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NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

A 51 of 2019

AN INQUEST INTO THE DEATH

OF KUMANJAYI WALKER

ON 9 NOVEMBER 2019

AT YUENDUMU POLICE STATION

JUDGE ARMITAGE, Coroner

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON 3 NOVEMBER 2022

(Continued from 2/11/2022)

Transcribed by:
EPIQ

THE CORONER: Mr Officer.

MR OFFICER: Your Honour, can I hand to you two articles, two print outs please. And I circulate that to the parties.

THE CORONER: Yes.

MR OFFICER: Dealing with the first one, your Honour. What I have provided to you, is a copy of the hard copy of that particular newspaper, where there is a photo, the name of, and a description of, in the third column from the left, which in my respectful submission, infringes on your Honour's non-publication order that was made yesterday. I understand it's gone wider, to other newspaper outlets. But this one is concerning in particular, because it is in hard copy print.

And I understand only moments ago was still in an online form as well, and so - - -

THE CORONER: Right.

MR OFFICER: - - - (inaudible) that is somewhat difficult to contain. Nonetheless, your Honour, I raise it, that it is a breach of the non-publication order that was made yesterday. And it has caused some distress to my client and his family.

THE CORONER: I'm sorry to hear that. I – I do understand that unfortunately, we – given the interruption of the technical difficulties, we neglected to confirm the order that had been made once we went live. And I can only apologise that that occurred without trying to keep on top of these matters.

MR OFFICER: Your Honour, I accept the apology from the court. And it might be best that the non-publication order is - - -

THE CORONER: We are – we are attending to that now.

DR DWYER: I'll just remind my friend, I mean every – the – nobody put it on the record.

THE CORONER: I know - - -

DR DWYER: I take full responsibility for it.

THE CORONER: - - - I know.

DR DWYER: But nobody else put it on the record either, when we (inaudible) livestream - - -

THE CORONER: We all have to be alert. There's a lot going on.

DR DWYER: That would be helpful. And – and I can assure my friend, as soon as it was drawn to our attention, we tried to do what was necessary last night to withdraw it. But it's perhaps a timely remember to everybody.

THE CORONER: But if there is still an online version that is inaccurate, then we can request our media liaison person to identify that, and ask it to be dealt with.

DR DWYER: That's what happened last night, your Honour, and I understand - - -

THE CORONER: Yes, but I understand from Mr Officer that there might still be one online version that hasn't been addressed.

MR OFFICER: That's right, your Honour. And certainly the hard copy print of the newspaper.

THE CORONER: It's hard to deal with that one.

MR OFFICER: It is, your Honour. A second article I bring to your attention from the Canberra Times, your Honour. The issue I take with that is the gross misreporting that has been put into that article in the headline, and in the caption under the photograph. As your Honour will recall, the evidence yesterday, there was no such evidence of that adduced. And there is no such evidence on the brief, of what is put in that headline and in that caption, in existence.

THE CORONER: Yes.

MR OFFICER: I raise that in the context, your Honour, that it is perhaps a timely remember to the organisations who are printing of any articles on these sensitive issues, as was raised yesterday in my application for non-publication, to faithfully, and accurately report, not only is that headline and the caption grossly inaccurate, it is disturbing, and caused distress to my client as well. But I'm sure it would probably cause a stress to families, that is what is being recorded and being peddled, which is not correct at all.

And it's quite a significant error to make in the context of this case. And I bring it to your Honour's attention, as simply a timely reminder, about faithful reporting on these issues.

THE CORONER: Yes, and of course the processes that we are adopting, live streaming and publishing transcript should enable all agencies to accurately report on these proceedings.

MR OFFICER: Thank you, your Honour.

DR DWYER: Your Honour, all I can do is agree with my learned friend in respect to that Canberra Times article and the heading that is inaccurate and Dr Freckelton drew your Honour's attention at the very beginning to some inaccurate reporting and

another complication. There is a limit - in fact your Honour has no power to do anything about that other than to remind everyone - - -

THE CORONER: To reiterate that we are operating in a very transparent fashion for the broader community and to assist accuracy in relation to communicating what is occurring in these proceedings.

DR DWYER: Thank you, your Honour. Can I invite my learned friend, Mr Officer and anybody else at the Bar table who becomes aware of any inaccuracy in reporting to let Ms Walz know so that we can get on to the media team at the Coroner's officer and then contact the online publishers as soon as possible.

MR OFFICER: Yes, your Honour, and I certainly try to look at the contact details of that particular author and it happens to be the same author of both articles. I don't have any fruit in that so in that sense so - otherwise I would have contacted the author myself. Thank you, your Honour.

THE CORONER: We do have media liaison to assist with communicating non-publication orders and to assist with correcting any issues that we are notified of and we will continue to do that and I heartily support counsel assisting's suggestion that if any matters of concern arise, please feel free to raise it and also please feel free to raise it if you identify, for example, that we have missed a non-publication order putting on the live screen or putting it on the website or any other orders that are made so that we can do our best to assist the accuracy of the communication of these matters.

MR OFFICER: Okay.

THE CORONER: Mr Coleridge?

MR COLERIDGE: Good morning, your Honour. The next witness is Mr Bruce Van Haeften.

THE CORONER: He is on the screen.

MR COLERIDGE: He will be giving evidence via livestream from Darwin. He didn't attend yesterday. I call Bruce Van Haeften.

THE CORONER: Mr Van Haeften, thank you for making yourself available today. I understand that you were also available and had travelled yesterday. I do apologise. We are trying to keep to a tight schedule and unfortunately we failed to meet that schedule when we had you planned and I apologise but I very much appreciate that you have made yourself available again today.

<u>BRUCE ALAN VAN HAEFTEN</u>, affirmed:

<u>XN BY MR COLERIDGE:</u>

MR COLERIDGE: Mr Van Haeften, can you please state your full name for the record?---My full name is Bruce Alan Van Haeften.

And you have provided a statutory declaration in these proceedings, is that correct?---Correct.

Your Honour, that is dated 12 October 2020 and that's at brief item 10-22A.

Now, Mr Van Haeften, you didn't provide these further documents but am I right that you've reviewed a number of further documents that were contained in Constable Rolfe's recruitment file?---That's correct.

And you may or may not know that those documents were annexed to Kevin Agnew's statement?---I didn't know that.

And, your Honour that statement is 7-1, for the record the annexures to that statement are provided in a somewhat jumbled way. I have extracted some of the more important documents and I will show them to the witness if necessary, but that's where they come from.

THE CORONER: Thank you.

MR COLERIDGE: Mr Van Haeften, can you tell her Honour something about your qualifications?---I'm a registered psychologist, a generally registered psychologist and I have been working as a psychologist since the early 2000's both in a Correctional setting, community mental health, for a period of nearly 10 years with Fire and Emergency Services, recently with Veterans Affairs, and Open Arms and currently for (inaudible).

Can I ask you to repeat the last bit? I am struggling to hear you?---And I currently work at Charles Darwin University within the clinical training team.

And what are you doing at Charles Darwin?---I am the clinical manager of the Wellness Centre Psychology Service which is the training of post graduate clinical psychologists.

Now, I take it that you worked for approximately 20 years as psychologist across different NT government departments, is that right?---That's correct.

You started working with young offenders doing offence-related treatment and the like, is that correct?---Correct and then with gaoled offenders within the Berrimah Correctional Centre.

You then became involved with the Northern Territory Police, Fire and Emergency Services, is that correct?---That's correct, since early 2000, as a psychologist within the employee support services (inaudible).

In what year---In 2000 and - - -

THE CORONER: I am - - -

MR COLERIDGE: I am really struggling.

THE CORONER: You are breaking up a little bit. That sometimes happens on Teams we have found. We might try the phone call method.

MR COLERIDGE: Mr Van Haeften, we might try to dial you in by telephone.

THE CORONER: We will keep you on visually on the screen but we might get you on the phone for audio?---Thank you. I am finding hearing very difficult with all the background noise in the court, but here as well.

