

CITATION: *Inquest into the deaths of Glen Anthony Huitson and Rodney William Ansell* [2000] NTMC 43

TITLE OF COURT: CORONER'S COURT (NT)

JURISDICTION: Coroners

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JUDGMENT OF: Mr R J Wallace SM

CATCHWORDS:

REPRESENTATION:

Counsel:

Assisting:	Ms Elizabeth Morris
NT Police Service:	Mr T.I. Pauling QC
NT Police Association:	Mr David Farquhar
Family of Mr Ansell:	Mr Patrick Loftus

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IN THE CORONER (NT)
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

Nos. 9917767
9917768

In the matter of an Inquest into the deaths of:

GLEN ANTHONY HUITSON
and:
RODNEY WILLIAM ANSELL

FINDINGS

(Delivered 15 September 2000)

Mr R J Wallace SM:

1. On 3rd August 1999, at about 10:45 am, there was a shooting incident on the Stuart Highway at the corner of Old Bynoe Road in the Darwin rural district. In the course of the incident, two persons were shot dead. One, Glen Anthony Huitson, was a Sergeant of police on duty at the time he was killed. His death is a “reportable death” as that term is defined, in S12 of the Coroners Act, (the Act) being a death –

“that appears to have been unexpected, unnatural or violent...”
2. Section 14(1) of the Act endows a coroner with jurisdiction to investigate a “reportable death”.
3. The other man killed was Rodney William Ansell. At the time he was shot, Mr Ansell was a person in the process of being taken into police custody, which is to say that he was “a person held in custody” as that term is defined in S12 of the Act.
4. Section 15 of the Act requires that a coroner investigate a death where:

“... the death was caused or contributed to by injuries sustained while the deceased was held in custody” (S15(1)(b))

5. The holding of an inquest into the death of Mr Ansell is therefore mandatory; into that of Sgt Huitson, discretionary.
6. Section 34 and 35 of the Act set out the coroner’s duties and powers and limitations with respect to findings.
7. Section 34:
 - (1) “A coroner investigating –
 - (a) a death shall, if possible, find –
 - (i) the identity of the deceased person;
 - (ii) the time and place of death;
 - (iii) the cause of death;
 - (iv) the particulars needed to register the death under the Registration of Births Death and Marriages Act; and
 - (v) any relevant circumstances concerning the death; or
 - (b) a disaster shall, if possible, find –
 - (i) the cause and origin of the disaster; and
 - (ii) the circumstances in which the disaster occurred.
 - (2) A coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated.
 - (3) A coroner shall not, in an investigation, include in a finding or comment a statement that a person is or may be guilty of an offence.”

8. Section 35:
 - (1) “A coroner may report to the Attorney-General on a death or disaster investigated by the coroner.
 - (2) A coroner may make recommendations to the Attorney-General on a matter, including public health or safety or the administration of justice connected with a death or disaster investigated by the coroner.
 - (3) A coroner shall report to the Commissioner of Police and the Director of Public Prosecutions appointed under the Director of Public Prosecutions Act if the coroner believes that a crime may have been committed in connection with a death or disaster investigated by the coroner.”
9. In the nature of the case, it is difficult to recount the events surrounding these deaths without, by implication at least, trespassing on ground prohibited by s 34(3).

THE INQUEST

10. The police conducted an exhaustive investigation of the deaths. **Detective Sergeant Sodoli** was the officer in charge of the investigation. Witnesses were located who could relate the movements and actions of both Sgt Huitson and Mr Ansell during the relevant period of 2 to 3 August 1999. Indeed, in respect of virtually every significant event during that period, there was available to me at least two independent accounts; in many cases more than two. There being no reason to doubt the truthfulness and, in general, accuracy of these witnesses, and the composite account being so full and so fully corroborated, I saw no general need to call the witnesses to these events, to give viva voce evidence. The witnesses’ written recorded and transcribed statements were sufficient material for me to fully grasp the sequence of events.
11. The major, indeed the only exception to the general observation was the witness **Cherie Ann Hewson**, (“Hewson”) who had been Ansell’s de facto wife. Much of what she had to say in her tape-recorded statements - which

went to the question of Mr Ansell's motive for acting as he did – was not corroborated at all, or only slightly. Additionally, Hewson was evidently operating under a disability at the time she made her statements – their contents are frankly mad in places. For these two reasons, I thought it necessary to have her called to give viva voce evidence. By the time the inquest was heard, on 24th of February 2000, Hewson was no longer under that disability, and her evidence, brief though it was, suffices as a key to sorting truth from delusion in her earlier statements.

12. The only other witness called was **Det Sgt Sodoli**, in order to assist in the understanding of some photographs etc.
13. Counsel assisting at the Inquiry was **Ms Elizabeth Morris, Deputy Coroner**. The Solicitor General, **Mr T I Pauling QC** appeared for the NT Police Service, and for Constable James O'Brien. **Mr David Farquhar** appeared for the Northern Territory Police Association, **Mr Patrick Loftus** for the family of Mr Ansell. None of these parties sought to call, or to have called, any other witnesses. I have received written submissions from Ms Morris, and on behalf of the Police Service and Const. O'Brien, and on behalf of the Police Association.

Formal Findings

As required by the Act, the findings I make in relation to both deceased are as follows:

For Sergeant Huitson

- a) The identity of the deceased person

The deceased was Glen Anthony Huitson. He was born on the 20th of November 1961 at Bridgetown, Western Australia. He normally resided at the Adelaide River Police Station residence.

- b) The time and place death

The deceased died at about 1130hrs on Tuesday the 3rd of August 1999 at the Accident and Emergency Department of the Royal Darwin Hospital.

c) The cause of death

The cause of death was a gunshot wound of the chest and abdomen.

d) The particulars needed to register the death under the *Births, Deaths and Marriages Registration Act*:

- i) The deceased was a male.
- ii) The deceased had resided all his life in Australia
- iii) The deceased was of Australian Caucasian origin.
- iv) The deceased was employed as a Police Officer.
- v) The deceased was not retired.
- vi) The deceased was not a pensioner.
- vii) The deceased was married.
- viii) The deceased had children.
- ix) The father of the deceased is John Arthur Huitson.
- x) The mother of the deceased is Carol Frances Huitson.

In relation to the second deceased, Rodney Ansell.

a) The identity of the deceased person

The deceased was Rodney William Ansell. He was born on the 1st of October 1954 at Murgon in Queensland, Australia. He usually resided at Urapunga Station, Northern Territory

b) The time and place death

The deceased died at about 1050hrs on Tuesday the 3rd of August 1999 at the corner of the Stuart Highway and Old Bynoe Road, in the Darwin rural area.

c) The cause of death

The cause of death was multiple gunshot wounds.

d) The particulars needed to register the death under the *Births, Deaths and Marriages Registration Act*:

- i. The deceased was a male.
- ii. The deceased had resided all his life in Australia
- iii. The deceased was of Australian Caucasian origin.
- iv. The deceased was unemployed.
- v. The deceased was not retired.
- vi. The deceased was not a pensioner.
- vii. The deceased was not married.
- viii. The deceased had children.
- ix. The father of the deceased is George William Ansell.
- x. The mother of the deceased is Eva May Ansell.

Rodney William Ansell

14. Mr Ansell was born on 1 October 1954 at Murgon in the State of Queensland. (Birth Certificate, Folio 2 in Ex 1). He had lived in the Northern Territory for a long time.

15. The material in the Brief of Evidence does not indicate anything by way of an attempt at a biographical background of the man. However, among the statements taken were several from people who knew Ansell well, for a long time, and from their statements may be gleaned a few facts.
16. **Wayne Lennox Miles** (“Miles”) formally identified the body of Mr Ansell. (Affidavit of Identification of 2/3/99, on file). Miles had known Ansell for about 20 years. Miles is a photo journalist. His statement (Folio 18 in Ex 2), which was taken on tape, reads as a considered, thoughtful assessment of his dead friend.
17. **Geoffrey Ivor Stewart** (“Stewart”) had his house visited by Ansell and Hewson on the evening of 2 August 1999. (Stewart was not at home.) Stewart had known Ansell for 9 or 10 years. He is a medical practitioner. His statement (Folio 3 in Ex 1) also taken on tape, likewise reads as a considered and thoughtful assessment.
18. **Steven George Robinson** (“Robinson”) who was caretaking a block on the eastern side of the Stuart Highway, near the intersection (on the western side) with Kentish Road, had known Ansell for 5 or 6 years. Ansell and Hewson visited Robinson early on the night of 2 August. Later that night Ansell fired shots at Robinson’s residence (a caravan). Robinson’s statement (part of Folio 4 in Ex 1) also taken on tape, on 4 August, reads, naturally enough in the circumstances, as a less considered and more emotional assessment of Ansell.
19. **Lee-Anne Gail Musgrave** (“Ms Musgrave”), Robinson’s partner, whose statement (another part of Folio 4 in Ex 1) reads similarly, does not clearly state how long she had known Ansell, but perhaps her reference on page 12 to *“the last four years that I’ve known him”* indicates the whole span.

20. Hewson had been in a de facto relationship with Ansell since June 1996, according to her oral evidence (transcript p11) which accords with the “three years” in her taped statement of 7/8/99 (p5 of Folio 23 in Ex 3).
21. The Death Registration Statement made pursuant to the Births Deaths and Marriages Registration Act – a copy is on the Coronial file - records that Ansell was married in 1976 or 1977, and that there were two children of the marriage, Callum, born 4 October 1979 and Shawn, (there so spelt) born 11 December 1981.
22. The statements listed above, from people who knew him well, for a long time, refer in passing to aspects of Ansell’s life. He was for some time a buffalo shooter. He, for a time, seems to have owned (or perhaps managed) a property, referred to here and there as “Melaleuca”. He had had some problems with the police – witnesses speak of “raids”, apparently drug related, on Melaleuca during his time there. He had a grievance about the BTEC program (as do many pastoralists of that time). It seems that he “lost” the property, perhaps in some way connected with the brucellosis and tuberculosis eradication campaign.
23. From one thing and another, he (Ansell) had what a reasonable man – Stewart – thought to be a not unrealistic belief that people – government, police – had been against him. See Stewart’s statement at p 17, supported by that of Hewson (not reasonable at the time) at p 48-49. This sense of grievance might offer some clue to the germ of his motive for opening fire on 3 August 1999.
24. On the other hand, both Hewson (whose statement is to be accepted only in parts, and then with caution) and Stewart both record that Ansell’s latest relations with police had been much more satisfactory. Ansell apparently approved of and got along with Sgt Richard Cheal, of the Ngukurr Police Station – see Stewart’s statement p 12 and p 18 (the names being transcribed as “Richard Cheerly of Nooka”); and Hewson’s at p 49.

