



**Coroner's Court**  
of New South Wales

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## FINDINGS AND RECOMMENDATIONS

*Coroners Act 2009, sections 81 & 82. Form 17*

Case number 2010/00435430  
Inquest into the death of PAUL AHSIN

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Hearing Dates 03 August 2011, 10 October 2011, 11 October 2011, 12 October 2011, 13 October 2011, 14 October 2011, 08 December 2011  
Date of Findings 8 December 2011  
Place of Findings NSW State Coroners Court  
Coroner Deputy State Coroner S Freund

### Findings:

I find that Paul Ashin died on 2 April 2010 at Campbeltown Hospital, Campbeltown directly from Asphyxia caused by his restraint, which had accrued at the Campbeltown Club earlier that morning. Other significant factors that contributed his death were his acute ethanol intoxication and his morbid obesity.

### Recommendations:

To the Council of Australian Governments ("the COAG")

So as to ensure the competence of persons licensed to work in the manpower sector of the private security industry, the COAG give consideration to implementing a review of the Mutual Recognition Act 1992 as it applies to the manpower sector of the private security industry.

### representation:

Assisting the Coroner

Mr C McGorey Counsel Assisting  
instructed by Ms Fraser solicitor, Crown  
Solicitor's Office.

Representing the Family

Ms Nadia Baker

Other Parties

Mr B Gross QC instructed by Mr Dixon  
solicitor instructed by Carol O'Dea  
Lawyers, Mr B Haverfield instructed by  
the Office of General Counsel for NSW  
Police Force, Mr D Talintyre instructed  
by DLA Piper for NLG Group Operations  
Pty Limited

## Reasons For Findings:

Paul Ahsin was 40 years of age when he passed away on 2 April 2010 after getting into an altercation with John Payne and subsequently being restrained by security personnel following his eviction from the Campbelltown Club Hotel with his brother Daniel Ahsin. He is survived by his wife Lisa Ahsin and their four children Jesse, Daniel, Vanessa and Trinity.

A coroner's function is to attempt to answer five questions, namely who died, when did he or she die, where did he or she die, what was the cause of death and finally what was the manner of death. The cause of death is the immediate physical cause. The manner of death refers to a way a person dies, including the surrounding circumstances. A coroner may also make recommendations concerning public health or safety issues arising out of the death in question.

In relation to Mr Ahsin's death there is no issue in relation to Mr Ahsin's identity, date or place of his death. The issues to be determined by this inquest in relation to firstly how Mr Ahsin died and the surrounding circumstances in relation to his death.

Mr McGorey, counsel assisting, outlined these issues in his opening statement in greater particularity and they included the following:-

- (1) Should Mr Ahsin and his brother Daniel have been permitted entry into the Campbelltown Club Hotel on 2 April 2010;
- (2) How intoxicated was Mr Ahsin at the time he was asked to leave the Campbelltown Club Hotel;
- (3) What happened to cause Mr Ahsin and his brother to be restrained by security personnel at the Campbelltown Club Hotel;
- (4) How was Paul Ahsin restrained and what was his condition during the course of his restraint;
- (5) Was the restraint used justifiable;
- (6) What was the awareness of the security guards who restrained Paul Ahsin about the risks associated with positional asphyxiation and finally;
- (7) Whether the police response was appropriate.

I will deal with each of the issues in turn.

Firstly, should Mr Ahsin and his brother Daniel have been permitted entry into the Campbelltown Club Hotel on 2 April 2010.

Prior to his arrival at the Campbelltown Club Hotel at about midnight or the early hours of 2 April 2010 with his brother Daniel it is uncontroversial that Mr Ahsin or Paul Ahsin had been drinking. The evidence before the inquest in this regard can be summarised as follows:

On Thursday 1 April 2010 Paul Ahsin commenced a shift at his work, being the Coles distribution centre at Smeeton Grange at about 2 o'clock. At about 4.30 his brother Daniel picked him up and they both attended a rugby game at the Cabramatta league ground that started about 6. Paul Ahsin's son Daniel was playing in this game.

After leaving the game Paul and Daniel Ahsin briefly stopped by and saw Lisa Ahsin at her work. At some point after leaving the game they also

purchased alcohol from a Dan Murphy's outlet. These records seem to indicate that they purchased a 24 case of Jim Beam and cola mixes and 24 case of beer.

