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NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

A 51 of 2019

AN INQUEST INTO THE DEATH

OF KUMANJAYI WALKER

ON 9 NOVEMBER 2019

AT YUENDUMU POLICE STATION

JUDGE ARMITAGE, Coroner

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON 22 FEBRUARY 2024

(Continued from 12/04/2023)

Transcribed by:
EPIQ

THE CORONER: Before we resume the Inquest into Kumanjaya Walker, I acknowledge that today we are sitting on the traditional lands of the Arrernte people and I pay my respects to the Elders past, present and emerging.

I will take appearances. Just for convenience, I think I might just start with everyone on the video-link and apologies to senior counsel at the Bar table.

Yes, Mr Coleridge.

MR COLERIDGE: If it pleases, I appear as counsel assisting.

THE CORONER: Thank you. And any other appearances on the video-link at this stage?

MS WALZ: Your Honour, Andrew Boe is appearing via AVL. He's just having trouble getting access right now.

THE CORONER: All right, thank you. And any other appearances on the video-link.

MS MORREAU: So your Honour, Paula Morreau is also appearing via AVL.

MS WALZ: She's also having troubles with the video-link.

THE CORONER: Okay, we'll try and sort that out as soon as possible. It might be that they can hear us without necessarily being able to see us and we might have muted people at this stage. And again, just for convenience, are there any other video-link appearances?

MS WALZ: Your Honour, if I may mention the appearance of Ms (inaudible), she is also trying to dial in. She appears for Constable Kirstenfeldt and Sergeant Nankivell and correspondence with her and we hope to have them going shortly (inaudible).

THE CORONER: Thank you, Ms Walz. I will now take appearances from the Bar table.

Dr Freckelton.

MR FRECKELTON: May it please, your Honour, I appear with Ms Bernard from the Northern Territory Police Force and various of its members.

THE CORONER: Thank you. Ms McMahon.

MR MCMAHON: It is please the court. My name is McMahon, I appear with Mr Conor O'Bryan for the (inaudible) Committee. Mr O'Bryan is not here at the moment, but he should be here before it's all over.

THE CORONER: Thank you.

MR SUTTNER: Your Honour, my name is John Suttner, I appear with Ms McNally of McNally & Co for Sergeants Bauwens.

THE CORONER: Thank you, Mr Suttner.

MR OFFICER: Your Honour, may it please, Officer for Mr Rolfe.

THE CORONER: Thank you, Mr Officer.

MR DERRIG: May it please the court, Mr Derrig on behalf of NAAJA.

THE CORONER: Thank you, Mr Derrig.

MS OZOLINS: Your Honour, Ozolins appearing with Ms Nobbs-Carcuro for the Northern Territory Police Association.

THE CORONER: Thank you.

MR HUTTON: Your Honour, my name is Hutton and I appear on behalf of NT Health.

THE CORONER: Thank you. I think that then completes all the appearances. Yes.

MR OFFICER: Your Honour, could I just raise two matters.

THE CORONER: Sure.

MR OFFICER: Firstly, (inaudible) Supreme Court. Secondly, at the appropriate time I wish to raise (inaudible) respect to the late disclosure of Smalpage affidavit from September last year and some of the matters he sets out therein about the Frost plan or his opinion of it. Obviously, it has (inaudible) what your Honour is going to make of that. (Inaudible) in cross-examination, whether the current Commissioner (inaudible) discussions about this plan amongst other things. So your Honour has questioned him now and assume it's on the record (inaudible).

THE CORONER: All right, we'll come back to that. We might be back in contact with you and receive something in writing overnight, Mr Officer.

A PERSON UNKNOWN: Your Honour, before we go any further, could I just indicate that I had significant difficulty hearing Mr Officer. He is just off screen. I suspect that he's some distance from the microphone, so I think I caught the tenor of the issue, but if I could just ask him to lean in a little bit next time.

THE CORONER: We can move the microphone a little closer next time, if Mr Officer has anything else to contribute.

Yes, Mr Coleridge.

MR COLERIDGE: As your Honour well knows, the inquest for sit for seven days or thereabouts to hear from the final two witnesses in the inquest, being Sergeant Lee Bauwens who was, at the relevant time, the officer in charge of the IRT and from Mr Zach Rolfe.

It is anticipated that the examination of Sergeant Bauwens will proceed today and tomorrow. However, the examination of Mr Rolfe will proceed through Friday of next week. Just for the benefit of the parties who are examining today and also for Mr Suttner, Ms McNally and their client, I'd just indicate as a matter of courtesy that I don't think I will be anywhere near as long as the three hours that was estimated on my part.

We're conscious, your Honour, that there is a fair bit of written material from Sergeant Bauwens about the IRT, its development, failings within the IRT and also conscious that there are a number of parties and that we want to avoid overlap where possible.

So I will attempt to be limited and as brief as can be. Having said that, your Honour, unless there is any other matter of housekeeping, I'll call Sergeant Lee Bauwens.

THE CORONER: Yes.

MS PINCUS: Apologies, your Honour, just my team and also the Brown team is having trouble. They can't access the Teams, so they're now just trying to get onto the live stream so at least they can hear. But that's - can we just have a minute because they were waiting to get onto the Teams.

THE CORONER: Sure.

MS PINCUS: They just need to access that.

THE CORONER: All right.

MS PINCUS: Thank you.

THE CORONER: Look, I'll just call Sergeant Bauwens into the box, get him sworn in and, Ms Pincus, if there is any other difficulty, you let us know at that point that.

Yes, Sergeant Bauwens, is he in the courtroom? He's on - hello, Sergeant Bauwens, I didn't see you there. Sorry, I wasn't meaning to ignore you. I'm just going to move this screen. Thanks for making yourself available. I know that there have been some delays in that you've expected to give evidence on a couple of different occasions, but thank you for being here and being available to give evidence.

LEE BAUWENS, affirmed:

THE CORONER: Thank you. Yes. And obviously Mr Coleridge, you can see him on the screen in front of you. Is that right?---Yes.

Great, thank you.

And Mr Coleridge, did you have any difficulty hearing Sergeant Bauwens then?

MR COLERIDGE: No.

THE CORONER: Okay, great.

MR COLERIDGE: I'll raise the issue if need be and I can see him clearly.

XN BY MR COLERIDGE:

MR COLERIDGE: Sergeant Bauwens, my name is Patrick Coleridge. I'm counsel assisting, or one of the counsel assisting, and as you've heard me say, I won't be traversing all of the issues that have arisen in the inquest. We'll focus largely on the IRT. Before doing that, can I ask you to restate your full name for the record?---Lee Bauwens.

And what's your current rank and station?---Sergeant, Alice Springs, general duties.

And Sergeant Bauwens, you have given a number of recorded statements in the inquest since about 2019. Is that correct?---Two, I believe, your Honour.

Yes. The first one was on 21 November 2019. Does that sound right?---Yes.

And your Honour, that's at 76 of the brief.

And the second was on 3 December 2020. Does that sound about right?---Yes, I believe so.

About a year later.

That's 77, your Honour.

THE CORONER: Thank you.

MR COLERIDGE: And as a part of that second recorded statement, you provided some documents, some annexures to the statement. Do you know what I'm talking about?---Yes, I do.

And most of the annexures were memorandums that you had written to the Commander of Southern Command and other members of the police executive about the IRT and the need for urgent investment in IRT?---Yes, that's correct, among other things, yes.

Yes. Finally, you also gave evidence at Mr Rolfe's trial on 23 February 2022?---That's correct.

Yes.

And that's at 77A, your Honour.

Sergeant Bauwens, before I turn to the issues, could I just get a sense for context of where you served in the Northern Territory before you moved down to Alice Springs in about 2014?---I was initially - when my career started, I was initially posted to Alice Springs from graduating college in 2000. Approximately 2004, I passed the selection and I - that place I went to, TRG. And in TRG, I stayed for 10 years where I achieved the rank of sergeant within TRG. I was a senior (inaudible) before arriving at TRG. Probably about October 2014, I left TRG to return to Alice Springs on my own decision.

That first four year period, 2000 - 2004, were you a general duties police officer in Alice Springs?---Yes, I was.

And that's where you achieved the rank of senior constable?---That's correct.

Okay. The 10 years you were in the TRG, I take it you worked closely with Meacham King?---With Meacham King, yes.

And I assume that you have the same degree of respect that most police officers seem to have of Mr King in the Northern Territory?---Yes.

He seems to be a highly qualified police officer?---Meacham, yes he is.

Can I ask why you moved to Alice Springs in late 2014?---There was a couple of reasons. I'd spent 10 years in TRG and I'd achieved so many things in that section, gained so many qualifications and I was quite fortunate to be in that position. But ultimately, I wanted to get back into general duties policing. I just felt I was being - the section was a bit too specialised and I felt like I was missing out on what I actually joined the job for, which is frontline policing which I enjoy. I also - my role within the TRG was the cordon or marksman team leader, 01 call sign, which is a position I held for a couple of years. In that position, I was in charge of training and maintaining that section, deployment, among several other things within the section as well. I am not too sure how far you want me to go into, but one of my roles were in that section, but - - -

We might pass over TRG for the time being?---Yeah.

We might come back to it later when we talk about some comparisons between the IRT and TRG, but obviously, you land on the ground in Alice Springs towards the end of 2014?---Yeah.

And pretty soon thereafter, you became involved with what was then the cordon and contain team. Is that right?---Yeah, that's correct. I was - probably the answer in the last part of the question was, while the TRG became - I took an interest in the cordon team because it was basically a development on what I was doing in the TRG and I could see that the section was suffering from several issues and while I was in TRG I tried to rectify some of those issues and assist, but ultimately that was failing. So that formed part of the decision why I wanted to return to Alice Springs and obviously not - myself and my wife, we always did have an affiliation with Alice Springs because we love the community and the place.

In your first interview you say, "I wanted to develop the IRT because" - I am quoting you - "I saw it as an asset that could be used in the South Command". Can you tell her Honour what it was that suggested to you that it could be an asset?---It's - it was a response section to incidences which occurred throughout the police force. While I was in Darwin I could see that incidents which happened, they had a capability which to deal with those situations. For instance, like TRG, we deal with anything from high-risk to social order to search and rescue - to anything - siege situations or just things that would general - developed through a general duties' environment. In my experience, my first four years in Alice Springs obviously I saw several situations that could have been handled, you know, in a better manner or the members there could have provided a better response and a better trained response. I saw the section in Alice and I - I just basically wanted to get out of the Southern Command the same sort of response that the Northern Command enjoy or deserve. To - yes, assist the members and the people of the community. To provide a better trained response than existed previously.

Can you give her Honour an example of, you know, something that you observed in Alice Springs - a response you observed in Alice Springs that you thought, "Geez, you know, that's something that could've been done better and with some appropriate training probably would have been done better"?---Prior - my first four years? Well, there was - it's hard to think of a specific incident back then, but there was certain situations where you had to do a cordon and contain and manage the situation and it was obvious that - I can't remember a specific incident at this point in time, but the situations were basically just, "Oh ,we'll get through it and it will work out in the end". And though like they often did, but when I was exposed to a better way to do things, I guess that was highlighted, the fact that, "Well, that's not the way to do it."

Is it fair to say that what you saw was, look, people were mucking in, most of the time it was going okay, but that without training, planning and structure, there was a risk that things could go wrong?---Yes, correct.

When you arrived and started working with the CCT in late 2014, am I right that it was really focussed on lower risk response at that time - just cordon and contain? ---No, that's not entirely correct. The ACs - the cordon team went through many transitions. From what I could tell, I think it started around 2005. I don't recall it being there when I was there in '04. It started off as a cordon team - cordon and contain of an incident and I think we know until a response from TRG arriving in

Alice Springs. I think it was about '12 - '13 - '12 or '13 that what we call an "IEA capability" was incorporated into the team.

Can I just pause there? An IEA is an Immediate Emergency Action capability?
---That's correct.

And so that was prior to your return to Alice Springs that that capability was introduced into the team, was it?---That's correct. We - I do recall attending Alice Springs on, I think, two occasions, to assist training of the team to this new role, the Immediate Emergency Action role which is a whole - another role - for the team.

In your first recorded statement you say that, "We armed an immediate response" - so immediate Emergency Action capability meant that now the cordon team was approved to do some armed and immediate response work in high-risk situations. Is that right?---Yes, in basic terms, yes. To cordon and contain a situation which is - it's a situation which is managed by the police - the cordon containment - we now own that situation and we had to prepare for every situation which occurs within that cordon and if we're not, obviously - yes, we would probably be here again. The IEA component was developed from a tactic from TRG. It's basically what they do and as formulated from the siege management strategy which I think has been replaced by ANZPAA now. It was part of the ANZCTC siege management instructions. So basically, in layman's terms, you have a plan for what could occur in a life-threatening within that cordon and you basically the plan is you enter the house or stronghold we'll call it - it's a compatriot term - which could be anything. You enter as quickly as you can, you save life or you defuse the situation which is occurring within that situation. Without a planned response it was - I saw it as a very, very dangerous situation.

Are IEA deployments unplanned? You have a general plan - a general idea about how you can manage the situation, but you deploy very quickly in response to an immediate risk. Is that the idea?---If we're talking about a high-risk deployment, high-risk deployments are a very set and formulated process and plans which run in order. The first plan is a containment plan - cordon and containment. The second plan is an IEA component. It does get a little bit confusing because you can actually formulate an IEA on the way to the situation because you can get - you hear on the radio, they go, "Hey, some really bad stuff is happening in this place, we need to go in there straight away" and so that does - we do formulate - or we used to in TRG, we'll make an IEA sometimes on arrival. There would be a loose cordon or a general duties cordon in place, but - so at the risk of going into a little bit too detail, the cordon and containment plan is implemented and then an IEA is one of the next plans and it also goes along with an arrest surrender plan - negotiator plan. All those things need to be in place.

Really, what I am driving at is this moment where the cordon team was approved for the IEA capability was a bit step for the cordon team. Would you agree?---The - it was a step that had to be made and it did change the role. It basically doubled their

role. It - like I said in June '14 it was - when I arrived we did actually have that capability at that stage, but things soon changed after that.

I think you say in your statement, "So the IEA capability, it's basically the same level of what the TRG do with their skills". So that was a big step and we got approval for that because it was seen as a severe risk that we have got to control"?---Correct.

Yes. Is it fair to say that with that step the responsibility for managing the IRT, ensuring that it was suitably trained, staffed and so on, increased?---Yes.

And from the end of 2014 that responsibility rested solely on your shoulders more or less?---More or less, that's correct.

I'm not suggesting that there aren't people in executive who are ultimately responsible but you were the one on the ground dealing with these things?---At the early stages I had assistance from other experienced tactical officers from interstate. That didn't last that long.

We'll talk in a second about the types of things that you were doing to try manage and develop the IRT in a second. But can we just pause and talk about workload for a second? You were still a shift sergeant or a patrol sergeant effectively within the Alice Springs Watchhouse at that time, is that right?---Like, my role when I came to Alice Springs from GRGs(?) was custody sergeant which is the Watchhouse which also it wasn't a designated role. We moved to shift sergeant. It was flexible.

I suppose the point I'm making is it wasn't as if your substantive role became the OIC of the IRT. That was something that you were expected to do in addition to your ordinary responsibilities as custody sergeant, is that right?---That's correct.

And I think you were asked some questions by Commander Lee Morgan during your interview back in 2020 about whether you were given any extra remuneration or time off and I think that the answer was no you weren't?---That's correct.

How difficult was it managing those two responsibilities?---Yeah, it was very difficult because there was several challenges which presented during the 2014 to 2019 which had to be dealt with. The challenges were many and, yeah, exhausting. I don't know how long we were going to go through them but it managed from training to equipment, to courses.

We'll come to the issues in a second because you have some views about them that you've set out in writing and I really do want to talk about them. But I guess I'm focusing on this point at this point about the part-time nature of the IRT which seems to be a problem in itself. Would you agree that it really does make the job much harder for both the OIC and for the members of the IRT if they're not designated members of the team like that and are expected to balance their responsibilities with other responsibilities as general duties police officers or so on?---Yeah, definitely it's hard for the organiser or the OIC of the section to implement any sort of changes or training. For the members it was also difficult because they didn't get the opportunity

to attend training as much as they wished. Yeah, the limitations of the frontline policing Alice Springs was definitely a massive indicator.

Let's talk a little bit about the problems with the IRT because working out what, if anything, is going to replace it I think is a pretty important step for the force. Between 2018 and 2019 in particular you were pretty candid with police executives southern command about what you thought needed to happen within the IRT. Would you agree?---Yes. I made several recommendations regarding equipment, training and future directions of the team for it to maintain a viable response with southern command. But I also, the memos were not only to request things. They were also to open a line of communication with the executive to tell them what we are, who we are, what we do and what they can expect of us. Because quite often it was a case where they wouldn't know. So I tried to get them involved in the section which those memos were talked about. And it would also be backed up with an invitation to come look at the training, look at our equipment, see what we do because I'm not too sure if we're going to touch it on here but I think our section's been misrepresented pretty badly. So if I do get the opportunity I would like to explain what we actually do and what we did do and what we didn't do.

So my questions today are about giving you those opportunities, Sergeant Bowens. What I would like to do is just go through some of the issues you saw in the IRT and then open the floor up to you really to correct any misconceptions, misperceptions that you think exist. So if I haven't asked you those questions remind me and that's something we will definitely cover, okay?---Yep.

Could I ask you just on the question of the relationship between the IRT and police executive, did it surprise you that a tactical team, a "paramilitary team" that had been operating since around 2005 was still relatively unknown to police executive ten, 15 years later?---Yes, yes.

Do you have any theories about why it seems to have been overlooked?---Why the section was overlooked or why they didn't know really much about it?

Why they didn't know anything about it?---Well, chain of command in the police force changes so often. Promotions happen and people change positions. So a lot of information is not being relayed or forwarded on and what's required. Tactical policing, it's not a popular thing amongst the executive. It's one of those things that you're not going to get a pat on the back for championing or you get a promotion. Talk about how you're part of the team. It's not going to be the ticket for the move forward or anything. It's just one of those things which it's a problem but it's good to have and we needed it. But it was hard to deal with, hard to manage and a lot of people go through, a lot of executive go through their old careers but they actually have very little exposure to tactical situations, tactical management. It's just the way it works. So - - -

Why do you think tactical – sorry?---You're right. I've finished.

I was just going to say, why did you – I mean all workplaces are politics, political. They have their politics. You know, interpersonal stuff. Why do you think that, you know, developing tactical teams was a difficult topic to raise with the executive. Why was it unpopular?---It's just not, it didn't seem to be a priority within resourcing and budgets. Unfortunately the police force is like everything now. It seems to be a budget focused environment. And any sort of tactical team or response, whatever we call it, actually requires manpower, equipment, constant training. You've only got to look, see, what TRG money they spend. They, of course, I think get federal funding as part of a requirement that each state has to provide a tactical team. But it's a hugely expensive, man-draining situation.

If we can just keep going through some of the issues that you saw and that you raised with the executive in those memos, a big one was staffing. It seemed to me - and correct me if I'm wrong - that you were having trouble retaining staff - or at least attracting staff to the team, is that fair?---I wouldn't say "retaining". Alice Springs station is a very transient - I think is one word you could use - is people move on. They do a couple of years at GDs - General Duties. Either they go remote or they go to Darwin or another major station or they go to crime or something like that, so it - people move a lot. And that was one of my hopes with the section, that it would provide some people who would, you know, like to be part of it and like a bit of stability and stay.

Was one of the problems also that these types of team do need a dedicated team with specialist skills, a good command structure and discipline? In other words, the type of things that happen when you have full time members of the team, rather than people who are jumping in and out of different roles?---Most definitely a full-time position to manage and control is very desirable.