25. For about 18 months before his death, Ansell had been living on Urapunga Station, Aboriginal land just south of Arnhem Land. According to Hewson in her evidence, she and he resided for about a year in a house at Urapunga proper; then for the last 6 months at a bush camp.

“We were living underneath a trucking tarp on the edge of a billabong there and building trap-yards. It was 4 wheel drive access only.” (transcript p 12).

26. Stewart, and I think, Miles were acquainted with the place. Stewart (statement p 4) described where it was:

“...its at a place called Lake Allen which is just off the Wilton

... you take a track that is on the western side of the Wilton, at the Wilton crossing on the road between Urapunga and heading to Ngukurr.

...and it's about, somewhere between 20 and 30 kms upstream.”

27. It seems that Hewson and Ansell were the only two permanent residents of their camp. They were, however, by no means cut off from the rest of humanity. Ansell's sons lived there from time to time. Stewart certainly visited, and Miles probably did.

28. Ansell had a lot to do with the Aboriginal people who live at Urapunga, even, it seems, assisting with efforts to help some children in trouble Stewart at p 18:

“... he'd been getting on well with Richard [Cheal], and had a sort of, somewhat of a social relationship on the basis of you know dealing with some young Aboriginal kids down there, and sort of how to deal with them and stuff; and had some conversations around that...”

29. Another theme in the statements of those who knew him well was Ansell's use of illegal drugs. Miles at p 2:

“Well, it's common knowledge within the police force that he was, that he's a heavy user of marijuana. I mean the police have raided

Melaleuca on a couple of occasions, his old station. It's common knowledge. From my recollection, not my recollection but my knowledge he's been a speed user for the last couple of years, quite heavily, and my assessment of him would be that he was definitely suffering from some form of paranoid schizophrenia."

And on p 6:

"... you know it was common knowledge he was permanently stoned on drugs, on marijuana, but as for the, the speed, you know, he never ever personally told me, but you know I knew it through the grapevine and what have you."

30. On pages 4 and 9, and also perhaps during a break in the recording noted on page 2, Miles describes himself as having a certain expertise in matters of the problems of drug abuse, arising from his dealings with people so troubled.

31. Stewart said at p 2:

"... I know he had a speed addiction, and he was, that had been something I was aware of over at least the last probably four years and it was something that was, he sort of talked to me about, either you know sort of intermittently and but also I was aware that you know, I never got the whole story....he had the potential to intermittently become psychotic and I'd seen him at least one or two prior occasions where, yeah, professionally I would have said that he was yeah, at least transiently psychotic..."

P 2-3:

"...Within the last couple of months and that time that I spent with him recently, I sort of had some concerns well firstly you know that he was using a lot of speed, and that I'd seen a gradual deterioration in his personality."

P 5:

"... that was a concern that was shared by a couple of other people...before we'd actually heard about this incident we were actually sort of had talked about getting together and to talk about our concerns about Rod and you know what we might be able to do, etcetera."

32. Hewson in her evidence said (transcript p 13):

“Before I had met him, he had mentioned that he had been using amphetamines... I would say at least 15 years... (his use) was fairly sporadic. It wasn't consistent at all... In the last year of our relationship it actually increased and it seemed to be in line with whatever paranoia he was experiencing, he then seemed to use more...On an average, about once every three weeks...about a gram and a half each time...injected.”

“The first two years(of their relationship) he was quite stable and he was a genius...he was quite a brilliant person and over about the last six to eight months of the relationship he became unpredictable...I can give three instances when he was irrational...it was quite a marked change especially in the last four months.”

33. Robinson was asked about Ansell's drug use on p 68 of his (taped) statement. I do not believe Robinson's answers are frank. Ms Musgrave on p 12, speaking of the night of 2-3 August 1999:

“I wanted to know when they had their last lot of drugs, cause I believe they were on drugs. I said to her [Hewson] what you're gonna have some drugs? She said, 'I wish.' I said 'When do you have your last lot?' She said 'We run out at three o'clock this morning.'

I've known them to take quite a few different types of prescription tablets maybe like Rohys some stuff like that, they're always into you know like Aspros and Panadol and stuff, keep them out of sight. I've known em to have speed, I've known to have cannabis, apart from that, couldn't tell you.”

34. Various statements concur in, none dissents from, the proposition that Ansell hardly ever drank alcohol.
35. Hewson herself was factor in Ansell's life contributing markedly to his state of mind by August 1999. Ms Musgrave's was not the only statement to allude to Hewson's drug taking. Hewson herself mentions it in passing during her statements to police, for example, on p 42 of the transcript of the first tape, part of Folio 23 in Ex 3:

“If we had amphetamines, then we would stay up for maybe three days and then sleep.”

And on p 52:

“I can’t make sense of it any more, all of a sudden it feels like I have been manipulated and that amphetamines were part of the manipulation and I don’t know what to think.”

36. Hewson was born on 20 May 1971 and seems to have been brought up in Victoria. She obtained the degree of Bachelor of Applied Science and Physical Education at what she in her statement called “Victoria University in Footscray Melbourne”. She came to meet Ansell:

“I was tour guiding up in the Northern Territory and he put up an advertisement at the Shady Camp Fishing Boat Hire place, asking for someone to help him break horses. And I met him that day and went out to his camp...and...we stayed together.” (Ex 3 Folio 23 tape 1 p 5)

37. Apart from Ansell’s friends, such as Miles and Stewart, it seems that Hewson knew few people in the Territory. Stewart (Ex 1 Folio 3 p 10) speaks of “her brothers up here”, as being virtually the only people she knew outside Ansell and his circle. Miles said in his statement (Ex 3 Folio 18 p 10)

“Rod [Ansell] had mentioned previous that she had, that he thought she might have been suffering from some sort of depression.”

38. Stewart (p 8) said

“Well I was aware that she was, she’s been sort of fairly unstable over the last couple of months and had been trying to resolve some issues...in her life...she rather told me that when I was down at Urapunga [in July 1999] she’d been intermittently suicidal over the last, you know, couple of months...”

39. (It is perhaps worth noting that at the time Miles and Stewart made these statements, 4 August and 5 August 1999, Hewson was missing, her whereabouts unknown, feared (by Stewart at least) perhaps a suicide. That

aspect of the situation may have coloured in some way their comments about her.)

40. Neither Robinson nor Ms Musgrave has anything to say about Hewson's mental state before the night of 2-3 August 1999. Robinson, amidst his description of Ansell's paranoid talk that night, describes Hewson as going along with it (in Ex 1, Folio 4 at p 47):

“With Rod and Cherie's relationship, it was sort of like, you know, Rod's the voice and everything and fucking you know, she's there.”

“So, she sort of supports him or goes along with him, if he's, if he's got something ...”

“She was scared too mate, yeah, fucking oath. Yep, fearing”

41. Miles (p 8) said of the couple:

“Well, I know it was a very close relationship They both were always over each other, you know what I mean, they seemed to be very much in love...”

42. Stewart (p 9) said:

“...they were very much in a very, you know, sort of intimate relationship they had together...”

“... he was her main sort of support”

43. The statements from these people, who knew Hewson as well as anybody, it seems, do not really prepare one for what Hewson said in her statement, made on 7 August 1999, in Brisbane (whither she had fled) to Detective Senior Constable Stan Fensom of the NT Police.

44. The statement begins sanely enough. On p 8 Hewson mentions “the Freemasons” for the first time. Thereafter, some of the thinking evident from the statement is distinctly mad. On p 25, Det Fensom returns to the topic [I omit the persons' names mentioned by Hewson]:

FENSOM: Now you've mentioned the Freemasons, several times.

HEWSON: Yep.

FENSOM: Can you explain to me how they fit in the picture?

HEWSON: I come from a family of Freemasons from Warrigal Victoria. And, they had understood through my drop in contact with them, that I was going – going to turn tail and try and get it known, who they were and what they do, and so they were looking for me to try and get me and kill me and stop me from speaking out.

45. And on p 26:

FENSOM: Okay. Now this family of Freemason, what was that a club or something was it?

HEWSON: Freemason's are known in England, they're known in Australia, there are Freemason holes everywhere.

FENSOM: Hmm. So how did you become involved with the Freemason's?

HEWSON: My whole family. You're born into it. My Grandfather, yeah, Aunties, Uncles, my Parents.

And:

FENSOM: Alright. And what happened, you said you were trying to get away from them, why were you trying to get away from them?

HEWSON: Because I didn't want to be Freemason anymore, and be involved in sacrificing people, and killing people. Especially children.

FENSOM: Have you ever sacrificed or killed children?

HEWSON: Yes.

FENSOM: And when was that?

HEWSON: Between the ages of 17 throughout my entire life, I've always, watched them and been involved with the, they

put you into an initiation ceremony at about eight years of age. My Grandfather ...

And on p 27:

FENSOM: Hmm, and what did he do?

HEWSON: They take you to a Freemason's hall, and they make you watch a sacrifice and drink blood, and on penalty of death swear an oath.

FENSOM: A sacrifice of who?

HEWSON: A young girl.

FENSOM: So when was this?

HEWSON: When I was eight years old.

FENSOM: And where did this sacrifice take place?

HEWSON: In the Freemason's Hall in Warrigal.

FENSOM: And how did they sacrifice a young girl?

HEWSON: They slit her neck. She's bound down to like an alter, and she's raped, and then they slit her neck, and they put it into a cup and other children are given it to drink.

FENSOM: And you drank?

HEWSON: Yep.

FENSOM: And that was when you were eight was it?

HEWSON: Yeah.

FENSOM: Okay. How many times did this happen?

HEWSON: We only had one initiation ceremony, but when my grandfather died, I can remember two girls being taken out into the woods, and sacrificed, they stake them out, like a square out crucifix position, they torture them, and have a picnic out in the woods.