After purchasing that alcohol they attended the Club Hotel Leumeah pub in Pembroke Road, Leumeah. This is a licensed premises owned by the NLG Group Operations Pty Limited and Number One Group Services Pty Ltd had a contract with those premises to provide security services.

A security guard employed with Number One Group Services Pty Limited, Veroti Vetamotu(?) was working with that venue that evening and knew Paul Ahsin. Paul and Daniel Ahsin likely had one round of beers at those premises before Veroti Vetamotu suggested to Paul Ahsin that he get some takeaway beer and go home.

According to a statement given by Vetamotu he did not consider either to be drunk, but his prior experience with Paul Ahsin and his observations of him on this night suggested to him that it was appropriate to ask or suggest to him that he leave at that time. Finally, CCTV footage confirms this and they show the pair entering at 8.33 and departing about 8.58.

After departing these premises they went to Ahsin's home where they consumed an unknown amount of takeaway alcohol purchased earlier. At around midnight Paul Ahsin asked Lisa to drop him and Daniel off to the Campbelltown Club Hotel. They travelled there in her car and she dropped the pair off at the car park near the front entrance.

At this time Paul Ahsin was wearing a green basketball singlet, possibly with a number 9 on the back, with a black t-shirt underneath, dark shorts and white shoes and Daniel Ahsin was wearing a white polo shirt, dark long sleeved shirt underneath, black cap and white shoes.

The evidence thereafter indicates that Neetia Patiole, a security guard employed with Number One Group Services Pty Limited and contracted to work at the Campbelltown Club Hotel on the night of 1 April 2010 initially stopped Paul and Daniel Ahsin from entering as he thought Paul Ahsin had been barred. However, they were ultimately permitted entry by Amy O'Keefe the assistant manager of the Campbelltown Club Hotel.

I heard evidence from both John Payne, the former licensee of the Campbelltown Club Hotel and who is currently the area manager for the NLG group that owns the Campbelltown Club Hotel and Kevin Skerton, the current licensee of the Campbelltown Club Hotel, in relation to what policies and procedures were and are in place at the Campbelltown Club Hotel and the other hotels owned by the NLG Group in relation to the barring of patrons.

The evidence that became abundantly clear was that at the time of Paul Ahsin's death:

- (1) The Campbelltown Club Hotel had kept no written list of who was barred and the reasons why, despite previous lists existing;
- (2) Decisions in relation to the removal of patrons for disorderly behaviour and/or intoxication could be made by the licensee, the manager on duty or security personnel. Decisions about the imposition of barring were ultimately made by the licensee only;
- (3) The information regarding who had been barred from the hotel was passed onto managers orally during the course of meetings and;
- (4) The licensee could lift the barring of an individual.

it is clear from the evidence that Paul Ahsin had been barred, likely on more than one occasion from the Campbelltown Club Hotel and had been the subject of a barring that was lifted approximately three to four months prior to his death.

As both the previous licensee of the Campbelltown Club Hotel and now the area manager of the NLG Group who owns the Campbelltown Club Hotel along with 34 other clubs, Mr Payne was the best person to give evidence as to the former and current practices in relation to keeping patrons and staff safe from violent patrons. However, Mr Payne's evidence in this regard was vague, often contradictory and difficult to extract. For example, he gave evidence that Paul Ahsin had approached him about three to four months prior to his death and had asked for his barring to be lifted. Despite not being the licensee at the time of this conversation with Paul Ahsin, Mr Payne ultimately lifted the barring. Before doing so Mr Payne testified that he had checked with staff at the Campbelltown Club Hotel that Paul Ahsin had not been causing problems over the period of the barring to ensure that it was appropriate to lift it.

However, Amy O'Keefe, who was the manager on duty at the time of Paul Ahsin's death and also at about the time that the barring was lifted, testified that she had not been consulted about whether or not the barring should be lifted. She was simply advised that it had been lifted.

Furthermore, there was evidence from Ron Meigan, the actual licensee of the Campbelltown Club Hotel from March 2009 to early 2010 that Paul Ahsin had in fact continually presented himself at the premises over the course of the period in which he had been barred seeking re-entry. Mr Meigan was also not consulted by Mr Payne about his decision to lift the barring and moreover would not have been in favour of it.