Okay, well maybe the phone will work better for both.

MR COLERIDGE: We might need a moment to set that up, your Honour. I am sorry to ask - - -

THE CORONER: I don't think so, we just need to mute him. When we get you on the phone we will just ask you to mute your computer?---Yes, your Honour.

MR COLERIDGE: Mr Van Haeften, can you mute Teams?---Hello, I've muted my computer.

THE CORONER: Great.

MR COLERIDGE: Are we able to boost the volume of that? All right, Mr Van Haeften, can you hear me?---(Inaudible).

THE CORONER: You might have to pick up that phone and have it a bit closer to you?---Yes, sorry. I can hear clearly now.

Is that going to wok with you holding it like that or do you want to put it - just see if you can get it a bit closer to you on - or do you have headphones?---I think I've managed it now to get it on speaker phone and manager the computer. Can you hear me clearly now?

Okay. That is pretty good.

MR COLERIDGE: Let's give it a go. All right, so we were up to, I think 2008 or 2009 you had just joined the Northern Territory Police, Fire and Emergency Services as a psychologist. How long were you a psychologist with PFES?---I was in the role as a psychologist for approximately five years and then I transitioned to the role of manage for the Employee Support Services Team for the remainder of the time I was with Police, Fire and Emergency Services and that was a position entitled "Assistant Director and Quality Support Principal Psychologist.

And then in 2018 you spent some time working with the Department of Veterans Affairs?---That's correct.

And now you're at Charles Darwin University?---Correct.

Okay. I want to ask you some questions about your role at Police, Fire and Emergency Services beginning with, I suppose, the direct clinical work you might have done with the psychologist. What did that involve in terms of, you know, face to face clinical work?---A component of that work included early intervention, clinical screening with personnel, mostly police officers at that level. It involved providing crisis support to employees across the tri service including the police force and their family members. And it included the provision of psychological treatment primarily at that stage, to personnel of the organisation.

I use the expression early intervention. What does that mean?---So in the context of Northern Territory Police, that was the service that was called well checks where there was periodic screening with personnel that were considered to be working within higher risk work units, instigated by those work units where we would make contact with the personnel, had structured into the three months, six months or 12 monthly, to screen for very early indications of heightened stressors or stress, burnout or trauma reaction and to ensure that personnel in those direct units were mindful of options for support and for treatment.

You're also involved in training and the development of policy, is that right?---So within the psychology role that would have incorporated delivering training in relation to mental health issues and also delivering information sessions about services that were available and the function of services. And in my latter tenure with NT Police, Fire and Emergency Services it would have included the development of service policy and governance and also the design of services that were relevant for both early intervention and resilience and clinical services that could be provided to personnel (inaudible).

Was there any element of operational support, either in your role as a psychologist or in your role as Assistant Director of the ESS?---At different levels. So there would have been a component of that. That included providing consultation services to managers or command about how best to support personnel through training or through direct service delivery or through arrangements for visiting to remote areas. And on some specific occasions the psychologist within the employee support team at that point in time also provided a mental health consultation service to the police negotiation team where we provided information on mental health specific issues to guide their decision making.

That information that you provide to the police negotiation team, I take it that you weren't becoming in individual negotiations with individual offenders, is that right?---No, we did not advise about how to proceed in the police negotiation activity. But if there was a question say about what would be relevant symptoms in relation to disorders such as depression, we would collate that information and provide that to the team for their consideration.

You mentioned depression. Were there any other mental illness disorders, personality types that you provided guidance to the negotiation team about?---Well high prevalent disorders like depression or anxiety, around substance use would often be a consideration, or around propensity for aggression or for violence.

And what would the nature of your advice be, just about the illness? Would it involve some advice about how to engage with people with those illnesses?---Part of that advice largely would be about anticipated symptoms to expect, that are familiar with, the diagnosis that somebody could have and then potentially how those symptoms might impact the person's performance or communication and how the negotiations in that sense might need to consider how they communicate with people if they had a specific disorder.

Now was that a formalised arrangement or was it pretty ad hoc?---It was a formalised arrangement.

And how frequently would you do it?---Infrequently.

Once or twice a year?---I think at most once or twice a year.

And did you have that kind of arrangement with any of the other police forces or – sorry, any other units within the police force?---I think primarily through the police negotiator team we would provide consultation. So there might be other operations but that role was to the police negotiator team only.

There's some evidence in this inquest, Mr Van Haeften, that suggests that Kumanjayi Walker might have suffered from a cognitive disability and might have had a history that was consistent with foetal alcohol spectrum disorder. Do you think that there could be some utility in the ESS providing guidance, not just to the police negotiation team but to other units, including general duties police officers, about things to be mindful of when you're engaging with someone with a cognitive disability like FASD?---I missed the beginning of your question but I think I got the gist of it, in relation to their value for the employee support team or the psychologist on the team providing broader consultation purposes. I think there is value in that level of information being available to operational police officers. I'm not sure whether the employee support team is the most functional way to be able to deliver that, depending on the resources that are available. And that in some operational situations the competency might be very different for consideration.

I'll come to the competency and the work that most ESS staff do, which I'll think will clarify the answer to that question. But I take it that you're saying there would be some value in someone with the appropriate expertise providing that guidance to frontline police officers?---Yes, I think that there's value in that knowledge being incorporated within a policing context.

For example, one of the things that the literature on FASD suggests is that certain types of commands or instructions are more likely to be effective when communicating with someone like – with FASD?---Yes.

And that other types of commands or approaches might be ineffective. So you've just got to verbalise an answer because we're transcribing the proceedings?---Yes, yep.

And I take it that that's the type of advice you're talking about. It's relatively general things to keep in mind?---We thought for instance in that example that there might be an impairment in terms of sequential problem solving, being able to anticipate what might be a consequence. Well then an example of that would be provide singular instructions rather than multiple instructions or assuming that the recipient of the communication could interpret the meaning and work out numerous steps in an instruction.

All right. And providing that advice to police officers could be done in a number of stages, would you agree?---Yes, in a number of different formats.

So you might have some initial training about common mental disorders or substance abuse issues in the Northern Territory that police officers might encounter?---Yes, I think an awareness about high prevalence disorders within the communities that they're policing would be an option.

But equally you might add simple alerts to offender profiles to put frontline police officers on notice if an offender has a condition like FASD or is known to use volatile substances or cannabis or something of the like?---Sorry, I've missed the first bit of that question.

Sorry, you might reinforce that advice on something like the PROMIS system by adding alerts for offenders where an offender is known to have a cognitive disability or to use volatile substances?---Yes, I think that would make sense if that information was available for that specific individual, that would be relevant for interacting with them.

Just as relevant as the fact that an offender might have a history of committing certain offences?---Yes.

I want to ask you some questions about working with police as a cohort of first responders. In your clinical experience is trauma common amongst first responders?---I think there's an inherent risk for trauma exposure within first responders including law enforcement personnel. And I think in my service division to law enforcement personnel I've definitely worked with many where trauma reactions have been an issue where they've sought support for.

And just for clarity, when we talk about first responders we're talking about people like police but also doctors, nurses, paramedics, lawyers working – providing frontline legal services?---Yep. I would feel comfortable from my experience working

with a broader cohort of people to generalise that occupations that have an inherent component around this area of trauma exposure or direct trauma exposure would also have an increased risk or prevalence in trauma reaction.

You distinguish between direct trauma exposure and the vicarious trauma exposure. Are you distinguishing between events where, for example, a police officers is the subject of abuse or violence and events where a police officer observes, let's say violence or abuse that's been perpetrated against another person?---Yes and I'd add to those two circumstances where a police officer might be exposed to information about traumatic circumstances.

So reading case reports, looking at body worn video, going to court and collecting evidence?---Correct.

All of those things can be traumatising?---Yes.

Now you use the expression discreet exposure to traumatic events. Discreet exposure to traumatic events can give rise to conditions like post traumatic stress disorder, is that right?---Yes.

