approximately 11:30 am. At that time, a decision was made by paediatrician, Dr Theresa Pitts, in conjunction with two other doctors, to cease resuscitation in circumstances where **KBS** remained in asystole after 30 minutes of active resuscitation. **KBS** was pronounced dead at 11:32am.⁷⁰
53. Dr Pitts' examination notes record that **KBS** was dressed in a disposable nappy with underpants over the top. Upon removal of the nappy, fresh blood was observed both on the tip of the penis and in the nappy. There was no obvious trauma to the head or face, although there was a small bruise to the left frontal forehead. There was a small round scar on the left hand, small purple bruises on the left hip bone, multiple small bruises to the left and right ribs, 3-4 small bruises on the abdomen and larger bruises over the left lower quadrant of the abdomen.⁷¹ She further observed purple bruising on both inner thighs, bruising to the left outer and rear thigh, a healing scabbed sore on the right ankle, a healed laceration on the underside of the left heel and pale brown round spots on both heels.⁷²
54. Dr Pitts' conclusion was that **KBS** had sustained a significant injury causing a cardiorespiratory arrest and there was internal bleeding given the low haemoglobin on blood gas.⁷³

Ms Sebbens' fourth account

55. Detective Senior Constable Shaw attended the hospital at around 2 pm and spoke to a number of other officers. She observed **KBS**'s body lying on the hospital bed and noted that although she observed a strong odour of vomit emanating from the body, he was remarkably clean to look at.⁷⁴

⁶⁹ Exhibit #3, V3/66 – Statement of Inspector Eamonn Purcell dated 14 January 2019, p 3 of 3, [10]-[11].

⁷⁰ Exhibit #3, V3/75 – First Statement of Dr Theresa Pitts dated 22 February 2019; Exhibit #3, V1/3 – Verification of Death dated 13 January 2019.

⁷¹ Exhibit #3, V3/75 – First Statement of Dr Theresa Pitts dated 22 February 2019, p 2, [6].

⁷² Exhibit #3, V3/75 – First Statement of Dr Theresa Pitts dated 22 February 2019, pp 2-3, [6].

⁷³ Exhibit #3, V3/75 – First Statement of Dr Theresa Pitts dated 22 February 2019, p 4, [7].

⁷⁴ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), pp 47-48, [25]-[26].

56. At around 3 pm, Detective Senior Constable Shaw and Detective Sergeant Timothy Briggs went into a support room where Ms Sebbens was waiting with her grandmother Ms Aghan. Detective Senior Constable Shaw then interviewed Ms Sebbens while Detective Sergeant Briggs recorded the interview using a handheld video camera. Her grandmother remained present in the room as Ms Sebbens' support person.⁷⁵ The interview that followed is the fourth account Ms Sebbens gave of the events of 12 to 13 January 2019. Ms Sebbens told police in that interview:

- a. **KBS** went to sleep in his cot between around 10 pm and 11 pm but woke back up at around midnight.⁷⁶ He was all normal besides being "real sooky, crying about his feet... like he was really irritated about his feet like there was something wrong with his feet."⁷⁷
- b. The only people present at [REDACTED] when **KBS** went to bed were Ms Sebbens and her children, although her sister Miss [REDACTED] was in and out.⁷⁸
- c. When **KBS** woke up just before midnight, Ms Sebbens let him out of his cot and he then remained up until around 2 am.⁷⁹ During this period, **KBS** walked around the house and then watched television (possibly Family Guy) with Ms Sebbens.⁸⁰ When he was walking around the house, he was crying and "wasn't normal". He just kept crying and kept rubbing his feet and touching his blisters.⁸¹
- d. Ms Sebbens then gave **KBS** and [REDACTED] a Vegemite sandwich each and a bottle of milk. She claimed **KBS** ate most of his Vegemite sandwich but did not drink much of his milk.⁸²
- e. Ms Sebbens then changed **KBS**'s nappy and he went back to sleep at around 2 am and appeared to be "perfectly fine"– which Ms Sebbens

⁷⁵ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), pp 49-50, [28]-[29].

⁷⁶ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 8, Q&A 73-75.

⁷⁷ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 11, Q&A 97-99.

⁷⁸ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 10, Q&A 107-109.

⁷⁹ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 12, Q&A 132.

⁸⁰ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 12, Q&A 134 and p 13, Q&A 141-146.

⁸¹ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, pp 1-2, Q&A 6.

⁸² Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, pp 14-15, Q&A 150-164.

confirmed when she checked on him at around 2:30 am and turned off the television.⁸³ She also turned on the fan and the children's night light.⁸⁴ **KBS** was only wearing a nappy and Batman underpants when he went to sleep, because it was too hot that night for him to wear any other clothes.⁸⁵

- f. Between about 2:30 am and 4 am, Ms Sebbens briefly lay in bed, talked to Miss [REDACTED] out the front of the house, and called Ms Knight and asked Ms Knight to get her Macca's because she was hungry.⁸⁶ In that time, Ms Sebbens was out having a smoke talking to Miss [REDACTED]⁸⁷
- g. At around 4 am, Ms Sebbens' cousins "Mara" (Tamara Thomas) and "Buddy" (Justin Thomas Jnr) dropped in on their way home from the club and, at the same time, Ms Knight arrived with McDonalds.⁸⁸ Ms Sebbens then collected food off her mum and she, Ms Thomas and Mr Thomas Jnr went into her bedroom to talk and eat.⁸⁹
- h. As Ms Thomas and Mr Thomas Jnr walked through to her bedroom, Ms Thomas saw **KBS** asleep and later told Ms Sebbens that he looked "perfectly fine... Nothing looked wrong with him at all."⁹⁰
- i. Ms Thomas and Mr Thomas Jnr stayed for about 20 minutes and went home at around 5 am and Ms Sebbens went to bed.⁹¹
- j. Ms Sebbens remained asleep until around 10:30 am when she got up to go to the toilet and could smell poo. She went into the kids' bedroom and saw **KBS** lying on his back. He was blue, his mouth was open, and he just was not breathing.⁹²

⁸³ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 15, Q&A 165-167 and p 19, Q&A 206-207.

⁸⁴ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, pp 15, Q&A 168-169 and p 19, Q&A 208-209.

⁸⁵ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 15, Q&A 175-178.

⁸⁶ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 19, Q&A 212-215.

⁸⁷ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 19, Q&A 216-217.

⁸⁸ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 4, Q&A 16 and p 20, Q&A 220-224.

⁸⁹ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 19, Q&A 224.

⁹⁰ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 19, Q&A 224-225.

⁹¹ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 20, Q&A 236-240.

⁹² Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 21, Q&A 250-252.

- k. Ms Sebbens then ran to her mother's house and Ms Knight called an ambulance. Ms Sebbens then returned to her house and grabbed **KBS** out of his cot and sat on her front veranda holding him. **KBS** was turning blue. He was cold. He wasn't breathing.⁹³
- l. Ms Ryan, Mr Thomas Snr and Ms Aghan then arrived, and Ms Ryan grabbed **KBS** from Ms Sebbens and took him into the house and attempted to resuscitate him.⁹⁴
- m. Ms Sebbens said the only people living at [REDACTED] were her and her two children.⁹⁵ She said the only people who were home the previous night were her, Ms Thomas, and Mr Thomas Jnr (Buddy).⁹⁶
- n. As to any injuries she observed on **KBS** prior to his death, Ms Sebbens described a burn mark on his hand she claimed was caused when **KBS** had got hold of her lighter when she was lighting a cigarette about five days prior. She also described a bruise on **KBS**'s leg that was caused when [REDACTED] had hit him with a pole the previous day, a lump and "probably bruises" on his head because he constantly hit his head on the ground, what she thought was a spider bite on his ankle which had been checked by an after-hours doctor, and blisters on his feet.⁹⁷

Commencement of investigation

- 57. On the day of **KBS**'s death, and before an autopsy took place, the report to the coroner recorded that no cause of death was obvious, and it was Dr Pitts' view that the visible injuries were non-accidental.⁹⁸
- 58. On 14 January 2019, police established Strike Force Corer to investigate **KBS**'s death.⁹⁹ That day, Detective Senior Constable Shaw was informed by FACS that

⁹³ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 22, Q&A 257-260.

⁹⁴ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, pp 2-3, Q&A 6.

⁹⁵ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 2, Q&A 7.

⁹⁶ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, p 3, Q&A 16.

⁹⁷ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, pp 22-26, Q&A 261-308.

⁹⁸ Exhibit #3, V1/1 – P79A Report of Death to Coroner dated 13 January 2019, p 1 of 15.

⁹⁹ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 57, [37].

Ms Sebbens was in an intimate relationship with Mr Brown.¹⁰⁰ This was the first time police were aware of Mr Brown's potential relevance to the investigation.