In my view the systems, if they could be said to exist at all, were of an ad hoc nature dependent on what knowledge was disseminated about incidents that occurred at various hotels from time to time. The decision to ban or lift a ban was dependent on the various licensees, but the reasons for such decisions were not clear or required to be articulated in any way.

I note however, upon these issues being ventilated during the course of this inquest and my concerns being raised as to the lack of proper procedure the NLG Group has implemented and circulated guidelines for the proper management of banning and lifting bans upon patrons. A copy of these guidelines is annexed to these findings.

How intoxicated was Mr Ahsin at the time he was asked to leave the Campbelltown Club Hotel?

It is uncontroversial that at about 3.25 in the morning Danny Faatagi, a security guard employed by the Number One Group Services Pty Limited to work at the Campbelltown Club Hotel approached Daniel Ahsin and asked him to leave as he was showing signs of intoxication. Paul Ahsin was not asked to leave, but was approached by Miss O'Keefe who advised him that his brother was to be ejected and requested that he assist in ensuring that he leave quietly. This is corroborated by the CCTV footage which shows Mr Faatagi exiting the front door with Daniel Ahsin following and the evidence Paul Siulepa, another security guard employed by Number One Group Services Pty Limited to work at the Campbelltown Club Hotel who stated in evidence he was standing outside when Mr Faatagi brought Daniel Ahsin outside due to his intoxication.

It was the evidence of Daniel Ahsin that he was well intoxicated in the early hours of 2 April 2010. His evidence was that he was drinking approximately fifteen drinks per hour for a period of three hours. His brother though was not drinking at the same rate and was not as intoxicated.

I note the evidence outlined earlier in these findings that both brothers had spent most of the late afternoon and evening of 1 April 2010 consuming unknown amounts of alcohol.

Despite his brother being ejected from the Campbelltown Club Hotel for intoxication, Paul Ahsin was similarly ejected. There is no indication on the CCTV footage or any other evidence that he displayed any of the usual signs of intoxication whilst at the Campbelltown Club Hotel in the early hours of 2 April 2010, however I note the evidence of his wife Lisa Ahsin that he held his alcohol well and didn't usually display signs of intoxication.

The toxicology report conducted post mortem on Mr Ahsin revealed the blood alcohol of zero point one seven nine grams per 100 mls, over three times over the legal driving limit.

Accordingly, at the time Mr Ahsin left the Campbelltown Club Hotel at about 3.30am on 2 April 2010, despite the fact he showed no outward signs of intoxication I am satisfied on balance that he was well affected by alcohol.

What happened to cause Mr Ahsin and his brother to be restrained by security personnel at the Campbelltown Club Hotel?

There is no dispute as to what occurred upon Daniel Ahsin being asked to leave the Campbelltown Club Hotel. The evidence in this regard can be summarised as follows. According to the evidence of Mr Siulepa and Mr Patiole, Paul Ahsin then tried to calm Daniel Ahsin down and persuade him to leave. Eventually Paul Ahsin and Daniel Ahsin walked away into the car park area. That is captured on CCTV footage and occurred at about 3.28am.

At the time they commenced walking into the car park Mr Payne, who by chance was at the premises that morning, and Bruno Grutzner, the security dog handler, was standing towards the entrance into the car park talking. After walking a short distance towards the bottle shop drive-in Paul Ahsin and Daniel Ahsin changed direction and headed towards Mr Payne. Thereafter Mr Ahsin approached Mr Payne and said words to the effect of "This was your doing wasn't it?" He then struck Mr Payne once to his face without warning causing his glasses to fall off his head. That strike is corroborated by a number of witnesses, including Mr Grutzner, Mr Foweraker, Mr Patiole and Mr Siulepa.

After Paul Ahsin struck Mr Payne, Mr Siulepa and Mr Patiole came to his assistance. According to the evidence given by Mr Faatagi, as well as his interview with police, he ran outside through the front entrance after seeing the altercation outside and ultimately went to the assistance of Mr Siulepa and Mr Patiole. This is corroborated by the CCTV footage that shows Mr Faatagi and Maleifua Tui, another security guard working at the premises for Number One Group Services Pty Limited, running out through the front entrance towards the car park.