But in the case of police officers we're also talking about recurrent exposure to trauma, is that right?---Yes. So ongoing exposure to similar and very different events over the course of their career.

And what's the significance of the recurrence of the exposure to trauma?---Well I think one element of that is that there might be due to the frequency of exposure, reduced opportunity for recovery between those exposures. And I think other impacts from that might be through sensitisation or desensitisation to those circumstances in having to adapt to the exposure and to be able to continue to perform in a law enforcement role might have some healthy and adaptive consequences and some maladaptive responses to the ongoing trauma exposure.

You used an expression when I met with you and spoke with you yesterday, it was sustained high tempo. Can you recall that?---I've missed your question, sorry.

Sorry. Yesterday when we met you used an expression sustained high tempo. What does that mean in the context of exposure to trauma?---Sorry, I heard everything except the expression that you - - -

THE CORONER: Maybe you might need to sit down.

MR COLERIDGE: Yes, your Honour.

THE CORONER: Just so you can get closer to the microphone.

MR COLERIDGE: The expression, Mr Van Haeften, was sustained high tempo and you were describing I think a type of work that some frontline or first line responders do. What does sustained high tempo mean?---I use that considering well a high

frequency of exposure, not necessarily to trauma but to stressful and other distressing events with reduced timeframes between those events for recovery.

And how much – what might the consequences of that be clinically?---Is that people will have less opportunity to return to a baseline in terms of healthy behaviour and that their stress thresholds might be sustained at a higher level than they're comfortable with, leading to a strain in terms of their adaptive responses to stress and to conditions such as burnout. It might also have an impact in terms of performance and it may have an impact in terms of how they manage themselves in repeat exposures to stressful events.

You used the expressions sensitisation and desensitisation. If a police officer becomes sensitised to the trauma that they're experiencing directly or vicariously, how might that manifest in changed behaviours?---I think that might manifest in attempts to avoid situations, in through limiting time of exposure or avoidance in general of particular types of situations. It might lead to avoidance by avoiding emotions connected with those particular situations which might be a resulting numbing or detached response and interaction with people in those situations. That's some common responses that I would have observed.

If a police officer becomes increasingly sensitised to certain types of events, is there a risk that their threat perception might change?---I think desensitisation is a linkage to an attention to threat and I think particular situations might be perceived as more stressful or distressing or more threatening in terms of the psychological bases.

So for example, a police officer might over time come to perceive certain conduct by people they're interacting with as more threatening because they're becoming increasingly sensitised to that conduct?---Potentially, yes.

And desensitisation, how might that manifest in changed behaviours?---I think it may – I might have observed it and I've – in terms of people not appreciating a level of violence or aggression as an example, as being significant because of over exposure to those sorts of circumstances.

And could that include reduced appreciation or a lack of appreciation of their own conduct or the potential consequences of their own conduct?---Potentially.

For example, when using force?---Potentially, yes.

One of the words that you used when we conferenced was the word helplessness and I wondered whether I might provide you with that word as a cue to say something to her Honour about one of the effects on a police officer of the type of work that they do in a jurisdiction like the Northern Territory?---Yes. So your Honour, I use that phrase helplessness in relation to describing what might be the potential moral impact of continuing to try and assist and intervene in situations with largely perceived ineffectiveness of being able to result in long term change for individuals or for communities.

Perhaps to give you an example, let's say a police officer over the course of two years attended every week at half a dozen reports of domestic violence incidents and kept seeing the same thing again and again and again. Are you saying that they might start to feel helpless or ineffective in their attempts to intervene and solve the very complex problems they were dealing with?---I think that would be a natural consequence for most people attempting to result some change or keep people safe in those situations. And I think that would apply to most police officers as well.

And that – I'm not sure if you just used the term, but there is a risk that a police officer might suffer moral injury as a result of that, kind of, perception of helplessness?---Yes, correct.

Can you explain to her Honour what you mean by moral injury?---I would define it in terms of my engagement with police officers, as a component of the helplessness to effect change but - - -

Mr Van Haeften, we've just lost you?---Sorry, the phone call was disconnected.

We can hear you on Teams.

THE CORONER: We will try – we will go with Teams for a little bit, and if that becomes problematic, we will ring you back.

MR COLERIDGE: Can I ask you to start that last answer again? Can you hear us, Mr Van Haeften?---Sorry, can you hear me?

We can hear you. Can you hear us?

THE CORONER: No, he can't. They're trying to sort that out now. Can you just send him a text to get out of Teams or close – shut down Teams, and we will send him another invite? Once we put people on mute, we're having difficulty getting them off mute, which I think is the same problem we had yesterday. We will call him back on the phone.

THE WITNESS: Can you hear me now?

MR COLERIDGE: I can. I'm sorry about that. I was asking you a question about moral injury and what it was. Can you explain to her Honour what moral injury is?---I think from my (inaudible) really defining exposure not necessarily including exposure to danger or (inaudible) circumstances, but where trauma exposure is impacting how people perceive a compromise in terms of their own values, and I think circumstances such as ongoing exposure in the situation of helplessness would incorporate moral injury for some law enforcement officers.

Is moral injury a clinical diagnosis? Is it a symptom? Is it a philosophical idea?---I'm not an expert on moral injury, and there's growing evidence around both the screening and assessment of moral injury and the domain comprised to that, and

I think in the context of policing, there's a growing awareness of the impact of that, and how that influences people's recovery and (inaudible).

How might moral injury change behaviour within a group of police officers?

MR OFFICER: Well, your Honour, before he answers that question, unless I misheard, I think he just said he's not an expert on moral injury. So I'm not sure where this line of questioning can go.

MR COLERIDGE: Well, your Honour, the expert evidence rule doesn't apply in coronial proceedings. He might be able to identify others who have expertise. If there's an objection – sorry, if there are to be submissions at the conclusion of the inquest that you should disregard this part of the officer's evidence, then so be it. But ultimately, your Honour is investigating, not taking evidence in court proceedings. I can ask some probing questions about the basis for the opinion.

THE CORONER: Sure. I think it – I think he is basing a lot of it on – obviously he has his expertise through a study and learning, but he has also had many years in the police service, and has made his own observations of many individuals, as I understand it. So perhaps if you can establish, perhaps, a little bit more of a basis.

MR COLERIDGE: Mr Van Haeften, you probably heard all of that, but you're obviously speaking about moral injury today. How have you informed yourself about moral injury?---Yes. Yes, I have been asked about moral injury, and I would have informed myself about it, primarily through recognising there's an impact of trauma exposure that's not necessarily specific to exposure to danger or threat and, really, it results in a compromise of people in those situations about how they think they can uphold their own values with the tasks or the situations that they been have placed in, and feeling that some personnel and my clients in those situations are compromised in terms of their own value and identity, and the tact for limitations, what they can do in those situations, and that's why I was suggesting that situations such as helplessness and repeat exposures has a connection to moral injury for some people.

And so it's based, I take it, on your clinical observations in your work as a psychologist over the last 20 years or so?---Correct.

MR OFFICER: That doesn't solve the issue. He's saying he's not an expert in moral injury. He's basing some conclusions or opinions on lived experience with police officers. How has he come to know what moral injury is? How does he know what it might look like? How does he know how he might see that developing in a police officer? Is it through reading literature? Has he been told about it? Has he looked at PowerPoints or lectures? How can he make a conclusion in relation to lived experiences with police officers on top of moral injury? He is not an expert, with respect, your Honour.

THE CORONER: Where are we going with this, Mr Coleridge?

MR COLERIDGE: If your Honour is not interested, ultimately, my examination serves one purpose, which is to inform your Honour, and I will move on.

THE CORONER: Sure. I'm just not sure where you want to go with it. I mean, I think the concept of, you know, sensitisation or desensitisation, ongoing exposure and that – that has an impact on human beings, is, I think, well understood. The precise mechanics from a psychological point of view, we might not appreciate those niceties as to why it has an impact on us. But I think everyone – I think it would be fairly common knowledge that if you're continually exposed to events, that can have an impact on you, the way you view the world, the way you view your own capacity to be effective in the world or effective in your work so I am not sure that it takes it very much further.