FENSOM: Who did this?

HEWSON: And they kill them. Freemasons. I've got a whole list of names, [A...C.]”

And on p 29-30:

HEWSON: “When I was 15 I tried to tell a girlfriend, and I was worried that my father was going to kill me, because he would go into schizophrenic rages, and I had said to him, that I thought it was, that things were not good in our house, and he – he had gotten really violent with me, and I had gone to a friend [JW] and said that I was afraid of being killed, and that this was what was happening in our house, that children were being sacrificed.”

We were both punished for that, she went and told her mother, and her mother came to my mother, and I was staked out in the woods as punishment.

FENSOM: Who staked you out in the woods?

HEWSON: The Freemasons. [C. and A.B.]

FENSOM: And where do they live?

HEWSON: They live in Warrigal. They all, we all live in – in the one town.

FENSOM: How did they stake you out in the woods?

HEWSON: My parents had me at the house, they put a black hood over my head, and tied my hands behind my back. An I was walked out to the car and put in, and they took us out to a bush block where there may still be stuff buried out there. They have a pretty efficient system of cleaning things up.

FENSOM: How, how old were you when this happened?

HEWSON: 15.”

46. Hewson had discussed these deluded beliefs with Ansell at, it seems, some length; (from p 29):

HEWSON: “Yeah, that’s No, that’s it, that’s just information that Rod and I have been putting together working through

flash-backs and stuff, and my memories and the memory recall, because you suffer so much trauma it comes in bits 'n pieces, and it's a matter of putting it together and it's not like you – you just remember it all at once....”

And (from p 30-31):

FENSOM: And you still remember it all?

HEWSON: Just recently, I started to remember more of it. Like I had yeah.

FENSOM: So how did Rod become involved in the Freemason's?

HEWSON: When I met Rod, I was having troubles with relationships, and with nightmares, and with not being able to control my personality and psychotic rages, and he kept asking me questions about, well every time I say this about your father it sets you off and then we spend the next week, with you screaming and yelling, and its not rational, the things that you've been angry and you know, aging and stuff about it. And what do you think the cause of it is, and just working with me that way, and yeah, and just being able to listen and hear what, underneath what I was saying.

FENSOM: And that was of help to you was it?

HEWSON: Sorry?

FENSOM: And that was of help to you?

HEWSON: Yeah. Yep. And I know it sounds like, manipulation or mind manipulation or whatever but, the memories are mine. And the nightmares that come, well nobody can give you nightmares of the quality and the clarity of what I had, with like, yeah. With being out in the woods.”

47. This wretched drivel was, as best it can be uncovered, the root cause of Ansell's shooting spree on 2-3 August 1999, wherein he maimed three blameless civilians and shot dead a respected police officer.
48. Dr Robert Parker, psychiatrist was asked to comment upon Ansell's mental state prior to his death, and as to the possible contribution of amphetamine

abuse to that state. Dr Parker had reference to the statements of Hewson, Stewart, Robinson and Ms Musgrave, but not, apparently, that of Miles, nor Hewson's evidence at the inquest. Dr Parker's report, together with copies from texts referred to herein, comprise Folio 27 in Ex 3. I shall quote from it at length:

"3. Features of Mental Illness in Ansell and Hewson

Dr Stewart (Stewart p 3) describes knowing Ansell for nine or ten years prior to the circumstances that led to the fatal incident described above. He says that he was aware that Ansell was abusing amphetamines over the last four years of their friendship. Over this period, he describes Ansell having periods of intermittent psychosis in relation to his amphetamine abuse. Dr Stewart also noted that Ansell had a paranoid and somewhat impulsive personality but that, over a few years prior to his death, his personality and general functioning had deteriorated (Stewart p 4). This deterioration had been particularly noticeable six months prior to his death. This deterioration was associated with increased paranoia and elaboration of conspiracy theories.

Hewson also appears to have had a longstanding mental illness of over a year's duration. She appeared to have developed a complex, bizarre, delusional system involving her significant abuse by the Freemasons (including child sacrifice) during her childhood (Hewson I, p 25). The illness appeared to feature flashbacks and memories of this abuse (Hewson I, p 25, 29). She became increasingly preoccupied that the Freemasons were pursuing herself and Ansell at Urapunga. This is exemplified by her account of her and Ansell's contact with a night hunting party near their camp (Hewson I, p 54) where they believed these hunters were associated with the Freemasons.

Ansell appears to have been increasingly drawn into these persecutory ideas. Or, it may have been a shared delusional system. Hewson mentions Ansell helping her to work through the flashbacks (Hewson I, p 29). They jointly shared the delusions about the Freemasons prior to their departure from Urapunga. Later, during their time in Darwin, Hewson mentions that Ansell was convincing her that she was a serial killer (Hewson II, p 6).

On a background of these delusional beliefs, amplified by an unfortunate set of circumstances where Ansell was unable to ascertain the location or safety of his two sons (Hewson I, p 55),

Ansell appears to have become increasingly preoccupied and anxious that his sons had been kidnapped by the Freemasons. The persecutory ideation evidenced during Ansell's interaction with the night hunting party became more intense. This was evidenced by Hewson's account of their entry into Dr Stewart's residence where relatively innocuous objects and events took on a special persecutory significance (Hewson I , p 14).

Hewson also describes Ansell becoming more agitated, erratic and violent to her in the context of this increasing preoccupation about the Freemasons and the safety of his sons (Hewson II, p 5).

At the time of his further interaction with Robinson at Acacia, he appears to have almost been in a state of near panic from his persecutory ideas (Robinson p 5). Musgrave (p 6) notes in her statement that at this time, Ansell said that he had not slept for a considerable time, having five hours sleep in six days. She also notes that he was hypervigilant and scanning continuously (Musgrave, p 3). Ansell and Hewson left Musgrave's residence shortly after this, after imploring his friends to leave their house because of their concerns about the Freemason's. Apparently, soon after, Ansell fired shots toward the house, initiating the tragic chain of events that led to Sergeant Huitson and Ansell's deaths and serious injury to three other people.

4. The Role of Amphetamines in Ansell and Hewson's behaviour.

There is no doubt that Ansell was affected by amphetamine intoxication prior to his fatal interaction with Sergeant Huitson. Gas chromatography examination of samples of Ansell's blood have demonstrated amphetamine 0.06mg/L (NR 0.05-2.0) and methylamphetamine 0.24mg/L (NR 0.01-0.05). Jaffe notes that a blood level of amphetamine is a reliable indication of current usage. Ansell's behaviour prior to the initial shots being fired is consistent with amphetamine intoxication with restlessness, hypervigilance, anxiety, anger and impaired judgement (DSM IV). He was also affected by a paranoid psychotic state which is typical of chronic amphetamine use (Jaffe)

What is more controversial, however, is the apparent shared delusional state between Hewson and Ansell that had existed for approximately a year prior to August 1999.

Certain features of this were typical of chronic amphetamine abuse. Ansell and Hewson s injection of approximately 1.5 grams of amphetamine each on a regular basis appears to be a substantial

usage of the substance. Jaffe notes that "several grams" of the substance in one injection is a significant dose. Jaffe also notes that most people with amphetamine dependence need progressively higher doses of the substance to achieve the same effect. However, chronic abuse of amphetamine produces a form of sensitisation where the response to new doses of the substance is actually enhanced. Jaffe says that amphetamine induced psychosis is usually only seen when high doses are used for prolonged periods. However, more short term use may lead to psychosis in susceptible individuals such as those with a pre-existing mental illness. Chronic psychotic states of several years resulting from amphetamine abuse have also been reported. Jaffe also reports that chronic amphetamine abuse may lead to brain damage. This may be a mechanism contributing to this chronic psychosis described.

However, in this case there are certain atypical features to suggest that either Hewson or Ansell may have been suffering from a major mental illness and that the two of them developed a shared delusional state or *folie a deux*. Dr Stewart's evidence suggests that Ansell had a significant deterioration in his mental state for several months prior to August 1999. Hewson's bizarre delusions which were apparently precipitated by "flashbacks and memories" do not appear to be typical of amphetamine psychosis. It is possible, therefore, that one or both parties had an underlying vulnerability to mental illness which was enhanced and sustained by their regular use of amphetamines. Ansell and Hewson further shared the risk factors for *folie a deux* which is typically found in two people living in unusually close proximity and isolated from other people or their culture (Kendall).

Therefore, amphetamine abuse by Ansell and Hewson appears to have had a significant contribution to the deaths which are the subject of this coronial inquiry. However, the rare and complex mental illness which appeared to affect both parties may also have been a contributing factor in the above circumstances."

49. I can see nothing in Miles' statement that is in the least inconsistent with Dr Parker's opinion. On the contrary, there is material there which is entirely consistent, both as to the question of Ansell's underlying mental instability, and as to his use of drugs. For example, Miles' statement (Ex 2 Folio 18, p 5):

"... its quite often to, hard to tell the way he was actually thinking, but he sort of you know hinted to me that you know to me you know

that he was having to be careful and that people were out to get him and all that sort of stuff, and I tried to sort of pass it off again as always and say to him you know look, you know Rod, you got to go, get your head together and that's why I suggested to him that I'd come round to Urapunga for a while, just to give him a bit of a hand to get back on track.

He went off the rails one other time, he, back at Melaleuca Station and his ex-wife asked me to go down there and sort him out if I could, which I did and so I thought it was much of the same sort of thing, so I didn't really push it too much on the things that he was talking about.

He certainly wasn't talking about going out and blowing people away, or stuff like that, cause if he'd said something like that, I'd have been, you know straight away, I'd have been very concerned.”

50. If Hewson's statement is to be believed, some time before 3 August – a matter of days - there appeared in the vicinity of Ansell's camp at Urapunga three hunters. The men were bow hunters, they were wearing camouflage gear, they were reported to have night vision goggles with them, and seem to have been treated with some reserve by some of the Aboriginal residents of Urapunga. In the abnormal minds of Hewson and Ansell, preoccupied with concerns that Freemasons would be searching for Hewson to the four corners of the earth, the unexplained arrival and bizarre appearance of these men was highly inflammatory. Furthermore, Hewson and Ansell became concerned for Ansell's sons. Once again, if Hewson's account is to be believed, Callum was not at the camp at the time the hunters were seen. Sean was. They sent Sean to town to get Callum, and did not hear from either after that. They were unable to raise Tamara (Sean's girlfriend), the school at Urapunga, the store at Urapunga, the police (Cheal) at Ngurkurr. Each of these unremarkable data seems to have added to the growing certainty in the minds of Hewson and Ansell that the Freemasons were closing in. They concluded that the Freemasons might have captured Callum and Sean. They decided to come in from the wilderness to look for them.