59. On 15 January 2019, police were advised that Dr Allan Cala, forensic pathologist, had performed an autopsy. Police subsequently received Dr Cala's Interim Cause of Death Report in which Dr Cala opined that the direct cause of death was "blunt force abdominal trauma".¹⁰¹

Civilian accounts of the night of 12 to 13 January 2019

60. On 16 and 17 January 2019, police took statements from a number of civilians who were present at [REDACTED] and [REDACTED] during the early hours of 13 January 2019 as to the events of that night. The following is a summary of the statements that they gave to police.

Cindy Knight

61. On 16 January 2019, Ms Knight provided a statement in which she told police she was at home at [REDACTED] until around 4 am, when she went to Glenfield McDonald's with Miss [REDACTED] and two friends to get a feed. They arrived home at the same time as her niece and nephew, Ms Thomas and Mr Thomas Jnr, who arrived in a taxi. Ms Sebbens, Ms Thomas, and Mr Thomas Jnr then went into [REDACTED] and collected McDonald's off Ms Knight before going into [REDACTED] Ms Knight then went to bed and did not hear from Ms Sebbens again until she was woken by Ms Sebbens screaming.¹⁰²
62. Ms Knight provided an account of Ms Sebbens saying something about a man across the road at the front of the house with a pole he was banging on the ground and pointing at her asking her to come and have a look. Ms Knight said she saw a short, solid, or chubby Aboriginal man wearing an orangey-red touch football guernsey across the road with a pole. She claims that she yelled out to her cousin who was staying with

¹⁰⁰ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 58, [39].

¹⁰¹ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 59, [41]. Note: the Interim Cause of Death Report (Exhibit #3, V1/6) is dated 16 January 2019 but according to DSC Shaw, she received it on 15 January 2019.

¹⁰² Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, pp 5-6 of 8, [26]-[30].

a friend at [REDACTED], “Come and tell me who this is”, but the man had gone by the time her cousin got there.¹⁰³

63. Ms Knight did not mention Mr Brown until she was directly asked by police. She then said that Mr Brown was at [REDACTED] during the night of 12 to 13 January 2019 as he was staying with Ms Sebbens. She said Mr Brown was present when Ms Sebbens collected McDonald’s at about 4 am and was also present when Ms Sebbens came over to tell her about **KBS**’s death on 13 January 2019 because Ms Sebbens and Mr Brown had both found **KBS**. Ms Knight told police that she “left out mentioning Emmett” because she did not want to get him into trouble because Ms Sebbens said he might be on the run from police.¹⁰⁴

- [REDACTED]
64. Miss [REDACTED] was interviewed by police on 17 January 2019. She told police she last saw **KBS** sleeping at around 5 am.¹⁰⁵ At that time, Ms Sebbens, Mr Brown and Ms Thomas and Mr Thomas Jnr were also at [REDACTED] and [REDACTED] was also there asleep.¹⁰⁶

65. She said she earlier went to McDonald’s with her mum and her mum’s friend.¹⁰⁷ When they arrived home, she ate her food then went over to Ms Sebbens’ house to see what they were doing.¹⁰⁸ There she saw Ms Sebbens, Mr Brown, Ms Thomas and Mr Thomas Jnr sitting and talking in the back room.¹⁰⁹ Miss [REDACTED] said she was only there for a minute then went to return to [REDACTED] looking into the kids’ room on her way out of the house.¹¹⁰ Miss [REDACTED] then returned to [REDACTED] and went to sleep at around 6 am.¹¹¹

¹⁰³ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 5 of 8, [27].

¹⁰⁴ Exhibit #3, V2/29 – Statement of Cindy Knight dated 16 January 2019, p 7 of 8, [35]-[42].

¹⁰⁵ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 13, Q&A 137-147.

¹⁰⁶ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 13, Q&A 148-150.

¹⁰⁷ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 14, Q&A 158-159.

¹⁰⁸ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 14, Q&A 154 and p 15, Q&A 165-167, 172-173.

¹⁰⁹ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, pp 15-16, Q&A 174-184.

¹¹⁰ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 14, Q&A 155-156 and p 15, Q&A 185-188.

¹¹¹ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 23, Q&A 278-281.

66. Miss [REDACTED] told police that when she looked into the kids' room from the doorway, she could see [REDACTED] in bed and **KBS** in his cot.¹¹² She thought **KBS** was not wearing the jumpsuit she had dressed him in earlier in the night and she could not see any clothes on him, recalling that it was really hot.¹¹³ She did not enter the room or turn the light on and is not sure whether there was a light on in the room but she could see **KBS** was lying on his back and could see his face with his eyes closed, leading her to believe that he was sleeping.¹¹⁴

Tamara Thomas

67. Ms Thomas told police she and her brother, Mr Thomas Jnr, arrived home to [REDACTED] in a taxi at around 4 am. Ms Thomas confirmed that Ms Knight was pulling up as they arrived. Ms Thomas said she got out of the taxi and walked into Ms Knight's house and as she was walking into the house, she "heard a girl's voice saying something about a fella hanging out the front with a metal pole".¹¹⁵
68. Ms Thomas told police Ms Knight offered her McDonald's, and she collected some food and stood around talking to Ms Knight and Miss [REDACTED]. She says Ms Sebbens then arrived and grabbed some McDonald's and returned to [REDACTED]. Ms Thomas continued talking to Ms Knight and Miss [REDACTED] for about 10 minutes, before she and Mr Thomas Jnr took their McDonald's over to Ms Sebbens' house. They then went into Ms Sebbens' room, sat on the bed, and ate. Ms Thomas confirmed that Mr Brown was with them at this time and everyone was in a good mood. Ms Thomas has said she and Mr Thomas Jnr left Ms Sebbens' house at around 4:20 am or 4:30 am and walked home and went to bed.¹¹⁶
69. Ms Thomas told police she saw **KBS** and [REDACTED] while she was at Ms Sebbens' house. This is because she walked past their bedroom on her way to Ms Sebbens' room and stood at the doorway and looked in at the kids on her way past. Ms Thomas saw [REDACTED] asleep in a single bed which was up against the right-hand wall. She also saw

¹¹² Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 16, Q&A 190.

¹¹³ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 16, Q&A 195-197.

¹¹⁴ Exhibit #3, V2/34 – Transcript of child interview with [REDACTED] of 17 January 2019, p 17, Q&A 199-201, and p 20, Q&A 240-243.

¹¹⁵ Exhibit #3, V2/32 – Statement of Tamara Thomas dated 17 January 2019, p 2 of 6, [8]-[9].

¹¹⁶ Exhibit #3, V2/32 – Statement of Tamara Thomas dated 17 January 2019, pp 2-3 of 6, [10]-[11].

KBS asleep in his cot which was next to the wall opposite the door. **KBS** was lying on his back with his arms positioned upwards “as though he was showing off his muscles.” She did not notice anything abnormal.¹¹⁷

Justin Thomas Jnr

70. Mr Thomas Jnr’s account to police was consistent with his sister’s. He told police he thought he and Ms Thomas arrived at [REDACTED] at around 4:30 am and confirmed they arrived at the same time as Ms Knight. He said he and Ms Thomas went into Ms Knight’s house for about five minutes before they went next door to Ms Sebbens’ house. He and Ms Thomas then went inside and walked through to Ms Sebbens’ bedroom, where he saw Mr Brown sitting on a chair in the corner of the room.¹¹⁸
71. Like Ms Thomas, Mr Thomas Jnr recalled glancing into the kids’ room on his way past. He told police that although there were no lights on in the room, the hallway light was on so there was a little bit of light shining into the room. He could see the shape of a baby in the cot and [REDACTED] in a bed facing away from the door. Neither of the kids were making any noise and he thought they were both asleep.¹¹⁹
72. In the bedroom, Ms Thomas and Ms Sebbens sat on the bed eating McDonald’s while Mr Thomas Jnr sat on a chair just inside the door and discussed his motorbike with Mr Brown. He recalled that Mr Brown seemed normal and did not seem affected by alcohol, but he noticed a bong on the table next to where Mr Brown was sitting. He did not notice any other drugs or pipes in the room, but he thinks Mr Brown may have used the bong while he was present.¹²⁰
73. Mr Thomas Jnr said he and Ms Thomas only stayed at Ms Sebbens’ for about 15 minutes or so before they left and walked home. They did not see anyone on their way home and he then went to bed and slept until about 10:30 am.¹²¹

¹¹⁷ Exhibit #3, V2/32 – Statement of Tamara Thomas dated 17 January 2019, p 3 of 6, [12].

¹¹⁸ Exhibit #3, V2/33 – Statement of Justin Thomas (Jnr) dated 17 January 2019, pp 2-3 of 4, [7]-[10].