MR COLERIDGE: I will move on your Honour. The only reason I latched onto that word is that there is an expert report on the brief from a Dr Ned Dobos dealing with moral injury. He is not a psychologist and it seemed to me interesting that this psychologist had volunteered the term. I will move on.

THE CORONER: Sure.

MR COLERIDGE: I want to ask you some questions about any relationship that you have perceived between exposure to trauma or negative interactions with people of particular races and the development of attitudes - different attitudes towards members of that race, in your clinical experience is that an issue for first responders if they are having consistently negative interactions with people of one race?---I don't know what the question is, sorry.

Sorry, I will rephrase it. There has been some evidence in the inquest that in a jurisdiction like Alice Springs, the police deal with - overwhelmingly deal with Aboriginal people. The nature of the work that police officers do means that often those interactions are negative and there's also been some evidence that many of those police officers don't have positive interactions with Aboriginal people in their work outside the police force. From a psychological perspective can that have an impact on the way police officers perceive members of the Aboriginal race?---I think - I think it could have an impact on how some individual police officers perceive any group that they come into high contact with in terms of representation, whether that is young people, organised crime group, and I think if law enforcement officers are exposed to a particular cultural or racial group I would expect that that could be an impact where they anticipate a negative interaction.

So because a person has had a large number of negative interactions with people of a particular race they begin to anticipate that they will have negative interactions each time they are about to interact with a person of that race?---Well, I think my response was broader than just race and I think if someone's experience is of a representation of a particular cohort of people, well that will essentially influence how they perceive future interaction but not be the only factor contributing to their perception and assessment of that situation.

Could that affect threat perception?---Potentially.

How might you address that issue from an institutional perspective if you were an organisation like the Northern Territory Police Force and you wanted to make sure that - well, how might you address that issue?---Well, I think some pragmatic strategies might be about helping personnel to be aware of the potential for those sorts of biases to be developed over time through exposure and repeat behaviour. I think another component of it if it was in relation to working with a particular cohort of people would be some level of training in relation to that social cohort or cultural cohort which might be around an improved positive perspective, so around cultural (inaudible) training might be appropriate, incorporating as well what might be some elements of information and experience of why that particular cohort becomes over-represented in a law enforcement context.

Increasingly there has been greater awareness in Australia about the potential mental health implications of first responder work, is that right?---Yes, over recent years.

And in fact in 2018 and 2019 there was a senate enquiry into that issue?---Correct, in relation to policing and mental health.

And you were the Assistant Director of the ESS at that time, is that right - at least for the beginning of the enquiry?---Correct.

And was the Northern Territory Police Force involved n the enquiry?---Yes, all police forces were I think compelled to provide responses to the senate enquiry.

And some of the data that was provided to the enquiry suggest that there were very high rates of mental illness or distress among cohorts of first responders, would you agree?---I don't know what evidence was presented but I would suggest that type of information would have been conveyed to the senate enquiry and be part of the basis for the senate enquiry occurring in the first place.

I want to quickly ask you some questions about processes for dealing with mental health issues within the Northern Territory Police Force. During your time as assistant director of ESS, what was available to a police officer who wanted to access some mental health support?---The primary resource within the organisation would be Employee Support Services Team which had a multi-disciplinary team including psychologist, social work staff, soft rehab consultants, key support, so lived experience practitioners and chaplaincy and with all - - -

Go on?---And from those different positions within the team there was a range of training, so specifically around mental health literacy training and over the years that was incorporated in recruit training and then also additional training courses throughout the organisation. There was crisis support to all employees and their family members as part of the standard employee assistance program and for personnel there was a higher level of treatment services available either through

brokerage externally or from within the department including referrals specified to services.

How many staff did ESS employ while you were assistant director? Perhaps at the end of your time at 2018?---Can you just bear with me while I (inaudible). Approximately 10 including my own position.

And did you have the sense that those services were being accessed? Were you busy?---Yes, all the positions were busy and utilised. I think definitely with the knowledge that there were some people within the organisation that would be reticent to access integral services and there were barriers to that (inaudible) but the services were definitely utilised in general by both employees and their family members as well as volunteers in the Fire Emergency Services.

Do you think that there are barriers to police officers accessing those services? ---Yes, I think there are general barriers such as stigma, as within the general community. There's inherent barriers about how personnel think accessing support will be perceived from within the organisation, so an additional level in relation to stigma.

Do you think that stigma is an additional issue within the police force or it's just an issue elsewhere?---I think it's an issue as it is in the community.

Can I ask you some questions about confidentiality. Is, when a police officer engages the services of an ESS worker, do they enjoy the same confidentiality that a member of the public would enjoy if they went and saw a private psychologist?---They – in recognition that there's an inherent limitation in providing in-house embedded health service, otherwise all of the health information and records was kept separately from the other information or database sourced within the organisation and there were protocols around the scope of services that helped to ensure that as well.

What were the inherent limitations to confidentiality and what circumstances might you breach confidentiality and inform a managing officer about?---There's some (inaudible) limitations where that if we were providing a service from within a facility of the organisation, it's possible that clients would be observed accessing those services. That said, the team would have provided many services to personnel in those contexts voluntarily. But that was a barrier for some to access services. In relation to limitations to confidentiality, apart from mandatory reporting requirements within the Northern Territory, duty of care responsibility in terms of the safety of individual clients as well as the safety of the community in general there were limitations to confidentiality.

In what circumstances might you breach confidentiality and inform, let's say a sergeant, that one of their constables was suffering from a mental illness?---So a clear cut one would be if we thought there was risks of suicide or harms to others, that might be the circumstance where to ensure safety the organisation would need to be made aware of that. Not all circumstances (inaudible) that to ensure safety.

What about less acute presentations. Assume for example, that there was a junior police officer, they had been diagnosed with let's say, clinical depression, they were being transitioned onto an antidepressant but they felt well enough to go to work and you weren't worried that they were at risk of suicide. In those circumstances would there be any disclosure?---Not as likely. And I'll just – I didn't mention earlier on but part of the context for providing services was that employee support team, we didn't provide any fitness for duty assessments either for returning to work or in the context of that. And if they were being prescribed with medication we'll then (inaudible) the prescribing doctor with awareness of what that person's occupation was or if they had a responsibility in relation to considering the risk in terms of their occupation and the risk to community and would advise around that.

If for example, you were aware that the police officer was being deployed with a tactical unit, would that affect your decision about whether you needed to disclose to the employer?---So the person's role and the risk that might be posed in relation to community or to themselves or to colleagues in any situation would be a factor to (inaudible).

I want to ask you some questions briefly about recruiting on a transition to the topic of recruitment. I want to ask you some questions about Australian Defence Force personnel and veterans. Now I understand your evidence to be that there is an inherent risk amongst veterans that there might be some resulting illness or – well let's just use the word illness, I don't want to use the word moral injury – that there might be some effects of their service as a veteran on them from a psychological perspective, is that right?---Correct.

But when we talk about inherent risk, we're not assuming that because a person has served in the armed forces that they will have a psychological injury?---That's correct. I wouldn't assume that (inaudible) psychological injury because of their service.

Now the inherent risk amongst veterans is greater than an ordinary member of the public, is that correct?---I think research on prevalence rates suggests that for some conditions, correct.

But is it fair to say that in your experience that inherent risk is roughly the same amongst other first responders like police and paramedics?---I would say from my experience, noting that my professional experience has a limited cohort of people, so people seeking treatment or consulting to this context is that similar issues (inaudible) evident for both military (inaudible) and law enforcement personnel (inaudible) within the emergency services as well.