51. All of this comes from Hewson's statement. So does the next stage. They stopped for a few minutes at the house of some friends, the Barlows, at Humpty Doo, telling them.

“That we had lost Callum and Sean. We'd send Sean up to Darwin to get Callum and bring him back but the people who were chasing me, the Freemasons, we thought had kidnapped them. And we asked Goldie if he would swap cars with us so they wouldn't recognise our vehicle.” (Hewson's statement tape 1 p 8)

52. Goldie declined. They then went on to the house of another friend nearby, “Toyman”.

“Same conversation ... Said that Callum and Sean are missing and would he swap cars with us”. (Hewson's statement tape 1, p 10)

53. Toyman likewise declined. They drove on into the city, to an address in Millner, the house of Tamara's (Sean's girlfriend's) father (whom Ansell and Hewson suspected or knew was a Freemason). They seem to have kept the house under surveillance until dawn on Monday 2 August, then knocked on the door and asked for Tamara. They were told she was not there. They kept the premises under surveillance for the rest of the day, from concealment in some scrub alongside the property. They saw nothing of interest. Sean's, Callum's and now Tamara's whereabouts too, remained unknown to them.

54. Sometime in the late afternoon of that day, they drove to Stewart's house in Jingili. Nobody was home. Hewson and Ansell broke in – Hewson saw nothing wrong or unusual in this: she and Ansell were accustomed to being permitted the run of the house (ordinarily the Stewarts left them a key). Once inside, Hewson helped herself to a drink of water out of the refrigerator. She felt odd after drinking it, and concluded that the water was drugged. Ansell tried some milk. He too felt odd and thought that the milk too had been drugged. Other details of the house further inflamed their suspicions. The dog was locked in the shed. Photos were missing. The bed

was unmade. The kitchen was unusually untidy. They tried to use the phone, unsuccessfully. All of these things they put down to the Freemasons.

55. As to the break-in, Stewart corroborates that; and the telephone call. As to the “drugged” drinks, Robinson corroborates that Ansell spoke of the suspicious features of Stewart’s house to him, later that night (see Robinson’s statement p 56 Folio 4 of Ex 1 and Ms Musgrave’s at p 5). So I can fairly safely accept that Hewson has reliably remembered the delusions she and Ansell were sharing at that stage.
56. Ansell and Hewson borrowed two “medical kits” from Stewart’s house having it in mind that they might find Sean and Callum before the boys were killed, but after they were tortured, by the Freemasons. Their next port of call was the residence of Robinson and Ms Musgrave, which is on the eastern side of the Stuart Highway, across the road from the “T” intersection with Kentish Road. They arrived there just on dark. On arrival they were disconcerted to notice

“... a large grey van about 300 metres back from their property ...”

“... I’d never seen anyone camp that close to Lee and Steve’s place. It’s a bush block and Rod and I looked at each other and Rod said ‘what do you think do you think that’s them’, and I said ‘well it feels bad, it doesn’t seem right that they would be parked so close’ and we sent in and sat with Lee and Steve for a little bit. And, we drank some coke and I got that same spinning effect from it. And I said to Rod, the food’s been doped and he said, yeah I think so too.”
(Hewson’s statement, Tape 1, p 17-18)”

57. Ansell took his rifle, a 30/30 lever action, which he had, very unusually, brought to town in case of need, and went out to reconnoitre the situation. When he came back, he spoke at length to Robinson. Notwithstanding the patent paranoia in what he was saying, his fervour seems, if Robinson’s statement is to be believed, to have persuaded Robinson at least of the possibility that Ansell’s account – Freemasons, kidnapped sons, drugged drinks and dark doings at Stewart’s, and all the rest of it - might be true. To

add verisimilitude to an otherwise floridly fantastical narrative, it seems that Ansell told a few lies:

“... they had kidnapped his kids ... and they’d, someone had actually seen him at the Station, this is why he’s come to town ... someone had actually seen him at the Station, approached him and said if he wanted to see his kids ever again, that they wanted to swap the kids for his missus, who is the one they wanted, cause of her information and her tie in” (Robinson’s statement p 6 Ex 1 Folio 4).

This lie would seem to indicate that Ansell appreciated in some sense that the chain of supposition and inference upon which he and Hewson had acted thus far was not likely to prove equally persuasive to a less engaged observer.

58. Ansell’s conversation with Robinson took place, at the former’s insistence, out of doors – the house might be bugged. Ms Musgrave was not present for most of it. That may be chance, or might, perhaps, have resulted from recognition by Ansell that she was likely to be a less sympathetic audience for the fantasy he was spinning. Certainly Ms Musgrave’s statement is that of a sceptic, whereas Robinson, who, like all of Ansell’s male friends had a high regard for Ansell’s intellect, was unable quite to dismiss the possibility that there might be more to it than the empty paranoid ramblings of a drug induced psychosis.
59. Ansell became extremely suspicious of the people associated with the grey van. He pleaded with Robinson to get out and away, before “they” came for Robinson and Ms Musgrave. Robinson was shaken, but not stirred to action by this pleading.
60. Ansell and Hewson left. A while later – 40 minutes or an hour (Robinson’s statement p 7, Musgrave’s p 6) shots rang out. There is every reason to believe that Ansell fired the shots. In her evidence on 24 February 2000, Hewson said, of the sequence of events following her and Ansell’s departure from the Robinson/Musgrave home:

“We drove a couple of hundred metres up the road and pulled over. Rod was driving and he pulled over and said that he felt we had to go back to protect Lee and Steve, and we argued about it for a while and then he left and walked on foot back through the woods...

... about 10 minutes later I heard six shots out of the rifle ...”
(Transcript p 16)

61. This account is very similar to the one Hewson gave in her less sane statement to police on 7 August 1999 – See Ex 3, Folio 23, Tape 1, p 19. Robinson (p 7) and Ms Musgrave (p 6) speak of five shots in one series and then another shot, then, later, more gunshots. To Robinson and Musgrave the shots sounded close. At least one hit their caravan. Robinson later found three discharged cartridges in the scrub nearby. He found them by aligning bullet holes in the caravan and other structures.
62. It is Robinson’s theory – and it makes a sort of sense – that Ansell fired these shots in an attempt to spur Robinson and Ms Musgrave to take the action Ansell had unsuccessfully urged on them earlier, ie. to flee before the Freemasons got them. Be that as it may, Ansell, after firing those shots, found his way – for no known reason – across to the western side of the Stuart Highway, and further west again, down Kentish Road. If Hewson is to be believed, he probably passed close to her car en route – she heard some noises – but she never saw him again. She heard what happened next:

“...it sounded as though I could hear feet running and I expected that he would be coming back to the vehicle. And then it sounded as though he had stopped and turned around and run back again and I heard more shots fired. I heard David get shot and heard him crying out.

... And then I heard what I thought was Rod yelling for me to run and at that point I left”.

Hewson drove south to Acacia and later hitched a ride to Queensland. So much for her.

63. Brian William Williams lives at 47 Kentish Road, which is the first house on Kentish Road west of the Stuart Highway. His statement – the transcript of a tape recording made on 3 August 1999 – is part of Folio 5 in Ex 1. Williams and his wife were at home and in bed on the previous evening, when they heard, according to Williams, two loud, apparently close gun shots, the first of a series of five. These shots were also heard by his neighbour, David John Hobden. Hobden’s statement, also tape recorded and transcribed, was, like Williams’s, made in hospital on 3 August 1999 and is part of Folio 5 of Ex 1. Williams and, it seems, his wife, got up to see what was going on.

64. Hobden decided to drive down to Williams’ place, for much the same reason. Hobden drove his truck: it took him a little while to get there. As he brought the truck to a halt on Kentish Road, he was shot at without warning.

65. The bullet smashed the windscreen of his truck, and Hobden was wounded in the face, apparently by shards of glass, particularly his right eye. A medical report of 13 August 1999 from Dr Mahmoud concludes:

“I believe that he now has approximately 98% loss of vision on the right side and this will be permanent and irreversible.”

66. Thus injured, Hobden somehow got out of his truck and “sort of half crawled really” towards William’s house. Williams came out to assist Hobden towards cover. Hobden at this stage could not see at all and clearly believed that he was wholly blind. The shooter came out of hiding and got into Hobden’s truck, apparently trying to drive it off.

67. Williams, when he saw the state that Hobden’s face was in, waxed wroth. He picked up a baseball bat, charged towards the truck, and he says (p 2 of the transcript):

“smacked him down the eyes with it in the truck

... smacked him straight down the forehead with it, and that’s when he blew my hand off ...”

68. The shooter had fired from inside the cabin of the truck. A medical report dated 25 August 1999 by Dr Maihua explains:

“... He lost his right index finger on the spot... The amputated finger wound was debrided ... He now has an absent right index finger ...”

In the same report, Dr Maihua writes of:

“Multiple pellet wounds on the left side of his abdomen

If “pellets” carries its normal meaning, the shooter must have used Hobden’s double-barreled shotgun, which Hobden had brought with him when he drove down to investigate the trouble. Williams (p 4) was sure he had been hit with shot. Williams says that he then tried to open the truck’s door, but his injured (he thought, absent) hand could not do it. Williams then retreated to the house.

69. There was no discernible connection between Williams, or his household, and Ansell. (Nor for that matter was there any between Hobden and Ansell.) I cannot speculate why Ansell should have transferred his attention across the Stuart Highway and down Kentish Road. Neither, it seems, can Hewson. Nevertheless, there is no doubt that the shooter and would-be truck thief was Ansell. Various spent cartridges later found near Williams’s house were tested and found to be marked consistently with having been fired from Ansell’s 30/30 rifle. Hobden’s shotgun disappeared from the scene at Kentish Road, and was found later beside Ansell’s body. There is also the matter of what the shooter said. According to Hobden, even as he, blinded, was being assisted by Williams towards the house:

“this bloke was yelling out shit about Freemasons and child thieves, or some ... thing. Child killers. And he wanted his boy back or some ... thing.” (Hobden p 3)

Williams would have these statements made by the shooter a little later in the sequence of events, after, or during an exchange in which Williams was taunting the shooter:

“you maggot” (Williams p 3) or “come on you maggot ... come on you gutless maggot, show yourself” (Hobden p 10).