And do you think that that might have affected, you know, the types or how many people you were attracting to the position? Because it seems to me to have been the kind of thing that really enthusiastic people did if they were willing to give up days off and work on weekends, but for someone who wanted to, you know, punch in their card, clock in, clock off, this part-time role just wouldn't have been attractive. Is that fair?---Any of those teams - or those roles - they do attract people who have a good work ethic and a good work load and not afraid to do some work and not afraid to be called on a week or turn up when they're called - and that was one of our biggest things, that part of the keenness is it's no use having a section if you ring anybody up and they just stay at home and don't do anything. So that was definitely one of the things we were looking for.

Can I ask you a question about command structure? You were the OIC of the IRT. The IRT SOP which seems to have been in force since about 2017, provided for a 2IC and provided for, you know, certain responsibilities that they would have. Can you remember a time during your period with the IRT where there was a consistent 2IC?---There was never a structured 2IC. Just to go back to 2017, that was a key point, as you've mentioned SOPs. That was when the section became - or ratified, I think was the word we're using - and that's when we developed our SOPs, formulated training structure, recording reporting for training. How that came about

was - I don't know if that was mentioned in the statement - my memory fails me, but that was instigated by myself. I had to go to the Deputy Commissioner and just tell him the situation was getting out of hand and something had to be done, and that's going over a lot of people's heads to do that. So that was how that started in 2017, and that's how the section became - had its Command Control, SOPs and a bit more formulated and from then we moved on. From a period of 2015 to '17 the section really failed in - yes, in many aspects of training and equipment. I don't know if you want me to go into that or not, but '17 was definitely a turning point for the section.

Between 2017 and 2019, accepting that I am sure there were improvements, do you think that the IRT could still have improved its command structure?---It definitely needed more human resources to facilitate that.

I mean, first you've got to employ someone to be the 2IC before you can have a meaningful command structure, is that right?---You need the time to allocate a 2IC. You need to train and that would be as part of a full-time section or having - considering all the time allocated to develop 2ICs for that role.

One of the things that I think really impressed those listening when we heard from Meacham King about the TRG, is how structured it is. Command is incredibly structured with each mission there's a designated team leader. Given what we know about some of the things that went wrong on 9 November 2019, miscommunication, different understandings of what the mission was, do you think that a more formal command structure or a clearer command structure would have assisted to prevent things like miscommunication?---Yes, command and communication and structure are vital for anything, any section and TRG exactly is your prime example. You have - I think a good comparison is they have 25, I think, operators. Well, they've got some roles there and I think they have five sergeants - full time sergeants - to manage them, Senior Sergeant, Superintendent and all the time in the world to organise things, whereas obviously that was something that was not afforded to me or my section. But we tried and you've seen the efforts that we took to achieve this. It was a tricky situation that we - it's something you couldn't force. You can't just say, "I need this", "I want this." Because you're just not going to get it. You kind of sort of had to - we had to prove ourselves before we could go any further and this is what we tried to achieve and our first - we achieved, in my opinion, great results.

And look, in fairness to you, you were asking for these things, you know, you were raising issues like staffing, structure, possibility of full-time members, in those memos. Can I just ask you on this issue of command structure, obviously one of the things we know about 9 November is that you had suffered an injury and you were on medical leave in Darwin. Is that right?---Yes, that's correct. I was like - - -

And one of the things that emerged from the evidence of people like Senior Sergeant Shaun Furniss, who was the watch Commander on the day and Shane McCormack, who I think called the IRT members in so they could be deployed, is that there really wasn't a sense - as in people didn't really know who was in charge of the IRT while you weren't there. Do you accept that that's a failing of command structure that, you know, we can learn about and change and try that better?---We can definitely learn

and change. In my absence Sergeant McCormack was the next high in rank - highest rank, so he was - and he - I think it happened a couple of times that he was the person to contact in relation to callouts or manage as well. So we did have a - it was a - to the best we could do at that time, that was all we had.

Shane McCormack was definitely the point of contact, but was he performing the responsibilities of 2IC under the SOP?---He had never any formal training of 2IC. He had the ran – which where the rank goes to the supervision, and some – and command control that goes with the rank, or acting as the rank, so. But in the OIT function, there was just never a time to formulate a proper 2IC. We did have previous members who worked in that role, but for only a very short time who was equally experience as me. But he had to leave.

THE CORONER: So that other person had come from TRG as well?---Correct.

But Officer McCormack had not had that training?---No.

MR COLERIDGE: One of the things that seemed to emerge from Sergeant McCormack's evidence was that while he was the point of contact, and you know he was the phone book. He identified who was available, who'd work for rostering reasons. He didn't consider himself to be exercising tactical command over the group he deployed. Does that sound like a fair summary to you?---I'm not sure of the evidence he gave, but he wouldn't have the experience I've got in regarding the tactical command of deployment. But his responsibility was to call, and also to attend the jobs as the sergeant.

Do you think that that was something that was needed on the 9th? That is, someone in the position of Tactical Commander to assist to brief the IRT members who have been deployed, to ensure that the mission was clear, to ensure that there was a single line of communication between the IRT and people up the chain of command, like Superintendent Nobbs, and the Forward Commander Sergeant Frost? Do you think that that was a bit of a missing link in this case?---Yes, I do. I think the level of communication and command was – yeah, it was – I think played a major factor.

THE CORONER: Can I just understand that a little more? You said, "The level of communication and command played a major factor." What do you mean by that?---Well, your Honour, generally it was my position to talk or negotiate with the officer who was requesting IRT, whether it be – it would generally be a superintendent. And we would discuss the situation, and discuss the outcomes of what we wanted. They would put restrictions on us. We'd say how we could do it. Time permitting, a plan would be formulated, and how we can achieve what was the task put upon us. Sometimes if the time wasn't there, we would attend, we would assess the situation. Then (inaudible) formulate a plan, and they would even, you know, got to have emails where they say, "Yeah, attend, come up with a plan, let me know." And we'll go from there sort of thing. So there was a level of command and control from – between the Super and myself, and other senior sergeants. Like we worked very well with other senior sergeants, superintendents.

But there wasn't really a replacement for you when you were away?---No, there wasn't. No. Not with my experience, no.

MR COLERIDGE: Sergeant Bowens, I'm really not asking you to kind of wade into some of the disagreements in the evidence about what happened at the Yuendumu Police Station. I think that would be unfair to you. There are different versions. I'm not asking you to say who's right and who's wrong. Okay. But accepting that there might have been different views about what the mission was between some of the IRT team members and Sergeant Frost, or assuming that there might have been different views about the best way of going around things, do you think that an important role that someone in the IRT in your position could have played is to be a bit of a sounding board for the more junior members for the IRT, if they were concerned about the mission?---That is definitely – in that situation, you've got two groups of people. You've got the IRT, which are the asset which we attend and we are an asset of the person who requests us. The Police IV Commander has ultimate control over all communication, all plans. So we attend, and that's when any further communication or any ulterior plans, or any discussions, take place. To answer your question, would a more experienced, or a sergeant, in that position change things? Well, it couldn't hurt, that's for sure. Sergeant McCormack may not have had the tactical experience, but he was a sergeant, and I think he knows how to talk and he's got hopefully a little bit – fair bit more communication as a sergeant – at a sergeant level.

Let's just assume for a second that you've got a police forward Commander, and then you've got a pretty junior member of the IRT on the ground under their command. The forward Commander says, "I want you to go left," and let's say the junior officer, for very good reason, thinks, "Look, I really think we need to go right." It wouldn't be proper, would it, for the officer to get on the phone to Superintendent Nobbs to go above the head of the forward Commander, would it?---That's a different – a unique example. With going over someone's head, not without communicating to the forward Commander first. You've got to give someone the first opportunity. If any officer – if they think something is not right, then communications are the key. You talk it out.

I suppose what I'm saying is that if you've got junior members in an asset like the IRT, and assume that they have genuine concerns about an order. Having a senior member like yourself, or a 2IC available, with tactical experience, even just to be a sounding board, surely would assist the communication between the junior members of the IRT and the forward Commander?---100 percent. The sergeant would have been talking to the forward command, and developing a plan to achieve the goal they want to achieve, and it may even be the case that the forward Commander then goes back to the superintendent and says, "Are you happy with this?" And they move forward from that point.

So we talked a little earlier about misperceptions of the IRT, and I really just want to open the floor up to you and hear what you've got to say about how you think that the IRT has been misunderstood?---No worries. Thank you. I guess it stems from what my role was within TRG. I was (inaudible) and team leader – SNIPES, as they

call them. So All Green role is another term. And so my role as predominantly looking after the (inaudible) team, or the high-risk (inaudible) team. So we would go to incidents. We'd provide a (inaudible) by the tactical operators. We'd come up with their plan, and ultimately enter the house if they had to. So our role was one of (inaudible) and concealment. But we also utilise for several other things for formulating arrests or surveillance, and I wanted to take those skills to the IRT which became. Because I was acutely aware of the tag, or being accused of being a tactical team, when we're not because the role of a tactical team or with IRT is 1 per cent of what we do. It's for cordoned containment in a high-risk situation and if something, like I said I think we've said before, if a life-threatening situation occurs within that stronghold we are trained to go in there and do it. We can't sit back and go that untrained TRG members. So that was that part of it. I wanted to incorporate the skills that I've learned and it's basically demonstrated through every single job we do. We weren't door kickers. We never entered a house. We never did a final floor plan I'm sorry to say. That wasn't what we did. That wasn't our methodology. I can give you some examples of the lengths we would go to for a Docker River, for instance, rest target. We would fly in on police airwing. We would come in low so the community wouldn't see us. We would then in civilians, organise a civilian vehicle. We would get in that vehicle, we'd camp out in the bush for a day and then we'd sneak in during the night to a location where the thought the offender may be hiding because we had intel he was hiding in the river and we would set up and we would do some surveillance. On that occasion we didn't see anything so we left the community. They didn't even know we were there. We returned back next week. Did basically the same things. We had fresh intelligence and snuck in and the offender exited a vehicle from a remote location out of town because - sorry, I'm talking to fast.

THE CORONER: No, I'm following. Help yourself to a glass of water though?---On this occasion the community was helping him with police. So when he exited the vehicle we formulate an arrest. So that was what we call covert arrest and it was basically the same as our first job that we did at Tilmouth Well. I think you've referenced it with Yuendumu that we helped arrest that person who ran off with his daughter. Same thing. We disguised ourselves as mine workers and coordinated the arrest. So that was one aspect of what we did. Next aspect was overt. So we went from covert which is hiding to overt which is patrols, high visibility of patrols. Letting people know we were there. Working with the community, door knocking, relentless presence. And the desired effect was either for the person to give themselves up or for the community to assist in giving themselves up or if the person would run. The desired result for us is if they ran because they tire themselves out very quickly and they have very little fight in them when they've gone underneath us and they give up. So our history demonstrates that they were two of the plans that we used, the running or covert. There was no house door kicking jobs. There was no tactical entries at all. So I knew that would be the demise of the section if it became or labelled a mini TRG and it's not good that. It went along the lines of our tactical training. Like I said that was 1 per cent that we had to train for. I have a history. We could, if we had all day I could go through every single job we did and they were basically the same.

MR COLERIDGE: We talked about a couple of the things that you tried to identify and rectify or develop during your time. We talked about resourcing and equipment. We talked about staffing. Are there any other big issues that you thought the IRT needed to overcome?---Any big issues? The section as I saw it the workload was picking up. It was hard to maintain it as a part-time section. I was getting tired. I was doing two jobs at once so I'd been doing it for five years and a lot of it was on my own time. It needed to become a full-time section. I said in my memos I appreciate there's not enough time for work for a full-time section. It could also be used for other things, patrols, youth patrols, liquor enforcement and things like that and obviously search and rescue.

Was training a part of that as well? The need to change the way you were training and increase the map you were training?---Change the way we train? The training would basically, our training consisted of two parts which was basically, well, at this stage it was firearms and the ECT(?) version. If our role expanded, like into search and rescue which I requested or showed initiative interests in as I am a search and rescue manager I wanted to develop the team to be a rapid response narrowing TRG and providing that response as well. So, yes, training would have increased.

I mean, you look at, you know, the TRG, I think, do something like to three to four months of full-time training when people start and then there's pretty consistent training thereafter. Did you think that the IRT needed to significantly increase the amount it was trained?---Yes. The TRG training is quite intense and as you mentioned it goes for six months or so of training and it's reinforced on a weekly to daily basis. IRT was once every five weeks and that was to train in our core function which was to perform at CPT role which is support function. So our training primarily was around that because that was – and obviously cordon and containment which was green role so we did train in that. So we train in our primary role and we didn't really have much training time for anything else.

I'm conscious of the time. We've been going for about an hour. I'm going to change to a slightly different topic now. Are you going okay? Bathroom breaks, water? Do you need anything?---No I'm fine.

Your Honour, can I just ask.

THE CORONER: Sure, I'm fine. Thanks for asking.

MR COLERIDGE: I'll keep going.

One of the things that you said in your first interview was that it was really important that you make a really good judgment call on whether we think someone's going to be suitable for the IRT. Does that reflect your state of mind?---A judgment call? Yeah, it's not just a spontaneous decision. We have the luxury of seeing the person, the applicant, their work history, how they work, how they're seen and that forms how we can make that judgment call.

And what are you assessing? What are the factors that you assess when – may be judgment call is the wrong call. Let's call it an assessment. What are the factors that you assess when you decide whether someone's suitable to start in a team like the IRT?---The process was we'd send an email out or expressions of interest. Then we, this is from memory, we may shortlist that depending on certain factors. Then we would - the short list would be interviewed. But sorry, if you're asking what I would be looking for? Is that what you're asking again, sorry?

I suppose I'm asking what character traits are you looking for someone, in someone?---Motivated, someone who is keen and enthusiastic. That's probably the biggest things, because as I said, the section wouldn't survive if someone did not have that motivation or they wanted to have an interest in it because - yeah, they just wouldn't go through what we asked them to do.

And this may sound silly or obvious, but is the reason that you do that suitability assessment because these people are potentially going to be working in a higher risk and higher stress environment?---There's - it's hard to categorise how someone's going to act in a high-risk or high - or a live threatening situation. I can't - it's hard to make that assessment. But you can judge a character, I guess, by the best you can just from their work ethic and what - how they've acted in performing the duties' roles. But that's basically what we relied on to be utilised. There is, as you mentioned, that has to be an attribute. But it's hard to judge. I mean, you have to have someone that's willing to run into a room knowing that they may not walk out of that room.

I'll just pause there. I'm going to ask you some more questions about that in a second. But while we're doing it, I just might ask the court officer if they could bring up the IRT's SOP on the screen, because I'll ask you some questions about that. Or if there's a hard copy available in the court, I'm happy for him to just have a copy of that. They're not meant to be trick questions. But, while that document is being brought up, can I just summarise and partly, I'm drawing this from the expression of interest document that was circulated that the key skills are competence in relevant disciplines, like you know, firearms and the like; enthusiasm, dedication, whether they're fit and motivated, committed to remaining in Alice Springs for the immediate future and desirable, but not essential criteria.

Thank you, yes. And a desirable but not essential criteria of previous military or tactical experience?---That's correct, yes.

Okay. Has that document been brought up on the screen?

THE CORONER: That might be causing the issue. So we're all rushing in to provide an alternate access.

MR COLERIDGE: If there is a spare copy of the - - -

THE CORONER: No, there we go. It seems good now. (inaudible). Where would you like to go in that document?

MR COLERIDGE: (Inaudible) may have that document, I'm not sure.

THE CORONER: There's plenty there if we have - - -

MR COLERIDGE: I was just wondering, if he does, whether that might overcome the problem that we have.

THE CORONER: Yes. The live stream's kicked in.

A PERSON UNKNOWN: Would your Honour be minded to take the morning tea adjournment.

THE CORONER: Sure, we'll just take that short break and return.

WITNESS WITHDREW

ADJOURNED

RESUMED

LEE BAUWENS:

MR COLERIDGE: We talked a little bit about suitability when someone joins. I want to ask you now some questions about how you assess suitability on an ongoing basis. I suppose could we start with this question. Do you accept that for a unit like the IRT or TRG it's really important to assess suitability on an ongoing basis?---To assess the suitability? Sorry, is that what you said?

The suitability, yes. To make sure that the member of the IRT remain suitable for deployment with the IRT?---Yeah, I think that goes for everything really.

And do you have a copy of the SOP in front of you now?---I haven't. I probably might get one. Yes, go on now.

Do you want to turn to page 10 of the SOP?---Yes, I've got page 10.

So Pt 4 of the SOP is administration and it contains things like responsibilities of the OIC and the 2IC and so forth. Do you agree?---Yes.

But then Cl 4.2 deals with behaviour and performance, is that right?---Yes it does.

If you turn over onto page 11 you'll see that there are four paragraphs?---Correct.

And in effect what these paragraphs do is set out the situations where Commander of southern command, the OIC or the divisional superintendent either have to or can as a matter of discretion stand someone down from the IRT. Do you agree?---Yes.

And just quickly, while you were OIC of the IRT can you recall any occasion where the Commander, yourself or the divisional superintendent considered the exercise of these powers?---No.

And they certainly weren't ever considered in Zach Rolfe's case?---No.

In 2019 can you recall who the Commander of southern command was?---Commander? That would Commander Currie from memory.

And the divisional superintendent?---I think it could have been Superintendent Hickey. They rotated.

Let's talk about the four paragraphs in a little more detail now. The first deals with performance improvement plans in a person's primary role. What is a performance improvement plan?---PIPs plan we used to call them. Basically if an issue was identified then the member is given an opportunity to rectify their issues and move forward from that.

I take it issues could include things like someone's turning up to work late or not dressing appropriately?---They're of a minor nature from my memory.

THE CORONER: So it would be something more serious to go onto a PIPs plan?---I think PIPs plan aren't serious conditional breaches I think from memory.

Okay.

MR COLERIDGE: Did you say they are?---They are not.

They are serious?---No. If it was a serious matter it would be a serious breach of discipline.

So if, for example, there were concerns about force or the acceptability of the use of force, that's not the kind of thing you would deal with in a PIP?---Those subjects have their own measures of investigation/interrogation through (inaudible) reports and if there's any issues dealt from then they are dealt through discipline. That's my knowledge.

So that brings us, I think, to the second paragraph. So, "Members who are the subject of disciplinary investigation or penalty can be stood down at the discretion of the Commander of southern command in consultation with the OIC of the IRT." Do you agree that's what it says?---Yes it does say that, yes.

And what this recognises is that disciplinary action, including an into a disciplinary issue, can result in a person being stood down?---No, it says, "Disciplinary action".

Well - - -?--- During - stood down during the investigation. So if they're being disciplined for something - you can be investigated without being disciplined, so if - my understanding of that, if they were issued like with a serious breach of discipline and it is being investigated, that's my understanding of that. Lots of people get investigated during - quite often for - during police work.

I am not saying there would necessarily be a finding that anyone did anything wrong, but am I right that where the investigation is ongoing, the Commander has a discretion - a choice. He can decide on a case by case basis whether the allegation is serious enough to warrant standing someone down?---I think it's - yes, if they determine that the - if the situation is of a serious matter because - I mean, in a complaint resolution process is that it's a minor investigation and if the matter is of a serious nature then they have the power to do anything. They don't need IRT as SOPs to do that.

I accept that they don't need to do it but the SOP is meant to give guidance about what should happen in the ordinary course, do you agree?---It says there if they are being - yes, if they're being investigated for a subject of a disciplinary action. So that basically it's my understanding of that is they are being disciplined more than they are being investigated. That's my understanding of that.