¹¹⁹ Exhibit #3, V2/33 – Statement of Justin Thomas (Jnr) dated 17 January 2019, p 3 of 4, [10].

¹²⁰ Exhibit #3, V2/33 – Statement of Justin Thomas (Jnr) dated 17 January 2019, p 3 of 4, [11]-[12].

¹²¹ Exhibit #3, V2/33 – Statement of Justin Thomas (Jnr) dated 17 January 2019, p 3 of 4, [13].

Ms Sebbens' fifth account

74. On 17 January 2019, Ms Sebbens participated in a further interview with Detective Senior Constable Shaw and Detective Sergeant Briggs which was recorded as part of a video walk-through of [REDACTED].¹²²
75. Initially Ms Sebbens reiterated an account of the events that was consistent with the version she gave at Wagga Wagga Hospital on the afternoon of 13 January 2019 but with the additional detail that when she was outside about 4:00 am, she saw a “weird person” across the road pointing a pole.¹²³
76. During the walkthrough interview, Ms Sebbens disclosed for the first time that her partner Mr Brown was present on the night of **KBS**'s death and was with her the whole night. She said Mr Brown's mate Cody Moore (Tilden) came over at about the same time that Ms Knight went to get McDonald's and then he and Mr Moore were sitting out the front of her house when Ms Thomas and Mr Thomas Jnr arrived by taxi. Mr Moore then went home in the taxi and Ms Sebbens, Ms Thomas, Mr Thomas Jnr, and Mr Brown remained at [REDACTED].¹²⁴
77. Ms Sebbens told police that after Ms Thomas and Mr Thomas Jnr went home, she and Mr Brown checked on the kids then went to sleep in her bedroom.¹²⁵ She said Mr Brown went to sleep before her and they remained asleep until they were woken up by [REDACTED] at around 10:30 am, smelt poo in the hallway and assumed that **KBS** needed to be changed.¹²⁶ She said they both went into the kids' room with Mr Brown going in first.¹²⁷ Mr Brown approached **KBS** and tapped him to wake him up, before

¹²² Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019.

¹²³ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, p 17, Q&A 173-174. This was information she had first provided in a brief conversation with police the previous afternoon, that is, 16 January 2019: see Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), pp 67-68, [52].

¹²⁴ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, pp 27-29, Q&A 290-305.

¹²⁵ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, p 21, Q&A 216-222 and p 29, Q&A 306.

¹²⁶ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, p 29, Q&A 306.

¹²⁷ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, p 29, Q&A 306 and p 35, Q&A 364-366.

saying “**KBS**’s not moving” and grabbing him near his arm pits and shaking him for a second.¹²⁸

78. **KBS** was laying on top of the blanket in the cot on his back diagonally with his head up in the corner part. He had his eyes open. They were rolled into the back of his head, and his mouth was open. Ms Sebbens said she believed he was gone because he was blue, and he was not moving and had no reaction.¹²⁹
79. She and Mr Brown then ran to Ms Knight’s house. Ms Sebbens then returned to [REDACTED] and grabbed **KBS** from his cot, while Mr Brown went to Mr Thomas Snr’s house as he did not want to be there “just in case” as he was on the run. Ms Sebbens told police this was the only reason she did not initially tell them about Mr Brown’s presence.¹³⁰ When Ms Sebbens picked **KBS** up from the cot, “he just stayed stiff.”¹³¹
80. As far as injuries were concerned, Ms Sebbens said he looked mostly fine but still had a bruise on his leg that [REDACTED] had caused as well as a little bruise on his rib from when he fell down Ms Knight’s stairs on the previous Tuesday and the blisters on his feet.¹³² She also mentioned the burn mark on his hand, which she maintained was occasioned on the previous Monday when he grabbed the lighter off the bed after she had lit a smoke.¹³³

Emmett Brown’s first account

81. Following Ms Sebbens’ video walk-through, Detective Sergeant Briggs conducted an electronically recorded walk-through interview with Mr Brown.¹³⁴ During that

¹²⁸ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, p 29, Q&A 306; p 35, Q&A 370-372; p 38, Q&A 401-405.

¹²⁹ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, pp 36-38, Q&A 384-398.

¹³⁰ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, pp 28-29, Q&A 303-306.

¹³¹ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, p 38, Q&A 399.

¹³² Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, pp 41-42, Q&A 436-451

¹³³ Exhibit #3, V1/19 – Transcript of video walk-through and interview with Tonnisha Sebbens of 17 January 2019, p 43, Q&A 455-460.

¹³⁴ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 71, [59].

interview, Mr Brown provided the following account of the night of 12 to 13 January 2019:

- a. He went to sleep at 8 or 9 pm in the main bedroom and remained asleep until Ms Sebbens found **KBS** the next day.¹³⁵ Because of this, he did not go into the kids' room or have any interaction with the kids during that time and did not touch **KBS** at all.¹³⁶ He claimed to have no knowledge of anyone who came to **[REDACTED]** that night or how **KBS** might have died.¹³⁷
- b. He woke up because he heard Ms Sebbens screaming and saying that **KBS** was dead.¹³⁸ They both then ran to Ms Knight's house.¹³⁹ He did not enter or look into the kids' room at that time because he did not want to see a little dead body lying there.¹⁴⁰
- c. He remained at Ms Knight's house briefly while Ms Sebbens went back to her house and when he also went back, he saw that Ms Sebbens had taken **KBS** from the cot and was holding him out the front of the house.¹⁴¹ He could see that **KBS** was not alive; he was blue and wasn't moving at all.¹⁴²
- d. After that, Mr Brown grabbed his clothes from Ms Sebbens' house and ran to Mr Thomas Snr's house. This was because he was on the run from police due to unresolved charges in Wollongong.¹⁴³
- e. He had no idea how **KBS** died and had no interaction with him on the night of 12 to 13 January 2019.¹⁴⁴

¹³⁵ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, pp 2-5, Q&A 6-13, 21-22, 29-35.

¹³⁶ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, pp 10-11, Q&A 98-101; p 13, Q&A 128; p 16, Q&A 164-165.

¹³⁷ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, p 16, Q&A 162; p 18, Q&A 185.

¹³⁸ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, p 5, Q&A 39-40; p 8, Q&A 67-68, 76.

¹³⁹ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, p 7, Q&A 59; p 9, Q&A 79-87.

¹⁴⁰ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, pp 9-10, Q&A 89-91; p 11, Q&A 106-107; p 13, Q&A 130.

¹⁴¹ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, pp 11-12, Q&A 108-117.

¹⁴² Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, pp 12-13, Q&A 119-127.

¹⁴³ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, pp 13-15, Q&A 133-154.

¹⁴⁴ Exhibit #3, V1/26 – Transcript of interview with Emmett Brown of 17 January 2019, p 16, Q&A 162-164; p 20, Q&A 202.

CCTV footage

82. On 22 January 2019, Detective Sergeant Constable Shaw and Detective Sergeant Briggs attended [REDACTED] and had a further discussion with Ms Knight about **KBS** death. During that discussion, Ms Knight told police that on the Friday morning before he had died, **KBS** had fallen up her front steps while carrying a coke bottle. She indicated that **KBS** had hit his ribs in doing so and got a bruise in that area.¹⁴⁵
83. The following day, 23 January 2019, Ms Knight again contacted police and advised that CCTV cameras were installed at [REDACTED] and were recording on the night of 12 to 13 January 2019.¹⁴⁶ That same day, Detective Senior Constable Shaw and Detective Sergeant Briggs attended [REDACTED] and viewed the relevant CCTV footage. The footage records two different angles of the outside of [REDACTED] – with one camera capturing the view from the house to the street and the other capturing the driveways of [REDACTED] and [REDACTED]
84. The CCTV footage assists in corroborating witnesses' accounts and movements throughout the night of 12 to 13 January 2019. In other respects, the footage raises questions to be explored further.
85. The footage stopped recording at 5:45 am on 13 January 2019 and did not resume recording until 2:36 pm that afternoon.¹⁴⁷

Cody Moore (Tilden) – First statement – 25 February 2019

86. Between mid-January and late February 2019, police made a number of attempts to speak to Mr Moore about his movements on the night of 12 to 13 January 2019. On 25 February 2019, Mr Moore provided a statement to police.¹⁴⁸ In that statement, Mr Moore told police that he went to [REDACTED] late in the evening of 12 January 2019 and delivered 4-5 cigarettes to Mr Brown. He said that he only stayed a minute or so and did not enter the house.¹⁴⁹ He went straight back home and was

¹⁴⁵ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 76, [66].

¹⁴⁶ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 76, [67].

¹⁴⁷ Exhibit #3, V4/98 – Statement of Michael Heikkilae dated 18 July 2024, p 3, [12].

¹⁴⁸ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 83, [80].