I heard evidence from a number of witnesses, including Mr Foweraker, Mr Patiole, Mr Siulepa and Mr Faatagi as to what then occurred between the punch and the Ahsin brothers being restrained.

Mr Siulepa testified that Daniel Ahsin punched him as he attempted to grab Paul Ahsin. Paul Ahsin then turned around and concentrated his efforts on him.

Mr Foweraker testified that he saw Mr Faatagi, identified as the guard wearing a black jacket and possibly black cap, holding Paul Ahsin from behind and Mr Siulepa identified as the guard wearing a red shirt and subsequently involved in the restraint of Paul Ahsin, delivering a number of upper cuts with a closed fist to Paul Ahsin's head or face area.

Mr Siulepa conceded during the course of his evidence that "he may have hit him", that is Paul Ahsin, "with a closed fist" and that after the tussle he and Mr Faatagi both ended up on the ground at which time Paul Ahsin was restrained.

The post mortem report indicates that Paul Ahsin had a laceration to the nose and bruise

under the eye that was consistent with being caused by blunt force trauma which could include a punch. However, if Mr Foweraker's version of events is correct, I would have expected the injuries to Paul Ahsin's face being greater than what was described in the post mortem report.

Accordingly, I am satisfied that punches were exchanged between Mr Ahsin and Mr Siulepa wherein they all ultimately ended up on the ground with Mr Siulepa and Mr Faatagi restraining Paul Ahsin face down.

However, I am not satisfied on balance that this aspect of the altercation occurred exactly as Mr Foweraker described it.

How was Paul Ahsin restrained and what was his condition during the course of his restraint?

One of the main issues focused on during the course of this inquest was in relation to the manner in which Mr Paul Ahsin was restrained, the duration of the restraint and his condition over the course of that restraint. This was not an easy factual issue to resolve as there was considerable variance amongst witnesses about what unfolded. For example, different witnesses placed Mr Faatagi and Mr Siulepa on different sides of Paul Ahsin, whilst others appeared to have both guards on the same side at some points.

I will start considering the evidence of the guards who actually restrained Paul Ahsin. The evidence of Mr Siulepa can be summarised as follows. He was restraining Paul Ahsin face down, together with Mr Faatagi. Mr Faatagi was on the right hand side of Paul Ahsin lying on the right hand side and upper back of Paul Ahsin. Mr Siulepa had himself on the opposite side to Mr Faatagi holding Paul Ahsin down by putting pressure down on his arm. Mr Siulepa ended up having his knee around Paul Ahsin's left elbow. He denies that he ever put any pressure on Paul Ahsin's torso and maintains his knees only ever made contact with Paul Ahsin's arm.

Mr Faatagi provided slightly greater detail. He also placed himself on the right hand side of Paul Ahsin with his left arm on Paul Ahsin's right upper arm area and stated that he had his right knee on Paul Ahsin's upper right arm. He described Mr Siulepa as having Paul Ahsin's left arm "kind of like in a chicken wing just holding it towards his back", but he could not really see if Mr Siulepa was on Paul Ahsin's back. Both security guards denied placing their knees on Paul Ahsin's back.

I note the evidence of Dr Irvine, the forensic pathologist, was that she observed a bruise on the right flank that had a pattern possibly consistent with jean line or seam, though not a definitive identification of a pattern. However, she could not advise whether that resulted from sustained pressure, namely pushing down with a knee over a period of time, or from a short instance of pressure, that is when Paul Ahsin fell to the ground.

The restraint of Paul Ahsin was witnessed by a number of other people. I summarise their evidence.

Mr Payne's evidence contrasts markedly in that he was unsure if there were two guards involved in the restraint and he places Mr Siulepa on the right hand side of Mr Ahsin, with at least one of Paul Ahsin's arms pulled back behind his back with some downward pressure on arm being applied.

Miss O'Keefe's evidence had Mr Siulepa kneeling on the ground on Paul Ahsin's left hand side holding Paul Ahsin's left arm behind his back. In the diagrams annexed to her statement dated 2 April 2010 and 16 May 2011 she indicated that Mr Faatagi was on the right hand side of Paul Ahsin, however she was not clear in this regard when giving her evidence in the course of the inquest.