Now, you said that this - might recognise the seriousness of a complaint. Could it also recognise the fact that there are a high number of complaints of a similar nature?---By the nature of policing that quite often there are complaints - different level of complaints that the members receive, yes.

Well, let me give you an example. Let's say you want to arrest someone for a minor offence. If the offence is minor you might give them bail. If they commit five offences of a minor nature - minor but similar, you might reach a point where you realise, "Okay, the risk is a little bit different and maybe I need to consider refusing bail". Is that a fair analogy here, where the Commander presented with someone who could be the subject of a very high number of complaints, might decide, "Okay, I need to stand them down while these things are being resolved.

MR SUTTNER: Well, I am sure that's answered the ambiguous questions to compare criminal offences with complaints against police, by the very nature of their job they are going to come into contact with civilians from which complaints might flow. Why not put just put the example as 'Disciplinary complaints" or "Complaints against police" (inaudible) different.

THE CORONER: I think it was just done to provide an example of where there is repetition that might be a factor that is relevant for your consideration. I don't think it is put any higher than that.

MR SUTTNER: Your Honour pleases.

THE WITNESS: To answer that, yes, well the *Bail Act* has its own documents anyway, but the - yes, well it stands within reason that if a continuation of any sort of behaviour it has to be - decisions are made on those - on the continuation of - and the seriousness of what has happened. That is pretty standard for everything.

The third paragraph deals with DVOs. Let's pass over that for a second.

THE CORONER: And just before we go there, though, the "standing down" that's referred to here, in this SOP is just a standing down from the IRT?---Correct.

It's not from any other responsibilities or duties?---No. No. Perhaps that's just - - -

So it's just a specific consideration in relation to continuing to have a role in the IRT when certain matters are being investigated or there's some disciplinary proceedings?---Yes. Yes, your Honour. Like my understanding is that being a - they are being disciplined or - that's how I understood it. Because - meaning people being investigated.

Sure. But it does include investigation, so there might be times when a matter is either serious or when there has - when there are a number of matters under investigation which you - which might be of concern and if it was of concern this is a provision which allows - or which means that it should be considered and then if a determination is made, someone can be stood down from the IRT for a period of

time whilst those matters are resolved?---Yes, that would be up to the discretion of the command, for sure.

In consultation with - - - ?---I probably wouldn't have much to say on that, your Honour.

But in the SOP, it includes in consultation with you?---Yes, I'll take that as what it says, your Honour.

MR COLERIDGE: Can you see why there might be a role for consultation with the OIC? Let's say Commander thinks, "I might have a concern about this person but I'm not too sure what they are doing within the IRT"? Can you see how some communication between the Commander and the OIC might be important there? ---Well, for sure. That's with any - with any section, member performance is being monitored at all times and it happens daily.

THE CORONER: And you might not be aware of their performance in their general or other duties and it gives you an opportunity to be informed?---Correct, your Honour.

And whilst it might not, you know, it might not even spark alarm bells for the general Commander for general duties, it might be of concern to you in relation to the specific duties in IRT? So the Commander might not be asking for anyone to be stood down but you might say, "Look, in the circumstances, given the role of IRT, I think it's appropriate that this person be stood down from these specific duties at this time"?

---That's always an option, your Honour.

MR COLERIDGE: The fourth and final category is a bit more open-ended, effectively provides that the OIC in consultation with the divisional superintendent may, at any time, stand down a member who, due to personal or stress-related issues, should not be put into the tactical environment. Do you agree?---Yes.

And do you agree that that recognises that there are features of tactical work that mean that people presenting with certain personal or health issues or stress issues might not be appropriate for deployment?---That's a general rule of policing that you're making in relation to the IRT. That would - in that scenario - would - yes, would be maybe form the one percent of our job that we are actually in a tactical environment and something would be - something would happen that would cause me to think that this person may be suffering as a result, but you know, it also could be that IRT goes for a search and rescue and we've got to deal with a very badly sort of extricate a person and we've got to - that's another part of the stress of the job that we've got to deal with and so it's twofold and might not be just the tactical environments it's general policing.

Do you agree that - - -?---And they may - sorry.

No, no, you go, finish your - - -?---No I think - that's all right, I have.

Do you agree that these assessments - health, personal factors and so on, are more critical when you're deploying people to tactical jobs?---Sorry, you'll probably have to repeat that.

I accept that you have to make these assessments as a police officer, even of police officers who are doing general duties work, okay?---Yes.

But do you agree that it is more important for a team like the IRT that's doing tactical work to make sure that health reasons or personal reasons don't mean that someone had become unsuitable for deployment?---I'm just going to have to answer, it's policing all round. It's - originally, he's, you know - - -

THE CORONER: I'm going to interrupt you. We've already talked about the part-time nature?---Yep.

And the ability to respond positively to call outs that could be at any time and on top of your existing load?---Yes, your Honour.

If someone was suffering from a health condition which meant that they really didn't have additional capacity, whether they recognised that themselves or not, to positively respond or be in a position to respond to those sorts of call outs, that would be a period of time when it might be appropriate to stand that person down so that you're not putting them under extra pressure. They've not got this added expectation that they'll say yes in circumstances where really, when they're on their weekend leave or whatever, they really need to use that for leave and rest and recuperation?---Yes, your Honour, I totally agree. Unfortunately, it's not unique to IRT. It's general policing daily, but yes, I agree with what you're saying.

Are you saying that it's not unique, or are you saying that there is actually no difference between general duties and tactical teams in this regard?---General police deal with - well, when you're as experienced as myself when I was in TRG for 10 years and I came down to Alice Springs, I think in the first six months, I had had a couple of attempts, you know, my life was in more danger than it probably was during the time at TRG. So it's definitely not unique to a specific section. All policing has those risks, and they can be anytime and probably less in a tactical environment because it's that 1 percent I was telling you about.

Okay. I might read to you some of the Meacham King's evidence on this topic. He was asked whether there would be an expectation that a matter of the TRG who was suffering from a psychiatric condition, like a depressive illness, would bring the condition to the attention of their senior officer, and he said, "Yes, definitely." He was then asked this question:

"I know these things are private, but your expectation as a leader of a tactical unit would be that you would need to know these things so that you could make a risk assessment when deploying a member. Is that right?"

His answer was this:

“Yes, definitely. If we had concerns for a member, if they were going through say a marriage break up or some child custody issues, we talk to them and then we would take it into consideration when deciding. It’s more important if I’m going to deploy that member on a critical job where there’s an extreme amount of stress and they’re already under stress. Can they perform or are we going to put them in a position where - and dot, dot, dot at that point.”

But can I suggest to you that what Meacham King is recognising is that the critical nature of a lot of the jobs that teams like IRT and TRG are deployed to mean that issues like marital stress, child custody issues are more pressing and need to be identified and addressed?---I 100 percent agree with what he said. But - and I’m not being defensive, but TRG perform a completely different role and probably place themselves in higher stress situations more than IRT. But yes, that goes without saying, I 100 percent agree with what he says.

Would person reasons justifying someone being stood down include inappropriate attitudes to policing?---To police?

Policing?---I don’t understand.

Their job in policing. If you thought, look someone really has the wrong idea about what their job is or how all of this is meant to work, could those attitudes affect your assessment of whether they needed to be stood down?---It would have to be recorded and gone through the process. But it has to be acted on. It’s just not a case of, not suitable, being stood down, but that information has to be definitely acted on if there is a concern from your superior officer.

Are you aware that by November 2019, and when I say, “are you aware”, are you aware now that Mr Rolfe had been the subject of a number of complaints regarding his use of force?---I don’t recall at that time that I was aware. My knowledge of complaints that they - between the member and the Disciplinary Board and I think they’re actually told it’s - not to discuss it with anybody. So I wasn’t aware that he had any serious breaches of discipline being investigated for at that stage from my memory now.

I mean, you were his patrol sergeant. You were the patrol sergeant for patrol group 5, weren’t you?---I was patrol group 1 predominately and towards the end, I think we might have went to 5.

Alice Springs is a relatively small police station. Did you not get a sense of who has a reputation for using force?---There’s lots of reputations in the police force. There is - no I wasn’t aware of that, but we have reputations of people who have higher arrest rates than others. And that does go - they go hand in hand quite often.

Senior Sergeant Alistair Gall was another sergeant in the Alice Springs police station back in 2019?---Sorry, yes, he was. I was - yes.

Are you aware of him expressing of you in his evidence that he was aware that towards the end of 2019, people were talking about Mr Rolfe's uses of force?---I haven't listened to his evidence.

No. But were you aware of it at the time that his view was that people, including the executive, were talking about Mr Rolfe's uses of force?---No, I wasn't aware of that.

Okay. Are you aware that in 2019, one of the complaints to the police made against Mr Rolfe was a complaint by a Malcolm Ryder?---Perhaps you could go a bit more detailed. What was the incident in relation to that?

It was an arrest at a house in Alice Springs that resulted in a man called Malcolm Ryder ending up with a gash to his forehead. What might jog your memory is that it went to hearing in front of Judge Borchers in May?---Yes, the domestic.

Okay. Do you know what I'm talking about?---Yeah, I remember now, yes.

Yes. You would have heard about that hearing at the time it occurred. Is that right?---Yes, I did.

Okay. And you would have heard about it because Judge Borchers made very strongly worded findings about Zach Rolfe?---He made reference to - that his evidence was, I think different from other police officers or - I'm not 100 percent of what he said.

It wasn't just a reference, was it? He found that Mr Rolfe had assaulted Mr Ryder. Were you aware of that?---No, I don't think that was the gist of it.

Okay. Were you aware that he'd found that Mr Rolfe had been dishonest and had given false evidence to the court in order to conceal his assault on Mr Ryder?---I didn't really take much heed about that court case. I know people involved, and I knew it was - the incident was chaotic, as half the people had been sprayed. And to me it was pretty much a volatile situation, and I knew there was conflicting reports of what had happened in there, which in those circumstances is I think accepted. It's - people do have given reports, but yeah. I really don't know the exact details of that case.

You might think that the one person who did know the details was the judge who heard the evidence in the hearing?---He was definitely had more knowledge than I would, yes.

Would those strongly-worded findings not have concerned you? A very experienced judicial officer not just saying that they have a doubt about someone's honesty, but positively finding that they were dishonest?---Well, if that had been the case, then I think some probably more serious repercussions would have occurred, and they're above my pay scales to consider.

Well, but to turn to the people who occupy that pay scale, because as at November 2019, the matters were being investigated by Crime Command. Were you aware of that?---Yes. Sorry, I think I probably should point out, your Honour, that my hearing is not the best, and it conflicts with tapping(?) and stuff and – not saying don't do it, but I'm just saying it's not the best as it should be. So I apologise if I have to ask you again sometimes.

THE CORONER: No, don't apologise. And we'll just try and keep it down in the court as much as we can.

MR COLERIDGE: Were you aware that in November 2019 or thereabouts, Crime Command were investigating Zach Rolfe in relation to the Ryder incident?---No.

Okay. Accepting that those things were out of your pay scale, aren't the findings that Borchers made – just the fact that he made the findings – leave to one side whether they're true or not true – but aren't the findings that Judge Borchers made, and the fact that Crime Command was investigating Zachary Rolfe, things that should have been considered when determining whether or not he should have been stood down from the IRT?---It's information I didn't know, and I really can't give an opinion on that. Because if he had done something wrong, he would have been investigated; had a serious breach of discipline, 79 issued. Then I would have been informed, and then could have taken it from there. I know that that case had a lot of moving parts, and like I said, I'm not all over them. So I can only go from what was presented in front of me. I didn't know it was being investigated by Crime Command. There was some – I can't even recall that I even knew about the comments back then. I'm not – I really didn't know much about it. I know there was a major – like I think domestic, and they went there, and there was a (inaudible) male on the phone or something like that that was thrown or something from memory. That's about my knowledge of it. I didn't really go into the details of it, and I didn't know it was being investigated.

Okay. I'm not suggesting with these questions that you did know. I'm just trying to work out what might have happened if you did know. So let's assume that you'd been given a copy of Judge Borchers's ruling, and you'd seen, okay, the judge who's considered the evidence has decided that Zach Rolfe assaulted someone, and that he's been dishonest about it. And let's say you were informed by Crime Command that it was investigating Zach Rolfe, including for the offence of perjury. Would you have considered whether he needed to be stood down from the IRT under the SOP?

A PERSON UNKNOWN: Your Honour, that question contains about five hypotheticals. How is it relevant to assisting you? My submission is it's really not a proper or relevant question.

THE CORONER: Well, I don't think the hypotheticals are unrealistic. They're based on material which may well have been available to this officer at the time, and he may well have been asked to exercise a discretion under the SOP. And he's now just been asked to reflect on whether or not if he was given that information, or had access to that information, how he might have exercised his discretion?

A PERSON UNKNOWN: So he's been asked to give his opinion as opposed to giving facts?

THE CORONER: Yes. Not what he would have done.

A PERSON UNKNOWN : Yes.

THE CORONER: But on reflection, whether or not he might have considered standing the person down. And on reflection, whether or not he was confronted with those facts, that might have been sufficient to stand somebody down. I think that's his opinion in relation to the application of the SOP. And I'm happy to receive his opinion on that as the officer in charge.

THE WITNESS: To answer it, no. I wouldn't have. I would have – it would have had to come down from a higher command. I probably got to liaise with the Commander or something, because I'm not privy of all the information. So it would have been a joint decision before I made any call like that.

MR COLERIDGE: I just want to unpack that a little bit. So your evidence is, if you've been presented with that information, you wouldn't have personally made the decision. But you accept that it would have required a decision from someone more senior than you?---I would have spoke to someone higher. I don't have all the information. Like I said, I just didn't have all the information. I would definitely brief up, and find out what's going on if the Commander had some serious concerns, and we could move on from there.

Okay. But that's not a step you took in this case because you didn't know these things?---Yeah, correct. I had little – no knowledge of that court case.

The next thing I want to ask you about is medical and mental health. Now, I want to suggest to you and ask if it is consistent with your memory. That some of the messages between Mr Rolfe and others, including his family, suggest that he was experiencing burn out, insomnia and increasing symptoms of psychological distress from about the beginning of 2019. Now, can you recall Mr Rolfe having a hard time throughout 2019?---No, no.

Okay. Can you recall talking about him feeling burned out?---No.

Okay. Can I suggest to you that on 8 February 2019, he sent you a message to apologise for something. He said, "Hey, Brother, sorry I've been slack lately. I'm burned out as fuck." And the exchange continued. Does that jog your memory?---He's what, sorry?

He was, "burned out as fuck?"---Burned out?

Yes. "Burned out as fuck?"---I don't recall the message, but it might have been the excessive workload of general duties policing Alice Springs, I think. I think we all get burned out. But no, I don't recall that message.

Were you aware that in October 2019 or thereabouts, he attended at a GP, was diagnosed with a depressive illness, and was prescribed the drug Escitalopram?---No.

You can accept from me that Escitalopram is a selective serotonin uptake inhibitor or an antidepressant and I want to read to you some parts of a report of a professor, a psychiatrist, who gives some opinions about that type of depressive illness and that type of antidepressant. He says - - -

A PERSON UNKNOWN: Your Honour, I object. I'm not sure that reading out an opinion of an expert about what Mr Coleridge intends this witness is relevant. The question's been asked about whether he knew. His answer is, "I did not." Those are questions that can be properly framed to Mr Rolfe in due course.

THE CORONER: Well, I think that - - -

MR COLERIDGE: Your Honour, - - -

THE CORONER: Yes, Mr Coleridge.

MR COLERIDGE: I'm not asking this witness to express an opinion about Mr Rolfe's mental health. I'm going to provide the witness with some assumptions about his mental health and ask him whether they would have been relevant considerations under the SOP.

MR EDWARDSON: But, your Honour, they're merely assumptions.

THE CORONER: That's right. We're understanding the kinds of issues that are relevant to whether or not an officer in charge of the IRT may think that that kind of information is relevant as to a person's suitability to deploy as part of the IRT. And he is the officer in charge and I expect he can hear evidence about that.

MR EDWARDSON: Sure. Propositions can be put if you knew someone suffered X or was going through Y what would you do about it if anything. But to read through chapter and verse psychologist report on assumptions is, well, not a convenient time.

THE CORONER: I don't think the psychologist report is about assumptions. It's about the impact of that medication as I understand it.

MR EDWARDSON: Your Honour, perhaps we'll see what questions Mr Coleridge asks and then if I renew the objection I will.

THE CORONER: Yes.

MR SUTTNER: May I just say that I don't know of any qualification that my client has to cope with expert evidence on psychology.

THE CORONER: No, I don't think he's asked to do that. The SOP says, "The OIC in consultation with the divisional superintendent may, at any time, stand down a member who due to personal or stress-related issues should not be put into the tactical environment."

And I think Mr Coleridge is exploring what are the kinds of personal or stress-related issues that the officer in charge of the IRT considers relevant in exercising this discretion to stand somebody down. And he's being asked specifically about depression and about the effects of a particular medication.

Are they the kinds of things that would be relevant to consider in determining whether or not someone should be stood down. That's what I understand the question to go to.

MR SUTTNER: Well, if the question is should a person suffering from depression be stood down or if the question is if somebody is taking medication which causes adverse reactions should he be stood down I don't have a problem with based on the previous ruling.

The problem I've got is that we have a lay policeman who's having a psychologist report being read to him. He doesn't have it in front of him and he's supposed to comment on what the expert psychologist has said.

THE CORONER: No, he's not being asked to comment on what the expert psychologist has said. He's being asked if he had that information is it the kind of information that could have informed his decision-making in relation to whether or not somebody should be stood down.

MR COLERIDGE: Your Honour, can I indicate for Mr Suttner's benefit, the passages I'm going to read from are not complex psychiatric jargon. In some ways they're easier to understand than just the description depressed or depression. They're just symptoms.

MR SUTTNER: If Sergeant Bauwens and I are going to understand it then I can take it no further.

THE CORONER: We'll see how we go.

MR COLERIDGE: Sergeant, let's assume that someone had an illness that was associated with significant difficulties with information processing and threat perception, that illness would be relevant to whether or not they were suitable to be deployed with the IRT. Do you agree?---Yeah. You're asking me to respond to a diagnosis. I don't have diagnosis in front of me. I have people in front of me. So I make judgment calls on people how they act, what they say to me. That's I can respond to see how they are or what they tell me regarding their psychological

problems. So in response to that question it's a hard one to answer because I wouldn't have that information to start with. This could be applied to everything so - -
-

Let's forget that this is a psychologist, okay. Let's say a member of the IRT comes to you and says, "Boss, I've got depression and I'm having significant difficulties processing information and difficulties with threat perception." If they told you that, it's a pretty simple statement isn't it?---Of course, yep.

And if they told you that you would consider under that fourth paragraph whether they needed to temporarily be stood down from the IRT wouldn't you?---And the police force. It's basic officer welfare.

THE CORONER: Sure, but we're just asking you as the officer in charge of the IRT?---If someone approached me, your Honour, and definitely had difficulties and demonstrates that they were suffering of course I would put things in place for them to, if you want to (inaudible) to this, not be with the IRT but also speak to people to seek assistance. So I hope that answers but it's - - -

MR COLERIDGE: What if an officer came to you and said, "Look, boss, my doctor's put me on a new drug and the drug is likely to impact my capacity for behaviour inhibition to threat." Would that concern you or cause you to consider whether they needed to be stood down from the IRT or from the police force generally?---It's certainly something you've got to look into to see if they can perform their role whether in the IRT or in the police force, yeah.

Can you understand why Meacham King said, look, I expect officers in tactical units to disclose information like this despite the privacy concerns to their senior officers in those units?---Yeah, definitely I understand it.

Because you need to know to make an informed decision about public safety under the SOP?---It helps if we have information on all the people who are under our control, of course.