At which point, according to Williams (p 3)

“... he was going on about stealing his children and being a baby killer and, something to do with Freemasons. And then all of a sudden he went into a repertoire of Hells Angels ... oh, just, he was mad, mate ...”

70. After a time, Ansell began to fire at the house – through the walls, the back door, and the floor. Those inside – Hobden, Williams, his wife, her daughter – took cover as best they could. No-one was hit by any of these shots. The shooting came to an end. Ansell, having failed to get the truck moving (thwarted, it seems, by a secret lock on the handbrake) moved away on foot taking his rifle and Hobden’s shotgun.
71. Williams and Hobden tell essentially the same story. In one respect I conclude that Williams is wrong. Ansell’s body, when examined, had no mark on it to bear witness to Williams’ having hit him in the head with his baseball bat. Perhaps Williams broke the bat against the door of the truck, rather than Ansell’s head. I have no other reservation about the truth of their accounts. Neither man made any fuss in his own statement about his own bravery, so perhaps I should.
72. First, Hobden’s, in going without hesitation to see whether the gunshots he had heard meant that his neighbour was in trouble. Det. Hodge asked him (p 5):

“Alright, so ... why didn’t you ring the cops instead ...?”

Hobden answered:

“Oh well I’ve been living out there for seven years now, eight years. And there’s been shooting out there over the years, you know, once every year or two. And to be quite honest you blokes never get there for quite a long time afterwards. So there was no time for mucking around like that. Like I had the shout next door on the other side a

few years ago and the shots were fired at 10:00 o'clock in the evening, and at half past 4:00 I was woken up in my bed as to 'what do you think going on next door', you know. So, so when I heard the shots I just thought I'd whiz straight over and made sure everything was all right."

73. Secondly, Williams, who went to Hobden's rescue without hesitation, got him to comparative safety, and then with berserk disregard for his own safety tried to tackle the shooter. Even after being wounded himself, he was still boldly taunting the shooter, a dangerous, armed madman.

THE POLICE RESPONSE

74. Senior Sergeant Walsh, Watch Commander at police headquarters at Berrimah, responded to calls from the Kentish Road shooting by attending at the scene. He then had Sgt Ruehland, Communications, call out various sections of the police force, notably the Tactical Response Group ("TRG") formerly known as the Task Force. Commander McAdie was made Commander overall of the operation. The police elements from Darwin, notably the TRG, assembled in the vicinity of the Stuart Highway/Livingston Road intersection (north of Kentish Road), where a road block was established. Police halted all traffic on the Stuart Highway. After daybreak, police set up a detour via Old Bynoe Road, and, I think Hopewell Road and the Cox Peninsula Road, so that traffic could avoid the danger area by making a loop to the west.
75. Police likewise decided to block northbound traffic, at the Old Bynoe Road intersection rather less than a kilometre south of Kentish Road. Rather than have Darwin-based police pass through the danger area, the police officers from Adelaide River were ordered to establish and man that roadblock. These officers, Sgt Glen Huitson and Senior Constable Jamie O'Brien,

arrived at the intersection at about 3:30 am on 3 August 1999, parked their police sedan diagonally across the road, and began to stop and, later, divert traffic.

76. At about 4:30 am, a Mr Andrew Koschel caught sight of someone who may have been Ansell. Koschel had been driving a truck northwards. He was stopped at the Old Bynoe Road roadblock, parked his truck on the left, south of the intersection, and waited on events. After he had been there about half an hour, he felt his truck rock, as though someone had come to stand at the window. When he looked, no-one was there, but he was able to see in a mirror, a man, dressed in dark clothing standing on top of the fuel tank behind the cabin. This man moved from side to side. Koschel telephoned his wife, whispering to her what he had seen. She in turn telephoned the police.
77. The TRG went to the area. Members swarmed over a truck, but the truck they swarmed over was not Koschel's. Koschel, seeing this, phoned police headquarters and told them they had the wrong truck. As this was happening he could see the man slide down from his position. The man was not seen again by Koschel. By the time the TRG members got to Koschel's truck, the intruder had disappeared. It is hard to think of any rational explanation for the man's conduct.
78. Ansell, known to be less than rational, is known to have been in the area at the time, and few other people were, at least on foot. It is notable too that, if this man was Ansell – and who else, realistically, could it have been? - he was then south of the roadblock, that is, outside the area being controlled by police and searched by them. There was nothing to stop him escaping southwards. His later reappearance, firing from a position east of the highway, and at least some tens of metres north of where Koschel's truck had been parked, implies that he had voluntarily decided to stay in proximity

to the police, and refutes any suggestion that his being in that position was occasioned because he was trapped by the police operation.

79. One may also speculate, fruitlessly, how Ansell's thinking might have been affected by the sight of the TRG members in action, given Ansell's paranoia. Koschel described them as:

“... the SWAT team or whoever they are, with lots of big guns ... the blokes with all the guns, and the heavy duty

... they were police people, ... but they looked like very special police people.” (Koschel's statement, p 4 Folio 6 of Ex 1)

80. After that, the police searched, interviewed and tried to make sense of what they were told by various witnesses. In view of the lack of previous connection between Ansell and the Williams household, they were unable to do so. (It does not seem that Robinson or Ms Musgrave was at this stage assisting police.) The roadblocks continued, there being reasons to believe that the gunman was on foot, without a vehicle, and accordingly a chance still to be in the area.

81. GLEN ANTHONY HUITSON

82. Sgt Huitson as born on 20 November 1961 at Bridgetown in the State of Western Australia (Birth Certificate, Folio 1 of Ex 1)

83. At the time of his death he was the Officer In Charge of the Adelaide River police station. He had previously been stationed at Alice Springs, Kalkaringi (Wave Hill) and Daly River.

84. Adelaide River is a two-man police station. Sgt Huitson and his No.2, Sen. Const. O'Brien, had had little rest on the night of the 2nd and 3rd of August. I rely on the written statement of James Joseph O'Brien, signed 9 August 1999, for the following: that the two Adelaide River Officers had attended at a motor vehicle accident on the night of the 2nd; that they had returned to the station at about 10:20 pm and O'Brien stood down from duty a little after

that. Huitson remained to complete some report or other, and heard then of the shooting at Noonamah, i.e. the Williams residence. Huitson advised O'Brien to stay awake in case they were called into the matter. An hour or so later they were, to set up the Old Bynoe Road roadblock. Each of the Officers took with him his Glock automatic handgun, and they also took a Winchester 12 gauge shotgun and a Remington .308 rifle, firearms attached to the station.

85. They also had ballistic vests, and folding chairs. They did not have hand held or portable radios, a lack which became a nuisance during the course of the morning of the 3rd, when the two officers were frequently separated along the lengthening queue of stopped vehicles.
86. O'Brien and Huitson were quite close to Koschel's road train and to each other when the event related above occurred. Neither caught sight of the man Koschel had seen
87. As the hours of darkness wore on, O'Brien moved further down the line. Around dawn O'Brien came back to the intersection. Soon after that the detour was opened. Some of the drivers of heavy vehicles – among them Koschel – were reluctant to take the detour, but traffic in general did begin to move, and the queues cleared. As time went on, the road train drivers' patience wore out, and they too detoured off.
88. One vehicle which did not take the detour was a blue Holden utility containing a Mr Jonathan Anthonysz and a Mr Anthony Hobden. Anthony Hobden is David Hobden's brother, and he and Anthonysz were on their way to David Hobden's place to do something – perhaps pick up a trailer – preparatory to their day's work as removalists. They waited for a while at the roadblock, then drove back the way they had come (down Old Bynoe Road, apparently for breakfast), and returned to wait at the roadblock at about 9:00 am. Thereafter they waited, chatting with Huitson and O'Brien.

89. At about 10:30 am Ansell opened fire with his rifle.
90. At some time during the previous hours or minutes, he had covertly moved to a position about 20 metres east of the Stuart Highway and about 20 metres north of the intersection. Between that position and the highway there runs in parallel, first, a low dirt mound – a windrow – and secondly the main water pipe supplying Darwin, which stands perhaps 70 cm high.
91. His position was in light scrub with some, but not much grass about him. He was lying down among the dappled shadows of the trees. He was wearing a dull green woollen jumper and dark trousers. Lying still, he would have been very difficult to see. I can say that of my own knowledge. When I was standing on the road surface at the scene at lunchtime that day, I could not immediately discern where his body lay, even though it was being pointed out.
92. His first shot hit Mr Anthonysz in the left lower back, causing terrible injury. Mr Anthonysz was treated at Royal Darwin Hospital. Dr Michael McCleave reports (part of folio 7 in Ex 1):

“On the 6 August he underwent a laparotomy and exploration of his left pelvic gun shot wound. Findings were a large left extra peritoneal haematoma of the left pelvis within and behind the left psoas muscle. A left femoral nerve that was completely transected and with approximately 4-5cm missing. A comminuted punched out fracture of his left iliac crest approximately 5cm in diameter. Multiple bullet fragments and skin around the entry wound were excised and sent for forensic testing.

On the 8 August he returned to theatre for exploration and debridement of his left gluteal wounds. On the 11 August he underwent a repeat laparotomy and debridement of the bullet wound. A rotation flap of the gluteus maximus muscle was used to fill the pelvic defect.

As of the 20 August 1999 Mr Anthonysz is making rapid and satisfactory recovery. He has commenced oral feeding and has begun to mobilize. We aim to discharge him from the hospital in one to

two weeks. His main ongoing disability is his femoral nerve injury in which he will not be able to extend his left knee and will also have a considerable area of sensory loss on his left leg. This will significantly impair his abilities to walk and will necessitate ongoing physiotherapy and home nursing care. Our long term plan is to insert a cable nerve graft harvested from his lower legs to make a bridge between the two ends of his transected femoral nerve in three to four months. However this is a high risk procedure and there is no guarantee that it will be successful.”