Mr Grutzner's evidence had Mr Siulepa sitting on the ground on Paul Ahsin's right hand side holding his arm in a wristlock behind his back in a chicken wing hold, while Mr Faatagi was on Paul Ahsin's left hand side holding his arm straight out in an arm bar hold. He also described Mr Faatagi changing position during the restraint to restrain Mr Ahsin's leg area.

Mr Grutzner maintained in evidence that he did not see either guard with their knees on top of Paul Ahsin. At best Mr Faatagi's knees may have been touching Paul Ahsin's side whilst Mr Faatagi knelt on the ground.

Mr Foweraker's evidence had Mr Faatagi identified as being the guard wearing the black jacket on the left hand side of Paul Ahsin pushing him down around the back of the neck and shoulder area, whilst Mr Siulepa, identified as being the guard wearing the red shirt, had hold of Mr Ahsin's right arm. However he had Mr Siulepa being positioned very close to Mr Faatagi, possibly on the same side. Mr Foweraker also testified that it was possible that Mr Faatagi's right knee might have been in contact with Paul Ahsin's shoulder whilst he was lying face down.

However, I observed that Mr Foweraker made no mention of that possibility in either the statement he declared to police, or in the re-enactment he gave to police that was visually recorded on 2 April 2010.

Finally, the evidence from the various police officers. Police were called to the premises soon after Paul Ahsin struck Mr Payne. Senior Constable Bariston(?) was the first on the scene, followed thereafter by a police van manned by Constable Day, Constable Cumerlato and Probationary Constable Woodward. In her recorded interview with police Senior Constable Bariston described one guard as having Paul Ahsin's right arm pinned behind his back area with palm facing outwards on the small of his back. That guard also had his left knee on Paul Ahsin's right shoulder. The other guard had Paul Ahsin's left arm outstretched and had his right knee on Paul Ahsin's shoulder blade. The other police were not very precise in what they observed, except to say that the guards were low and positioned over Paul Ahsin when they approached.

There is no clear evidence to determine with precision exactly how Mr Faatagi and Mr Siulepa were holding Paul Ahsin down on the ground. However, I am satisfied on balance that both were involved in his restraint and that Paul Ahsin was restrained in a face down position which involved pressure being applied to his upper arm or shoulder area and back. The pressure was applied with enough force to ensure that Paul Ahsin was pinned to the ground, such that he could not get up.

Notwithstanding the evidence of Senior Constable Bariston, given the totality of the evidence, I am not satisfied on balance that the guards were applying pressure to the back of Paul Ahsin by way of their knees.

The second limb to this issue was Paul Ahsin's condition during the course of his restraint. The evidence in this regard can be summarised as follows. The evidence of both Mr Faatagi and Mr Siulepa was very similar in this regard and essentially described Paul Ahsin as difficult to hold due to him struggling, cursing and rolling back and forth in an apparent attempt to get free. By the time police arrived Paul Ahsin could be heard "groaning" after which he was quiet.

The evidence of Mr Payne, that he approached Paul Ahsin after he calls police, but prior to the arrival of Senior Constable Bariston. His evidence was that he heard puffing and moaning or groaning. It was about this time he saw an islander lady yelling at guards to get off him and he told her to go.

The evidence of Gumma Ammerma, who was the islander lady described by Mr Payne, she

was clearly very intoxicated at the time of the incident having been ejected from the Campbelltown Club Hotel just prior to the incident unfolding. Despite this her account dovetails very closely to that of Mr Payne. She can only recollect one guard being involved in the restraint of Paul Ahsin, however she also described Paul Ahsin as “puffing” and in her assessment he “appeared to be suffocating”. She also remembers being told to leave by a “quite tall white fellow” who was likely to be Mr Payne.

The evidence of Miss O’Keefe gives evidence that Paul Ahsin was yelling whilst being restrained, but that he had quietened down a lot and that at one point she heard moaning or groaning just prior to the arrival of police.

Finally the evidence of Mr Foweraker that he thought he was unconscious as he did not see any movement, although he conceded he could not see Paul Ahsin’s face.