You gave some evidence, some pretty compelling evidence if I might say so, about how much you cared about the reputation of the IRT and how important it was to you that people not write the IRT off as another group of cowboys who went round kicking down doors. Do you remember giving that evidence?---Was that a written one or just verbal recently?

I think it was earlier this morning?---All right, yeah. I don't remember cowboys.

THE CORONER: No. I don't think you used the word cowboys but you talked about, "We don't go round kicking down doors."?---Yeah, that's correct. Yes, you're right.

MR COLERIDGE: If a member of the IRT was revealed to have attitudes that were inconsistent with what you wanted for the IRT would that concern you?

MR FRECKELTON: Well, your Honour, attitudes in what respect, the course of his employment, in the course of a particular jobs, his private life or what.

MR COLERIDGE: I'll read the message, your Honour. On 30 July 2019, Zachary Rolfe sent a message in which he described the role of the IRT in this way:

"We have a small team in Alice, IRT, Immediate Response Team. We're not fulltime, just get called up from GDs for high-risk jobs. Sweet gig. Just get to do cowboy stuff with no rules."

Was that your view of the IRT at the time, that it was "cowboy stuff with no rules"?---No, definitely not. But if I can put that into some kind of context, and I also come from a - not as much as Zach - but a military background where everything's formulated. You can't do anything without being told. And coming from that environment to a police force is, in one word, it's refreshing because you're allowed to make decisions without being told what to do every two seconds. So he - that could be a reason why that sort of thing - the terminology is - yeah, I'm not a fan of the terminology, that's for sure, because it doesn't represent what we are and what we were. But I think he was just, yeah, talking a bit of crap.

Lets forget about the attitudes in the text message and focus on some of the other matters we've been discussing. I accept that your evidence is that you didn't know about a lot of these things, but in hindsight, some of the things we know are that there had been a number of complaints about unjustified use of force. Two, that there was a perception among people within the Alice Springs police station, like Alistair Gall, that Mr Rolfe was developing a bit of a reputation for the use of force. Three, a very experienced judicial officer had made positive findings that he'd used force unlawfully. Four, a very experienced judicial officer had made positive findings that he had lied to conceal that use of force. Five, there was an ongoing criminal investigation by Southern Crime Command into potential allegations of perjury. And six, that all of that was occurring against the backdrop of the decline in Mr Rolfe's mental health and his transition onto medication. If you had known those things, very serious consideration would have been given, either by you or by someone up the chain, as to whether Mr Rolfe needed to be stood down from the IRT?---That's - it's information obviously I know I've said, I haven't had. I don't judge people by a - that (inaudible) with the information. I worked with Zach on many, many deployments and that's how I judged Zach and I judged his behaviour, I judged his attitude. Those things described, some of them, I remember the court case. I know very little of the other ones. But it would be cause for a review or from someone, if they wanted to correlate all that information all in one go and make a decision. I daresay, if we did the same thing for every person in the police force, they may even be in a similar position. So the answer to your question is, everything needs to be reviewed and a decision needs to be made on those reviews.

Okay. But the review didn't occur in this case because you didn't know?---No, I had - no, I didn't know those things. I only had what I dealt with, with Zach. He wasn't on my patrol group. I had - he was one of my more respected operatives in IRT,

reliable. I worked with his closely on many, many occasions. He demonstrated integrity and professionalism in front of me.

If you had been presented with all of those facts, you would have given serious consideration to whether he needed to be stood down?---He would have - - -

I'm not asking you whether you would have stood him down, but you would have seriously considered it, whether he needed to be stood down?---The ball would have been put in motion through the higher command.

Right?---If someone presented a sheet with - or they have - well, it's - take it up to the Commander, which would - I suspect professional standards would have, should have and could have, maybe would he have done, I don't know. At my level what I'm doing, that's way beyond me.

Okay?---I deal with what's in front of me.

Do you accept that if that information had been presented to whoever was responsible for making that decision, there is every change that Zach Rolfe would not have been deployed to Yuendumu on 9 November 2019?---I can't - those things needed to be looked into. I can't say yes or no.

Okay?---And I don't feel comfortable saying yes or no, because it's a decision which needs to be investigated and looked into and go through due process.

A process that didn't occur in this case?---Sorry?

A process that didn't occur in this case?---Well, to my knowledge, it mustn't have or didn't occur.

I want to ask you some questions now about culture.

I'm conscious, your Honour, that it's 2 o'clock in Melbourne, which I think means that it's 12:30 where you are. Are you happy for me to keep going or will the court take lunch at 12:30?

THE CORONER: I can't remember what we put out in our - - -

A PERSON UNKNOWN: That's the (inaudible).

THE CORONER: About how much longer have you got, Mr Coleridge?

MR COLERIDGE: Probably half an hour, your Honour, a little less.

THE CORONER: I think I'm happy to continue.

MR COLERIDGE: Okay.

THE CORONER: Unless it causes any difficulty because someone's ran their day around our schedule. We'll continue.

MR COLERIDGE: Look, I just want to ask you some questions quickly about relationships between senior and more junior officers within the police force. So mentorship role models, questions like that?---Yes.

In fairness to you, I want to let you now that a number of police officers, junior officers, but also more senior officers, have identified you as someone who was a mentor to police officers and have identified you as a positive mentor. But I suppose I just want to start by asking you why it is important to create and maintain positive relationships between senior and more junior officers?---Why's it important? As in me being the senior officer and my junior officers, the sergeant role is to me I think one of the most important roles because we're hands on. We deal with the junior members constantly by leadership guidance, teaching. We are an extension from what they learn at college and we're with them for the next six to eight months or however long they stay with us in the patrol group. And they look to us for leadership and as you said, mentor, and we try and teach them where the mistakes we made, what not to do, what to do. And so it's a role which is not replicated anywhere in the police force. That's why I've always maintained this rank. I have no desire to go to a higher rank because I like dealing in this position and I like entering people and being that role model. And I'm reining at frontline, so - - -

You said that - sorry?---No, you're all right.

You said that in your opinion a sergeant is the most important rank and I should say you're not the first person to say that in this inquest. I think it's been said two or three times. Am I right that that's because you're sufficiently experienced at that point to lead by example but you're not so far up the chain that you've stepped away from day-to-day involvement with junior police officers?---Yes, that's correct. You form relationships with your junior members and you teach them as best you can.

You model behaviours that the force wants to reinforce with the police officers' positive behaviours?---Our job is to model the corporate objectives of the police force and project that onto our junior members.

And it's also to set expectations about unacceptable behaviour and to make it clear that departure from those expectations will be dealt with fairly but firmly. Fair? ---Definitely they need to be identified and assessed.

I want to ask you some questions - and I'm not going to beat around the bush - about some things that have been said about race and racism and some text messages? ---Yes.

So you're aware who Claudia Campagnaro is?---Yes, I am.

And you're aware that in October of 2022 she gave evidence that you were someone who was feely using racist terms in the workplace?---She what - sorry?

Sorry. She gave evidence that you were someone who was freely using racist terms?---Did she?

This is your opportunity to comment?---Well, I didn't work with Claudia. She wasn't in my patrol group, so I don't know where she came up from that - that point of view. Yes, Claudia - Claudia had her own issues within the police force and probably saying things about me is probable less of them. I don't hold anything she says with any credibility at all, to be honest.

So I suppose, unless you saw it corroborated in writing, you wouldn't be willing to believe something that Claudia Campagnaro said?---No, no, I wouldn't. Sorry.

Well, on 9 July 2019, you sent a message to Zach Rolfe describing - - -

MR SUTTNER: Your Honour, just before he gets to the message, can I just ask Mr Coleridge to reference the number in the MFI MMM that we are all working from, so it's easy to pull up?

MR COLERIDGE: 337.

MR SUTTNER: Thank you.

MR COLERIDGE: You were speaking to Zachary Rolfe about the arrest of an Aboriginal person in a remote community and Zach Rolfe had evidently chased the individual and you said, "These bush coons aren't used to people going after them"? ---Yes.

Do you accept that the word "Coon" is a racist term?---I absolutely do, yes.

Do you want to explain the comment or provide comment on it? This is your opportunity?---It's - it's - on the text message, your Honour, which - from what I looked into, was July 2019, I think I was at home. Zach was replying to - we were talking about a job where he was - we were bush cops - bush cops talking about chasing an offender, which was not uncommon. The - and a comment - I made that comment. I have no absolute memory or recollection of that comment whatsoever. It's not something I say. I don't like the term. It's not who I am but it's there. I have to accept it but it's completely foreign to me and I - yes. It's not something I definitely say to Zach Rolfe, being a junior member, it's not something I would say to anybody, but it - I'm conflicted that it's there and I - - -

Is a fair summary of your evidence that you accept that you said it, you don't know why and you're not seeking to excuse it?---There is no excuse.

I don't think I need to ask you anything more about that. Perhaps just this. Do you accept that it's important that sergeants and other more senior police officers lead by example when it comes to using language like that?---Yes, I do.

Because even if you're doing it flippantly or in jest, it can normalise that kind of language?---Most definitely, yes.

The last thing I wanted to ask you about and really, this is just to give you an opportunity to comment on it, is something else that Claudia Campagnaro said in her evidence. She was asked - and, your Honour, this is at 2762 of the transcript on 28 October 2022. She was asked about a part of her statement where she said that Zach Rolfe had told Claudia that a lot of his Unjustified Forces were just swept away by the senior sergeants that were in charge of him. And then she was asked, "You mean that Zach actually specifically told you, Ms Campagnaro, that the unjustified Use of Force was swept under the carpet?" And she answered, "Yes, he did. He told me that Lee Bauwens an Alastair Gall had on several occasions dealt with his, you know, reports and unjustified forces for him." And she was asked, "And when he was telling you that did he say that they had dealt with his Use of Force or his unjustified Use of Force - that is did he give you the impression that the force he had used was not justified and they just got rid of it?" And she answered, "Yes, that's correct." Do you have anything to say about that suggestion?---Yes, I stated that Zach was never on my patrol group, so I never had an opportunity to do Use of Force or saw him on patrol group. I don't believe I did any Use of Forces for IRT deployments because our Use of Forces were basically non-existent. So, unless my name is on a Use of Force that you can present to me and I can comment on, I'd say it's completely untrue.

All right. Those are my questions, your Honour.

THE CORONER: You've said - you've mentioned the IBA - or IEA - which is it? ---IEA, your Honour.

Immediate Emergency?---Immediate Emergency Action.

Action. And that is something that is utilised when lives are at risk, is that correct? ---Yes, your Honour. It's at a high-risk incident - declared high-risk, which is different from a high-risk arrest - if that makes sense.

Sure?---So declared high-risk incident is through the Assistant Commissioner or I think it's our DS Commissioner, that sets the wheels in motion for a set of plans to be implemented under the Siege Management Strategy, which have formal plans that get signed off. The process involves - still involves a police forward Commander. It also involves a tactical Commander who provides advice to the police force Commander who ultimately makes the decision so - and the IEA is a plan which the TRG do as well and it's - - -

But it's when there's a cordon and control in place and there's an emergency that requires a response to save life?---Yes, one of the cordon members on site (inaudible) could be saying - or a gunshot goes off or "He's now stabbing her" - we've got to go in.

And when you said one of the things you look for when you are determining whether someone is suitable for the IRT was whether they are willing to run into a room they might not walk out of, and that's the occasion when that would occur?---Yes. When you're - it's - going into a situation where you physically know that something is actually happening - occurring in that house, whether they're armed. It's one of the most dangerous things you'll do as a police officer.

So it's an emergency response in very specific circumstances?---Correct, yes. And it's a predetermined plan that has been already pre-approved and signed off. There may be some triggers to activate it so you don't have to sit there and go, "Will we go in" - it's like "Yup - sure".

But you train for that, but from what I understand, that is not something that you've ever actually had to use?---No. And because we train for that, it is a large component of our training.

Sure?---And it's - I guess it's like the airport fires, they train for everything and they hopefully never have to be used, but it's a skill that has to be maintained.

And another thing that you train for are tactical entries into locations. But again, you've told us that that's something that you've never had to use?---Yes. Entry forms part of an IEA. We have to learn how to get into a house quickly. So we call it "Method of Entry" so it's Bryce's(?) manual will have a knock-knock or a sledgehammer and things like that. General duties actually do - can utilise them, it's through the warrant - you know, like detectives utilise that through warrants quite often. It gets more complicated when the tactical teams have to do it, we require a lot more planning. So that makes sense. So yes, and we've - to answer your question, we've never done a forced entry.

So when you say "Tactical Entries" are they only forced entries?---Tactical entry can be - it can be forced or if you have another way of getting in, it's your tactic to getting into the stronghold or the house as quickly as you can. If the door is open - our adage - you always test the door handle first before you go kicking it in - because it could be open, you know, so - - -

So is the difference from a tactical entry point of view, if you go up an the door is locked and you kick it in, it's a tactical entry and if the door is open it's not?---No. It's still a tactical entry because you're getting into the house as quickly as you can to perform the IEA, so you're tactically getting into that house as quick as possible.

So tactical entries only relate to IEAs?---Yes, or - how can I - it does get confusing. You can - a forced entry into a house for an IEA is - yes, you're forcing your way into that house, whether the door is open, closed or anything, you're forcing your way into that house - and that's the IEA component. You're not knocking on the door saying, "Hi, anybody home?"

Sure?---You're kicking the door down - you're getting in any way you can.

So that's an IEA?---Correct. During a high-risk plan it's a - - -

Forced entry?---Forced entry.

All right, but what is a tactical entry?---It's the same thing, sorry. It's just another term. It's another term.

Do you have any questions from that, Mr Coleridge?

MR COLERIDGE: I don't.

THE CORONER: We will adjourn for lunch.

MR COLERIDGE: Your Honour, if you're still on the bench can I ask - - -

THE CORONER: Yes, Mr Coleridge?

MR COLERIDGE: Could I just ask you to confirm what time court will resume? It's now 12.45?

THE CORONER: It's quarter to 1:00 here, so we will resume at quarter to 2:00 - one hour.

MR COLERIDGE: Thank you.

WITNESS WITHDREW

ADJOURNED

RESUMED

THE CORONER: Mr Boe, we've got you on the video-link. Can you hear me okay? Can you say something, Mr Boe, so we know we can hear you? We can see but can't hear Mr Boe at the moment. I'm not sure if he can hear us. Is everyone except for Mr Boe on mute? That's okay.

MR BOE: Your Honour, it's Mr Boe here. Are you able to hear me?

THE CORONER: Yes. We've just got another ringing noise, Mr Boe.

MR BOE: Yes.

THE CORONER: So we're trying to work out what the source of that is.

Mr Boe, can you just give us a testing, testing so we can see how we go.

MR COLES: It's Mr Coles here, I'm texting.

MR BOE: I'm sorry, can anybody hear me, because I can't hear anybody.

MR COLERIDGE: I can certainly hear you, Mr Boe.

MR BOE: You can hear me, okay. Now, I can be heard, but I can hear (inaudible).

THE ORDERLY: I'll just everyone on mute while they're figuring it out, just (inaudible).

MR BOE: All right, thanks.

THE CORONER: Mr Boe, can you hear me? No. Look, apologies for the problems with technology. It's not unexpected. We'll work our way around it. I'll just quickly go off the bench. It might be that we have Mr Boe on the video-link, that we speak to him and hear him over the phone. So we'll just try and make those arrangements.

ADJOURNED

RESUMED

LEE BAUWENS:

THE CORONER: Thank you, take a seat.

Mr Boe, I understand you are on the phone and we can proceed that way. Sorry about the inconvenience. Yes, Mr Boe.

MR BOE: That's okay, your Honour. I can see the courtroom on the livestream, and I am hoping you can hear me through the phone.

THE CORONER: Yes, just keep the phone close to you so that we can hear you clearly.

MR BOE: Sure. Others may benefit so they are not confused which old man is speaking.

Anyway, should I start, your Honour?

THE CORONER: Yes please. Can I also just say, the sergeant does struggle a little bit to hear, so if you really can try and keep your voice up, that would be appreciated.

MR BOE: Yes, thank you, your Honour.

Sergeant Bauwens, can you hear me?---Yes, I can.

I am one of the counsel acting for the Walker, Lane and Robertson families. You now who they are?---Yes, I do.

And just so you know, there is a bit of a delay between the visual and audio, so I just have to be slow when I am asking you questions. Firstly, thank you for offering yourself up to give evidence. The families certainly appreciate hearing from you in your position as the office-in-charge of the IRT team. Because of the matters covered by counsel assisting, whilst I've got a chronological narrative, I will just go into general propositions first. If you need more context for the question - because I am going on the answers that you have already given, please let me know and I will try to make sure that you understand the proposition I am seeking to make?--Sure.

Did you hear me?---Yes, yes, sorry, yes.

Thank you?---It's a bit hard but I'll probably ask you.

Sure. I will be as close to the phone as I can. Now, just insofar as your involvement in the setup of the IRT, is it fair to say that that project was one initiated of your own volition rather than something that you were directed to do?---Yes. The Cordon and

Containment Team, which it was known by, was already in existence, but I took it upon myself to try and assist it and to build up on it, if that's the term.

Yes, and you brought with you a wealth of experience in your time with the TRG and, if I may say, you were very qualified within that knowledge into increasing the capacity of the cordon and control team?---Yes, thank you.

Now, in that process, whilst Mike Williams was the person responsible for the SOP for the IRT he closely consulted with you?---Yeah, that's correct. Mike acted as OIC for a short period and, yeah, we had a consult on the SOPs.

So to be precise, and it's not important for you to see the document, you would agree with his proposition that, "The primary input into the SOP was through Sergeant Lee Bauwens who had just left the TRG and moved to Alice Springs. I utilised his advice and contacts to ensure the proposal was consistent with TRG procedures."?---If you said the SOPs were consistent with TRG procedures or their SOPs I think, yeah. Sorry, the door opened.

So in that sense when the SOP was submitted you were content with its content?---Yeah. They basically modelled the TRG SOPs to a degree with the high risk and the general support roles.

That may be so. They may want to have been consistent but you were content that the SOP as submitted was fit for the purpose you envisaged for the IRT. Is that fair?---That'd be fair, yes.

Now, you've been taken to the SOPs in relation to what might occur in circumstances where a member of the IRT might be stood down. You know, the one that Mr Coleridge took you to?---Yes, that's correct.

And just for precision may I just read it and get you to acknowledge one important aspect of it which I didn't quite appreciate you explaining in your earlier questions. It reads, "Members who are the subject of disciplinary actions will be stood down during the investigation or" – and my emphasise is on or – "subsequent penalty period at the discretion of the Commander of southern command in consultation with the OIC IRT in Alice Springs divisional superintendent." Now, you agree that there's an or in there. That is it is not a situation that only arises when disciplinary action has been taken but rather even whilst during the investigation. Do you accept the facts in the SOPs?---So you're saying that even when they're getting investigated for something they being stood down as an option? Sorry, is that what you're trying to say?

That's correct.

MR SUTTNER: As a matter of fairness can he have it put in front of him?

THE CORONER: Sure.

MR BOE: I can't hear whoever's objecting.

THE CORONER: No, no. We're just getting the SOP up for him.

MR BOE: 17-23.

THE CORONER: Sure.

THE WITNESS: Sorry, I'm also blind. Was it the fourth paragraph that you were looking at, sorry?

MR BOE: It starts with the words, "Members who are the subject of disciplinary action." Page 11?---Yes, I've got that now.

Now, if you read it carefully to yourself will you acknowledge that there are two periods within which there's a discretion for disciplinary action before standing down a member?---Yes. The or signifies the penalty period and the prior to that talks about if you're being investigated for disciplinary action.