How, if at all, does that inherent risk affect your assessment of a recruit?---Well that would inform what we think are relevant factors in terms of (inaudible) in terms of (inaudible). It would also inform the (inaudible) of that person if they were employed in (inaudible) their attitude, for examples, (inaudible) support, is an inherent (inaudible) that they'll be exposed to risk that could include psychological injuries

(inaudible). And also about how (inaudible) others and support others within that context.

So I just want to clarify you because we lost you – lost bits and pieces of your answer. But if you were aware that a person was a veteran during the recruitment process you might try to assess their level of self-awareness about the risk of psychological injury?---Correct.

Go on?---Go ahead.

No, no, you go?---I was just going to say their own awareness of their inherent risk with (inaudible) exposure and their own awareness in terms of their self and (inaudible) situations and what they would need to take into consideration (inaudible) or manage recovery.

I want to ask you some questions about the interview process.

Before I do, your Honour, I just want to raise one issue. I want to ask some questions about the psychometric testing. It wasn't my intention to show the document but I will need to read parts of the document in order to ask coherent questions about it. I just want to confirm that there isn't an objection to me doing that?

DR DWYER: There's no objection to that, your Honour. We were contacted or my instructor had some contact with the author of that report. If the report were to be shown at court or published on the livestream or published as an exhibit, that would create some intellectual property consequences for him. He is of the view that that represents nearly 30 years of work and is very concerned about competitors having access to those documents.

That obviously doesn't fall within a s 43 of the *Coroners Act* and therefore your Honour's powers to make a non-publication order. But given that counsel assisting is proposing to respect the request that's been made, reading a passage or two won't have that – no issue will be taken with that.

THE CORONER: Thank you.

MR COLERIDGE: I just wanted to make sure.

Can I just take you quickly through the timeline. You might remember the dates, you might not. There's evidence before the Coroner that Constable Rolfe applied to join the police force on 9 February 2016?---Correct, yes.

Can you just repeat that answer?

THE CORONER: Correct?---Correct, yes (inaudible) application form.

MR COLERIDGE: Now on 28 February 2016 he underwent a psychometric assessment by the Australian Institute of Forensic Psychology?---Correct.

On 16 March he underwent an interview?---(inaudible).

Now, on the morning of the day of the interview, Constable Rolfe filled in a personal history document. Is that right?---Yes, that's correct.

And then he was interviewed from about 10:40 am in the morning?---Yes, that's correct.

And yourself, Senior Constable Kevin Agnew and Superintendent Sachin Sharma were the panellists. Is that right?---That's correct.

All right. Now, in – during the – sorry, following the interview on 16 March, referee and probity checks were conducted. Is that right?---Yes, and they were completed by the police recruitment team.

And, ultimately, on 16 April 2016, the interview panel, I think, signed a document recommending Constable Rolfe as suitable for recruitment?---Yes, the challenge panel would have signed that document.

I see. Perhaps if we could have document 8. That's the document you were referring to. Is that right?---Yes, correct.

Now, there's a big black redacted panel at the bottom of the page. But if I suggested to you that there are three signatures there, is your evidence that they're in fact the signatures of the challenge panel members, not the interview panel members?---Yes, correct.

Okay. The – next to the name Sachin Sharma, Kevin Agnew and Bruce Van Haeften, there are some comments about Constable Rolfe?---Correct.

And by and large, very favourable or positive comments about his performance at the interview, correct?---Correct.

And they were the comments that you produced during or shortly after your interview with Constable Rolfe on 16 March?---Yes, correct.

And then ultimately on 22 April, Constable Rolfe was offered employment. Is that right?---That appears to be so, with the offer of employment.

All right, Bec, we can have that document down. I want to ask you some questions about the psychologist's role in the interview process. Obviously you have a level of qualification and experience that isn't shared by the other two panellists. Is it your evidence that you have a special role on the panel, or an equal role to the other panellists?---I had an equal role in decision-making.

And so, in a sense – well, let me put it this way. The panel didn't rely on you to make an independent psychological assessment of Constable Rolfe, did it?---No, it did not.

By convention, the psychologist member would ask certain questions during the interview. Is that right?---That's correct.

And is that because due to the nature of your work, you might be more comfortable or experienced asking sensitive personal questions of a recruit?---Correct.

In terms of the psychometric assessment battery, you had no involvement in developing that. Is that right?---That's correct.

You don't know what data went into the report that was generated by the AIFP?---Apart from the critical items that are noted within the - - -

The critical items. You said apart from the critical items. Now, the critical items are a set of questions that are noted in the report, because the answers given by a particular recruit depart from the average. Is that right? Your Honour, I'm really struggling to hear the witness.

THE CORONER: I'm not sure, but you've – unfortunately you're breaking up a lot on the audio now, even on the phone?---I can hear the court clearly. Has the proximity of the phone helped?

It might help. Try increasing or sorry reducing the distance between yourself and the phone?---Is this better?

MR BOULTEN SC: Beautiful.

THE CORONER: I think that is better, yes.

MR COLERIDGE: Now, you don't happen to have phone headphones, by any chance?---I do. But I will have to connect them wirelessly. I'm not sure if that's going to impact on how the connection is going on at the moment.

Look, this is pretty good, so we might just press on and I will try to be quick so that we don't wear your arm out. Just quickly, the critical items are a series of questions. You're given the answers as something to test or probe during the interview. Is that right?---That's correct.

Okay. But otherwise, you don't necessarily know how the scores in the psychometric test were generated?---That's correct.

Okay. I want to ask you some specific questions about what's in that document now. I'm not going to show it to you, but I understand you've got a copy in front of you?---Yes.

Okay. At page 1 of the document, the recommendation is given?---Yes.

And the recommendation is further evaluation with comprehensive report and structured interview. Can you see that?---Yes.

Now, the structured interview is the interview on 16 March. Is that right?---Correct. It's the interview as part of the framework for recruitment, so similar to the (inaudible) report that's also part of (inaudible) intellectual property.

Okay. What about the comprehensive report? Is this document the comprehensive report, or is it suggesting that there should be another psychological assessment?---No, this document (inaudible) comprehensive report, and that (inaudible) evaluate the comprehensive report and data, and the structured interview (inaudible) is what information is provided for the organisation for all of the candidates at that assessment, prior to the – receiving a report. There were components (inaudible) suggesting for the organisation that the outcomes of the assessment suggests it's worthwhile buying the reports company because it looks like the data (inaudible) low risk, and there are - - -

THE CORONER: Can you hold that closer? Can you just use it like a normal phone?

THE WITNESS: Yep.

THE CORONER: Okay. See if that works.

MR BOULTEN: Can we have that answer again, please?

THE CORONER: I think what he's saying is that they get some information about this report and they're recommending that you get the full report and interview?---That's it. That's correct, your Honour.

So they get a limited piece of information to say, yes, recommending that you go ahead, get the full report, and go ahead with the process, or maybe you don't have to pay all the money for the full report because this is not necessarily a suitable candidate?---That's correct, and that will be on a spreadsheet with the data for every candidate for that recruitment round.

MR COLERIDGE: So just to clarify, maybe I'm just missing something. Is this 21 page document from the AIFP the comprehensive report or not?---Yes, it is the comprehensive report.

Okay. Now, Zachary Rolfe was identified as having excellent potential?---Yes, in the report.

Okay. I want to take you just to three aspects of the report. Can I ask you to go to page 5?---Yes.

Now on page 5 the second score, under the heading 'Working with others', it's suggested that – well a score is given in relation to Constable Rolfe's potential avoidance of accepting responsibility or a likelihood that he might blame others. And then over on the next page a potential weakness is identified and it reads, "After making a mistake Zachary is less likely than many others to accept responsibility. He may brush off the significance of the error, seek to minimise his own role or blame others". You see that?---Yes, on page 6 and 7.

There are two other scores that I want to ask you some questions about. I'll just identify them. On page 10 of the document an aggression score is given?---Yes.

And the interpretation under the heading 'Potential weaknesses' reads, "The aggression score is above average. Whether Zachary will act with firm assertiveness or frank aggression cannot be determined from this scale alone"?---Yes.