93. Senior Constable O’Brien made a written statement as to his part in the events. The statement was signed by him on 9 August 1999, the same date he took part in a tape recorded interview/statement with Detective Senior Sergeant Nixon. The latter statement expands the former, and touches on some matters not treated in the written statement. Additional topics aside, the two statements (which form Folio 9 of Ex 1) are thoroughly consistent, and are corroborated very substantially by the statements of Mr Anthonysz and Anthony Hobden, the removalists, (both in Folio 7 of Ex 1). Further corroboration comes from the statement of others who happened on the scene (and fairly swiftly left again) while gunfire was in progress. A Mr Peter Bull was driving a car north on the Stuart Highway, stopped at the roadblock and left as soon as he realized what was happening. Some motorcyclists – a Mr Colin Musgrove and his wife Lynette on one bike, a Mr John Horsley and his wife Christine on another – travelling south, had taken the detour and rode up the Old Bynoe Road, turning back as soon as they saw what was going on. Statements by Mr Bull, Mr and Mrs Musgrove and Mr and Mrs Horsley form Folio 11 in Ex 2. Further corroboration in relation to the final phase of the gunfire is provided by members of the TRG who played an inglorious but serendipitous part in that phase. In the circumstances I have no reservation in adopting Constable O’Brien’s statement as a reliable summary of the events, and I begin at a point already covered above.

“The two removalists decided to go back down Bynoe road for breakfast.

Glen and I were alone at the roadblock for about an hour and a half. By then Glen and I were getting hot – being exposed in the middle of the road we both took our ballistic vests off. We continued directing traffic and after about ten minutes, having cooled off, we both replaced the ballistic vests.

At about 9:00 am the two removalists returned and decided to wait for a while to see if they could travel to Kentish road.

By then, I had taken off my ballistic vest again and put it on the back seat of the vehicle. Glen kept his on. We had taken two folding camp chairs from the boot and were sitting on the passenger side (i.e. nearside) of the vehicle in the shade the vehicle provided. The front passenger door was open and Glen was seated close to it. I was seated on Glen’s left between the rear passenger door and the fuel filler cap.

The taller of the two removalists was leaning against the front nearside fender area of the car, with his back against the vehicle, his feet crossed and his arms folded across his chest. The second removalists, who was shorter and had a beard was alternately standing or squatting down in front of Glen and I. We were talking together.”

94. Plainly the two officers were relaxed and unworried to this point. The folding chairs, their removal of the ballistic vests, their chatting with Mr Anthony and Mr Hobden, all give that impression. That state of mind was natural enough: the last shots had been fired many hours before; the last significant alarm had been Mr Koschel’s sighting of the mystery man, six hours earlier and south of the roadblock. The likelihood that either the shooter or the mystery man, would still be in the vicinity of the roadblock must have seemed very small indeed. (Constable O’Brien’s mood was very different during and immediately after Koschel’s sighting, when things seem to have been very tense, as is evident from his written statement and even more from his taped statement.)

95. O’Brien’s statement continues:

“I suddenly heard the unmistakable sound of a heavy calibre firearm being discharged although I could not tell at that moment from which direction the sound had come. The shot sounded to be at close, although not point-blank range.

As I heard this shot, the civilian who had been leaning against the fender was flung forward onto the ground and immediately began screaming. I heard Glen shout out ‘get on the ground’.

As these two events occurred, I immediately got out of my chair and swung around to look over the boot part of the vehicle with my Glock drawn. At the same time, Glen crouched next to the open passenger door, got the radio and called Communications and reported a civilian had been shot and requesting TRG assistance.

This all occurred in a matter of seconds. The civilian was still on the ground, lying slightly in front of the vehicle but in a fully exposed position. He was still screaming. I could not see where he had been hit and shouted to him asking this question. I did this to try to get some idea of the direction the shot had come from. The wounded civilian replied he ‘had been shot in the arse’.

I then scanned the area behind the civilian’s position. I then saw a person prone on the ground – I could see a beard and scruffy looking hair. I also saw he was wearing a green, fluffy looking jumper.

The position of his arms and shoulders indicated he was holding a weapon and I saw the front of a rifle barrel.

This person (the gunman) was on the east side of the Stuart Highway and about 40 metres from our position. Between us and him was a narrow road verge, then a water pipe which runs along that side of the road and a recently created fire-break. It seemed that when the fire-break was made, the grader had thrown up a ridge of soil on the side furthest from the Stuart Highway. This ridge was about 40 cms high. As I took this in, the gunman crawled forward up to this ridge. The immediate area was lightly treed, with short unburned tufts of grass, providing a clear field of fire for the gunman. From his prone position his line of fire just cleared the top of the water pipe and the ground between him and our position.

I yelled to Glen that I had located the gunman’s position and that I was going to return fire which I did, firing 4-5 rapid shots in his direction. I did so because I could clearly see the gunman was in a position to fire and was aiming in our direction. I saw my shots

hitting the ground close to his position which caused the gunman to pull his head down.

I called out to Glen to grab the shot-gun which he did. He fired this through the open passenger side door of the vehicle, through the cab and through the closed driver's door window which shattered.

I continued firing my Glock with the intent of keeping the offender pinned down until the TRG arrived and to prevent him shooting again. I was particularly concerned about the wounded civilian who was still lying in an exposed position and visible to the gunman.

I think that Glen fired two shots. I then heard another shot being fired by the gunman and saw Glen spin around, clutching his abdomen and falling to the ground beside the car. He fell on top of the shotgun and was moaning. I realized that he had been hit by a shot which had come through the vehicle door.”

96. The bullet which had hit Sergeant Huitson had been fired by Ansell. It had been deflected in its trajectory when it struck the underside of the top of the driver's side door of the police vehicle. Its new path was somewhat downwards and it struck Sergeant Huitson in the left side fracturing the 8th rib on that side. Fragments of the bullet caused grave internal injuries. According to the autopsy report by Dr. Zillman, part of folio 16 in Ex 2, injuries to the liver and spleen were potentially fatal, but a wound to the abdominal aorta, a tear 2.5 cm long and gaping to a width of about 1 cm is likely to have been the source of most of the haemorrhage which resulted from the gunshot wound. These injuries, and that to the aorta in particular:

“would have resulted in a high rate of blood loss and it is likely that death would have been both inevitable and relatively rapid.”

97. Constable O'Brien's statement continues:

The wounded civilian then began screaming to his mate to drag him into cover – he said something to the effect ‘he can see me, help me, drag me behind the car’.

As that occurred, I yelled to the uninjured civilian, ‘go and get him, I'll cover you’. I had dropped down to take cover behind the rear

nearside wheel. I saw the second civilian run over to his injured friend and begin to drag and pull him towards the side of the car.

I stood up and fired four more shots towards the gunman to keep his head down and to cover the civilians until they returned to the relative safety of the car.

I then saw the gunman lining his weapon up at me and as I dropped down he fired a shot. I moved over to Glen and rolled him off the shotgun and picked it up. I ejected the last spent cartridge and could hear, as it hit the ground, that it was unfired and made a mental note to pick it up later if I needed it. I then stood up and fired three shots in rapid succession in the direction of the gunman's position after returning to the boot area of our car.

I ducked down again behind the rear wheel which was the only cover I had. There was an already opened box of shot-gun cartridges on the back seat. I opened the rear passenger door and scooped a number of these towards me. I reloaded with two rounds. I had left my Glock on the ground near the rear wheel.

As I stood up, the gunman fired another shot in my direction. Acting on the assumption that the information about the gunman being armed with a 30.30 lever action rifle, I knew he would need between one to one and a half seconds to reload, re-align his sights and re-fire. The gunman fired another shot and I immediately replied with three more shots.

At this point I heard a vehicle approaching us from the South. I called out to the other civilian to try to stop it getting closer and I also waved and shouted before I had to turn my attention back towards the gunman. As a result I have no idea where this vehicle went as it simply disappeared.

I also began thinking about retreating to a drain that was about 15 metres away on the western side of the Stuart Highway. However, I realized that trying to do this would expose the two injured people, the other civilian and myself to increased risk of being hit as I could not shoot and help carry the injured at the same time. I therefore decided we had to stay in position until the TRG arrived, as there was no way that I would have left the others behind in that exposed position.

I estimated that I had only one round left in the shot-gun and had to reload. As I reloaded I fired two rounds from my Glock to keep the gunman down until I finished reloading.

The gunman continued to return fire but in a deliberate and controlled manner. Looking through the open rear passenger door and through the quarter-window on the driver's side rear door, I was able to see the gunman was still in his position. I could see from the way he was lying and the position of his arms that he was deliberately aiming towards us – although I couldn't actually see the weapon itself which blended into the background. It was clear the gunman was waiting to get a clear shot at one of us.

I decided that I would fire three rounds at a time and reload two to save time and to maintain maximum pressure on the gunman to hold him in his position. I realized that unless the TRG arrived I could run out of ammunition in which case I would have to attempt to retreat with the others.

I was concerned over the knowledge that the gunman could fire under our vehicle. Glen was lying next to the vehicle and the injured civilian and I told the two civilians to take cover behind Glen who had his ballistic vest on.

The gunman continued his controlled rate of fire. Whilst still crouched down I checked to see the gunman's location and saw that he was maintaining his firing position and aim towards me. I pointed the shotgun over the boot and fired one round. I immediately then stood up and fired two more before ducking down again. The gunman appeared well protected and I did not hold out much hope of hitting him.

I reached back onto the back seat to get some more ammunition. As I did this, I looked towards the gunman's position through the vehicle windows and thought that he was beginning to move forward. I called to the uninjured civilian to keep an eye on him whilst I finished reloading which he did. I loaded two more rounds. The civilian said that the gunman was crawling towards us and I looked up and saw the gunman wriggling forward. I told the civilian to get down.

I again fired one shot whilst crouched down, stood up and fired two more shots. As I did this the gunman fired a shot in my direction.

I heard a sound like a match being struck just past the right side of my head. I think that was the sound of a bullet just missing me.

I reloaded with two more rounds, which, by my calculation, gave me six rounds loaded.

I then heard the sound of vehicles approaching at speed from the North. I saw these were TRG vehicles.”