Paul Ahsin was still being restrained by one or more security guards at the time Constable Cumerlato and Probationary Constable Woodward took hold of Paul Ahsin’s arms whilst he was face down and applied handcuffs to him. However, when they initially arrived at the Campbelltown Club Hotel Constable Cumerlato and Probationary Constable Woodward first focused on handcuffing and placing Daniel Ahsin into the police van as he happened to be the closest to where the police van had pulled over and also presented as the most vocal of the two at the time.

After Daniel Ahsin was handcuffed and placed into the back of the police van those officers proceeded over to Paul Ahsin to do the same. By this time all the police describe Paul Ahsin as making no noise, not moving and being totally unresponsive to stimuli, verbal or otherwise. I also note that they observed Paul Ahsin was also observed lying in a patch of fluid.

After considering all the evidence in relation to this issue I accept on balance that Paul Ahsin was thrashing about when he went to the ground and resisting the restraint. However, his condition began to deteriorate prior to the arrival of Senior Constable Bariston at 3.36am and as his restraint by guards probably lasted eight or more minutes beyond her arrival he became unconscious sometime thereafter.

Was the restraint used justifiable?

As previously indicated I am satisfied on balance that Paul Ahsin was unconscious at the time the police took him into custody and tended to place him in handcuffs. However, there is no evidence that either Mr Faatagi or Mr Siulepa were aware that he was unconscious, nor that in fact realised that his condition was deteriorating. Both Mr Siulepa and Mr Faatagi in their respective ERISPs spoke of their fears of what would happen if they released their hold on Paul Ahsin. Those fears in my view were corroborated by the actions of the police who clearly did not want to risk removing the handcuffs when they had a doubt with respect to his level of consciousness, notwithstanding his lack of response to their stimuli and that he did not hold his own weight when attempts were made to stand him up.

Mr Ahsin by all accounts was a man of very large build. He weighed 133 kilos and was 1.76 metres tall. He was well fuelled with alcohol and had already been violent leading up to his restraint. This coupled with his history of violent behaviour, which was well known to the security personnel and his initial attempts to resist the restraint in my view made the restraint and his continued restraint justifiable. My view would be different if I was satisfied on balance that both guards realised that Paul Ahsin was in fact unconscious, but persisted with their restraint nonetheless. However, I am not satisfied that either of the guards were aware that his condition had deteriorated.

What were the security guards level of awareness of the risk of restraining Paul Ahsin in a prone position?

The evidence shows that Mr Siulepa, Mr Faatagi, Mr Patiole and Mr Tui had received at one time or another New South Wales provisional 1A unarmed guard and provisional 1C crowd control licences following their completion of training and various registered training organisations in New South Wales. At the time of Paul Ahsin's death all four guards also held ACT equivalent 1A/1C licences that had been issued to them following their completion of training with an organisation in the ACT in the early part of 2010.

It was uncontroversial that there was an intention on the part of all four guards when they commenced their training in the ACT to eventually seek the mutual recognition of their ACT equivalent 1A/1C licences in New South Wales. In fact at the time of Paul Ahsin's death Mr Siulepa and Mr Patiole had applications pending with the security licensing and enforcement directorate, New South Wales Police Force to receive New South Wales 1A/1C licence on the basis of their ACT licences.

According to the evidence of all the security guards who gave evidence during the course of the inquest, none had ever received any proper training about positional asphyxiation or its dangers. At the very least none were able to properly explain what positional asphyxiation was or the risks associated with the restraint of persons on the ground in a prone position, and all effectively maintained that they lack a proper understanding about positional asphyxia when the events unfolded on 2 April 2010.

The evidence about the training they did receive suggests it was possibly minimal, though it is possible they did get some basic training in positional asphyxiation in the ACT.

In my view neither Mr Siulepa nor Mr Faatagi considered Paul Ahsin to be at risk of asphyxiation while he was being restrained. Positional asphyxiation is a complicated issue, particularly in light of the circumstances of this case.

I heard evidence from a number of police officers in relation to their training with respect to positional asphyxia and accept that when police seek to restrain a person who is violent and is resisting arrest they will take control initially by placing them into a prone position which is face down on the ground. However, they then rely on their ability to handcuff the person being restrained and placing them into a recovery position to avoid asphyxiation. They are also specifically trained to be vigilant in assessing persons being restrained on the ground.