Then finally on page 15 of the report some additional findings are provided. And under bullet point 4 it reads that, "Constable Rolfe reports that when he was young his father was very tough on him and his mother tried to compensate by being protective. This pattern has frequently been found to be associated with later resentment of authority figures in highly structured organisations in which employees are expected to comply with strict procedures. In the present case other data confirmed this could be a problem". You see that?---Yep, I do see it.

Okay. What role would those three scores or interpretations have on the subsequent interview process?

MR FRECKELTON AO KC: Your Honour, I object to the question. What I'm troubled by is that in each of the categories of information or those three topics that have been put to this witness, in his statement he's qualified each of them by saying: "This is an interpretative statement within the comprehensive report generated by the AIFP, the interpretation methodology. The interview panel members do not interpret the data of the psychometric test battery. The interview panel do, however, test these assumptions throughout the behaviour in the interview process and if it was further reinforced by any verbal responses at interview, then this will have seen further negative appraisal from all interview panel members".

I think the question on – focusing on those particular topics when they do not interpret the data, I don't think this witness can answer the question about that.

THE CORONER: The question is how those topics affect the conduct of the interview and how they might be addressed in the interview, if at all, as I understand it.

MR FRECKELTON: Well if that's the question - - -

MR COLERIDGE: I thought I clarified that this witness had absolutely nothing to do with producing these statements but he was armed with them when he conducted the interview. So I think we're on all fours.

MR FRECKELTON: Well I wonder how he can have a situation where you don't interpret the data and then how you use those assumptions.

THE CORONER: Well I think he's accepted the data on the basis of this is how the police do their business. Maybe he has certain views as to the reliability or otherwise, which we haven't gone to. But he's armed with this information and it informs the interview process apparently. So we're just getting to the interview process that this information informs and on an assumed acceptance of some weight being given to this testing.

MR COLERIDGE: Perhaps I'll put it this way.

Did you understand it to be your role as a member of the interview panel to use the AIFP report to assess an applicant during the interview?---Yes. The information from the report was integrated with how the panel would view the responses of each candidate to the complimentary behavioural interview guide.

All right. Now I think as you identify quite clearly in your statement, in a sense the AIFP report was a black box. You didn't know what had gone into it but you just knew the result it had produced, is that right?---We use the interpreted data to inform how we can consider the applicant's response to questions at interview.

And how do you use the interpreted data to assess an applicant's response at interview?---So we would (inaudible) specifically be risk facts identified in the report, as you have, drawing attention to those key areas and as we progress through an interview with any candidate, look for evidence of those concerns or risks being highlighted within each response.

And so I think the precise expression you use in your statement is you look to see whether there's further confirmation of the interpreted data in the interview, is that right?---Correct.

But you're not trying to prove or disprove the correctness of the interpreted data, is that right?---Correct. We don't modify the interview protocol to interrogate those particular risk factors.

So at the end of the interview let's say there were no further answers that confirmed that aggression was an issue for the applicant. That wouldn't mean that you'd completely disregard the interpreted data about the aggression score, would you?---Not necessarily.

And it wouldn't mean that the interpreted data was incorrect?---No.

In your statement I think you say that there should be more integrating of recruitment assessments and ongoing training, supervision and assessment of junior police officers. You'd agree?---I'd agree if there were opportunities to integrate principles then the types of information, that would be useful.

Is data like this or some of the interpreted data like this something that could or in your opinion should be integrated into ongoing supervision and assessment?---I think (inaudible) to our conference yesterday, that there's difficulties of transferring the data from the psychological report into another context. But I think the principles of what's seen as risk factors and within this example of the psychometric battery would be relevant also from ongoing assessment through training and through probationary periods. For instance, attitudes towards authority or aggression would be relevant factors to continue assessing.

So perhaps at the six or 12 month mark you might do further standardised testing to see whether a police officer is consistently scoring high for aggression, for example?---I'm not sure whether there'd be much (inaudible) for more psychometric testing but there might be other ways that those risk factors or behaviours could be assessed and observed.

What are those ways?---Through observations of behaviour, through training, through observations of attitudes demonstrated through training.

You say observations of behaviour. If a police officer was developing a reputation for using force in appropriately, is that the type of behaviour that you might use one of these scores to assess?---Yes, so that would be one relevant observation.

I want to ask you some questions about Constable Rolfe's application and the information that was and wasn't provided in it. I might just confirm, I am getting a lot of Post-it notes that objections are being taken to certain documents and I want to make sure that there is no difficulty with me showing the application form.

MS NOBBS-CARCURO: Your Honour, I apologise if there has been some miscommunication. I understand the matter I raised earlier to have made it clear that there is a difficulty with showing the report.

THE CORONER: That report - - -

MR COLERIDGE: Not the report.

THE CORONER: About the application form.

MS NOBBS-CARCURO: Application form. No, not at all.

MR COLERIDGE: Perhaps just while we are on the subject, what about the notes of the interviewing members?

MS NOBBS-CARCURO: This is difficulty with notes of the interviewing members, your Honour. There is a concern about public interest and immunity over those materials. Interview questions and shown and published, that may alert future recruits as to the types of questions to be asked and then that creates a difficulty with the level of preparation they do and the protections of the process.

MR COLERIDGE: Your Honour, I think in order to sensibly ask questions of this witness I am going to need to identify some of the questions that were asked at interview. I think that - - -

THE CORONER: Well, perhaps you could just - we will take it sort of question by question but at this stage what you would like to bring up is the application form?

MR COLERIDGE: That's right.

THE CORONER: And there is no issue with the application form?

MS NOBBS-CARCURO: No.

MR COLERIDGE: That is document 2 please Bec. Can I have page 4 please?

Can you see that, Mr Van Haeften?---I can't see it clearly on the screen but I will refer to the copy that I have got.

Bec, do you mind zooming in. All right. On the right side of the page you see a number of subheadings, "Police referee", "Defence force history"?---Yes.

Bec, can you please zoom down or scroll down. Now, a little bit further please. There is a question there, "Have you ever been the subject of any complaints, internal investigations or ever had any disciplinary action imposed on you?" And the box is checked "No"?---That is correct.

And that is directly under the heading - or major heading, "Defence Force History, is that right?---Correct.

I might just ask you to zoom up please Bec, to the very top of the page. You can also see there that under the heading, "Police Service History" the first question, "Have you previously applied to join the Northern Territory Police Force?" He has answered "No". And the second question appears to have been answered "Yes" but been crossed out and has subsequently been answered "No", can you see that? ---Yes, I can, correct.

And that second question is, "Have you previously applied to join any other police service" correct?---Correct.

All right. I now want to ask you some questions about what happened at interview. Your Honour, we have reached the point in my examination where I am going to have to read a question from the interview. I am not sure whether there is - - -

THE CORONER: Which question do you want to read?

MR COLERIDGE: Your Honour, question 25.

MR FRECKELTON: No issue with that, your Honour.

MR COLERIDGE: My apologies. Question 44B.

MR FRECKELTON: No issue with that question.

MR COLERIDGE: So, at page 26 of our interview notes, question 44B reads;

> "(For applicants with military experience, did you have any disciplinary problems when you served in the military?"

Do you have an independent recollection of asking that question?---I don't have a recollection but I would assume, as the convention, that that would have been asked by the chair of the panel who would have been Mr Sharma.

And the answer that you have recorded in your notes is "Fine (fight) no issue"?---Mm mm.

And do I take it that the answer that was given concerned a fine Constable Rolfe received for a public order type offence in Queensland, in Townsville?---That's how I would interpret my note, and the connection of all of that information.

And that was consistent with something that he told you earlier in the interview in answer to another question?---Correct.

Now, you may or may not have the document in front of you, but Mr Sharma has also provided us with his notes and in answer to question 44B, "Did you have any disciplinary problems when you served in the military?" The answer is "No"?---Yes.

