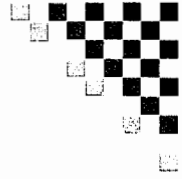




**NORTHERN TERRITORY POLICE**  
**STATUTORY DECLARATION**



PROMIS No.:	IJIS Case:	Date: 29/02/2024
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<b>STATEMENT OF:</b>					
Name of Witness:	Mark Clemmens				
Date of birth:		Place of birth:		Age:	
Occupation:	Police Officer				
Home address:					
	Phone:		Mobile:	Fax:	
	Email:				
Postal address:					
Work address:					
	Phone:		Mobile:	Fax:	
	Email:				
Subject of statement:	Officer in Charge of the Territory Response Group (current).				

<b>POLICE OFFICER TAKING STATEMENT:</b>					
Name of Police officer:	Michael BALL	Rank:	Const	Reg. No.:	2913
Station:	PMC	Phone:			

<b>SUMMARY OF EVIDENCE:</b>
OIC TRG

<b>DATES UNAVAILABLE:</b>

THE NORTHERN TERRITORY OF AUSTRALIA  
OATHS, AFFIDAVITS AND DECLARATIONS ACT

**STATUTORY DECLARATION**

I, Mark Clemmens, of an address known to police, do solemnly and sincerely declare that:

1. I currently hold the rank of Senior Sergeant within the Northern Territory Police Force. I am the Officer in Charge (OIC) of the Tactical Response Group (TRG) based in Darwin.
2. I joined the Northern Territory Police Force (NTPF) on 26 June 2006 and commenced my policing career in Alice Springs.
3. I have undertaken a range of roles across varied policing environments including as Acting Officer in Charge (A/OIC) of Yuendumu, Nyirripi, and Willowra, General Duties (GD) shift supervisor Casuarina, Sergeant (SGT) TRG, and am currently the OIC the TRG.
4. During my tenure as A/OIC of Yuendumu, Willowra and Nyirripi Police stations (2008-2010), I undertook tasks associated with small station management. I focused on fostering and building positive relationships with the youth and unemployed young adults of the community while working closely with elders and key community figures. My wife worked at the Yuendumu Women's Centre with my two youngest children at the time attending the Yuendumu School and day care. While balancing our professional responsibilities we immersed ourselves into community life and Warlpiri culture. My wife and I were graciously given skin names by my mentor and friend, Aboriginal Police Community Officer Derek Japanardi Williams (uncle to Kumanjayi Walker). Throughout my two-year tenure in Yuendumu, Japanardi provided invaluable education about Warlpiri culture and language to my wife and me. Our families remain close to this day.

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5. During September 2010, while serving as A/OIC Yuendumu, a Warlpiri man died as a result of an altercation in Alice Springs. His family suspected that other members of the Yuendumu community were involved in his death and indicated they would seek retribution by way of 'payback'. Upon their return to Yuendumu, violent unrest in the community erupted. Police attended and the involved parties were dispersed for the night. The following day a much larger family group and associates of the deceased armed themselves with nulla nullas, knives, machetes and iron bars and moved into the streets. When it became apparent that the armed group was targeting another distinct family group, I took control of the situation as the Police Forward Commander to ensure their safety. I managed, in the face of severe agitation, to commence dialogue with the protagonists. I also spoke with the families under threat and gained their trust by reassuring them that police would ensure their protection. The unrest led to multiple arrests and with 93 individuals identified as being 'at risk' safely evacuated from the community. The community expressed gratitude for our efforts and I received the Commissioners' Letter of Recognition for my exemplary conduct.
6. In 2012, I secured a position as a constable with the TRG. During my tenure as a Constable, I led and developed teams when undertaking tactical operations and training as an acting Team Leader, Sniper, Operator, Medic and Capability coordinator. As A/SGT I planned, briefed and executed sound operations during High Risk, General Support, Dignitary Protection (DigPRO) and Search and Rescue (SAR) deployments commensurate with national doctrine. I deployed to several remote communities including, Angurugu, Binjari, Borroloola, Daguragu, Gapuwiyak, Galiwinku, Maningrida, Mutijuli, Pepermamati, Titjikala, Yuendumu, Wadeye and Wurrumiyanga. Throughout my developing years as a tactical operator and then as the A/SGT of the TRG Training Cell, I contributed to the review, improvement and maintenance of internal procedures including training management plans, assessment guidelines and delivery frameworks. In January of 2019, I left the TRG

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for a 12 month period to explore other related work areas, but returned as a Sergeant in 2020.