That's correct. Why I highlight that for you now is that in some of your answers earlier you were referring to the fact that a lot of people are under investigation and that the issue of discretion would turn on, for example, the seriousness of the matter being investigated. And as Mr Coleridge and her Honour took you through another factor would be a number of repeated matters pending investigation. Do you understand?---Yes.

So you designed or were content with in the SOP that the posed discretion in the Commander in both scenarios. Is that fair?

MS OZOLINS: Well, your Honour, I object to that. This goes back to previous evidence and discussions that - - -

THE CORONER: Just let me just check.

Can you hear Ms Ozolins, Mr Boe?

MR BOE: I can. I hear that she's objecting to something.

THE CORONER: Sorry, I just interrupted her. She's continue but I just wanted to make sure that you were picking it up.

MS OZOLINS: I just have some concerns, your Honour, about the second paragraph of that page being, or parts of it, being extrapolated in circumstances where the court has already had or heard evidence about Pt 4 disciplinary proceedings having a very specific meaning and the investigation that follows disciplinary processes.

So I'm just concerned that there is some confusion or that there might be some confusion when Sergeant Bauwens is being asked questions about an investigation separate from the disciplinary where, in my submission, on reading that paragraph it's quite clear that it refers to an investigation of disciplinary proceedings or an investigation of disciplinary action.

THE CORONER: So you're suggesting that disciplinary action has a specific meaning.

MS OZOLINS: Well, my recollection, your Honour, from all the evidence that was given about Pt 4 is that disciplinary action or an action under Pt 4 has a specific legal meaning.

THE CORONER: Okay. Well, that might be clarified whether this is in this particular is a reflection of that or if it's something broader than that narrow meaning.

MR BOE: May I approach to clarify that, your Honour?

THE CORONER: Absolutely.

MR BOE: Sergeant Bauwens, when you settled upon the SOP is this first proposition correct? That whatever the nature of the disciplinary action it was not necessary for investigation to be finalised before the discretion to stand down became available to the Commander. Is that fair?---Look, I can't take my own mind back to when this was discussed. Look, my understanding of that clause was if someone's being discipline, and what I mean by discipline is a serious breach of discipline, and then the ongoing investigation which takes place, that would qualify that paragraph. That means they're already investigated for a disciplinary, something serious. Investigations are common within our role and would not incur being removed from IRT. That's how I sort of interpret that because - - -

I heard you and I didn't mean to interrupt you but the only point I'm asking is would you accept that even if a person, a police officer who's a member of the IRT, was subject to an allegation before any finding as to whether or not that allegation had been proven to whatever standard, a discretion should be available to the Commander to stand the person down?---Yes. Well, my (inaudible) discretion with just about everything so definitely the IRT as well.

And the discretion would be affected by the matters that Mr Coleridge covered, and her Honour clarified earlier, namely the seriousness of the allegation and/or the frequency of similar allegations surrounding that person?---They are all contributing factors.

Thank you. Now, you've given evidence today that you, yourself, may not have been apprised of all matters that an IRT member may be facing by reference to their general duties work. Is that fair?---Yeah, that's correct. It's - we aren't - it's not public knowledge of what people are being investigated for.

Sure. In order for the SOP discretions of function, there must be a mechanism by which you and the commander become aware of these matters. Is that fair?---Yes, that's correct. There should be some - everybody should be, I guess, on the same page, whether it be professional standards, the commander or if there's any - if that's
- - -

How did you contemplate you, as the OIC, in order to be consulted would become aware of any outstanding investigations?---I would be notified by a superior officer, whether it be through professional standards or through the commander saying one of your members is being investigated for a serious offence which we feel impacts on his role as a police officer.

And so, you sitting in your position as OIC, you had the expectation that if any member of your IRT was the subject of an investigation, you should have been informed of it?---If the investigation was at a level deemed that it would have an impact on his ability to perform the role as a police officer and IRT, then it's pretty standard that everybody should be informed.

Yes. So you would accept that the matters that Mr Coleridge put to you in relation to the Malcolm Ryder judgment would fall into the category of a serious matter that should have been brought to your attention for you to provide assistance to the commander in the exercise of that discretion?---I can't comment on that, so there's been no information on that.

But how would the SOP work if matters of that importance and seriousness are not brought to your attention?---Yeah, I'm not privy to that information. The professional standards or the commander would be privy to that information and they would pass it down to me.

Well, that's what I mean. You have an expectation that professional standards should have brought that to your attention?---If it was of a serious nature, that's what they do with everybody, yep.

Well, you accept that the Ryder issue is a serious nature?---Sorry, which is of a serious nature.

The Malcolm Ryder incident, for want of a better phrase, is certainly a matter that contained very serious findings?---Well, internal findings or just statements.

Somebody's moving paperwork there that's interrupting Sergeant Bauwen's answers. Could you just repeat your answer, please?---Was that internal findings, or just statements made in court.

No, the judgment. The judgment of the court in which claims were made against a member of the police service?---Yeah, that's probably not my call. I'd say that's - - -

No. No, sergeant, please listen to the question. I'm just, at the moment, asking you that you accept that for the SOP to work, a matter of that seriousness should have

been brought to your attention?---Through the chain of command and through the proper process.

Is that a “yes” to my question?---It’s a “yes” to every question like that, yes.

No, just stay with this question. For the SOP to work, you would expect that that sort of situation concerning a member should have been brought to your attention?---Yes.

Thank you. Now just going to the - and your position is, whilst you were aware of this general volatile situation that surrounded that matter, you, yourself, did not know of the details of findings. Is that correct?---The - are we still talking about the Ryder one, sorry.

Yes, we’re just staying with that at the moment?---Yeah. No, I had very little knowledge of what was going on about that. It - yeah, I had no specific knowledge of that and I was not informed or briefed about that, so yeah.

Yes. So the matter was brought to your attention, it was fairly open knowledge within the station that that judgment had been handed down, surely?---There was - there may have been talk about it, but I can’t remember anything specific. And it really wasn’t anything that was not outstanding, I guess in - - -

All right. But you, yourself, even knowing that little about it did not take it upon yourself to ascertain the facts concerning that matter. Is that correct?---No. That’s correct.

Is there any reason why you declined to go find out more about the situation yourself?---Was there any reason?

Yes?---Well, it didn’t seem appropriate or it didn’t seem to be that serious an offence that would constitute that. And if it was, then I would have been informed about it.

So the position you’ve taken is because you weren’t informed down the line of command, it was not something you should bother making any investigation yourself?---I can’t carry - that goes - that kind of investigations into people. It’s not really my role.

So is that “yes” that unless you were given formal notice of it through the line of command, it was not your responsibility or appropriate for you to make any formal enquiries about that matter?---No, not in my mind. I just didn’t know enough about it, and I was only hearing bits of information. Other people know a lot more about it than me, and if there was anything important, they would have highlighted it.

Did you happen to talk to Constable Rolfe about it at all and ask him about it?---It was several years ago. I really can’t recall any specific instances about that.

I remember something about a phone or something like that where a phone was thrown or something like that. That was about the only thing that sort of stood out in my mind.

So are you saying, you do recall a conversation with him, but you didn't take anything from that conversation to suggest that it was very serious?---No, because that was the context of the conversation. It was a sort of, for better terms, a domestic went wrong. And from other accounts, I think I said earlier, there was a fair bit of OC sprayed around.

Okay. So can I just be clear, you accept you had a conversation with Constable Rolfe about it. Is that fair?---That was about the extent of it. Like what I just told you.

Did you have a conversation (inaudible) next proposition. Did you have a conversation with him about it?---I just said yeah, that was about the extent of the conversation.

Thank you?---The group told me about the - that it was a - - -

Did you initiate that conversation in an inquiry or did he offer it up to you?---I really can't recall.

All right. Now given that, he would have been aware that Judge Borchers had made specific findings, which I won't repeat, but as Mr Coleridge put to you, do you think that it was his obligation to you, as the OIC, to tell you about these findings?---I don't know if that conversation was before or after the court.

Well, even after the court, do you think that he was obliged to inform you, as the OIC, that these findings have been made against him and that there was in fact an ongoing further investigation?---No, I don't think - it didn't impact on my role.

Well, you're the OIC?---Correct.

Why does it not impact upon you that one of your members had had such serious findings made against him and he was under further investigation.

MR SUTTNER: Your Honour, just before that question is answered, and Mr Boe might be able to direct me in the brief, but that question presupposes Mr Rolfe was told of the judgment by Mr Borchers. It presupposes he knew he was under investigation at the relevant time and it presupposes - - -

THE CORONER: Are you suggesting that Mr Rolfe was not aware of a public judgment that was handed down?

MR FRECKELTON: Your Honour, I don't know.

THE CORONER: Well, I am going to proceed on the assumption that he was aware, because I think it was widely reported at the time and I think it would be very difficult for anyone in Alice Springs to have missed it, who was interested in policing.

COUNSEL: Yes, your Honour, sure. That might be the case but the question might be better, "Do you know if Mr Rolfe knew he was - did Mr Rolfe tell you he was.

THE CORONER: Well, they had a conversation at least about the incident - - -

A PERSON UNKNOWN: (Inaudible), your Honour.

THE CORONER: So Mr Rolfe was well aware that he had given evidence in proceedings. I assume he was interested enough to find out what the outcome was, particularly as it reflected directly on him. So I am going to proceed on the basis that Mr Rolfe was aware that a decision was handed down in that case and there were comments in that case and findings about his conduct.

MR BOE: Your Honour, may I proceed?

THE CORONER: Yes.

MR BOE: Sergeant Bauwens?---Yes.

Proceeding on the assumption that Constable Rolfe was aware of the findings made against him specifically in that scenario, do you see that there was an obligation on his part, as a member of the IRT, to disclose those matters to you?---He - he may have, I'm not too sure how it affects his role in the IRT.

(Inaudible) responding to the question. I'm not asking you whether he did or not. You've told me that you have a sketch recollection?---Yes. I was - - -

I was asking you that on the assumption that he was aware of those findings, do you accept that he was obliged to inform you as your role as the OIC of the IRT?---Yes, I accepted that part and I answered, I don't think that he would be obliged or - for me to know that part of the - for my section. It was a comment made by a judge. It's - for me, I don't see how it - how it affected his role in the job.

Right, so - - -

A PERSON UNKNOWN: Can he finish, he's - - -

MR BOE: Sergeant, are you saying that a finding by a judge should be disregarded as a matter worthy of taking into account in assessing the ongoing participation of a member of the IRT? Is that your suggestion?---My suggestion is I really don't know what the judge said, I really don't know much about the whole incident.

Please listen to the question, Sergeant. I've heard you tell the court several times that you do not know the detail of the judgment. The question to you is this; after

making the assumption that Constable Rolfe was aware of that detail and that it was a judicial finding and that it was serious, do you not accept that in order for you to discharge your functions under the SOT that we went to, that he as obliged to tell you about those findings?---I'd have to say no, I don't think he was obliged, because it was not performance related to the section.\

When you say, "Not performance related" do you not think that issues of honesty are matters of importance for performance in the IRT?---Honesty is important for everything.

And dishonesty is important in evaluating a person's fitness?---Sure.

And prima facie committing assaults on members of the public in an arrest situation are matters of importance - correct?---Well, of course.

Now, why do you say that you - that there was no obligation for a member of your team to tell you about those findings, given that that is the very sort of operational task he is likely to be undertaking if deployed?---If he was to tell he he's been involved in assaults investigations and - I would take it on board, but a judge's comments, I would - would not see it as a - as a performance indicator as part of the section.

I think I have laboured that point enough. In the SOP would you just look at the document in front of you and I will give you the position. You will see that there is, in fact, an automatic stand-down if a member of the IRT has a domestic violence order issued against them?---Yes, yes, that's - I can see that, yes.

For example, they're not allowed to have a firearm if there's a DVO order against them?---Yes, that's correct.

So there, a DVO order can be made merely on an allegation and before a determination, is that right?---Yes, and it needs to be approved by a Senior Sergeant who has all the relevant information.

Sure. So an allegation is made in a domestic situation, a DVO order is made, no judicial finding or comment and that is sufficient for the SOP to require you to stand down that member from using a firearm?---Yes, and if Zach had been on a DVO I would have done the same thing.

Well, can you not see that findings of dishonesty, perjury, intentional assault are far more serious and far more along the line of complete determination than the mere issue of a DVO?---I am not aware of any assaults. As far as I know that we're talking about a judge's comment and we've referred to a DVO, so I've - - -

All right, so in the case where a DVO is issued, do you think a member of the IRT is obliged to disclose it to you?---For a DVO?

Yes?---Well, he wouldn't get a chance. I'd be advised because he would be - he would be changed - his duties would be changed. He wouldn't be front line response, he'd be in some sort of office job or something.

Can I just move on from that at the moment. Insofar as the setting up of the membership of the IRT, you took on the primary role of determining who would be - you made the judgment calls on suitability. Would that be fair?---Did I make the judgement call who would be in the section? Sorry?

No. The collection of team members which is referred to as judgment calls on suitability in the document, was by you and Sergeant Mike Williams. Is that fair?
---| - - -

You've given statements about this and I can take you to them?---Yes, no, sorry, I'm just really struggling to listen and then just comprehend what you're saying.

Okay, I will slow it down?---Yes.

In setting up the IRT, the initiating process was a general email for expressions of interest - fair?---Yes, correct, it's to join the section.

And they were issued to Alice Springs based police?---That's correct.

And if anybody needs the reference it's page 743 of the (inaudible). Now, you then have told investigators in the Court before, that the selection of team members, would you (inaudible) judgment calls on suitability was by you and Sergeant Mike Williams. Do you accept that?---For the final selection or? If that's the final selection, it wasn't between me and Mike Williams, it was a panel of three.

Now, what you did was you put forward, with Williams, members who you thought were suitable for approval by a panel. Is that fair?---Yes, I think we might've said - I probably - I said we may have culled the number down because obviously there might've been a large amount and - it probably - there's certain criteria why we culled that number down.

Sergeant, can I just take you to your evidence, page 743, quote: "There was an expression of interest by email sent out to the members of Alice Springs, asking for prerequisite - not prerequisite - sorry - just outlining their experience and what they could bring to the section and then from there it went to a panel with a ranking officer, myself and another officer and they would decide on the application. Now, do you accept that that as your evidence?---Yes.

And you adhere to that being a correct description of how the process occurred?
---Yes, correct.

And - - -?---Did I say a ranking officer, myself and someone else?---And another officer, yes.

Yes, I think it was - I think we used a civilian or someone from the Association, just as a third party so it wasn't all just rank and file.

You gave that evidence. You adhere to that here. Is that correct?---Yeah.

Now, I'm going to be using shorthand because of time but I'll just go through that when you were further asked by the interviewers you gave five criteria about what you were looking for. The first was, "Previous military experience was desirable because they use the weapons and some of the same patterns." Do you accept that that's one of the things you told investigators in your statement?---Yes, that's correct.

The next was personality?---Yes.

Work ethic?---Yes.

Professionalism?---Yes.

I think you said professionalism and keenness and lastly trainability?---Yes.

Sorry?---Yes.

Trainability, okay. Now, you also said that the recruitment that you took involved "left regimented and rules" in comparison to the TRG?---I'd have to take your word on that. That was on the email was it?

No, no. This is in your evidence in your statement when you were being asked.

THE CORONER: Have you got a copy of your statements there?---Your Honour, I haven't but if he says that's the case I'll take that.

Okay.

MR BOE: So I'll put it to you again and I'm sure that you're able lawyers, they will correct me if I'm misquoting the language. You said the recruitment approach you took involved, "Left regimented and rules." Then the TRG. It was "more personal" and, "You believed that that was better than the approach taken by the TRG." They're the matters you told investigators?---Yes.

Now, you said that if you thought they were a good fit essentially they were equal?---No. There was a little bit more to that and if I could probably clarify that what I said. TRG had an entirely different selection process to us. They would obviously go through their expression of interest and then you would pass the physicals and a three day test. I think it's actually about a one day test now. And then you would have a board and they would select you. And the TGR selectors would have a very limited knowledge of who they were actually approving or know not much about them. So I was sort of referring that we have a better understanding because we get to work with people and we can see how they work and make their informed decisions. I think that's what I was trying to get to.

I'm pretty sure that that is, in fact, what you were trying to get at because your answer was, "Well, it wasn't along the same lines as TRG. It was obviously a lot less regimented in rules." And then you said, "That's how we made our decisions which, you know, gives a little bit of an edge of the TRG where we're a bit more personal on who we choose and that's my personal opinion. Probably not to adhere but" – and then you laughed. Then you said, "It means we get some people who really think are suitable."?---Well, that's what I said. Yes, that's correct.

And may I suggest that what you're saying is that you were putting yourself into a better position than those who were framing recruitment for the TRG because you could get a (inaudible) assess them personally by reference to the criteria that I put to you earlier?---Yeah. We had a better understanding and a better knowledge of the people who were applying.

When you say we you mean you?---No. Me, Mike Williams I think at that stage and maybe the commander.

Insofar as taking into account as a criteria that a person had military experience did you take that as being only a positive attribute?---Military experience has a lot of benefits. For instance, they have a lot of the skills and tactics which I like to utilise for the IRT which I've named mainly before is the ability for camp and concealment and to use light bushcraft or green roll which they are experts at. And that's a hard thing to teach and if they already know that already it is a good skill.

No doubt, no doubt that the physical experience in the military an exposure to a usage of guns can be a positive attribute for a role in the IRT. I accept that. Did you think that there might be other aspects of military experience that might be relevant to you determining depending the suitability of the person?---Other aspects of military, well, I think it was proved in unfortunate circumstances they have exceptional first-aid and abilities and abilities to remain calm in dire situations.

Now, I'm sure there's other positive attributes but do you also think that in assessing making a judgment quality suitability it would be useful to know what their military experience and discharge history might have been?---Well, if it was, if their military experience was adverse or the discharge was adverse then I probably wouldn't be talking to them.

How would you know if it was or not?---Well, that's why we have police selection process.

And how would you know whether or not somebody had adverse military discharge history?---How would I know? Well, I wouldn't.

Well, one way might be to ask them wouldn't it?---It's not quite a common conversation to have with someone.

THE CORONER: This is not just a conversation. This is a recruitment process to the IRT?---Sorry, your Honour. I might have been a little bit smart.

MR BOE: You can focus on the question?---Yeah.

In order to take into account as a positive criterion for your judgement do you think it would have been useful to ask them. When they say "look, I've got military experience" you might, in determining their suitability, ask them whether or not there were any adverse issues in that experience or discharge issues surely?---I asked them what, and this is only from a very loose memory, and I remember I think it was Mr (inaudible) - he had a similar, I think, sniper background which was useful. Whether they had been deployed overseas or those sorts of things and what they sort of specialised in the military because I was in the military but I just drove trucks so I probably wasn't much use to IRT.

That's why I asked the question did you only see military experience as a positive attribute?---Yes and I still am. I'm proud of our armed forces and the services they provide so I hold them in high regard.

But you would also assess, would you not, that if a person had a dishonourable discharge, and I'm not suggesting anybody has had that, but if somebody had an entry in their service history that went to their integrity or honesty they're matters that you should take into account in terms of suitability surely?---Well, yes, but I think, like before, I wouldn't be speaking to them as a police officer if they've had a dishonourable discharge from the Army because they wouldn't have made it through the selection process.

Well, you made the assumption that by being a police officer they must not have had anything adverse in their military history. Is that fair?---Everybody's got a history but it all depends if it's serious enough to be discharged from the Army or suitable - deemed to suitable to be a police officer.

All right. Do you think in making it a criteria for judgment as to suitability that, before you take into account military experience, you ought to know both sides of that person's military experience?---I think that may be going into it a bit too far. I'd have to take things on face value for what I've - for what's in front of me, I'm afraid.