¹⁴⁹ Exhibit #3, V2/38 – First Statement of Cody Moore dated 25 February 2019, p 1 of 3, [4].

there for about 20 minutes while he had a shower and got ready to go out to a friend's house where his mother was.¹⁵⁰

87. From there, he went to a pub and at 12:03 am, caught an Uber from the pub back to his friend's place where he had a few drinks before walking home to his house with his mother, getting home around 2 am.¹⁵¹ He stayed there for about 20 minutes before walking over to Ms Sebbens' and knocking on the front door but no one answered and he could not hear anything from inside. He walked next door to Ms Knight's and knocked but no one answered. As he was walking back home, he got a message from Miss [REDACTED] who was looking to buy his Beats headphones, so he turned back towards Ms Knight's, but no one was home. As he walked back down the driveway, Miss [REDACTED] and Ms Knight arrived in a car with a third woman. They all got out and they went into Ms Knight's; Miss [REDACTED] bought the headphones and Mr Moore left after about four minutes and walked straight back home.¹⁵²
88. He denied he was at Ms Sebbens' house at around 4 am on 13 January 2019 and denied he left her place in a taxi.¹⁵³

Emmett Brown's second account – 2 April 2019

89. On 12 March 2019, Mr Brown was arrested and remanded in custody on unrelated charges.¹⁵⁴ On 2 April 2019, Detective Senior Constable Shaw and Detective Sergeant Briggs attended the cells at Wagga Wagga Police Station and conducted a further electronically recorded interview with Mr Brown.¹⁵⁵ During that interview, Mr Brown maintained that his first account had not changed (that is, that he was asleep from 8 to 9pm) but agreed he was depicted in CCTV footage at 1:22 am on 13 January 2019 carrying a fridge between 5 and [REDACTED]. He also acknowledged that he had called Mr Moore in the early hours of 13 January 2019.¹⁵⁶

¹⁵⁰ Exhibit #3, V2/38 – First Statement of Cody Moore dated 25 February 2019, p 1 of 3, [5].

¹⁵¹ Exhibit #3, V2/38 – First Statement of Cody Moore dated 25 February 2019, p 2 of 3, [6].

¹⁵² Exhibit #3, V2/38 – First Statement of Cody Moore dated 25 February 2019, p 2 of 3, [6].

¹⁵³ Exhibit #3, V2/38 – First Statement of Cody Moore dated 25 February 2019, p 3 of 3, [6].

¹⁵⁴ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 94, [101].

¹⁵⁵ Exhibit #3, V1/17 – First Statement of D/Sgt Timothy Briggs dated 20 April 2020, p 6, [27]-[28].

¹⁵⁶ Exhibit #3, V1/27 – Transcript of interview with Emmett Brown of 2 April 2019, p 3, Q&A 20-21; p 7, Q&A 44-45; pp 10-11, Q&A 76-81.

Emmett Brown's third account – 8 April 2019

90. On 8 April 2019, Detective Sergeant Briggs attended Junee Correctional Centre to speak further with Mr Brown. During that conversation, Mr Brown initially maintained he was asleep and was not involved in **KBS**'s death. He did, however, concede there was evidence suggesting he was not asleep as claimed. He also acknowledged he went into **KBS**'s bedroom on the morning of 13 January 2019 and discovered **KBS** was not breathing, alerting Ms Sebbens. He denied any knowledge as to how any injuries were occasioned to **KBS**.¹⁵⁷

Ms Sebbens' first statement – 2 May 2019

91. On 2 May 2019, Ms Sebbens attended Wagga Wagga Police Station and provided her first formal statement about the night of 12 to 13 January 2019.¹⁵⁸ She signed the statement the following day.¹⁵⁹ In her statement, Ms Sebbens gave the following account of the night of 12 to 13 January 2019:

- a. When she previously told police that Mr Moore came to [REDACTED] at about midnight and stayed outside for a short time before leaving, this was untrue. Mr Moore came to the house at around midnight but stayed until around 4:30 am. He was in the front room of the house with Mr Brown and Ms Sebbens believed he and Mr Brown were smoking Ice.¹⁶⁰
- b. When she previously told police that Mr Brown was asleep before her on the morning of **KBS**'s death, this was also untrue.¹⁶¹
- c. At around 1:30 am, **KBS** and [REDACTED] were on the bed in Ms Sebbens' room with her. **KBS** was upset and Mr Brown was jealous of **KBS** and was making Ms Sebbens feel like she had to choose between Mr Brown and **KBS**. Mr Brown took **KBS** into the kids' room while Ms Sebbens went to make **KBS** something to eat. In this time, Ms Sebbens heard a bang type noise coming from **KBS**'s room. She went straight to **KBS**'s room and

¹⁵⁷ Exhibit #3, V1/17 – First Statement of D/Sgt Timothy Briggs dated 20 April 2020, p 7, [31].

¹⁵⁸ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 99, [121].

¹⁵⁹ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019.

¹⁶⁰ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 1, [5]-[6].

¹⁶¹ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 1, [5].

KBS was sitting in his cot crying like he was hurt. Ms Sebbens asked Mr Brown what the noise was, and he said, “Nothing, **KBS** is just being a sook”. She asked Mr Brown if he threw or put **KBS** in the cot and Mr Brown said, “Why would I throw him?”.¹⁶²

- d. Mr Brown then left the room and Ms Sebbens picked **KBS** up to comfort him. **KBS** was upset and sobbing like he was hurt. He was making a “sobbing and sneezing type sound”. Ms Sebbens comforted him then put him back in his cot and collected the highchair, a vegemite sandwich and a Sippy cup of milk. When she returned to the room, **KBS** was still sobbing. She put him in his highchair and left him and his sibling to eat and watch TV.¹⁶³ At that time, Mr Brown was in the front room with Mr Moore.¹⁶⁴
- e. About ten minutes later, Ms Sebbens returned. **KBS** had not eaten much of his sandwich or drunk much of his milk, which was unusual. He was drained and quiet, which was also unusual. He was wearing his nappy and little Robin underpants, and she put him in his cot and put his blanket over him and left the room. She thinks this was at about 2 am.¹⁶⁵ She believes the TV, fan and night light were all on at that time.¹⁶⁶
- f. She checked on **KBS** and turned the TV off sometime later. **KBS** was in the same position in which she had left him and there was nothing which made her think he was anything other than asleep.¹⁶⁷
- g. About 3:30 am, she messaged a friend to borrow a lighter even though Mr Brown and Mr Moore had a lighter in the front room. Her friend brought a lighter over and Ms Sebbens met her out the front. Thereafter, Ms Sebbens stayed in her room until Ms Knight came with McDonalds at which point, she went next door and collected the McDonalds. She believes Mr Moore left at

¹⁶² Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 2, [8].

¹⁶³ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 2, [8]-[9].

¹⁶⁴ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 2, [9].

¹⁶⁵ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 3, [10]-[11].

¹⁶⁶ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 3, [11].

¹⁶⁷ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 3, [12].

about that time on foot and her cousins Ms Thomas and Mr Thomas Jnr arrived in a taxi.¹⁶⁸

- h. Ms Sebbens returned to her house with the McDonalds and took it into her bedroom with Mr Brown. Ms Thomas and Mr Thomas Jnr came over about 5 minutes later, staying for about 20 minutes.¹⁶⁹
- i. After her cousins left, she and Mr Brown smoked cannabis before going to sleep. After smoking about three cones, Ms Sebbens lay down in her bed to go to sleep. She thinks this was at about 6 am. Mr Brown did not go to sleep with her and told her that he was going into the front room to smoke Ice.¹⁷⁰
- j. She woke up at about 10 am from [REDACTED] crying. This was unusual. Also unusual was her position in the bed; Ms Sebbens usually sleeps closest to the door so as to be closest to the children but on this occasion, Mr Brown was closest to the door. Further, the bedroom door was closed, and she never closes the door when her kids are at home. Mr Brown was beside her in bed and looked like he was pretending to be asleep. She asked him why the door was shut, and he told her it was because he “had a draw” in the bedroom (that is, smoked Ice).¹⁷¹
- k. She went to the kids’ room and found [REDACTED] crying, which was out of character. She settled [REDACTED] with a bottle and left the room, not taking any notice of **KBS**. She then went back to bed.¹⁷²
- l. She woke again at about 10:30 am to a strong smell of what she thought was poo. She and Mr Brown both got out of bed and went into the kids’ room. Mr Brown went in first and approached **KBS**, which was out of character. Mr Brown then tapped **KBS** and said, “Babe, he’s not breathing.”¹⁷³
- m. She and Mr Brown both ran out of the room and went straight over to Ms Knight’s, and she told Ms Knight that **KBS** was not breathing, and he

¹⁶⁸ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 3, [13]-[14].