7. In the days following the death of Kumanjayi Walker, I was deployed to Yuendumu for Operation CHARWELL. As SGT, I led a team to engage with senior elders to restore calm and community confidence. I re-established relationships with elders and key community members and took charge of subordinates by providing clear direction and guidance for approaching this sensitive response, while ensuring respective scenes were secured and managed in accordance to policy and legislation. I provided high level intelligence briefs to police executive, and developed and coordinated a plan for the safe and immediate evacuation of 'at risk' persons. My conduct and leadership was commended by senior executive when two of my critical engagements resulted in previously unwilling witnesses providing statements.
8. In April of 2021, I assumed the role of A/OIC TRG, identifying capability gaps and implementing strategies to address them. Building on the highly professional and ever-evolving work of my predecessor, Senior Sergeant James Gray-Spence (now Acting Assistant Commissioner) and other senior members of the TRG, I analysed the immediate need and embarked on a strategy to complete a number of initiatives, reviews and formulated the TRG ethos.
9. In December of 2021, I was promoted to Senior Sergeant as the substantive OIC of the TRG.
10. As OIC TRG, I uphold a culture of high performance and wellbeing, respect, equity and professionalism. I implement clear performance expectations and encourage continuous improvement under structured feedback and training assessments.
11. I am determined to drive my vision of ensuring that the TRG remains as one of the most elite, relevant and professional units in the NTPF producing exemplary leaders who display drive, resilience, flexibility and integrity, and go on to lead, mentor and positively influence our people in a range of roles across the entire NTPF.

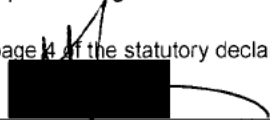
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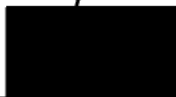
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12. I have implemented a unique career management model that supports this vision, while ensuring work / life balance, and a ready response team is available 24/7 for rapid deployment anywhere across the NT.
13. We encourage informal and formal performance management discussions, and inspire self-reflection and continual performance improvement through mandated Post Operational Reports.
14. I communicate explicit performance and behaviour expectations to my Sergeants and Constables as prescribed via the TRG intranet page and during daily muster. Having addressed workplace performance and behaviour in leadership meetings, daily muster and implementing a tiered training assessment matrix, I have provided my people with clear direction and expectations.
15. As OIC TRG, I ensure a sound governance framework and compliance protocols exist through mandated training programs and performance management. This ensures a culture of excellence and accountability through maintaining a national approach to tactical policing and the management of High Risk (HR) Situations, including terrorism, in accordance with the Australia New Zealand Police Advisory Agency (ANZPAA) guidelines and respective Australia New Zealand Counter-Terrorism Committee (ANZCTC) manuals and arrangements (2020-21). This framework also applies to our other national capabilities such as Dignitary Protection and Search and Rescue.
16. Separate to the TRG policing profession is the TRG Social Club. The TRG Social Club is responsible for organising at least three non-work related social events across the year. The TRG Social Club normally organises a Team Christmas party, a Wives' Christmas party and a Kid's Christmas party. These events are annual highlights for our team and our families and are extremely important in supporting the health and wellbeing of the TRG cohort. These events keep family members connected and are part of acknowledging the sacrifices our families make as a result of us serving and protecting our community. This social club and its intent forms the basis of the TRG

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health and wellbeing strategy and is instrumental in maintaining camaraderie and supportive relationships.

17. A tradition of the TRG Social Club Team Christmas party is to nominate and present five fun spirited awards and one prestigious award. With the exception of the prestigious award, this tradition started prior to my time in the TRG. I do not know the date these awards commenced. This annual event normally occurs at the TRG workplace (the cave) on a Friday afternoon at the Peter McCauley Centre, Berrimah. We normally have a themed dress up as nominated by the social club, which is unrelated to any of the awards. While I have attended most TRG Christmas parties over the past 11 years, I have not attended all of them due to work or other personal commitments.
18. The most recent addition in 2022 saw the introduction of the Operator's Operator award. This prestigious award, as voted by TRG peers, acknowledges the TRG member who consistently leads by example and epitomises the TRG ethos in accordance with the policing code of conduct and ethics.
19. The purpose of the other five jovial awards allows our team to de-load and mentally decompress while making light of events experienced during what is typically a high tempo and emotionally demanding year. The awards are meant to be light-hearted, and allow for trivial 'stuff ups' to be revisited and exposed in a jovial manner and in a safe yet socially secure environment.
20. On the 26 of February 2024, I understand that Mr Rolfe gave evidence in the Inquest into the death of Kumanjayi Walker where he stated that there is a Goonarda award in the TRG and that he knew it to be called the 'Coon of the year award'. There is no Goonarda award and I have never heard any of the awards being referenced as the 'Coon of the year award' until Mr Rolfe's evidence.
21. I would not tolerate such an abhorrent award or the use of such racist language. The TRG is not racist. Systemic racism does not exist in the TRG.