Is that consistent with your recollection, if you have one, that apart from the discussion of that fine or fighting in Townsville, there was no disclosure of any military disciplinary history?---That's what I would assume from the collective notes of the panel members.

Have you subsequently become aware that that might not, in fact, be true?---Yes, through counsel and through conference with yourself yesterday.

You're aware that Constable Rolfe was alleged to have committed a military offence of theft?---Correct.

That he went through a military trial?---Yes, and informed by you yesterday.

I might just put these things to you as things for you to assume, but assume that he pleaded guilty to a charge of theft?---Yes.

Assume that he was given a notice to show cause why he shouldn't be terminated as an officer?---Yes.

That he responded and instead of being terminated was put on, in effect, a 24 month probation period?---Yes.

And that the fact that he was on probation was the reason that the AIDF cited for not permitting him to join the SAS when he applied to join the SAS?---Yes.

Knowing that, or assuming those facts, how would you characterise Constable Rolfe's failure to disclose this disciplinary history?---The failure to disclose would be questioned and the relevance of the failure to disclose would be assumed to be deliberate and instrumental and would be perceived as deceit.

I think the last bit was something about "instrumental and deceit". Can you just repeat the answer?---Yes, that it would be perceived as instrumental, so deliberately not disclosing a matter that would have been significant both in military career and very different to disclosing a fight defending another unarmed person in public and getting a fine in relation to that. So there's a significant difference in terms of a disciplinary issue and that it would have been deliberately withheld that information provided to the organisation and to the panel.

Is that because there's a context of assumed relevance here?---Of assumed relevance and of assumed significance in a military context as well.

And when you talk about assumed relevance, what you're saying is that you would assume that any person answering these questions would know that the information they had failed to disclose was relevant to the questions they were being asked?---Correct and to the occupation that they were applying for.

And indeed those questions were asked on two occasions in the written application and at interview?---Correct, and in the personal history form prior to interview.

And those questions were direct, "Did you have any disciplinary problems"?---Correct.

If you had discovered this omission following the interview, would you have recommended Rolfe as suitable for recruitment into the Northern Territory Police Force?---If I'd discovered that type of omission for any candidate it's unlikely that I would have recommended appointment due to the deceived dishonesty and due to the multiple points even at interview day of the importance of being honest and forthcoming with relevant information.

This would have been a pretty straightforward case, wouldn't it, if you'd discovered that omission?---I would have assumed so..

I want to ask you some questions about the public order offence matter. I showed you the relevant entry in the application form a moment ago. But in the personal history form, which I won't show because I think it might be subject to the same intellectual property issue, but in the personal history document at question 1 Constable Rolfe was asked whether he had ever been in any type of trouble with the police and he answered yes?---Yes, correct at question 3.

And on the next page at question 18 he was asked, "At some time in your life, either as a juvenile or as an adult have you been spoken to by a police officer for reasons other than a social discussion" and he answered, "Yes"?---Yes, that's correct.

And then finally on page 4 of the document there's a space that says, "In the space below write down anything else you think is important that the interviewer or the panel should know about you when considering your application" and I won't read the statement in full, but in effect it advises the applicant that this is their opportunity to be honest and to disclose anything, even if it portrays them in a bad light. Would you agree?---That's correct.

That can go up? Okay. I'm told that can go up. Can I please have document 4 back. Page 4 please, Bec.

So there's the prompt and the answer given effectively discloses an account of a fight Constable Rolfe says he was involved in, in April of 2011?---Correct.

And in effect the account he gives is that he saw a fight, he didn't see how it started but he saw three men beating up a man who was unconscious?---Correct.

That he intervened to protect the unconscious man and ended up in the middle of the fight and when the police arrived they gave him a public nuisance fine and dropped him back at the Lavarack Barracks?---Correct.

Now this prompted further questions at interview, didn't it?---Yes.

Okay?---And - - -

Sorry, go on. What were you about to say?---It came up as a response to the structured questions within the interview.

And specifically question 25 – and I think Dr Freckelton said that this question was okay – there were questions about whether or not Constable Rolfe had ever been in a physical fight and he provided some answers that were broadly consistent with what he put in the personal history document, is that right?---That's correct, yes.

I want to provide you with an additional fact which is that on 8 February 2016, the day before his Northern Territory application, Constable Rolfe had applied to join the Queensland Police Service. Were you aware of that?---Just by the information within the personal history form.

Okay. On 7 March – so this is about ten days before his interview – Constable Rolfe was contacted by the Queensland Police Service, was informed that he had failed to disclose the public order offence and that – and I'm quoting, "The failure to disclose this matter was an integrity breach" and that he was excluded from reapplying for the Queensland Police Service for ten years. Now were you aware that he had been excluded from reapplying to the Queensland Police Service for ten years on 16 March when you interviewed Constable Rolfe?---I'd assume that the panel wasn't aware.

You'll recall that on page 4 of the personal history document above that longer statement there's a question, "Do you have any pending applications with any other police service" and Constable Rolfe answered that he had a pending application with the Queensland Police Service?---Yes.

To your mind would that have been accurate in light of the fact that his application at that point in time had been rejected and he had been told that he should not reapply for ten years?---Well based on the additional information that you provided it would make sense that his application was not pending, it had been discounted by the Queensland Police.

And to the extent that there was any confusion about the what the word pending meant, would it have been your expectation that he would provide some additional information about the Queensland application in that narrative section towards the bottom of the page?---I think in relation to pending most applicants understand that to be I've applied for a job and the outcome has not been arrived at, I've not been told that I don't have the job or my application is not being considered or I'm awaiting some level of outcome from the application.

Had you become aware that Constable Rolfe's application with the Queensland Police Service was not in fact pending but had been rejected for an integrity matter, would that have been relevant to your assessment of his application at interview on 16 March?---It would have been relevant in the context of why was it not proceeded with by Queensland Police and why was it considered an integrity issue and it would have also been relevant in the context of information potentially being withheld that would be considered relevant for his application with the NT Police.

Your Honour, I have a bit more on this topic. I'm conscious that I've been going for a while and it's probably been a difficult examination for everyone to listen to.

THE CORONER: Sure. We will take a 15-minute adjournment.

ADJOURNED

RESUMED

THE CORONER: Mr Coleridge.

BRUCE VAN HAEFTEN:

MR COLERIDGE: Mr Van Haeften, can you hear me?---Yes, I can hear you clearly.

Okay. Before the break, I was asking you some questions about Constable Rolfe's failure to disclose or arguable failure to disclose the public order offence he had received an infringement notice for in Queensland. I want to ask you some further questions about that. Before I do, can I just ask you this - just bear with us for a moment, Mr Van Haeften – making an assessment of an applicant's candour and honesty is one of the most important goals for an interview. Would you agree?---I would agree.

And one of the reasons that you illicit information in stages during the application process is that the panel wants to see whether there are any inconsistencies or late disclosures by the applicant. Is that right?---That's correct, as well as any change in circumstances throughout the stages of the application.

So, for example, if there is a failure to disclose something in the original application form, but it's disclosed subsequently in the personal history, you might then have an opportunity to probe during the interview about the reasons for the failure to disclose. Correct?---Correct.

And ordinarily, if you ask those probing questions, you would make a note in your interview notes?---Yes, that would be correct.

Because that is important data that you are gathering about the honesty and candour of the applicant?---Correct.

In your notes – interview notes regarding question 25, which was the physical fight, Townsville infringement notice question, there's no indication that any questions were asked about why Constable Rolfe didn't disclose this in his first written application. Would you agree?---Yes, that's correct.

If I suggested to you that, similarly, there's no indication that those questions were asked in the notes of Superintendent Sharma or Senior Constable Agnew, would you agree that it's likely that those questions were not asked?---Yeah, so if I was asking questions, I would not necessarily write down every component of the response, and would rely on the other panel members to record that information. But they may not record additional questions, but I would rely on them to record the responses that were provided by the candidates.