¹⁶⁹ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 3, [15]-[16].

¹⁷⁰ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 4, [17]-[18].

¹⁷¹ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 4, [19].

¹⁷² Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 5, [20].

¹⁷³ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 5, [23]-[24].

was blue. She remained there for about two or three minutes before returning to her house and getting **KBS** out of the cot and taking him to the front veranda. Mr Brown then came to her and told her he was going down the road because the police were coming.¹⁷⁴

- n. After **KBS**'s death was reported to police and before Tonnisha did her walk-through interview, she and Mr Brown spoke about what she would say to police about that night. Mr Brown did not want her to tell police that he was there and did not want her to tell police that he was still awake when she went to sleep. He was concerned police would blame him for **KBS**'s death.¹⁷⁵
- o. She did not previously tell the police the truth as she was really scared of Mr Brown. He had a violent past and was physically and verbally violent towards her. This included punching her in the nose and hitting her over the head. She was also pregnant to Mr Brown at the time and did not want to get him into trouble as she was having his child.¹⁷⁶
- p. Mr Brown was really jealous of her relationship with **KBS**. He would get angry and did not want Ms Sebbens to go to **KBS** or pick him up. He was always calling **KBS** a sook and was really nasty to him.¹⁷⁷
- q. She lied to police when she said **KBS** burned his hand on her lighter. **KBS** was with Mr Brown when he sustained the burn. She asked Mr Brown what had happened, and he told her **KBS** had grabbed the lighter and burned himself. She did not believe Mr Brown and knew Mr Brown had burned **KBS**.¹⁷⁸

Cody Moore (Tilden) – Second statement – 14 May 2019

- 92. On 14 May 2019, following Ms Sebbens' statement of 3 May 2019, police spoke again to Mr Moore about his movements on the night of 12 to 13 January 2019.¹⁷⁹ Almost a

¹⁷⁴ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 5-6, [25].

¹⁷⁵ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 6, [26].

¹⁷⁶ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 6, [27]-[28].

¹⁷⁷ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 6, [29].

¹⁷⁸ Exhibit #3, V1/20 – First Statement of Tonnisha Sebbens dated 3 May 2019, p 7, [31].

¹⁷⁹ Exhibit #3, V1/12 – DSC Shaw 09.06.2019 (signed 16.08.2019), p 113, [127].

year thereafter, on 11 May 2020, Mr Moore provided a further statement. In that statement, he relevantly said:

- a. The details he provided in his first statement were correct except that he did not sell his Beats headphones to Miss [REDACTED] but swapped them for a gel blaster.¹⁸⁰
- b. When he got home after swapping the Beats for the gel blaster, he received a message from Mr Brown to go back and see him. As he walked back to [REDACTED], he met Mr Brown who was on his motorbike and had a flat tyre. Mr Brown told him that he and Ms Sebbens had a fight, and he was not allowed back at the house and was trying to ride to Wollongong. They both went to [REDACTED] together so Mr Moore could ask Tonnisha to let Mr Brown back in the house.¹⁸¹ He had a conversation with Ms Sebbens about Mr Brown coming back and she told him Emmet could come back, and they could come in but only into the back room of the house.¹⁸²
- c. He and Mr Brown went inside the bedroom at the back of the house and smoked cannabis together.¹⁸³ He was in the house for about 30-40 minutes and then left. When he left, he saw Ms Sebbens with **KBS** on a mattress on the floor in the front bedroom of the house. Both Ms Sebbens and **KBS** were awake and alert.¹⁸⁴
- d. After he got back home, Mr Brown called him at about 6 am and asked him to return and smoke drugs. He declined and stayed at home.¹⁸⁵

Ms Sebbens' second, third and fourth statements

93. The investigation into **KBS**'s death continued through 2019, 2020 and 2021.
94. On 12 December 2019, Ms Sebbens made a statement to police in which she briefly described instances of violence committed by Mr Brown upon her during their

¹⁸⁰ Exhibit #3, V2/39 – Second Statement of Cody Moore dated 14 May 2020, p 2, [8].

¹⁸¹ Exhibit #3, V2/39 – Second Statement of Cody Moore dated 14 May 2020, p 2, [9]-[11].

¹⁸² Exhibit #3, V2/39 – Second Statement of Cody Moore dated 14 May 2020, p 2, [11].

¹⁸³ Exhibit #3, V2/39 – Second Statement of Cody Moore dated 14 May 2020, p 3, [12].

¹⁸⁴ Exhibit #3, V2/39 – Second Statement of Cody Moore dated 14 May 2020, p 3, [13].

¹⁸⁵ Exhibit #3, V2/39 – Second Statement of Cody Moore dated 14 May 2020, p 3, [14].

relationship. These included punching her, giving her black eyes, throwing an iPhone at her leg, punching her in the face, and making her nose bleed, choking her, and hitting her in the head with a hammer.¹⁸⁶

95. On 17 September 2020, Ms Sebbens provided a further statement in which she described in greater detail instances of domestic violence committed by Mr Brown upon her, including in the presence of her children.¹⁸⁷
96. On 18 January 2022, Ms Sebbens provided a further statement regarding the night of 12 to 13 January 2019. In doing so, she informed police that an unrelated event had caused her to have a “flash back.” She told police:
 - a. She remembered that before Mr Brown took **KBS** into his bedroom (as explained in her 3 May 2019 account), he was “play wrestling” with **KBS**. She explained that at first **KBS** was laughing, but Mr Brown became rougher and dropped his left shoulder into **KBS**’s lower stomach area. **KBS** looked shocked and winded and immediately started to cry.¹⁸⁸
 - b. She got up and went towards **KBS** but Mr Brown pushed her away and walked off with **KBS** towards the kids’ room, following which she heard the bang type noise.¹⁸⁹
 - c. She was too scared to go to **KBS** because she was scared of Mr Brown because he was very violent towards her.¹⁹⁰
97. On 17 August 2022, Detective Sergeant Briggs conducted a further electronically recorded interview with Mr Brown. Mr Brown informed Detective Sergeant Briggs that he did not wish to participate in an interview and did not disclose any additional details in respect of the night of 12 to 13 January 2019.¹⁹¹

¹⁸⁶ Exhibit #3, V1/23 – Second Statement of Tonnisha Sebbens dated 12 December 2019, particularly at p 1 [4].

¹⁸⁷ Exhibit #3, V1/24 – Third Statement of Tonnisha Sebbens dated 17 September 2020.

¹⁸⁸ Exhibit #3, V1/25 – Fourth Statement of Tonnisha Sebbens dated 18 January 2022, p 2, [7].

¹⁸⁹ Exhibit #3, V1/25 – Fourth Statement of Tonnisha Sebbens dated 18 January 2022, p 2, [7].

¹⁹⁰ Exhibit #3, V1/25 – Fourth Statement of Tonnisha Sebbens dated 18 January 2022, p 2, [8].

¹⁹¹ Exhibit #3, V3/28A – Transcript of Interview with Emmett Brown dated 17 August 2022.

ISSUES

98. Counsel assisting provided thorough submissions summarising the uncontested evidence that I have relied upon in these findings. I have reviewed all of the evidence and all of the submissions made by all of the parties and in all matters the conclusions in these findings are my own.

Cause of death

99. At autopsy the forensic pathologist, Dr Allan Cala, noted there was approximately 250 mL of blood in **KBS**'s abdominal cavity, which originated from a recent splenic laceration haemorrhage.¹⁹² He determined that the cause of **KBS**'s death was blunt force abdominal trauma. He stated that the only potential cause of the splenic laceration was of external force being applied to **KBS** and that the degree of force to cause such an injury would have been moderate to severe on the upper abdomen.

100. Dr Susan Marks, forensic paediatrician, also provided a report on **KBS**. She agreed with Dr Cala's conclusion as to the cause of death.¹⁹³ In her opinion, **KBS** died due to blood loss from his splenic laceration leading to clinical shock caused by a sudden decrease in effective circulation in his body.¹⁹⁴ She explained that the most likely cause of **KBS**'s death was blunt force trauma to the abdomen resulting in acute blood loss (250 mL) which was approximately a quarter of **KBS**'s circulating blood volume.¹⁹⁵

101. Dr Cala said in his report that the mechanism for the splenic laceration "may have been from a direct blow such as a forceful punch or kick".¹⁹⁶

102. In turn, Dr Marks said the splenic laceration was "significant and extensive" and would have been caused by significant forceful trauma to his abdomen, such as might occur in a motor vehicle accident, a fall from a significant height, a sports injury, physical blows to the abdomen, stabbing or gunshot.¹⁹⁷

¹⁹² Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 4 of 15 [6].

¹⁹³ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, pp 18, 25.

¹⁹⁴ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 32. See also at p 19.