But face value would mean that somebody has got enough candour to tell you to your face anything negative in their military history?---Well, if there was something negative that would impact on their position, they probably would tell me. Like if they were suffering from something that would affect their position within the section, they wouldn't be applying for the section to start with and so - - -

Okay. So your position is that, in determining suitability for entry into an IRT or the like, it's just simply left to the member to tell you whether or not there was anything in their service history that you might take into account?---I would look at any - as

I said, the only thing I'm concerned about in their military history is what they actually did and if it was beneficial to the section. That's about the only probing questions we would ask because military history - - -

Well, sergeant - - -?---Sorry.

- - - I'll be direct. I'm suggesting to you that, moving forward, only looking at the physical capacity through military experience as a positive criteria for enlistment is woefully wrong and inappropriate for a member to be a part of an elite team like an IRT and for that matter, a TRG. What do you say to that suggestion?---No, I disagree.

Now, I'll just move to another aspect of - sorry, just staying with that whole idea of recruitment and membership, is it fair to say that Constable Rolfe became a close colleague of yours within the IRT?---Yes, Constable Rolfe was a close colleague.

And you saw him as having a senior role in the formation and development of the IRT?---Sorry, did he perform a senior role? Sorry, is that what you said?

Yes, in the formulation and the training of the IRT?---No.

You don't?---He didn't.

Were there not occasions when you were not available that he led the training at various training sessions for the IRT?---Not that I'm aware of. I was basic - as far as I know, I was nearly - I ran most of the training because I organised it. I can't recall many times or any that I wasn't there. I could be corrected, but that's my memory.

Yes, you'll be corrected as soon as my instructor points it out to me in my document. But may I just move to the next proposition then. Do you recall that there was a fellow military person that was a friend of his, a Constable Sykes?---Yes, that's correct.

And Sykes became a member, or at least was deployed as part of the IRT, without having in fact completed the training program?---Constable Sykes was - yeah, he was a general duties member and he did - was deployed with IRT in a general response role which basically detained when we were doing just general duties and very minor taskings. And we could have taken anybody. We could have taken a GD, a normal GD person.

Sergeant Bauwens, may I ask you to be precise in answering the questions?---Yes.

One, Constable Sykes became involved in the IRT at the suggestion of Constable Rolfe. Correct?---Constable Rolfe said sergeant - sorry, that Constable Sykes was a - gave him a good recommendation. And I'd heard that from other people as well, so it was a contributing factor. And I spoke to Constable Sykes and I formed that opinion as well.

And then he was deployed in the IRT. Forget what the role was, he was deployed as a member of the IRT without having completed the training course. Is that correct?---As were others.

No, well just answer the question?---I just did, yes.

So do you have a situation where you've got a panel approving those who you recommended and considered, then you have this other loose band of constables who became members of the IRT, even if they weren't passed by a panel?---No, that's not an accurate statement.

Well, what is accurate about it when you say - when you accept that Sykes was deployed as an IRT member without having been approved by the panel?---He went with us on deployments for like social order or just basically respite to communities, as would anybody. And the dog handler as well.

So are you saying, when he came with us that he was not being deployed as part of the IRT? Is that the distinction you're making?---Has he got deployed where or just in general?

You see, my suggestion to you is, he was deployed as a member of the IRT on particular operations?---He came with us on basic operations - or basic call outs, yes, correct.

THE CORONER: When you say, "he came with us", is he coming with you as part of the IRT in that group that's going to have a team leader and follow their directions, or did he come as just a general duties police officer who would be an extra assistance at the station?---You're right the first time.

The first time.

MR BOE: Sorry, I just didn't hear the answer. Was there an acceptance?

THE CORONER: The first time was the correct answer.

MR BOE: Yes, that is, deployed as a member of the IRT?---It's - - -

Now, can I - - -

MR OFFICER: Well, just finish the answer?---It's a complicated scenario to explain.

THE CORONER: Can you explain it?---Well, the general support role for IRT is - it was - it can be explained that, yes, it was the IRT team, but in certain circumstances, we were called because we were the only ones that were going to turn up. So we needed more members. I knew Constable Sykes would turn up, so we'd take him along as well. For instance, like Borroloola when we had respite and he sat outside bottle shops and responded to domestic violences; so it's jobs like that. So while technically yes - - -

MR BOE: Please, I know you - - -

MR OFFICER: Let him finish his answer.

MR BOE: - - - have reason to explain something, but if you could stay with the question. The question is, a police officer is either deployed as a member of the IRT or not. Was he deployed as a member of the IRT?---It's - well, he was deployed with us with the approval of whoever requested it. So it was never kept a secret and I've even got a memo saying we're using Constable Sykes because we're short and he's a reliable and professional member. So I've got it documented.

All right. So my suggestion to you is that whilst you speak about there being a process or recruitment as members of the IRT, in fact, there was a very loose arrangement depending on the expediency of the situation as you saw it, and you would deploy general members of the police service as members of the IRT without them jumping through the recruitment criteria?---Well, that's a fairly loose way to put it, but they accompanied us with the full sanction of the ranking officers.

You see, what is the point in having an SOP that provides a framework for members who are going to have access to military grade weapons if you are not going to adhere to the strict process of recruitment?---Everybody in Alice Springs station has the ability for military weapons.

Not AR15s, they don't?---Yes, they did at that time. You could grab one out of the cupboard if you wanted one.

Just go grab one if you wanted one?---They were a support weapon, as were a shotgun. That was my understanding.

Well, we will research that later. Now, the point I am trying to get to in terms of referring to (inaudible) is this. The - you were speaking about the fact that this process of recruitment was less regimented than TRG but there was a process. And we have spoken about the discretion about standing down people in certain circumstances, but in truth, I suggest to you that the way the IRT operated under you gave you fairly carte blanche authority to determine who would be deployed with the IRT in any given situation. You had a discretion as to deployment?---I was the OIC and if we needed extra manpower I made the enquiries and the authorisations to do it and I did do that.

So you accept that you had a discretion as to deployment of members of IRT - correct?---Yes, that's correct, yes.

So you were speaking before - and the discretion would include the discretion to deploy and also the discretion not to deploy. Is that fair?---The discretion not to deploy?

Yes?---So if I was requested to deploy my section I would say no?---No, no, just say somebody suggested Constable Sykes and you didn't like the look of them you would exercise a discretion not to deploy him. Is that fair?---Yes, that's fair.

Yes. So - - -?---Not like the look of him, it's not - it was - if he wasn't - - -

THE CORONER: If you didn't think he was suitable?---If you didn't think he was suitable.

MR BOES: Yes, sorry. It's probably for my shorthand - I am just trying to be brief, but if you made an assessment of your own, when somebody else was suggested to you, you had the discretion not to deploy that person. Is that fair?---Yes, that was my call.

So this is why I get back to your answers earlier today that when you were asked about when you became - if you became aware of certain issues about a member, that it was - quote - "Above my pay grade" - unquote - to determine their suitability to be in the IRT. And what I want to get to is that there's one thing about a formal recruitment and membership of an IRT and there's a second, which is whether or not a member is deployed, right? So you - it was well within your pay grade, I suggest, for you to decide upon ascertaining information about a member to not deploy them. Is that fair?---Have information not to deploy them?

Yes?---Yes, sorry, I'm just struggling - on behalf of your comments. I think what you're trying to say is I just brought Sykes in on my own fruition and by the same token I didn't - I kept Zach in on my own fruition but - - -

No, no. I'm saying you had that discretion whether it be Sykes or anyone else - you exercised and had - you had the discretion and exercised a discretion whether or not to deploy anyone to be a member of an IRT operation. Is that fair?---Not anyone, no. And I mentioned earlier that it was sanctioned and I mentioned it to - because our number were so low at that stage and when we were requested, we had to seek additional help from suitably - suitable persons that could assist us - and they were only in the general response role.

Just listen to me - can you please listen to me, Sergeant and we will get through this a lot quicker. My question is, whatever the expediency - that is whatever the issues and urgencies that surrounded a situation, you had a discretion as to who would be a member of an IRT deploy on an IRT operation. Is that fair?---I - if they were an IRT member or not an IRT member?

Both?---We would choose - basically it came down to who would turn up, because through the callout, but yes, the answer to your question is yes, I do have a discretion as the OIC.

Thank you. And in relation to that discretion you were open to having conversations with Constable Rolfe about who may or may not be useful for deployment. Is that fair?---Yes. Have you got any circumstance or specific - - -

I am putting to you the questions first?---Well, not in so many terms. I remember one conversation we had which I think is even recorded in the text messages regarding one member who - - -

What conversation was that and what do you remember about that?---Well I don't remember anything about it, I only just read it last week and that was referring to a member who was never available for call-outs and was training - was hard (inaudible) training, so we were considering - - -

So for the record - - -

MR SUTTNER: Let him finish - he said - (inaudible) was that he would consider it.

THE CORONER: Sure. He - - -

MR SUTTNER: Mr Boe keeps interrupting the witness' answer. Please would you ask him just to allow him to finish.

THE CORONER: Sure. Mr Boe, just be a little slower with your next question so we can make sure the answer is finished.

MR SUTTNER: Thank you.

MR BOE: I apologise.

THE CORONER: That's okay. I know, it's difficult, Mr Boe, when you can't see.

MR BOE: Yes, and worst of all what I am seeing is slower than what I am hearing so there is a difficulty. Okay.

So I apologise for interrupting you. What else did you want to say?---That's all right, I think I've forgotten.

MR BOE: All right. Now, I am suggesting to you that such was your relationship with Constable Rolfe and his role as you had him in the IRT, you were open to having conversations with him about who may and may not - should stay in the IRT? ---No. He - the conversations I had with Zach was what we just spoke about - that previous question and he told me that Syksey was - that Sykes was a good person, which I agree with.

If the witness can be shown - or if it could be put on the board, text messages 346, 347, 348 and 349 please?

THE CORONER: 346, 346, 348 and 349.

MR BOE: There's four - four exchanges, 346 to 349?---Yes, that refer to the conversation which I spoke about.

Let's go through them one by one?---Sure.

The first one is from Rolfe to you, "Can go again on days off, cannot go, not useful at all". No, I'm sorry, that was from you - from you to Rolfe. "Can go again on days off, cannot go, not useful at all." You then gave a reference to a current member of the IRT, is that right?---He was then. Now he's an ex-friend, but anyway.

Thank you for that. But if you keep going. And then it culminates - and you can read it all, but it culminates with a response from him to you?---Yes.

"I don't think he's going to hang around in the job too long, we could just cut a few people and rejig the team. Nobbs should be loving us at the moment"?---Yes.

Do you see that?---Yes, I do.

Now, do you remember that text conversation now?---I remember reading it, yes, in here, for sure.

And you accept that he sent that to you?---Definitely.

Can you see that there's a reasonable inference that Rolfe thought that he could tell the officer-in-charge that we - he uses the phrase "we" - that is you and him - "and just cut a few people and rejig the team?---That conversation is probably not unique to him, it's probably a conversation I had with quite a few people.

Well, that may be, but let's just stay with him. It's a reasonable inference that such was your relationship with him, that he felt that he could be a contributing influence in cutting people in reaching the IRT?---That was our relationship. We were comfortable to talk about things like that.

How could that at all be appropriate as the OIC, sergeant?---Well, it was an observation that we had. He saw the trouble I have - I was having getting people to respond to jobs and to turn up and he was seeing that frustration I had, and he was commenting on it as - - -

But it wasn't just - sorry?--- - - - others have probably done before him. We did have a few people in the section and there was a small group doing - or a core group doing most of the work. So it's not unnatural for a comment to be made in that respect.

So I'm going to suggest to you that, such was your relationship with him and it may have been with others, was that the make up of the IRT was something he thought he could contribute to?---I'd like to think a lot of the members could contribute to the IRT.

Was that "yes" to that question. Forget the others, just answer the question about Rolfe?---Yes, yes.

And did you, in addition to your professional relationship with him as a police officer, did you regard him as a friend?---Yes, I did.

And you socialised with him?---Well, I wouldn't say "socialised", we didn't go out at - after work or meet up for drinks in that regard. He was a different age group than me.

All right now - - -?---So, I had a family so - most of our relationship was a good working relationship, but we were still - I would still regard him as a friend, yeah.

All right. Well, just before that, can I just go back, the way the conversation that was occurred between you and Rolfe in that text exchange, Mr Rolfe in that text exchange, suggests that he felt, and you did disabuse him, that you had a discretion that you could decide on the run whether or not somebody should stay in the IRT or not?---I think that's probably reading a bit too much into it. I think it was just conversation between two adults about the operation of the IRT.

Well, you're not just two adults. You're the OIC. He's a member. And you're discussing, with some degree of flippancy, I would suggest, that you could just - the two of you - rejig the team?---Yeah, no that's - I wouldn't say that that was a - that's wasn't a proper analysis of that conversation.

All right. Can I just go to the operations of the IRT in the period after November 2019. And I'm going very much on your evidence which I accepted. I'll take you to the specific references if you need it, but I don't think they're controversial, that up until November 2019, the IRT under your command were called out on about 15 to 20 jobs?---In '19, yes.

Yes. And you explained that "This involved arrest target which involved catching people they (general duties police) had not been able to." Fair?---Yes.

And that it also involved disorder in the community?---Social order in community or issues, yes, that's correct.

And then you added, "Aboriginal communities". Correct?---Yes.

"Bush environment"?---Yep, sorry. Sorry, can you remind me what document? Was that from my statement?

Yes?---Righto, yes.

The recorded statement, page 17, 18 and 19. Now, do you accept that a high proportion of targets of the IRT in that period were Indigenous people who were living in Aboriginal communities such as Yuendumu?---Yes, that would be probably fairly accurate.

Okay. Now, when we were going through the criteria as selections for an IRT, it did not include anywhere the cross-cultural capacity of an applicant. Do you accept that?---Cross - that wasn't - no, that's correct.

That's not a criteria as far you see it?---No.

It was not a criteria as to which applicants had prior experience in these environments. Correct?---I believe it wasn't. No, it may have been spoken about in the interview, but it wasn't on the paperwork and I have no knowledge of that. I can't recall.

As far as you're concerned, that was unimportant. Is that fair?---No, that's not the correct statement. Nothing - it's not unimportant, it was just - - -

Well, it was not part of - sorry. I'll rephrase it. It was not part of any of the criteria you gave in your interview with Carter, nor in your evidence-in-chief today. Is that fair?---That's correct. It wasn't the criteria listed of what we were part of the section.

And it was not part of the criteria when I explored it earlier. Is that fair?---Yeah, that's correct.

And then you've accepted that a high proportion of the targets are Indigenous people in these communities. Fair?---Well, that's correct, yes.

I suggest to you that if there is any IRT or the like being deployed in Indigenous communities that it should be a criteria that they have, if not experience, specialist training in understanding the environment into which they are being sent?---Well, I'm deploying general duties police officers, so they've all had experience with Aboriginals and communities. So that's the aspect I believe they form. This is the skills enhancement - - -

Are you saying that you proceed on the assumption that those applying in the IRT, because they're general duties police officers, would have the appropriate experience and understanding of those communities?---They would definitely have a knowledge, yes.

And how would they have that knowledge if they've never been deployed there?---Well, deployed as in through their general duties policing?

Yes?---Well, most of the - I wasn't aware of who's been deployed or which bush relief each particular member has been - has conducted, but you don't get to apply for an IRT unless you have had a previous level of experience in general duties. And I would hope that is where you would achieve that level of knowledge.

Sergeant, as a lawyer acting for a family who lives in that community, I would suggest to you that it is gobsmacking to hear that you are making an assumption about a critical criteria for police entry into these areas; that you don't even know whether or not they have any previous experience in these communities?---That's

the evidence I'm presenting. They have - I rely on the experience they have as police officers, the knowledge they have learned as police officers.

Did you ever ask them? Did you ever ask them whether or not they had been deployed in these communities?---I cannot recall if there were any questions directly related to that, no.

Well, I'm suggesting to you that you're being quite deflective, that it was never in your mindset to care whether or not they had ever been deployed?---That's something I can't comment on.

Well you can, you can deny it or you can accept. And accept it as something we move on from, that you as the OIC involved in the selection criteria set up and determining who goes to a panel, did not have in your mind the need to have members who had good, positive experiences in community?---As - I can only rely on my first answer that I rely on the experience of the police officers who get generally sent - regularly sent to communities as relief. Our - how the operation - how it works in Alice Springs is members are constantly being sent out to remote locations to assist in general respite and - and levels of - to help out. So that's where they gain their experience. It was sanctioned by a commander, who went through the process. So that was the experience that I realised.

But upon reflection - upon reflection, in knowing what we all know about what I would suggest a very failed arrest attempt by an IRT, do you think that that is a learning that we need to be taken, that IRT deployment into these communities needs, as a necessary criteria, members - if not a leader - who has experience in policing these communities?---Well, probably, I think that was instigated as a whole, but we're trying to get members to have more experience in the communities as a whole. Whether it becomes a prerequisite for a section - or even TRG as well - is - maybe that is something that could be considered. But how viable that is in a practical application, I don't know. It's a - - -

Okay, I take you're proceeding on the basis that there was an expectation that when an IRT is deployed into a particular community, they would work under the directions of the forward commander, or the OIC of the particular station in those communities?---Yes, sorry. You're going to have to go to again, that first part.

Okay, I'll just take you to an answer that you gave at T745. Quote: "When the IRT is deployed as general support, are they subject to the command of the officer in charge of the local police station?" Your answer was, "Yes, the IRT and asset can fall under the authority of whoever deployed them or the local station"?---Yes, that's correct.

So to be fair to you, the approach you took was the IRT is bringing in specialist skills with firearms and other tactics and the like, that they would work under the authority of the local station who, you would hope, would have that necessary experience in the community?---Yeah, that's correct. The IRT are just an asset like TRG. The - - -

And so the – and it becomes critical – so it becomes critical, doesn't it, that that – working under the authority of the local station – be adhered to?---Yeah, you lost me again, sorry.

So given that it's not a criterion that the IRT have any experience in these communities and secondly, because there's an expectation is merely – that the IRT is merely an asset that works under the authority of the local station, that that duality – that (inaudible) component are necessary – that is both are necessary – to ensure safe deployment in these communities?---This is going to sound painful, but that was a – got a bit interrupted by sound. Your speaker is across the room and my hearing is less than standard.

Sorry, no I was a bit – and I was a bit wordy. I'll just put it this way?---Yeah?

The way you envisage the IRT being used as an asset, was that – was either there to be a force multiplier – that is, to add numbers – or to come with a specialist skill under the auspices of the local front commander – namely, the OIC of the local station?---Yeah, that's correct.

And that meant that it was necessary that the IRT would fall under the directions of the local commander?---Yes, correct. The police forward commander.

Now, and that would also include, for example, if the local forward commander had ACPOs who had knowledge about the particular people in the community, for them to be utilised to assist the IRT in being appropriate in the way in which they moved within the community. That fair?---Yep, that's fair.

Do you know that Constable Rolfe had no prior experience in working in any Aboriginal community?---I don't believe he had, no.

Okay. But you viewed him as quote, "One of the experienced" - - -?---I – sorry, I'm – in correction just to that he's – he was sent to, like, Borrooloola, Ali Curung, on several occasions and had – so (inaudible) no but definitely been exposed to a few communities.

Sure, what I meant was before you selected him as a member – or put him forward as a member of the IRT – he had no prior experience?---No, (inaudible) quite a few.

You're agreeing with me?---He hadn't been served in remote location prior to IRT, that's correct.

Now, when we get to – just – I'm just having difficulty working out time, your Honour.

THE CORONER: I'm keeping a track of your time, Mr Boe.