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22. Mr Rolfe may have been referring to the Nooguda award, now known as the Voldemort award. This is one of the five good-humoured social club awards. It was made-up name which I believe is themed around our cavemen ancestors with the recipient of that award given a wooden club with wooden spikey knobs atop. It is important to note that TRG officers were once flippantly referred to at times as knuckle-draggers by fellow police. The TRG office is also affectionately called the cave. I recall that sometimes a printed piece of paper was presented to the winner of these awards. I received a printed piece of paper for a separate award once, I think it was in 2022, but don't recall the exact award it was attributed. I recall throwing the paper in the bin as it wasn't common to keep it.
23. The Voldemort award is awarded to a person that jokingly dishonours the TRG by actions that are considered unhygienic, tardy or where members have behaved in an untamed way (caveman-like). A member will likely have done something during training or on deployment that meets these criteria. Some examples of this inconsequential behaviour include sleeping in on a job, not showering on a deployment for days when shower facilities were available, or leaving a food container with eggs in a work vehicle for days.
24. During my review of several procedures and systems from 2021 until the present, we made the decision to change the name from Nooguda to Voldemort due to what we regarded as the potential that the made-up name could be perceived or construed as derogatory or racist. However, prior to this close analysis, it simply did not occur to me it could be perceived or construed in such a way. I recall this discussion included Superintendent Shaun Gill and Senior Sergeant Macham King.
25. Upon hearing this allegation on 26 February 2024, I was disgusted. I knew almost instantly that as an agency we were unlikely to be able to refute the claim immediately due to the coronial process and as such our work unit would be branded as racist and unprofessional. All our prodigious work of serving and protecting our

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- community, including within remote communities, and our reputation as a high performing tactical unit would be tarnished and our professionalism questioned.
26. I contacted Derek Japarnadi Williams by phone to refute the allegation, expressing my disgust while assuring him that no such award exists and that no such racism exists in the TRG. For context and understanding I provided him with an explanation around the Voldemort award and the concern that this TRG social club award is being regarded as racist. I have reached out to my other Aboriginal family and friends to reassure them that this claim is false while providing context around the awards and their true purpose and meaning.
27. It was only as a result of this allegation that I became aware that the club was in fact a weapon once seized. Since finding this out, the club has been removed from the TRG. I have no intention of having it returned and will look to replace the award with a different token of appreciation.
28. Not to diminish the terrible impact such an allegation has had on my Aboriginal family and friends and the broader community, this allegation has had an incredible impact on me, my team and my immediate family. I have had to explain to each of them that the allegation is false and no such racism exists in my unit. Fortunately, each of those uncomfortable yet necessary conversations were met with surprise and disbelief about the allegations made by Mr Rolfe.
29. Upon knowing of the allegation, I addressed the TRG team in a briefing and assured them we will be in a position to refute such an allegation and followed up with an email of support to the entire unit.
30. I have never heard TRG members use the repulsive words of *coon* or *sand nigger*, and further I have never used such hideous terms.
31. We do not tolerate racism in the TRG. The TRG is a high-performing professional policing unit comprised of mature and highly motivated individuals who are committed to putting their lives on the line to serve and protect the entire Northern Territory community. Our unit has been responsible for saving lives, preventing serious harm or

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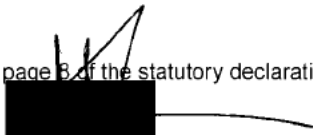
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death to fellow Territorians and have received countless awards and acknowledgements for deployments to regional and remote areas, further demonstrating the professionalism and gallantry that each of our TRG officers display when protecting all members of our community.

32. If racism is observed in my unit, the TRG, it will be dealt with swiftly and proportionately with any such behaviour or potential for such behaviour being brought to my attention immediately.

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I will be available to give evidence in \_\_\_\_\_ when required. I will be unavailable for \_\_\_\_\_ . I understand that the contents of this statement may be disclosed for defence purposes.

and I further declare that:

- (a) (i) I have attained the age of 18 years; \_\_\_\_\_
- (iii) I have not attained the age of 18 years but have attained the age of \_\_\_\_\_ ;

AND

- (b) (i) I have read this statement before signing it; \_\_\_\_\_
- (ii) I have had this statement read to me before signing it. \_\_\_\_\_

The statement was read to me because of the following reason/disability:

and I make this solemn declaration by virtue of the OATHS, AFFIDAVITS AND DECLARATIONS ACT, conscientiously believing the statements contained in this declaration to be true. I acknowledge that a person who wilfully makes a false statement in any material particular is guilty of a crime and liable to imprisonment for 3 years, (*section 119 Criminal Code*). Furthermore, a person who does anything to a Statutory Declaration that results in it becoming false or misleading, is liable to a penalty of a fine or imprisonment, or both (*section 27 Oaths, Affidavits and Declarations Act*).

Maximum penalty: 400 penalty units or imprisonment for 4 years.

DECLARED AT DARWIN THIS 29 DAY OF FEBRUARY, 2024

\_\_\_\_\_  
Mark Clemmens

BEFORE ME

\_\_\_\_\_  
Michael BALL

NAME

\_\_\_\_\_

TELEPHONE

\_\_\_\_\_

COMMISSIONER FOR OATHS (NT)