¹⁹⁵ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 18.

¹⁹⁶ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 9 of 15.

¹⁹⁷ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 20.

103. Dr Marks said in her report that the history provided namely, that **KBS** had fallen up steps while carrying a bottle of coke on 11 January 2019, would not explain the laceration to **KBS**'s spleen for several reasons, including the mechanism and timing of the incident.¹⁹⁸ She also addressed another possible explanation that Mr Brown tackled **KBS** into the mattress and dropped his left shoulder into **KBS**'s lower stomach, and said that type of event could potentially cause an injury to the spleen if there was sufficient penetration of the abdomen with significant force, but the event as described would not explain the extent of **KBS**'s injuries including the multiple posterior rib fractures or the injury to the right adrenal gland.¹⁹⁹
104. Dr Marks concluded that **KBS**'s splenic laceration could have been caused by a direct (forceful) blow to **KBS**'s abdomen such as a punch or kick and that it would not be explained by normal care.²⁰⁰
105. Both experts maintained these opinions in their oral evidence. Specifically, Dr Cala opined that the only potential cause of the splenic laceration was that of external force being applied to **KBS** and said the degree of force required would be moderate to severe. He further said the laceration could have been caused by the application of a single blow involving "quite a severe amount of force" or the application of multiple blows "in the one area" of moderate to severe force.²⁰¹ Dr Marks agreed with Dr Cala, adding, "it's possible that the injury started, or there was a beginning of a laceration to the spleen, from a blow, and then, if there were repeated blows, that laceration could spread, as in, extend further into the spleen".²⁰²
106. I accept the opinions of Dr Cala and Dr Marks and am satisfied that the cause of **KBS**'s death was laceration of his spleen from a blunt force abdominal trauma.

When did **KBS** receive the fatal injury?

107. The precise time of **KBS**'s death is not known.

¹⁹⁸ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 20.

¹⁹⁹ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 21.

²⁰⁰ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 22.

²⁰¹ T123.38 – T124.28.

²⁰² T124.38-45.

108. Dr Cala said that microscopic analysis of the splenic injury showed acute injury with sufficient survival to show an acute inflammatory cell response. This caused him to form the view that **KBS**'s death occurred within several hours after the injury occurred.²⁰³
109. Dr Marks reached a similar conclusion, finding that **KBS**'s time of death was well before the ambulance arrival at 10:30 am.²⁰⁴ She said that the presence of an inflammatory response in the spleen indicates a period of survival after the splenic laceration such that death was not immediate and it would be expected that **KBS** would have progressed through the stages of shock over a small number of hours after the injury occurred.²⁰⁵
110. Dr Marks noted that Ms Ryan described **KBS** as blue, cold, not breathing and with no pulse, and observed some stiffness in his arms. Dr Marks commented that stiffness can start to develop 1-4 hours after death, leading her to the view that **KBS**'s time of death could have been after 5:00 am but well before he was seen at 10:30 am.²⁰⁶
111. Both experts expanded upon these conclusions in their oral evidence. In particular, both experts believed that given the size of the splenic laceration, signs of shock would have become evident within about 15 to 20 minutes following the infliction of the blunt force trauma to **KBS**'s abdomen.²⁰⁷ As to the likely period between the onset of shock and the resulting death from the splenic laceration, Dr Cala said:²⁰⁸
- “It may be 20 minutes to half an hour, slightly longer, slightly less than that. As I said it’s a significant injury and there’s no first aid given to staunch the blood flow, so blood is continuing to accumulate into the abdominal cavity in a small person, and I would suspect that he may have succumbed within possibly half an hour.”
112. Later in his evidence, Dr Cala said the presence of focal fibrin deposition and a moderate mixed inflammatory cell infiltrate within the haemorrhage indicated that **KBS** survived for a period of time following the application of the blunt force trauma,

²⁰³ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 6 of 15.

²⁰⁴ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 31.

²⁰⁵ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 30.

²⁰⁶ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 31.

²⁰⁷ T126.23-40.

²⁰⁸ T127.38-44.

possibly for approximately 45 to 60 minutes.²⁰⁹ Dr Cala ultimately said the time of the splenic laceration relative to the time of **KBS**'s death would likely have been between around one to two hours.²¹⁰

113. In turn, Dr Marks said, “[i]t could be quite quick, but it could also take hours, but not more than hours. It would not be days or half a day, or anything like that ... with no treatment and with the amount of blood loss, I think, we are talking hours, at most”.²¹¹

114. As to the question of how long **KBS** had been deceased by the time paramedics arrived on scene at 10:49 am, both experts agreed **KBS** had likely been deceased for a number of hours. Specifically, Dr Cala opined that **KBS** may have been deceased for “possibly three to four”, or even five hours, based on the degree of apparent general rigor mortis described by Ms Sebbens when she picked **KBS** up from his cot. He concluded that **KBS**'s likely time of death was between around 4:00 am and 6:00 am.²¹²

115. I accept the above evidence and am satisfied that **KBS** died sometime in the early hours on 13 January 2019.

What were the other injuries that were found at autopsy?

116. At autopsy Dr Cala recorded:

- a. numerous oval and round bruises on both sides of the torso and legs;²¹³
- b. a series of oval “fingertip” type bruises on the right inner thigh, with the uppermost bruise showing a scratch at one edge;²¹⁴
- c. recent fractures of the right 7th-10th ribs and 12th rib posteriorly and the left 9th-10th ribs posteriorly;²¹⁵

²⁰⁹ T128.05-47.

²¹⁰ T139.36 – T140.07.

²¹¹ T127.49 – T128.03.

²¹² T142.49 – T144.20 and T147.04-07.

²¹³ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 4 of 15.

²¹⁴ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 4 of 15.

²¹⁵ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 5 of 15.

- d. bruises to the posterior and anterior scalp, as well as the presence of an old haemorrhage to the right inferior frontal regional on the surface of the brain;²¹⁶ and
- e. burns to both feet, the left hand and possibly the outer right ankle, with the burn to the left hand having a very distinctive patterned injury consistent with being caused by the heated end of a cigarette lighter.²¹⁷

117. Dr Marks considered that “**KBS** had other injuries that were not the cause of his death but raised significant concern for a pattern of inflicted injuries, some acute / very recent and some that had occurred over a period of time”.²¹⁸ These included the presence of unexplained blood on the penis as observed by Dr Pitts, multiple scalp bruises indicative of recent episodes of blunt force impact trauma to **KBS**’s head, multiple recent bruises to his torso, thigh and leg and blotchy haemorrhage in musculature in each side of the lower torso as well as older injuries such as an old haemorrhage to the right inferior frontal region on the surface of his brain, a patterned burn with features typical of a burn inflicted by the heated end of a cigarette lighter, an excessive quantity of patterned scars for his age and burns to his feet that were not consistent with walking on hot pavement.²¹⁹

118. Both experts expanded upon the opinions given in their reports as to the likely timing of these (non-fatal) injuries. Dr Cala opined that the bruises to **KBS**’s scalp were recent and had likely been sustained in the days prior to his death (with the estimate varying from less than 24 hours to 24-48 hours depending on the specific bruise).²²⁰ As for the “old haemorrhage”, Dr Cala was of the view that it was “at least weeks old, possibly months old” (particularly compared to the “far more recent” bruises to the scalp).²²¹ Dr Marks agreed with Dr Cala’s conclusions as to the timings of these injuries.²²²

²¹⁶ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 5 of 15.

²¹⁷ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 5 of 15.

²¹⁸ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 36.

²¹⁹ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, pp 36-38.

²²⁰ T92.35 – T93.42.

²²¹ T92.01-15.

²²² T93.44 – T94.36.

119. As for the bruises to **KBS**'s torso and legs, Dr Cala believed they were recent based on their colour.²²³ Dr Marks agreed with this opinion and noted that these bruises were not apparently observed by persons who interacted with **KBS** in the 24 hours before he died, despite being very easy to see and quite extensive. In these circumstances, she formed the view based on the available clinical information that the bruises were less than 24 hours old.²²⁴
120. Turning to the burns, Dr Cala described the burn to **KBS**'s left hand as being "totally scabbed" with a "thick crust", which indicated to him that the injury had been sustained many days prior to his death.²²⁵ As for the burn to **KBS**'s right ankle, this was described by Dr Cala as a "healing burn" and was estimated by him to be days old.²²⁶ Dr Marks agreed with these opinions.²²⁷ Finally, Dr Cala's evidence was that it was difficult to age what he described as the "old burns to both feet", in circumstances where they had possibly been treated with antiseptic cream and Bactroban and where they had continued to bear weight, impacting upon the healing process.²²⁸ Dr Marks agreed with this assessment, while also noting that one of the healing blisters to the sole of the foot had a very similar shape to the burn to **KBS**'s left hand, possibly also having been caused by the top of a cigarette lighter.²²⁹
121. As for the bruises and "old haemorrhage" to **KBS**'s scalp, Dr Marks said in her report that these injuries were indicative of recent episodes (more than one) of blunt force impact trauma to **KBS**'s head, and "were not in keeping with normal activity and play."²³⁰ For his part, Dr Cala agreed, disputing that these injuries could have been caused by **KBS** banging his head against the floor²³¹ saying that while that might account for the forehead bruises, the bruises were at various locations on the head, which discounted any self-inflicted head-banging as being causative of the bruises.²³² In

²²³ T96.43 – T97.03.