Like police, security guards often find themselves confronted by violent persons or patrons. In such circumstances, like those in this inquest, they are required to restrain those persons until police arrive. In all likelihood this involves restraint of the person in the prone position on the ground. However, security guards do not have handcuffs at their disposal, thereby minimising the risk of the restraint by then being able to place the offender into the recovery position. It is important that all persons who receive security guard licences are always hyper vigilant about the risk and signs of positional asphyxiation, particularly when they lack the ability to handcuff a person and place them in a recovery position.

Mandatory training of security guards to an appropriate standard about positional asphyxiation is therefore very important in order to minimise the risks of death or injury from positional asphyxiation occurring. That said, it would be unrealistic to expect that theoretical training of itself about the risks and signs of positional asphyxiation would entirely eradicate that risk having regard to the reality often involved with restraining an intoxicated and violent person.

What became clear from the evidence was that the standard and quality of the training given to security guard applicants, including that about positional asphyxiation, varies considerably from jurisdiction to jurisdiction. However despite this security guards can be trained interstate and then seek to be registered in New South Wales under the Mutual Recognition Act 1992. This in my view leaves a system that is open to abuse and can result in people

with insufficient training being employed in this state and others as the case may be and ultimately putting lives at risk.

Cameron Smith, the director of the Security Licensing and Enforcement Directorate New South Wales Police Force gave evidence in these proceedings. His evidence was that this jurisdiction had advocated to other jurisdictions, for example in forums such as the Council of Australian Governments, about the importance of standard training and quality requirements being adopted across all jurisdictions as regarding the training and licensing of applicants for security guard licences. Through the counsel for the New South Wales Police Force it was submitted that the efforts of this jurisdiction to address this issue would be assisted with the Council of Australian Governments to consider implementing a review of the Mutual Recognition Act 1992 as it applies to the manpower sector of the private security industry.

Finally, was the police response appropriate?

The evidence before this inquest in relation to the police response, which I note was not in dispute, can be summarised by the following chronology. At 3.30 in the morning VKG records the call to triple-0. At 3.36 in the morning Senior Constable Bariston arrives at the Campbelltown Club Hotel. At 3.40am Constables Cumerlato, Day, Woodward arrive at the Campbelltown Club Hotel. At approximately 3.45am guards cease restraint of Paul Ahsin and handcuffs are applied. At 3.48am Bariston calls VKG to request an ambulance. At 3.49am Constables Sini(?) and Thorn arrive at Campbelltown Club Hotel. At 3.54am Senior Constable Bariston makes a further call to VKG requesting the expedition of the ambulance and Constable Sini and Thorn also make a similar request. At 3.56am approximately the first ambulance arrives.

Mr Grose QC, counsel for the family, made no submissions with respect to the adequacy of the response by police. In my view the police responded in a timely manner to the incident upon the triple-0 call being made and dealt with the matter as it unfolded at the Campbelltown Club Hotel in a proper manner given that they had two men being restrained, one of which was more vocal at the time of the police arrival.

Conclusion.

Accordingly, I now turn to the findings I am required to make pursuant to Section 81 of the Coroner's Act 2009.

I FIND THAT PAUL AHSIN DIED ON 2 APRIL 2010 AT CAMPBELLTOWN HOSPITAL, CAMPBELLTOWN DIRECTLY FROM ASPHYXIA CAUSED BY HIS RESTRAINT WHICH HAD OCCURRED AT THE CAMPBELLTOWN CLUB HOTEL EARLIER THAT MORNING.

Other significant factors that contributed to his death included his acute ethanol intoxication and his morbid obesity.

Pursuant to Section 82 of the Coroner's Act 2009 I make the following recommendations arising out of the death and subsequent inquest into the death of Paul Ahsin.

To the Council of Australian Governments, so as to ensure the competence of persons licensed to work in the manpower sector of the private security industry, the COAG, namely the Council of Australian Governments, give consideration to implementing a review of the Mutual Recognition Act 1992 as it applies to the manpower sector of the private security industry.

That leaves a couple of final things to deal with. Firstly I would like to thank the OIC in this matter for all the hard work you have put into compiling the brief. You did an excellent job.

Secondly, to the family of Paul Ahsin, again my condolences for your loss and my condolences on behalf of my staff and counsel assisting.

**Signed**

Deputy State Coroner S Freund  
Deputy State Coroner

**Date**

4 January 2012