98. At the time Ansell began shooting the TRG had gathered its members together on Kentish Road, near the Stuart Highway, preparatory to conducting a sweep of the verges of the Stuart Highway to the south. Some of the TRG members actually heard the shots. Sergeant Dwyer, forward commander of police operations, seems to have conveyed to the TRG without the slightest delay Sergeant Huitson’s message that his roadblock was under attack. The TRG got into their vehicles and drove south as fast as they could.
99. As they neared the scene members of the TRG were able to see Constable O’Brien firing eastward from behind the cover of the police car. They could also see the body of Sergeant Huitson lying on the roadway. The leading TRG vehicle veered to the left, the following vehicle collided with its rear, and the leading vehicle rolled onto its side. Constable O’Brien’s statement continues:

“As they pulled off North of the intersection, one vehicle clipped another which rolled over. I was still watching the gunman through the quarter window. As the TRG debussed the gunman fired another shot at me. I was down behind the rear wheel reloading at that time. TRG were calling out to me ‘where is he, we can’t see him’. I stood up and was pointing to the gunman, calling ‘he’s there’. The TRG still hadn’t seen him and I realized that the gunman was concealed from their view by a higher mound of dirt. I then saw the gunman rise off the ground into a kneeling position and aim his rifle in the direction of the TRG.

The TRG had not picked the gunman’s position and were still grouped in a bunch. They were calling to me to identify the gunman’s position as they moved forward.

I knew the gunman was about to open fire. He had turned his vision and attention away from me and I had time to take a slower and better aim. I fired two rapid aimed shots at the gunman’s head and upper torso area. I saw dust come off his clothing and the gunman dropped back down into the prone position. I was unable to tell whether he was injured or not as he was still moving and seemed to

be in his original shooting position. I fired one more shot at the main body area and the gunman stopped moving.”

100. Ansell’s remains were examined by Dr. Zillman whose autopsy report is part of folio 16 of Ex 2. He found, externally, 33 gunshot wounds: 30 entry wounds or grazes, and 3 exit wounds. Dr. Zillman comments:

- “1. The cause of death in this case was haemorrhage from multiple gunshot wounds involving various parts of the body.
2. Although the numerous relatively superficial gunshot wounds had the potential to be associated with substantial bleeding, it was the two penetrating wounds of the right chest cavity (wounds 9 and 11) which posed the greatest threat to life. Indeed, wound 11 perforated the aorta and would have been the source of most of the fatal bleeding.”

101. These two wounds were among:

“Seven gunshot wounds (wounds 5-11) [which] were located on the upper back approximately 145 cm above the heels. Two of these wounds (wounds 9 and 11) penetrated into the chest cavity (see later description). The other five wounds were superficial grazes and were roughly oriented obliquely downwards from left to right.”

“...gunshot wound number 11 fractured the right 6th rib adjacent to the spinal column and its projectile pathway extended forwards, slightly upwards and slightly from right to left, perforating the arch of the aorta and terminating in a fractured left 2nd rib adjacent to the sternum, where a gray metal pellet was discovered.

Gunshot wound number 9 penetrated the chest wall through the right 4th intercostal space and its projectile pathway extended forwards, slightly upwards and slightly from right to left, perforating the upper lobe of the right lung and terminating in a fractured right 2nd rib above the right nipple, where a gray metal pellet was found.

The projectile pathways of these two gunshot wounds were approximately parallel.”

102. Photograph No 2, part of Ex 4, is an aerial photograph of the Old Bynoe Road intersection and its adjacent area taken on the 3rd of August at, I think, about midday. The respective positions of the overturned TRG vehicle,

Ansell's body, and the Adelaide River police vehicle (O'Brien's position) are clearly visible, and a triangle has been drawn on the Exhibit between these vertices. An angle of 103° is subtended within that triangle at Ansell's position: in order to shift his aim from O'Brien's position, to the position of the overturned TRG vehicle, Ansell must have turned his rifle through that angle.

103. In order to come to aim his rifle from a kneeling position, with the butt on his right shoulder, he must have moved his torso through an even greater angle, and would have been presenting his back to Constable O'Brien, hence the location of the gunshot entry wounds (including the fatal ones) on Ansell's back, as well, perhaps, as those on the left buttock, and the backs of both arms. It seems that all of Ansell's wounds were the result of shotgun pellets; that is, that Constable O'Brien missed with all his pistol shots. Some projectiles hit the water pipe, which showed shining scars, but did not fracture.

104. Constable O'Brien's statement continues:

“Even as this happened the TRG were still calling to indicate the gunman's location.

I kept the shotgun in an aimed position and walked slowly towards the gunman. I saw that he had stopped moving. I got to within 4-5 metres of him as the TRG arrived at the same position. At that point, I noticed that the mound of earth the gunman had been sheltering behind was, to his right, about 70 cms high. From a prone position the gunman would not have been able to fire at the TRG because of the height of the mound. I am of the view that this was the reason he had to assume a kneeling position.

The gunman was lying face down with his head still towards the direction of the TRG were coming from. I estimate that the TRG would not have been more than 15-20 metres from the gunman's position when I fired my last shots at him. The gunman had a totally clear field of vision towards the TRG once he got into the kneeling position. I did not pay any attention to the weapon although I recall seeing it was a rifle of some sort.

The TRG took control of the scene and I immediately returned to the vehicle to check on Glen. I had not had any chance to tend to him or the other civilian until then.

I saw Glen was very pale, unconscious and barely breathing. He had sustained an injury to the left side of his abdomen. It looked like the bullet had entered through the side straps which secure the ballistic vest. I tried to rouse him back to consciousness but could not do so.

The injured were tended to by TRG and I was requested to leave the immediate area. I uncocked the shotgun which I left on the vehicle roof and did as requested.

The only verbal communication I had with the gunman was when I was reloading the shotgun for the first time. I called out to him to put his weapons down and come out. He called back 'you're all dead'. I repeated my call on him to surrender. He shouted something back that I did not hear as this was accompanied by him firing a shot at the same time.

105. During the period of the shooting – 3 or 4 minutes – Constable O'Brien was faced with a succession of taxing problems. He was under constant threat of being himself shot dead by a determined rifleman shooting from good cover at short range. From the beginning, Mr Anthonysz was lying, in pain, very seriously wounded, in plain sight of the rifleman. A few seconds after the rifleman's position was seen, Sergeant Huitson was also down, very gravely wounded. A second civilian, Anthony Hobden, was imperilled and had to be protected. To complicate that fraught situation, other civilian vehicles happened upon the scene from various directions, and had to be waved away. The supply of ammunition available to O'Brien was limited, and he had to give thought to his use of what he had.
106. Constable O'Brien's reactions in these desperate circumstances were simply outstanding. If he felt any fear for himself, it seems to have been utterly submerged by his concern for his wounded colleague and the others under his protection. There can be no doubt that every shot he (and Sergeant Huitson) fired was fired in defence of others and of himself. He was prepared to take the risk of drawing Ansell's fire onto himself when he

provided covering fire to permit Mr Hobden to drag Mr Anthonysz to the relative safety provided by the shelter of the police car, and thereafter when returning fire. Throughout the incident his use of his firearms was extremely competent, well considered and entirely appropriate. He acted with a combination of bravery, decisiveness and clear thinking. There can be little doubt that by so doing he prevented further loss of life among the people under his care at the roadblock, and, ultimately, among the members of the TRG, in defence of whom Constable O'Brien fired his last shots, killing Ansell.

107. Mr Anthony Hobden deserves similar praise. He seems never to have lost his head, nor to have given way to fear in the terrible situation which developed around him. He voluntarily placed himself in harm's way in order to bring his wounded friend Mr Anthonysz to a place of greater safety. He made use of various police radios to send out calls for help, and kept at it until he evinced a response. Of his own motion he helped wave away civilians happening on the scene. He tended his wounded friend, did what he was asked by Constable O'Brien, and did what he could, intelligently, to gather munitions – for example, Sergeant Huitson's Glock pistol – for O'Brien's use, should they be needed. Both men deserve the highest commendation and recognition of their courage, and their selfless concern for their wounded companions.

108. Sgt Huitson was pronounced dead soon after arrival at Royal Darwin Hospital.

The Ballistic Vest

109. At the time he was shot, Sergeant Huitson was wearing a ballistic vest, commonly known as a bullet proof vest. He did not then have it fastened correctly, and in particular, he had not pulled the side flaps from the rear. This arrangement left the sides of his body unprotected by the vest: the bullet which fatally wounded him passed through a velcro area and not

through the kevlar panel which ideally would have been fastened over that velcro.

110. It is not clear whether Sergeant Huitson was ever trained by being shown the proper way to fasten such a vest. Constable O'Brien was, and discusses his training at p 100 – 105 of the transcript of his taped statement. His training happened (p 100) "... a long time ago, when they first started to be issued ..." (p 101) "... it only takes you a minute to learn." Constable O'Brien may or may not have previously sighted a police manual about the vests (see p 102). If he ever had, that too would seem to have been a long time ago. When O'Brien was asked by Senior Sergeant Nixon, his interviewer, how he wore the vest, it emerged that O'Brien was not in the habit of fastening his correctly, for two reasons: first, because, being a fairly large man, he did not find it comfortable to fasten the side flaps of the vest provided to him; secondly because it was possible to fasten the side flaps across the back and (p 104) "... my interpretation of it was that it's a choice thing, you can have extra protection at your back." That "interpretation" seems reasonable, if wrongheaded to me: no doubt a perusal of the manual and the manufacturer's literature would persuade one that to fasten the vest in the orthodox fashion would be, statistically, the better option.
111. Constable O'Brien's training (which may well have been with a previous issue of slightly different vests) and knowledge and interpretations were, of course, not necessarily the same as Sergeant Huitson's. Huitson was of a lighter build than O'Brien, but, at 181.5 cm tall, still a fairly big man, and may have found the correctly fastened vest restricting. Or he may have shared O'Brien's interpretation. Above all, he unquestionably found wearing the vest uncomfortably hot, on the morning of an August day 50 km South of Darwin.
112. I suppose there is just a chance that Sergeant Huitson was wearing his vest incorrectly fastened out of ignorance of the correct way to fasten it, but it is

much more likely that he did so for reasons of comfort and because, by the time Ansell opened fire both he and Constable O'Brien had every reason to have relaxed their guard and to believe that the imminent risk of danger had passed. O'Brien, it will be recalled, was by then not wearing his vest at all.