²²⁴ T97.15-38.

²²⁵ T101.25-34.

²²⁶ T102.17 – T103.37.

²²⁷ T101.47 – T102.01, T104.05-20 and T106.11-17.

²²⁸ T107.36 – T110.16.

²²⁹ T109.36-47.

²³⁰ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 36.

²³¹ Exhibit #3, V1/18 – Transcript of interview with Tonnisha Sebbens of 13 January 2019, pp 22-26, Q&A 261-308.

²³² T95.5-17.

turn, Dr Marks added, “I agree that head-banging might cause bruising to the forehead, but I don’t think it would cause bruising to multiple planes of his head”.²³³

122. Turning to the bruises to **KBS**’s torso and legs, Dr Cala said in his report that these bruises may have occurred by forcibly holding, squeezing, or punching **KBS** in these areas on multiple occasions. He further said that in his opinion, the bruises to **KBS**’s right inner thigh were caused by a person forcibly grabbing the thigh, with a fingernail scratch occurring at one side of the bruise.²³⁴ Dr Marks agreed with this opinion in her report, stating, “[t]hese injuries would not have resulted from normal activity and play, but from forceful inflicted injuries”.²³⁵ Both experts maintained these opinions in their oral evidence.²³⁶
123. In considering the rib fractures, Dr Cala said in his report that trauma to the abdomen by CPR does not explain the injuries detected to the ribs (or, for that matter, the spleen or retroperitoneum) as the rib fractures were in the posterior lower chest in an area well away from where CPR is performed. He further noted that CPR rib fractures are very rare in children, especially of a young age.²³⁷ Dr Marks broadly agreed with this opinion, commenting that a significant amount of force would be required to cause the rib fractures and they would not be expected to result from normal / routine daily handling. She further noted the low incidence of accidental rib fractures in young children can be explained by the fact that their chests are more malleable than that of an older child, such that their ribs will deform rather than break, unless major force is exerted.²³⁸
124. Both experts considered the likely mechanism for the rib fractures in their oral evidence. Specifically, both experts considered the rib fractures could have been sustained through one severe blow or multiple blows, with Dr Cala favouring there having been more than one blow.²³⁹

²³³ T95.22-24.

²³⁴ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 4 of 15.

²³⁵ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 36.

²³⁶ T98.01-13.

²³⁷ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 5 of 15.

²³⁸ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, pp 22-23.

²³⁹ T114.25 – T 115.13.

125. Finally, in assessing the burns, Dr Cala in his report rejected any suggestion that **KBS** would have been physically capable of causing the left hand burn himself, stating that the patterning was “full face” and not oblique, which suggested another person intentionally placed the object onto the hand at 90 degrees for at least several seconds. He further said that **KBS** was 14 months old at the time of his death and would not have been capable of causing such an injury to himself. As for the burns to the feet, Dr Cala said they were focal (over a small area) and disputed that the history provided (hot pavement) caused these injuries as he would expect more diffuse burns to the soles of the feet in such a circumstance.²⁴⁰ Dr Marks agreed with these opinions, and said of the burns to **KBS**'s feet, “[i]f these burns had occurred as a result of walking on hot pavement, it would be expected that **KBS** would have had more diffuse burns on the weight bearing aspects of the soles of his feet; this is not what was seen in **KBS**”.²⁴¹
126. In oral evidence, both experts rejected the possibility that **KBS** could have accidentally inflicted the burn to his hand by picking up a cigarette lighter that had recently been used and opined that the burn must have been inflicted by a third person.²⁴² As for the burns to the feet, Dr Marks considered that one of the burns to the feet had a curvilinear pattern similar to burn to the left hand burn.²⁴³ Otherwise, both experts maintained the opinions in their reports that the distribution of the burns to the soles of the feet was not consistent with a child walking on hot pavement.²⁴⁴
127. I do not propose to comment on the significance of the injuries for the reason I set out below.

What was the manner or the circumstances surrounding **KBS's death?**

128. Much of the available evidence on the manner or the details of the circumstances surrounding **KBS**'s death is inconsistent and unreliable. It would be inappropriate for me to comment any further on that evidence as there will be an ongoing

²⁴⁰ Exhibit #3, V1/10 – Paediatric Autopsy Report of Dr Allan Cala dated 12 September 2019, p 5 of 15.

²⁴¹ Exhibit #3, V13/161 – Expert Report of Dr Susan Marks dated 5 September 2024, p 38.

²⁴² T100.01-10.

²⁴³ T111.24-44.

²⁴⁴ T111.39 – T112.29.

investigation. I am satisfied **KBS**'s death is suspicious and I will refer the matter to the unsolved homicide unit.

Was the risk of death or serious injury to **KBS assessed and managed by FACS/DCJ and/or Mission Australia through the Brighter Futures program?**

129. In 2018 DCJ's casework staff involved with **KBS** and his family knew that **KBS**'s father, Luke Bamblett, was in custody as of 17 January 2018.
130. On 16 January 2018 at about 10am DCJ caseworkers, **Caseworker B** and **Caseworker A**, attended Ms Sebbens' house for a home visit, no one appeared to be home and so they left a note.
131. From 17 to 22 January 2018 **Caseworker B** called and attempted to contact Ms Sebbens on numerous occasions but did not get through and received no return call. She called Wagga Police who confirmed the address for Ms Sebbens.
132. On 23 January 2018 at about 10am **Caseworker A** and **Caseworker B** visited Ms Sebbens' house, but no one was home, so **Caseworker B** left a note and a business card.
133. On 24 January 2018 **Caseworker B** received a call from Ms Sebbens and arranged for a home visit on 5 February 2018. On 5 February 2018 **Caseworker B** and **Caseworker A** conducted a home visit to Ms Sebbens. This visit formed the basis for an Alternate Assessment that **Caseworker B** prepared the next day. **Caseworker A** made hand-written notes which included that as Mr Bamblett was incarcerated the children were not at risk of significant harm within this immediate assessment period but that if Mr Bamblett were to be released at court on 6 February 2018, the children were likely to be at risk of significant harm. **Caseworker B** observed no obvious dangers. She observed food and formula and Ms Sebbens holding **KBS** appropriately, and running around and Ms Sebbens asking her to be careful near **KBS**.
134. On 6 February 2018, **DCJ manager casework B**, DCJ's acting manager casework, met with **Caseworker B** and **Caseworker A** for an Assessment Consultation (AC) following their home visit the day before. Following the AC, **Caseworker B** completed the Alternate Assessment. The assessment determined that **KBS** and his sister, were not at risk of significant harm within the immediate assessment period as Mr Bamblett was in

custody. The Alternate Assessment stated that Ms Sebbens was currently engaged with the Women's Domestic Violence Court Advocacy Service (WDVCAS) for assistance with information, advocacy and referrals related to domestic violence and was being referred to Wagga Family Support. This assessment was approved by **DCJ manager casework B**.

135. On 13 February 2018 **Caseworker B** made an iASK request (Chapter 16A) to NSW Police for Ms Sebbens' and Mr Bamblett's criminal histories.
136. On 20 February 2018 **Caseworker B** and **Caseworker A** conducted a home visit to Ms Sebbens. They discussed parenting support, **KBS** (then 4 months old), bills and housing support. Ms Sebbens spoke about an upcoming move and wanting to get **KBS** into childcare.
137. Between 22 and 27 February 2018 there were texts between Ms Sebbens and **Caseworker B** regarding housing, rubbish removal, a home visit on 27 February 2018 and childcare.
138. On 26 February 2018 **Caseworker B** made the referral of Ms Sebbens to Wagga Family Support and **DCJ manager casework B** approved it. The referral noted that Ms Sebbens required assistance with dealing with past domestic violence and in developing skills in child rearing and family relationships. It included reference to Mr Bamblett engaging in domestic violence incidents involving knives and threats to harm and kill Ms Sebbens including while the youngest child had been present.
139. In emails from 28 February 2018 to 1 March 2018 between Senior Constable Madonna Bedgood and a DCJ caseworker, DCJ was informed that Mr Bamblett was bail refused until his next court date, being 21 May 2018. The emails also set out Mr Bamblett's extensive criminal record which related to domestic abuse and violence.
140. On 8 March 2018 **Caseworker B** visited Ms Sebbens and brought childcare forms. **Caseworker B** asked about Mr Bamblett and Ms Sebbens said he was yet to be sentenced. **Caseworker B** also confirmed the referral to Wagga Family Support had been made and that Ms Sebbens should hear from them soon.
141. A few weeks later **Caseworker B** received confirmation that Wagga Family Support had accepted the referral and after speaking with her manager casework, **DCJ manager casework B**, it was recommended DCJ close the file. **DCJ manager casework B** approved the recommendation to close.