MR BOE: How long have I got left?

THE CORONER: About 20 -15, 20 minutes.

MR BOE: Thank your Honour. Thank you. And you're happy to proceed to then, now – from now?

THE CORONER: Yes, I'm happy to proceed unless anyone's asking for an afternoon break? No one's putting up their hands.

MR BOE: Thank your Honour.

You were taken to a series of questions near the end of Mr Coleridge's examination that – as to the situation as at 9 November 2019, and what we now know as being matters concerning Constable Rolfe's suitability for deployment. You remember that line of questioning near the end?---I – vaguely.

What I want to ask you is this: in order for the – for you to have a – an appropriate capacity to determine deployment, how do you envisage an OIC to become seized of all the necessary information for a current member?---How I should formulate - - -

The way I put it – this way, Sergeant, is that – can I suggest to you that it's going to be very much a submission, if not a finding, that there will be – that there were many issues, if known, should have been that Constable Rolfe was not deployed on 9 November. What I'm asking you is that given that the person with the critical capacity to deploy, going forward, how does the OIC on the lead team ensure that they do know everything they should know (inaudible).

MR OFFICER: Your Honour, just a matter – before it's answered – I think it's unfair to this witness to pre-empt that you've already reached a concluded view on a finding.

THE CORONER: Sure.

MR OFFICER: Sure, it might be a submission of Mr Boe.

MR BOE: I put another – I take the word "finding" out. I take the word "finding" out.

MR OFFICER: Thank you.

MR BOE: I might just add a minute of injury time.

The – out of fairness to you, I'm going to be suggesting to the Coroner that it would be appropriate to make findings that your oversight of the IRT was woefully inadequate in filtering – filtering out members who should not be deployed. Do you understand the suggestion?---I understand your suggestion (inaudible) reply.

And I'm sure you – I'm sure you reject it. But what I'm saying to you is this: moving forward, how does a service look at these sorts of features of a person in a team such as an IRT to ensure that we have people fit for purpose for deployment into places like Yuendumu, in the role that was given to the members of the IRT on this

occasion? Are you at all interested in contributed to help us assist the Coroner and the Force to ensure that there is not a failed arrest attempt such as this again?---So you're after suggestions from me? Well, as a – as a sergeant and a leader of people, I assess people on what I see, what they say, what they do and how they treat people. That's how I make my assessments. I see their work ethic and what they've achieved and that's how I make my decisions.

So do you accept, Sergeant, we've heard you say that, would you accept that that has been woefully inadequate to filter out - - -?---I don't - my assessment - my people who I believe are satisfactory and not inadequate at all.

Now, do you do that - do you make that finding knowing everything you know about Constable Rolfe now?---My - my assessment of Constable Rolfe stands for it did from four years ago. He was a dedicated police officer, he was professional, he was efficient in his job and that's what I saw and that's what I go with now. He did not display any things to me that proved anything different.

That may be true, but do you accept that he has failed to follow even the basic IRT guidelines of how to conduct himself in Yuendumu on that night?---How to conduct the what? On - in - - -

How he conducted himself in Yuendumu on that night?---I disagree completely.

Can I ask you something specific about that. Have you reviewed all the material about what he did that night?---I've reviewed - - -

MR SUTTNER: I'm not sure what "All the material" is. Perhaps Mr Boe can identify - there are 57 days of this inquiry, we had a trial that ran forever. If Mr Boe will identify what he expects Sergeant Bauwens to have reviewed it would be very useful.

THE CORONER: Sure. Mr Boe?

MR BOE: Thank you. Yes, I will, I will, your Honour.

Sergeant Bauwens, have you viewed the body-worn footage from Eberl, Kirstenfeldt and Rolfe on that night?---Some time ago, yes, I have.

And did you pay close attention to whether or not Constable Rolfe conducted and fell in line with what you believed to be appropriate policing methodology on that night? ---Yes.

And did you see anything he did that was not appropriate?---No, I didn't see anything that was inappropriate or outside of training on what generally happens every day in policing.

Do you - I am not going to get into the disagreement between some of the people at the critical site, but just in looking at he body-worn footage of Constable Rolfe, do

you think it was appropriate for him to jump the fence and go in to House 511 without permission or a warrant?---I didn't see him jump a fence. I don't know the - what the house was like or where the fence was or the situation, but I know from 10 years of policing in Alice Springs that we jump fences every day and it's not seen - - -

Well - - -?--- - - - and it's not seen to be an offensive thing and it's never been commented on.

Well let me just - I don't want to have to take up nearly 20 minutes or 10 minutes playing videos. I am going to suggest to you that the video on Constable Rolfe showed him walking up to the fence at 511 and jumping over it without any notice or seeking any permission. I suggest to you that that was an unlawful entry of property?---I disagree.

So you would be okay if somebody jumped over your fence with a gun and a badge without notice, would you?---If there's a gate open and the fence there, it's a tacit consent to the - - -

No, no, the gate wasn't open. No, no. please just stop - stop. Don't give a minutiae of explanations when it might be okay. I am asking you that the video depicts Constable Rolfe jumping a fence into property without permission. I am suggesting to you that that was inappropriate if not unlawful?---Not unlawful.

No? You'd be okay if a police officer did that to you in your house, would you?

MS OZOLINS: Your Honour, I am going to object. I think it is somewhat unfair to expect Sergeant Bauwens to make comment on the lawfulness of a scenario without being taken to the video, given that it's not just about the conduct of one person but the context and the environment and a whole range of other matters that a police officer with Sergeant Bauwens' experience might take into account.

MR BOE: Your Honour, I don't want to take up - - -

THE CORONER: Mr Boe, I think the proposition is just a little loose for the answers that you are asking for.

MR BOE: I understand, all right. I am just very mindful of time so I will move on.

Do you accept that as a general proposition that an IRT member had no greater powers of entry into private premises than a general duties police officer?
---No. We're just general duty police officers.

Sorry, I just missed your answer?---IRT have no extra powers. We are just general duties police officers.

And that follows that you just can't enter property without permission or warrant or other emergent circumstances. Is that fair?---The - you're allowed into somebody's yard to come and speak to people.

How?---Sorry?

THE CORONER: I might just say - do you accept that there might be different opinions - let's just put it that way - about boundaries in community - and property in community as compared to in a centre such as Alice Springs?---I understand what you're saying, your Honour, but every day - if I had to go to a house and there's a low gate and the door is closed, I'd walk over the fence and knock on the door.

Some people don't. Some people stand out the front and call out?---Yes, that's not really a common practice.

MR BOE: I will leave that, your Honour, I will leave that. Your Honour, I will leave that.

Once somebody is in the yard - once somebody is in a yard, Sergeant, do you accept that they should not enter premises without appropriate lawful authority?
---Entering premises is a different scenario.

Yes. So the situation for the IRT on this night involved that firstly, the mandate for the IRT is, in fact, not to enter premises, rather to cordon and control until such time as authority or direction is given from higher command. Is that fair?---Where was that mandate?

In your SOPs?---No, that's not correct. That's in the - you're pulling information from a different area not related to this scenario.

Well, okay. A police officer cannot enter premises without a number of criteria, is that correct?---No, it as - premises or house?

I'm not sure if there's a difference but this is (inaudible) housing?---It was a front yard or it's a house?

No, I mean - well a yard is not a premises - the premises is the structure, right?
---Right.

A police officer should not enter a premise and/or house, without specific lawful authority, is that fair?---There are certain laws that would allow us to enter the house, of course. If you've got reasonable - 126 is a law - reasonable grounds to believe. So I haven't studied - in my defence, I haven't sit there and studied intricacy that video and the things, but I would say the 126 covers that, as it probably has done for most the times that everybody has entered the houses in the past.

I have great sense that none of this is useful questioning so I will stop on that. Are you aware of Commander Proctor's assessment of the videos?---In his coronial report?

Yes?---No, you'll probably have to refresh my memory?---Well, his finding was that the entry into house 511 was not lawful?---Yes, well, that's - it's - well, my - my take on that is if they had reasonable grounds to believe that someone was in there and I think they did ask if they could go in, so. I mean, I'm only giving a - my advice on the limited information I've seen on that, so that's where I'm standing with that. I'm sure Mr Proctor's - - -

So your position is that you're not willing to make any assessment - any negative assessment of Constable Rolfe because you believe that what he did and what you saw and the little you know, it was all kosher - that it was all okay?.

MR OFFICER: Your Honour, before the question is answered, if these sorts of propositions are going to be put, Mr Boe is going to be making submissions at the end, proper ways to display the video to this witness from the point at which they arrive at House 577, I think it is, gather all the intelligence, learn from that intelligence, act on that intelligence and then take further steps. That's the proper way this question should continue.

MR BOE: Well, your Honour, I think I might save that for Mr Officer's clients. And I was hoping that a responsible sergeant who was an OIC of this force would have the perspective to be willing to reflect upon the evidence, but it seems unlikely.

THE CORONER: I appreciate the circumstances are very difficult for you, Mr Boe. But again, I think the proposition is too loose to elicit any meaningful response.

MR BOE: Well, I'm just operating under the stop (inaudible) order as well, your Honour. The video - - -

THE CORONER: Yes.

MR BOE: - - - shouldn't take more than - - -

THE CORONER: But I don't know. I'm not sure than any further opinion from this witness is going to be of great assistance to the court.

MR BOE: Perhaps that's right. And your Honour is best placed to - I will leave that.

THE CORONER: I'm not making an assessment, I'm just reflecting. I'm just not sure that it would be of real assistance.

MR BOE: I guess, your Honour, my concern is this; the conduct of Constable Rolfe will be examined as it was at the criminal trial during his examination. I didn't want it to be said and I didn't give the officer in charge an opportunity to comment upon that. So I put the proposition as broadly as I can do it, but I won't persevere given the time constraints.

THE CORONER: Okay.

MR BOE: Can I just ask you one question, an SOP is designed to provide the framework for the operation of a particular subject matter (inaudible). Is that fair?--- Yes, it is.

And the SOP for the IRT was designed for that purpose. Correct?---Yes.

Why was it not circulated to any of the applicants and members?---What applicants or members?

Of the IRT?---It was spoken about in our induction courses, We have theory - - -

I've seen your answers to that. I'm just going quickly.

THE CORONER: The question was, why was it not circulated?---As in - - -

Why didn't you hand out the SOP to the people who were members of the IRT?--- Sorry, is that question for me?

Yes?---Sorry, your Honour. We didn't do that. It was one of the discussion points and we brought it up in our - when we do our induction courses. That's sort of covered on what our roles are and things like that. I - so why it wasn't, I have to stand here and (inaudible).

Do you accept that it should have been?---It should have been probably given to a lot of people, I'd say.

And that's a failing on your part as the OIC in not circulating that document?---Well, it's I'd say the person who actually signed it off and is in charge of distributing it amongst the executives should probably not rely on me to do that.

Come on, sergeant. You're the OIC. Not only are you recruiting people, you're in charge of training. I suggest to you, it's a failing on your part that you did not circulate the SOP to IRT members?---IRT members or to the police force?

Both?---I spoke about it in the - in our training. I agree that IRT SOPs should have been distributed to the police force. Everybody should have seen them, but I don't think it actually was.

Thank you, sergeant, for your time.

Thank you, your Honour.

THE CORONER: Thank you, Mr Boe. I think we've got a little bit more time. Do we want to take a short five minute break and then we'll continue until 4:30 or whatever our cut off time is?

MR OFFICER: Your Honour, can I just a one-minute observation.

THE CORONER: Sure.

MR OFFICER: (inaudible) I didn't want to interrupt him earlier. He made a statement of his opinion, but he put it as a matter of fact. He asserted to Sergeant Bauwens that dishonesty and assault are much worse than domestic violence. I didn't take him up at the time, but I just wanted - - -

THE CORONER: No, he didn't assert that. He said that - he was referring to domestic violence orders which can be made without any finding in relation to facts.

MR OFFICER: As long as I make it clear that it's not accepted - - -

THE CORONER: Sure.

MR OFFICER: - - - that any of those things are worse than domestic violence.

THE CORONER: But I think the distinction that he was making was in relation to an issue - - -

MR OFFICER: An annotation.

THE CORONER: - - - the issuing of a domestic violence order which can occur without any establishment of facts for the basis of the order. But we'll have just a short three to five minute break and then we'll continue.

ADJOURNED

RESUMED

THE CORONER: Ms Morreau, we're ready for you.

MS MORREAU: Thank you, your Honour.

SERGEANT BAUWENS:

XN BY MS MORREAU:

MS MORREAU: Sergeant Bauwens and to the court, my name is Morreau. I appear for the Brown family in the proceedings.

Sergeant, my first question to you, you mentioned this morning that you yourself came from a military background, albeit not as much as Mr Rolfe. Can I ask that that was?---Yeah, sure. That was in Tasmania. I served six weeks Kapooka and went to transport. I drove trucks for about a year or so. That was the limit of it. Sorry, also involved in NORFORCE.

Over what years was that?---Sorry?

Over what years was that?---The military was in 98, 99 to 2000 – 98 to 2000, I believe . NORFORCE was when I was in Alice Springs about 2003 to five, I believe.

What rank or role did you have?---As mentioned in Tassie, in the army officer's transport. So I was Army Reserve, I'm sorry. I didn't say that before. I was reservist. In NORFORCE – I'm not too sure if you're aware, it's basically just a reserve section as well.

About how long after you returned to Alice Springs, following your time with the TRG in Darwin did you start your attempts to enhance the capacity of the Cordon and Containment Team?---They'd be pretty much

THE CORONER: Someone's phone?

MS MORREAU: I don't think that's on my end. Hopefully that's the end of that.

Did you want me to repeat the question?---No. I remember. It was pretty much straight away.

The point, from your perspective, was to increase the skills including the tactical skills that could be used by this particular group to address some of the more dangerous aspects of detection and the rest of person or to save lives?---Yeah. That's correct. It was already functioning or that was – it's designed parameters before I started. While I was in TRG we tried to – I tried to increase the training, I think, 2012 and 13, and by the time I got to Alice Springs, it was pretty much non-existent. Training was nothing. So, yea. I basically wanted to, as you said, just

to increase the capability and provide the service for southern command – you know, northern people enjoyed.

As I understand it, originally – so from about that 2014, 2015 period, the original training for the IRT was undertaken by the TRG but then over time, from about 2017 onwards, the training responsibility rested with you and three others who'd been trained by TRG; is that right?---No. That's not correct. It's a complicated thing. What basically happened – the section existed from about 13, 12, 13, 14 – before that. TRG used to conduct training; do the courses and some skills enhancement courses. From that point in time, no other training took place. They were sort of – it was ignored. So naturally, it just faded away to a non-operational section. In 2014, when I – sorry, late 14, 15, when I arrived, I utilised the training from TRG because I was a fully qualified nationally accredited instructor, and I trained the TRG members. So I took over the training role and also assistance from some other similarly trained people from interstate that we utilised to build the section up to a skill level which was more acceptable, and incorporated the one month, one day a month training. That went from 2014 to about 2015. Yeah, from 15 to 17, was a bit of a dry period because we had a management level in Alice Springs. It wasn't that conducive to training or equipment. And then from 17, we'd become ratified. Were more formalised. And from 17 to 19, the main probably years – so IRT started in 17. If that makes sense.

Thank you. All right, and you explained to the investigators in your earlier interview that you had to be assessed in your capacity to train each year by the TRG, correct?---Yeah, we – initially, myself and four members went up to Darwin on, I think about '16 – 2017, to refresh our training and get signed off for the IEA capability. Which was in existence when I first came down in 2014, but as I mentioned, between '15 and '17 it was taken away from us. So '17, it got reintroduced, so we went to Darwin to have a refresher course, skills enhancement, and be assessed as trainers, which we did. And then we came down and facilitate – just as – facilitate a training in Alice Springs.

Now, you pointed out to investigators that this last occurred, as I understand it, in April 2018. Do you remember whether you also received that reassessment in 2019?---Yes, what you're referring to is recertification. It is part of the SOPs where every year, TRG conducts an assessment of the members and – to make sure that the training has been maintained and it's up to a suitable standard. That happened in, as you mentioned, April 2018. It didn't happen in 2019.

It did not happen?---Did not happen, no.

Okay. Now, Mr Boe asked you about an answer you'd given in an earlier interview – and I have the reference for you to prompt your memory about this, but this is your first interview in 2019 at page 24, exhibit 7-6. You were asked about whether or not you had a second who could help you with the training and you mentioned that C [REDACTED] V [REDACTED] sometimes did. And then you said this, "And some of the more experienced guys, they assist and run the training as well as have some ideas." You said – and then you were asked, "Yep, within the IRT?" And you answered, "Yeah."

“Asked the experienced guys, who are they?” And you said, “Well, Zach Rolfe was one of those”?---That’s correct, yes.

Having been reminded that, can you explain what sort of training Mr Rolfe assisted with?---Zach – basically, it was – from memory, and it was only a very limited occasion – we normally, sometimes, just get the guys together and had any other ideas of what we do – offer some – their ideas. And it was basically what we call “room combat,” which is going around – clearing a house, going from room to room in a safe manner, looking at dangerous corners. And just so – just thinking of different ways. Because it’s a skill which continually develops and we’re always looking at other ways – and he had the recent army experience, so I was keen to see what they did.

I see. You’re describing a process where you were there as well, are you?---Correct.

I see. And of course – I’m – I think you mentioned there were other senior members who may have assisted in this way as well?---Yeah, earlier on. Not at that point. C [REDACTED] V [REDACTED] would have been one of those members. He was there for a short period, but the three members who had experience initially, they left – they left the region not long after.

Yes. So are you – if I understand you correctly – you were always responsible for the training and these others were just assisting you while you were present?---That’s correct. I’d organised training. Training fell on what we call a – a quick change. So it was our training day off – or my training day off, and the other members would – if their rosters allowed – they would also do it on that day. And I would – I would facilitate a training, organise things to do, things – points to cover. So yes.

And none of those other officers who assisted had the training to be a trainer – if I can put it that way – which was an internal Northern Territory Police Force process that you undertook? None of those others had the same training that you did?---One of them was, I think, we had, I think, Rudy Jamison(?) at one of them, I think the league’s firearms instructor. And we utilised him as an instructor. But the training wasn’t more – it was just more of a – just showing what different skills are. It wasn’t, sort of, like a – you know, a formulated training. Because – yep.

Okay. Your Honour, if I might enquire, is your Honour proposing to sit till 4:30?

THE CORONER: I can’t remember what our timetable is.

MS MORREAU: Or 4:15? The timetable says 4:15.

THE CORONER: No, 4:30 or a bit longer, see if we can get through your evidence.

MS MORREAU: Okay, thank you, your Honour.

Now, you described to investigators in the course of your interview that you, essentially, looked after the content and the calling of the training yourself despite the SOP indicating that both yourself and the 2IC would be involved in that, is that right?---I don't – doesn't refresh my memory if the 2IC is – was part of the training or a requirement of the training. I'm not that familiar if that was - - -

THE CORONER: You've got a hardcopy of the SOP there?---Yes, I do.

And if you turn – I haven't got it in front of me, but I know there's a page that has OIC and 2IC and a list of responsibilities.

MS MORREAU: It's at page 10.4.1?---All right, well.

And you'll see, Sergeant, that there's officer in charge responsibilities and 2IC responsibilities which includes organising training days, ensuring mandated training is up to date, etcetera?---Yeah, that was – it was never an official role. It was if I nominated someone to help me out, that would be that (inaudible). We never had time to actually train a proper 2IC. It was a - - -

I understand that evidence. So essentially, it was you?---Yes, yes.