113. It is unlikely that a properly fastened vest would have saved Sergeant Huitson from serious injury from Ansell's shot. The specifications required by the tender document which led to the Police force's acquiring the vest (an ADA brand model D98) are set out in the statement of Constable Gregory Hanson, Senior Firearms member with the NT Police. The vest (kevlar) components are meant to withstand specified numbers of hits from handgun rounds (.44 magnum, 9mm) and a .22 magnum full metal jacket rifle round, but only the ceramic plates (additional chest protection) are specified to resist a hit from a high powered heavy calibre rifle. (The specifications state the weight of the respective rounds, their speeds and the angles of incidence.)
114. Constable Picker and Constable Hansen devised a test of the side panel of a D98 vest against a round fired from Ansell's rifle at a range of 30 metres. The projectile went straight through the side panel and all the way through a leg of pork that had been placed in the jacket, breaking the bone en route. Whether the bullet actually fired by Ansell would, after its ricochet from the top of the car door, have so penetrated a protective panel of Sergeant Huitson's vest, had it encountered one, is impossible to say with certainty. [A further test firing lent some force to Constable O'Brien's "interpretation". A projectile penetrated a side panel, but only about half the kevlar layers of a back panel, when the former was arranged overlapping the latter.]
115. Commander Hardman of the NT Police submitted a statement (Ex 3 Folio 28). The statement is a discussion of a number of points arising from the shooting incident, looked at by police management in order to see whether

operational procedures might have in some respects failed and might in some respects be improved. In respect of ballistic vests, Commander Hardman reports that wider inquiries have revealed that some – I suspect quite a few – serving members of the police force either did not receive or did not read the instructions supplied to each station when vests were first generally issued in 1996. He implies, as does Constable O’Brien, that it is pretty self evident how the vests ought properly to be fastened.

116. As I have said, the strong likelihood is that Sergeant Huitson had his vest not fastened for reasons of comfort and personal preference, believing himself not to be under immediate threat. No one can be expected endlessly to take precautions against becoming, without warning and without provocation, the target of a concealed, crazed gunman.

COMMENTS AND RECOMMENDATIONS

117. Section 34 (2) and Section 35 (2) of the Coroner’s Act requires a coroner respectively to comment, and to make recommendations to the Attorney-General:

“in a matter, including public health or safety or the administration of justice connected with ...”

the death under investigation.

118. The circumstances leading up to the death of Sergeant Huitson have been scrutinised by senior officers in order to determine whether the Police Force can learn anything from the events. In the course of that scrutiny it has been noticed that there were numerous imperfections in the police response to the emergency that arose on 2-3 August 1999. The “official” summary of that scrutiny is contained in Commander Hardman’s statement, above mentioned.

119. The Police Association, a body having a membership composing 98% of the members of the NT Police Force, has also scrutinized the material, and for my purposes the summary of their scrutiny is contained within the submissions written by the Association's counsel, Mr Farquhar. The Association's criticisms of the Force's level of training and preparedness are collected under a number of headings:
120. "The Roadblock" – to the effect that there may have been a lack of training, and, indeed, thought, as to the safest methods for police to establish and man roadblocks. This assertion is, I think, agreed with by Commander Hardman, who speaks of a working party already established (his statement is dated 22/02/00) to address the issue. Both he, and the Association note the lack of any specific legislation relating to police powers etc. at roadblocks. Nothing relating to these deaths bears on the question whether such legislation ought to be considered.
121. "Training" – to the effect that Sergeant Huitson and Constable O'Brien had been properly trained in the use of their weapons (although in the case of their Glock pistols, their certifications had both expired); and that O'Brien, at least had had some instruction in the wearing of a ballistic vest. Hardman's statement concedes that training and education in respect of the vests may have been inadequate, and that there was no record keeping in relation to such training.
122. "Equipment" – again concentrating on the issues of firearms and ballistic vests. Hardman speaks (p 11 of his statement) of a proposal – a pretty firm one it would seem – for the purchase of a further 163 ballistic vests, in a range of sizes to ensure a better fit on differing physiques. The Association supports that proposal: if followed through, it may lessen the need felt by, say, a large man like O'Brien, to adopt unorthodox ways of fastening the vest. (Nothing, however, is likely to increase the comfort of wearing the vests in the climate obtaining for much of the year in the Territory. The 3rd

of August 1999 was an ordinary day towards the end of a notably pleasant Dry Season in the Top End. Nevertheless, by about 9am, 50 km South of Darwin, the officers, doing fairly static duties, were uncomfortably hot wearing the vests. What hope at noon in November?)

123. “Communications” – to the effect that the Adelaide River Police did not have hand-held portable radios. This became a significant deficit in the hours before dawn, as the two officers became separated carrying out their duties along the lengthening line of the traffic halted by their roadblock. It seems that, by chance Sergeant Huitson and Constable O’Brien were in close proximity to each other when Mr Koschel spotted the man on his truck: had they not been, their lack of capacity to communicate with each other might have been a very dangerous deficit. Hardman accepts that this situation was unsatisfactory and that members manning roadblocks ought to have such radios. He states (p 13 of his statement) that “...it is anticipated that an extra hundred portable radios will be placed in service during the Year 2000.”

124. “Hours on Duty” – to the effect that Sergeant Huitson and Constable O’Brien were on duty at the roadblock, unrelieved for a long time, and, as it happened, had been on duty, more or less without rest, for a long time before they set up the roadblock. Additionally, no thought seems to have been given by the command structure to the provision of refreshment to the southern roadblock: when it was being spoken of over radio for the forces to the north of the danger area, Sergeant Huitson had to ask for breakfast and drinks to be provided for himself and O’Brien. These had not arrived before the shooting.

It is easy to understand how all of these deficiencies arose. Police, especially at bush stations, are expected as a matter of course to carry on working continuously for very long hours, if the situation demands it. The southern roadblock was on the wrong side of a “no go” area, from the point

of view of a command structure established to the north of it. And I have the impression that, after daybreak, there was in the mind of the command a continuing possibility that the roadblocks might, imminently, be dismantled. That thought naturally discouraged planning for the longer term, some hours ahead.

125. Hardman writes (p 10 of his statement):

“...logistics and relief for members working extended hours on former operations has been the subject of deliberation for Operational Procedures and at Briefings and De-Briefings. The importance of these considerations should continue to be reinforced in all command and control training.”

126. Mr Farquhar’s relevant submission reads:

“There needs to be planning for the needs of all members and assumptions cannot be made that these needs will be attended to. They were not.”

127. As it happens I agree with many of the submissions put by the Association. So, it seems, does the Police command structure, which has already addressed some of the deficiencies exposed, and has plans to address others. In my judgment none of these deficiencies made any difference to what happened on 3 August, a point made from time to time by Commander Hardman in his statement. Nor does it seem to be that any of the topics is a matter upon which I as Coroner can or ought to make any recommendation. There are numerous competing demands upon the police budget in respect of equipment purchases and training priorities. None of the deficiencies exposed in this case seems to me to have a self-evident urgency or novelty that would place it necessarily high on those lists for priority.

128. It is likewise difficult to frame any recommendation, or even comment, arising out of what is now known about the events that occurred in Ansell’s life leading up to the shooting; specifically his deteriorating mental state

considered in general, and his abuse of amphetamine in particular, which contributed so greatly to that deterioration.

129. As to the former, both Dr Stewart and Mr Miles had recognised that Ansell's mental state was approaching the point where some sort of intervention might be necessary. Other friends of Ansell, if these two are to be believed, shared that view. Both Stewart and Miles were well aware that Ansell's use of amphetamines was playing a large part in that. They, and Ansell's other friends spoken of by Stewart, were therefore faced with delicate questions as to when and how they ought best to intervene. Such questions are awkward enough when faced by friends, relatives and health professionals in a case involving a person living an ordinary urban life. It is hardly to be wondered at that Ansell's friends may have hesitated before trying to tackle him in his remote independence. I cannot think of any recommendation which, if implemented, would make it any easier for those who find themselves faced with these delicate decisions.

130. As to the latter, that is, in respect of the role of amphetamines, the course of events demonstrates the harm that can be caused by the abuse of those dangerous and illegal drugs. There have, of course, been ample demonstrations of those dangers before, as is evident from the material quoted by Dr Parker. [One poignant precedent, not long before and not far away from the events of the present inquest, was the case of Wayne Frederick Costan, who on the 22nd of February 1999 "hijacked" a coach carrying tourists on the Batchelor Road. Costan was armed with a loaded (but not cocked) sawn-off .22 rifle. He was in the grip of paranoid delusions, convinced that "they" were trying to kill him. Costan was a long term user of amphetamines, and on 22 February 1999 was under the influence of amphetamines, and alcohol, and cannabis. Sgt Huitson, with conspicuous cool courage, eventually talked Costan into putting down his gun, then tackled him to the ground.]

131. It may be that there are some among those who use amphetamines who are unaware of, or inclined to deny the truth of the drug's potential to induce a paranoid psychotic state in the chronic user, and to trigger psychoses in susceptible individuals. [Costan claimed to be so unaware.] Government agencies can readily publish the relevant information: inducing drug abusers to believe it or to pay any attention to it, let alone to respond to it, is another matter.
132. One could do worse than to use this matter as an illustration of the hazards. Ansell, after all, was a man who used to have a certain reputation in the Territory, and even more widely – “the original Crocodile Dundee”, “the barefoot bushman” and all the rest of it. The contrast between on the one hand, the healthy man who appeared in television and magazine articles, and, on the other, the man who opened fire on 3 August 1999, could hardly be more marked. By the instrumentality of his chosen drug of abuse, Ansell had rendered himself emaciated (53 kg at the time of his death) and so addled of mind as to believe fantasies that a child would dismiss with contempt. His pointless destructive actions caused immediate agony, and permanent disablement and suffering to the men he wounded, David Hobden, Brian Williams and Jonathan Anthonysz. Sgt Glen Huitson, the man he killed, was an admirable police officer of proven courage and resource.
133. Whatever reputation Ansell may once have had, it is hard to believe that he will be remembered other than with execration for the losses suffered by his victims, their families, friends, colleagues and the entire Territory community.

Dated this 15th day of September 2000.

Mr R J Wallace
Coroner