142. In August 2018 DCJ received a Risk of Serious Harm Report with concerns about Ms Sebbens' lifestyle, drug use and associated neglect of the children. DCJ say that they did not conduct a safety assessment as this was a different risk from a risk of violence from a partner and they were aware Ms Sebbens was not living with the children and that the children were in the care of Ms Knight.
143. On 11 October 2018 Mission Australia accepted a referral of the Bamblett/Knight family to the Brighter Futures program. Mission Australia's engagement related to providing practical support to the family such as clothing, bedding, furniture, dignity bags, assistance to enrol the children in childcare and access structured parenting programs, assistance with medical appointments including childhood immunisations and assistance with applying for Centrelink subsidy assistance.
144. Initially Mission Australia's home visits were limited to [REDACTED] where Ms Knight resided. The home visits expanded to [REDACTED] when Ms Sebbens returned to live in the Wagga Wagga area in November 2018.
145. The Brighter Futures case manager, Ms Bainbridge, asked Ms Sebbens whether she was still using drugs and Ms Sebbens had told her she was not using drugs. Ms Sebbens' mother also told the case manager that Ms Sebbens was "clean" and that she would not allow Ms Sebbens to have contact with the children otherwise.²⁴⁵
146. Ms Bainbridge first became aware that **KBS** was in Ms Sebbens' care when she conducted a home visit at [REDACTED] on 6 December 2018.²⁴⁶ On that occasion, Ms Sebbens allowed her to see a bedroom that had a cot without a side rail and told her that [REDACTED] slept in the cot when she stayed over and **KBS** slept in a portable cot, which was at her mother's house at the time of the home visit.²⁴⁷
147. Following that home visit, Ms Bainbridge discussed with her manager whether the two-family properties should be split into two separate family files.²⁴⁸ That home visit was the only time Ms Bainbridge was invited into [REDACTED] It was also the last

²⁴⁵ Transcript 19.05.2025, T48.06-20.

²⁴⁶ Exhibit #3, V5/110 – Second Statement of Amanda Bainbridge dated 4 July 2024, [28]; Transcript 19.05.2025, T53.23-44.

²⁴⁷ Exhibit #3, V5/110 – Second Statement of Amanda Bainbridge dated 4 July 2024 [32].

²⁴⁸ Exhibit #3, V5/110 – Second Statement of Amanda Bainbridge dated 4 July 2024, [5].

occasion Ms Bainbridge sighted **KBS**. She did not see him or [REDACTED] and was not invited inside either at 5 or [REDACTED] when she conducted further home visits on 10 December 2018 and 19 December 2018.

148. By 19 December 2018, it was apparent to Ms Bainbridge that both children were now living with Ms Sebbens at [REDACTED] which prompted her to call DCJ to inform them of the changes in living circumstances. She also wanted to let DCJ know that there had been a shift towards disengagement by the family and that Mission Australia would be closed for two weeks over Christmas. Unfortunately, there was no answer, she left a voice message requesting a call back.²⁴⁹
149. After the Christmas break Ms Bainbridge followed up her message to DCJ with an email informing them that she had done a couple of cold visits, and she could hear people in the house, both in Ms Knight and Ms Sebbens' house, but the doors weren't answered. She was concerned that they were avoiding her.
150. Unfortunately, that email was never received by DCJ. The most likely explanation is that it was marked as spam and never reached the intended email inbox.²⁵⁰ This meant that DCJ was not appraised of the change in engagement.
151. As a voluntary program, Brighter Futures case managers do not have any statutory right to enter a participant's home without being invited, the program is voluntary.²⁵¹ This means Mission Australia cannot compel participating families to engage with its processes, including processes directed towards conducting safety and risk assessments. This created challenges in getting information that might be required to properly assess safety as families were often reluctant to share information. This effectively meant that when **KBS**'s family disengaged with Brighter Futures in late 2018 and early 2019, there was very little Brighter Futures could do, beyond closing its file and referring the matter back to DCJ.²⁵²
152. Katherine Alexander, the Senior Practitioner of the Office of the Senior Practitioner at DCJ, explained to the Court that even if the early January email from Ms Bainbridge had

²⁴⁹ Exhibit #3, V5/110 – Second Statement of Amanda Bainbridge dated 4 July 2024, [43] and AB-14 (File Note).

²⁵⁰ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, [101]-[104].

²⁵¹ T61.16-17, T90.27-28.

²⁵² Exhibit #3, V5/112 – Statement of Louise Clarke dated 5 July 2024, p 13.

been received it is unlikely that DCJ would have taken any action prior to **KBS**'s death on 13 January 2019. This is because it did not contain any information that would cause DCJ to have concerns about the immediate safety of **KBS** and or [REDACTED] and did not contain any information about Ms Sebbens' new partner or whether he was staying in her home, or whether it was suspected that he and or Ms Sebbens were using drugs.²⁵³

153. Ms Bainbridge said that at no time during her interactions with Ms Knight or Ms Sebbens was she aware that Ms Sebbens' boyfriend was living in the house. She was given the impression that he was living in Wollongong, and he would only come for a visit. She never sighted him.²⁵⁴
154. DCJ were not aware Ms Sebbens had commenced a relationship with Mr Brown prior to **KBS**'s death and only became aware of the relationship after **KBS**'s death.
155. Neither agency had any knowledge, or even suspicion, that Mr Brown was residing at [REDACTED] in November, December 2018 and up to 13 January 2019 and accordingly, an assessment was never done of the risk he posed to the family. Ms Alexander explained that this would have been significant information, as Mr Brown was recorded in DCJ records as a "Person Causing Harm", which operates as a safety alert for caseworkers when they are required to make decisions about the current or future safety and welfare of a child.²⁵⁵
156. Ms Alexander told the court that the only opportunity DCJ had to more fully reassess safety and the risk to the children was when the 'Alternate Assessment' was done back in February 2018. She gave evidence that a 'Safety and Risk Assessment' should have been conducted by DCJ following Mr Bamblett's incarceration on 17 January 2018. Even though Mr Bamblett was in custody at the time of the assessment, he should have been considered as a member of the household, given that he often lived with Ms Sebbens and the children. She says that by not completing a safety and risk assessment at that

²⁵³ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, [105].

²⁵⁴ Exhibit #3, V5/109 – Second Statement of Amanda Bainbridge dated 4 July 2024, [15]. See also Transcript 19.05.2025, T64.08-40 and T72.21-40.

²⁵⁵ Exhibit #3, V10/142 – Statement of Katherine Alexander dated 29 August 2024, [107]-[108].

time, the opportunity to hold Mr Bamblett accountable for his violence towards Ms Sebbens and his children was lost.

157. Ms Alexander informed the court that a change to the membership of the household was one that would “absolutely” require a new safety assessment.²⁵⁶ She said that if DCJ had been advised that Ms Sebbens had returned and the children were staying with her from time to time, or even just going between the two neighbouring houses, ideally DCJ would at least make an inquiry to determine whether or not there was any information that Ms Sebbens was still using drugs. She said that depended on the agency working with the family expressing their concerns about that. Once DCJ made the referral to Mission Australia and its Brighter Futures program, it was reliant upon that agency to meet its mandatory reporting obligations. The prospect of Brighter Futures considering Ms Sebbens’ relationship with Mr Brown in their assessment and management of the risk of death or serious injury to **KBS** was effectively precluded by the failure of Ms Sebbens and her family to disclose the fact of the relationship and Mr Brown’s presence at [REDACTED] in the period leading up to and at the time of **KBS**’s death, and the use of crystal methamphetamine (Ice) in the household.

CONCLUSION

158. The people who were present at the house on the night **KBS** died have given versions that are not readily reconcilable into a coherent narrative. The versions as to who was at the house on that evening have evolved. No one has been charged in relation to **KBS**’s death and accordingly there has been no trial.
159. The available evidence only allows me to make findings in relation to **KBS**’s identity, the date of his death, the place of his death, and the cause of his death. At this point in the investigation, I am unable to make findings in relation to the manner or circumstances surrounding **KBS**’s death.

²⁵⁶ T740.49 – T741.01.