And you mentioned in your interviews too, of course, that you would record the training on Spector(?). Can I ask whether, in your mind, you recorded all the training that occurred or whether there may be some that were not recorded on Spector and the records that have been produced to the Coroner?---Yes, I – I'd like to say I recorded everything, but I'm – probably didn't, and the reason being – as mentioned, our training fell on – we called a quick change, so it was a day shift. And then we had an eight-hour break and we had to go back to work at 11 o'clock. So after a hard day in the range and running around with full kit, probably sometimes the last thing I felt – or was able to do was sit there on the computer. So I would put it off till maybe night shift. And I'm sure on occasions, that didn't happen.

Now, the SOP that you picked up previously on page 8 has some minimum training requirements, that you'll recall yearly and six monthly. Was there a process that you ensured that, at least, those training requirements were met or not?---Yeah, for sure. The – the six month and the – that – they were internal training and qualifications. I think it was the 12 metre shoot and the five room test is the – the main ones you're probably referring to. We did that every training day. That was incorporated at the range and the first day – first part of the day was at the range. The second part of the day we incorporated going to houses, practicing siege management and seeking to – where those – where those skills were tested.

And I take it that those particular training requirements, you took extra care to ensure were recorded on Spector, given that they were minimum requirements?---That's correct. I'm pretty – from looking at it, I've said I would write five room test completed, or and I'd record the scoring on the 12 metre shoe.

I'm moving topic to an area of your evidence that you described twice earlier this morning as a little bit confusing. I don't want to add to that confusion but you used that phrase when you were speaking about the different aspects of the IRT's role and in particular the IEA part of the role being a small one. Can I ask you whether you consider that the – sorry, first I'll make this suggestion. That the tactical skills used by the IRT could clearly be linked to planned IEA situations, even though they were not, but were a reserve set of skills for the general duties support, if needed, in an emergency; correct?---The IEA skills, I think what you're getting at, it's – and I made a point of it, is the things we learnt when we taught IEA, which is in a nutshell, it's what we call clearing or going through a house quickly because we've located an offender and the save the lives of the people who are being in there. There are certain skills required to do that. Like, opening doors, by clearing the room, going to the next one. And those skills were transferrable for what we did in GD's every day. Not in the same capacity, of course, but we all go through a house and if you walk through a house, safely and look around and be in a position where you're not going to be in danger. So that's probably the only thing that they would be utilised for? It wasn't in the instance that we're rushing through houses in an emergency scenario. It was just picking up on the finer point of the skills. If that makes sense.

Do you think that IRT members knew the different, I suppose, between using these IEA skills or tactical skills in a controlled planned scenario which would be required under a high risk deployment versus the use of these skills for a general duties support deployment?---Most definitely. They're two totally different roles. If you saw a video of what an IEA looks like, it's a rapid intense specific act, quite violent. You're going in there to save someone's life. It's not something that can be used in another sort of scenario. We'd definitely get attention to ourselves if we did things like - - -

House clearing and close quarter tactical skills could well be used in a general duties support deployment; correct?---Definitely. Like is said before in a skill saturation point but only in identifying danger areas or just, for instance: door drills; or corridor drills; looking down; looking further ahead; identifying risks; when you open a door; where you follow around the door; you look behind the door. Just things which some people don't see or aren't familiar with and I think they're good transferrable skills, without the rush of running in there and doing the thing. So there's a lot to be learned from – then some of our guys did, on general duties, did pass those skills on and took charge of some situations and handled it very well. If that makes sense.

So there was no component of your instruction to your team that they ought to withhold any of those tactical skills when they're out there as general support?---My – as I said initial – my methodology or goal of this section was not to be an aggressive tactical section because I knew we would last about two months if we did that. Everything was to be approved and formulated. Rushing through houses or becoming a tactical section or being overt in that fashion is something that I – it just didn't happen. Our methodology was one of covert and overt. The tactical thing was there for that one role, which was our core function. But like I say, we had things we got trained for something but you hope never happens. But to train for it, you've got to dress like it, you've got to be equipped for it, you've got to do it all. So it's - - -

I want to ask you, you've spoke earlier about how important the sergeant role was in your experience. Equally important, you'd agree for a team like the IRT, is the OIC role?---Yes.

That's because you, as the OIC, set standards, enforce them and set the tone culture of the team?---That's correct, yes.

Can I ask whether you had any more senior officers providing oversight for your role, as the OIC and if so, in what way?---I worked extensively with senior officers through the chain of command and the callout. So I would liaise with commanders, superintendents. I've got actually – and we would formulate what IRT was to achieve and what they wanted to achieve. We'd come up with a plan, a concept and they would generally come back to me and say, right send this or sign it and it'd be a planned concept. And I have got - nearly every job that we did, I've got a written report here or a written email from the – those respective senior sergeants and superintendents, so – congratulating us on a fantastic job. So there was that level of governance and it a was very, very response.

You're describing the visibility of what you were doing and an informal process of more senior officers providing feedback but there wasn't a necessarily – a regular or structured format of providing oversight or feedback in a formal sense?---I definitely tried. Every executive officer that rotated through the southern region, I would say - and I think it's on record: a memo outlining under the head topics; history; equipment; planning; training; forward direction; what the IRT was to them; opening a line of communication with them. Just teaching them what we were because so many people just didn't know. So I did that on every occasion because I knew the importance of maintaining records and communicating or trying to – open a line of communication. So - - -

Did you ever get any response other than the general congratulations that you've described?---On the jobs, yeah the congratulations on the memos. Regarding training and things like that, no.

In terms of strategic input?---Strategic input. I often requested to expand in certain areas worth of equipment and roles. I think my last two memos were quite relative when I basically suggested we have – we needed fulltime members. So yeah there was – there was a level of communication but and ideas – you know, some ideas may not have been accepted but we didn't get any feedback on them.

You're describing sort of a one-way street on that?---Generally. When I was requesting for courses, there was a bit of that feedback because they recognised they needed numbers and we'd discussed that. On some topics there was but the training really was bit of a point where it's – we didn't get much results and that's probably the nature of where we are at the moment with us and every (inaudible) people we have.

And no formal review or assessment of your role as OIC of the IRT?---No. No, there wasn't anything quite as official as that. No, there's - - -

Thank you.

THE CORONER: So your concerns about responsiveness to recommendations for training are ongoing?---Yeah, I was - I (inaudible). I made them aware what our training was and like I said, I briefly explained who we were, what we were. I'd often say, one training day is sufficient. I was probably being kind to them. I said, but it needs to be supported by this, you know, one or two days here or a specified - or a skill enhancement week here. There was also the plan that when TRG came down to Alice Springs for specific tasks, that they would stay a couple days longer and conduct training for us. But due to the nature of operational response that TRG are carrying, it was just too busy and they had to go back to doing other jobs. So yeah, it became very hard to coordinate. That's why we became - got a level of self-training for the courses is how that eventuated.

Thank you, sergeant. Now, you also said earlier this morning that a clear command structure for the IRT was vital?---Yes.

And presumably that's the case for any police action which involved more than one officer at a time?---Yeah, command control, definitely more officers involved, more command control.

And that's for effectiveness of the operation to avoid mistakes and to reduce the risk to safety either to members or other members of the public. Correct?---Yeah, definitely and recording.

Now, there's two features, I would suggest, that that comment applies to directly. One, that you've already spoken about in terms of the command structure coming from the local OIC or forward commander to the IRT when they are deployed to assist that station; and the second that I want to ask you about is the team leader role within the IRT?---Yep.

Now, presumably then, this second role, the team leader role, is quite important operationally and it's reflected in the SOP, yes?---Correct, yeah.

But as I understand your evidence that you've given in other settings that the SOP certainly didn't set out who that team leader might be, but that had to be assessed on a case by case basis once the team had been collated by you?---Yeah, that's correct. When we decided who would go to certain jobs and - like the majority of our jobs were general support to assist communities through respite or alcohol and I would put a suitably experienced member. And they've - it worked, because I had preliminary results and great reports from OICs which sort of confirmed what we were doing. But yes, it's not - it wasn't perfect, but it's what we could all do, and say look, we don't have anything to do with that situation. (inaudible).

So if you were conducting a briefing, you would nominate who the team leader would be for that particular deployment?---Yes.

And that would ordinarily be recorded in the PROMIS entry that gets entered after the job has been done?---Well, it would probably get recorded a lot before that. The - we recorded our jobs we did on the PROMIS job which all our jobs were recorded. But it would be recorded on a briefing note or a concept of (inaudible) or a plan who the OIC was.

And would it surprise you then that in reviewing those documents, Commander Proctor has assessed that only on a quarter of the IRT deployments was a team leader nominated?---Well, officially on documents that would probably be the case. But quarter of our jobs - sorry, like I said, most of our jobs were of the GD variety where we were providing respite and there wasn't the actual role of a designed team leader to do any sort of formal action plans or anything like that. But you're right, yes, they probably should have been recorded somewhere, and there may be. The person probably would - at the scene, they would have known who was in charge of the (inaudible).

I mean, you expect that, but I think your evidence was that it could either be the person who was of senior rank or a person who has the most experience in the IRT team. Correct?---Yes, that could be either way.

And so if no team leader was in fact nominated during a briefing, there's potential for confusion about who's leading by default, isn't there?---Depending on the situation. Generally, if you get a group of people together, they'll sort of decide who's calling the shots to a degree. If something was not agreed on, they would probably say something, but - so yeah, I get what you're saying.

So yes, there is that potential?---Definitely.

And would you agree then that perhaps looking forward, any SOP or instruction about the deployment of teams such as the IRT, would require that a team leader be identified to command and lead the deployment on the ground?---So any document - sorry?

That the instructions for any particular task team like IRT would include that requirement that there be a nominated team leader for any deployment on the ground?---Yeah, it - yeah. Probably better to explain that as well. The level of work we did probably dictated the level of team leader which was appointed. If it was a, and I've mentioned it numerous times, respite or helping the community out, patrols, liquor; not so much planning or very little. But arrest targets, that's when we would up the ante to higher levels of planning.

THE CORONER: But in any case, I think your evidence is, it was your approach that at whatever level you were sending people out, they'd take full kit because anything can change?---Yeah, that's - yeah that's definitely. That was always my direction and it had nothing to do with - it could be the job they were going to.

Or they could get called to another job?---One hundred percent, your Honour.

And given that anything could change from an ordinary call out to something that was more demanding, if I can use that word as a neutral kind of word, it would have been helpful to know who was in charge?---Yep. Or - yep.

MS MORREAU: Can I move then to the briefing. Now I have seen your evidence that when you were engaged and available, you would have a conversation with the person who's requesting the IRT about the task, and I think you were quite candid in saying there perhaps wasn't as much in writing or recorded about what the task was to you, or indeed the briefing that you then gave? It- -?----It's - - -

- - - written in that aspect of your discussions with the interviewers?---Yeah. It was – it was job-dependent and it was obviously because myself and whoever I was talking to had a working relationship. And if – that's what, probably, you'd call a concept of operations going, "this is how we're going to do it, we'll go here, when we get there, I'll let you know more what's going on and we'll – we can formulate a plan from there." I've got email chains proving those kind of conversations.

Sure, there might be dynamics that mean that planning has to occur on the run. But having a plan and having a few alternative plans in the event of complications or foreseeable turns of events is – you would say, I expect – quite important to the effectiveness of a team such as the IRT?---Yeah, well, that's correct. That's why we, sort of, took our full kit and, sort of, came prepared for – you know, anything.

Would you then agree that a common understanding of the plan is – between all of the members of the team – is vitally important to – again, the effectiveness but also to avoid or to reduce risks associated with the task?---Yeah. Everybody – well, depending on what you refer to the plan – plans take many forms and it could be – like I said, it could be a concept or it could be an arrest plan where it's more formal. Or it could be just a plan, "let's just get there, we'll go speak to the OIC, we'll find out what the hell's going on and we'll go from there." Or it – if you have the time, it could be all done back at the station. So – but yeah. Communication and planning is obviously a vital component to it all.

And when you have a team such as the IRT you have the capacity, don't you, to allocate roles like we've just spoken about – the team leader. But also the person who might have the less-lethal weaponry. That person should be nominated to the rest of the team on – on really any deployment, would you agree?---Yeah, we generally decide who is going to take what or carry what, so they're responsible for it. So we don't get there and ask where things are.

Yes, and is that – the nomination of that role and the holding of that kind of weaponry that is less than lethal weaponry, a – is then the person who has that capacity would be given, sort of, a forward position? How – how does that get factored into the plan about the roles to be taken by the individuals?---What's to be taken to the job? That's normally - - -

Sorry, more – more not what to take, but by identifying who has those non – or less lethal options and how they factor in in any close combat or physical interactions that have to occur?---All right. It would be, in most situations, decided by a team leader or at – it could be just a group thing. But generally, a team leader who is in control will decide what levels of equipment can be taken. So you know, if we have a chance, we normally just write it on the – on the – on a whiteboard and put equipment, vehicles and everything next to it so we all know what's going on.

And then members can either take photos or notes as they need to but, at least, are all on the same page about it?---Yeah, that's correct. I've taken photos and stuff on whiteboards so we have a record.

Now, there's no requirement in the SOP that there be a risk assessment for each job undertaken. And I – just before I ask you the question, I note that you previously said that, you know, general police officers are trained in undertaking risk assessments. But there was no – as I understand it – either requirement for it in IRT deployment for the – for the group. Is that right?---It – there's – I don't think there's any SOPs. Risk assessments are to be done generally before you call out your asset. You find out – that determines what and how you're going to respond to a job. And that risk assessment either can be done by who is requesting you or you could be – the superintendent could go, "that's fine, do me a risk assessment and come back," or he could task someone else or refer to a higher agency like TRG. Of course, risk assessments from the ground get done all the time as we do them, but if you're calling an asset out, then you need to know what the risk is before you take – turn them out.

So was it a part of your process when you briefed IRT members to go, or even when you performed the role of team leader, that you would do that as a group?---The risk assessment is generally done before that, otherwise it's – we wouldn't be there.

So as the OIC would do that rather than as a group with the team members?---The risk assessment should probably be done at the – at the requesting officer, because he decides what level of response. And then they call us and – so the risk assessments determine what your response is going to be. And then that risk assessment has come down to us and then that – it helped us determine how we can deal with that situation. If the risk assessment is high, then obviously, then TRG may be involved. Or it could be a calibration between the two sections, but – or it may require for a specific tactic. But it's generally not done by us at the scene, because we really haven't got all the information and we haven't got time to get all the information. So it's generally done at the request – when it's been requested.

When you say, "generally," always? Or mostly?---It's generally done by the – if there's time, it can be done by the – and it has been done by senior sergeants. I think I've got some – but generally, not by the sergeant at the time.

I have two more topics, Sergeant. The first is: are you aware that two days after the 9th of November – that is the 11th, on the Monday – there was a social gathering at

Mr Rolfe's residence in Alice Springs that involved some members of the IRT?---
Yeah, I have been made aware of that.

That didn't involve you?---No.

Did you have any concern about that having occurred? No?---Did I have a concern that had occurred? I really didn't know much about it as – as it was happening. I have obviously found out a bit about it after the fact. I understand - - -

What's that? What have you found out about it afterwards?---That there shouldn't have been a gathering with – from persons who are involved in a critical – or a Coronial Inquest deaths, as part of the things. But - - -

Did that concern you, or not at the time? You didn't think there was anything wrong with that?---Well, if I comment now, I'm probably commenting on – on what I know in retrospect and I'll just – so it – at that time - - -

I appreciate you didn't know then, but knowing what you know now?---Knowing what I now, (sic) I – I – you'd assume that – so assume you – that the group of people involved in a critical incident could be suffering some kind of stress, would be managed correctly by some – like some form of (inaudible). They would tell them what their responsibilities are.

THE CORONER: And have you seen any evidence of such a management tactic since this event?---Management tactics?

Or a management along the lines of what you'd suggested?---I haven't been involved in that scenario, but if there is – generally, there is – people are informed of what their responsibilities are and what they need to do or they don't need to do. I – and at that stage, the – probably had no concept of what the ramifications were in the future. I think most of them I had been speaking to – I think Zach hadn't been spoken to. Whether or not he's – I heard he offered to be spoken to. I really don't know the specifics, but if there was a – such a higher concern, then he probably should be pulled aside and said, you know, reminded of his obligations, he's been through a pretty traumatic incident, so I don't know if that answers your question.

Sergeant, final topic. You in your evidence earlier agreed that racist language and racism is unacceptable and should not be a part of policing culture. You agree with that, don't you?---Yes, I do.

And you, in fact, would have had training about protecting yourself against the forming of negative views and racist view that can occur through exposure and other negative experiences?---Yes, that's correct.

Can you tell us when you had that training and in what form?---Specific training for racism or the influence or just cultural - - -

Guarding against the effects of - in a - it's called "unconscious bias" in the police training material an it's guarding against your own possibilities of developing negative attitudes that can affect you, as a police officer?---Correct, yes, we did - - -

Do you recall when that training was that you had?---We - just (inaudible) an unconscious bias classroom it was held at the fire station, it would be a couple of years ago.

Is it a recurrent thing?---It happens that - as - no, I don't think so.

Did you take anything from that that you found useful?---It was several years ago. It was definitely, I guess, an eyeopener to see a different view and - because we often see things through our own eyes all the time an through our own experiences and just to see another side of it, I guess that was a beneficial situation.

And having been reminded of that text message that you were taken to that you'd forgotten about, has it given you cause to reflect personally?---Yes, yes. It's a - obviously it's something I haven't forgotten about so yes, it's - it's definitely - it's something that I've always tried to do personally and I've always - I've always prided myself to remain neutral and not to portray negative issues, even when they exist, to other people, especially in a supervisory role. That's something that I've always tried to do and sort of - pretty sure I've been pretty good at but yes, that's obviously the situation that I can't explain.

Can you recall occasions where you've spoken to your subordinates and those that do look up to you to address racism that you have either it didn't happen or feared has been in the background? Can you recall any occasions?---Of racism. I - we have got some conversations and - police officers about, you know, about situations and we - we always try and - I guess we're looking at situations and we're always trying to think of how we can fix situations of what's occurring around us at the moment. They're not - and we don't do it in a racial view or a great (inaudible) view, so - but if, you know, those things could happen, we - it's not acceptable but - I don't know if that answers your question or not but we - - -

Well, I am just wondering if there are particular occasions that you have had to do that or done that with those who you are a mentor for, to speak about addressing the negative attitudes that can develop and that have, at times, given the evidence that we've seen in this inquest?---I've cautioned people about obviously the evils of social media - opinions - how things could be misconstrued. It's easier to get angry and write things and, you know, I'm not - I just tell people, it's just not worth it, just, you know - just keep - just don't get too involved - just do your job. As I said before, I - - -

And what about the possibility that when you do hold negative attitudes whether you, you know, expressly express them out loud or whether they are the possibility of this occurring on a subconscious level that this can impact. It's the way that you deal with people that you are charged to protect and serve?---Yes, look I - I agree. It if was - if it was someone in a supervisory role that was continually demonstrating an overt

bias and, you know, not productive attitude, as I said (inaudible) that it's always the possibility that that can go down - I agree with that.

And that you have a role, a supervisor, to guard against that?---Yes, yes, we do.

Thank you, your Honour, they are all my questions.

THE CORONER: Thank you. Given the time and the number of people that we still to get through, is it suitable to start at 9:00 instead of 9:30 tomorrow? I am looking at you, Ms Walz, because you are the holder of the timetable?

MS WALZ: There is no reason that I am aware of, your Honour. It doesn't look like (inaudible) - - -

THE CORONER: I do have directions hearing but they are next week, aren't they?

MS WELLS: Next week, that's correct.

THE CORONER: All right then, we will start at 9:00 tomorrow. We will adjourn.

WITNESS WITHDREW

ADJOURNED