Well, let me put it to you this way. The answers given to question 25 suggest that Constable Rolfe gave you an account of what had happened in Townsville in 2011, correct?---That's correct.

But they say absolutely nothing about why Constable Rolfe didn't disclose that in his original written application, correct?---Correct.

Do you agree that the fact that there is no note that he was asked about his reasons for the non-disclosure, and no note of any answer he gave in relation to a question of that kind. Would you agree that that suggests that you didn't ask those further probing questions about honesty?

MR OFFICER: I object, your Honour.

THE CORONER: On what basis?

MR OFFICER: Well, your Honour, 7.1 of his statement, "I'm unable to remember the specific interview occasion. I do not have a memory of the candidate themselves." In fairness to this witness. I don't think the question should go any way (inaudible)

MR COLERIDGE: I'm asking questions about practice.

THE CORONER: Well it's about record keeping, how they keep their records.

MR OFFICER: But that's one particular line, but to ask or to suggest that because it's not in his notes it was never asked, in the face of his statement which says he has no specific recollection. Having to remember the specific interview and no memory of a candidate, I'm struggling (inaudible) able to answer to that question wasn't asked, simply by the fact that it's absent in his notes.

THE CORONER: Well perhaps you could ask a little bit more about how they record information as they progress through the interview.

MR COLERIDGE: Yes, your Honour. Can I just give an example. I'm not sure if Mr McMahon shaves every day of the week, perhaps he does. If I asked him did you shave last Tuesday, he might say I don't remember. If he then said, I probably did because I shave everyday, the evidence he gave about his practice would be relevant to your Honour's assessment as to the likelihood.

THE CORONER: That's why I'm asking you to perhaps delve a little more deeply into the practice in relation to record keeping during the interview process.

MR COLERIDGE: I'm sorry, I misheard your Honour.

MR OFFICER: (inaudible) specifically about Constable Rolfe and general practice I actually have no issue.

THE CORONER: Sure. So you start with a general practice question and then you might be able to draw an inference or he might be able to draw an inference from what is or is not written down in this particular interview.

MR COLERIDGE: You gave evidence a moment ago, Mr Van Haeften that assessing the honesty and candour of an applicant is one of the most important goals at interview. Correct?---That's correct.

And so data about honesty and candour is very significant data to you as an interviewer, correct?---Correct.

If an answer was given that was relevant to an applicant's honesty, for example, an explanation for a failure to disclose something, you would consider that to be a significant answer, correct?---Correct.

Your ordinary practice would be to note down, at least in shorthand or in short form, the substance of that answer, correct?---I would record responses in shorthand, yes.

Given that you made no note that an explanation had been given for the failure to disclose, does that suggest to you that that question and that answer was not asked or given?---I would assume by my notes and the notes of the other panel members that I wouldn't have specifically asked any further questions at question 25 about why it wasn't reported in the initial application document.

Wasn't this something that you really needed to ask in light of the arguable failure to disclose this matter in the written application?---In terms of needed to, we would have had the information from the personal history questionnaire which had provided detail of the event prior to interview as well.

I'm not asking about what had happened, I'm asking why it wasn't disclosed in the written application. Didn't you need to ask some follow up questions to work out the reasons for the non-disclosure?---Potentially. I might have assumed at interview but I can't remember, that I already had that information and that it was already disclosed prior to being questioned about it by the personal history form.

Do you want to have another look at the personal history form and let me know where anything is said in that document about the reason for the non-disclosure?---No, I'm suggesting that I might have assumed and then not probed further that he'd satisfied providing the information.

Do you agree that the information was not provided in the original written application? Not the personal history?---Yes.

What would your assumption have been about Constable Rolfe's failure to provide the information in the written application form?---I would have assumed potentially oversight.

Oversight?---In isolation of any other information. And that he'd misinterpreted the question. They're potential assumptions. I could also assume that he deliberately left it off.

Is it likely that you assumed that he had deliberately omitted it, given that you didn't ask any follow up questions?---If I'd assumed that a candidate had deliberately omitted it I would have asked probing questions.

And your notes suggest that you didn't ask probing questions, correct?---Correct.

So that's unlikely to have been your assumption?---It's unlikely to be my assumption, from my notes that I thought he had deliberately left off the omission, given that I didn't ask further probing questions about why the information wasn't there.

Whatever your assumption was, Mr Van Haeften, we've just lost you?---Sorry, I'm still here. I can hear you.

Whatever - - -

THE CORONER: I think you can continue, Mr Coleridge.

MR COLERIDGE: Whatever you assumed, it was just that, it was an assumption about Zachary Rolfe's reasons for failing to disclose the matter, correct?---Well not knowing whether I assumed or not that could have been the case. Or it could have been that I hadn't connected all of the components of information together at that point in time within the interview.

I'm not necessarily being critical of you, Mr Van Haeften, I'm just trying to understand the process?---Yes. And sorry, I'm just trying to explain what might have been potential assumptions at the time.

Do you think it was necessary or do you think that you should have contacted the Queensland Police Service in order to see whether you could verify the account that you were given by Constable Rolfe?---And when you say me, do you mean the NT Police Force?

Sorry, yes, the recruitment team generally, not you personally?---I think that's one possible avenue for verifying the information.

We looked at the account Constable Rolfe gave in the personal history which was to the effect that he was not responsible for assaulting the unconscious man but came to his rescue and that when the police arrived he spoke to them, received the ticket and was dropped home to the barracks. You recall that?---Yes.

Can I show you another document.

This is document 10 please, Bec. This is at 3-58 of the brief, your Honour. Could we zoom in.

Have you ever seen this document before, Mr Van Haeften?---I can't see it clearly, sorry.

I'll read it to you.

Can we scroll down please, Bec.

I'll suggest to you that this is a Queensland Police report of sorts, it's a police record that contains an account. I'm not suggesting that it's correct or incorrect but it contains an account of what appears to be the incident Constable Rolfe told you about. It suggests that, "About 3.45 in the morning police responded to a male person who was unconscious on Flinders Street East after being assaulted. It is alleged that the male was pushed with some force resulting in him falling backwards and hitting his head. The male was unconscious for a matter of minutes. The offender with another male has decamped in taxi number 21 from the nightclub precinct. Munding Boora(?) 279" which I understand to be a police call sign, "has intercepted this vehicle outside Lavarack Barracks confirming the two male occupant's identity. This being" – and that's redacted, "and Rolfe. Both are members of the ADF". I'll just pause there. That account, which is that Constable Rolfe and another individual decamped from the scene in a taxi and were intercepted by police, appears to be inconsistent with the account that you were given in the personal history, would you agree?---Yes, that's correct.

And, in fact, it describes Constable Rolfe's associate as the offender, correct?---Well, that is something that could be assumed, yes. That's what I initially assumed.

And certainly there was no suggestion in the history you were given by Constable Rolfe that he was associated with the offender, was there?---No.

Now, we don't know what the source of this information is or whether it's correct, but you'd agree that it was important that the recruitment - those who were deciding whether or not Constable Rolfe was recruited, checked to see whether accounts he gave about prior criminal offending were consistent with the records held by other police services?---Yes, I agree that the collateral information would be useful in t hat context.

It might have turned out, after conducting further checks that Constable Rolfe's account was entirely accurate?---Correct.

But it might have turned out that it was a fabrication?---Yes.

Until those probity checks were conducted, it would be impossible to say, correct? ---Correct.

Do you know why those checks weren't done in Constable Rolfe's case?---No.

You also knew that Constable Rolfe had applied to the Queensland Police Service, didn't you?---Yes, and to other police services as reported by him.

And indeed, you understood that application to be pending?---I would assume that that's what we would have thought and what I would have thought.

Do you think it was important that the Northern Territory Police Force seek the applications to those other police forces in order to determine whether inconsistent information had been provided by the applicant?---I think that would make sense, the comparison across jurisdictions but I don't know if that was common practice or if, in fact, feasible.

Certainly had you made that enquiry with the Queensland Police Service after 7 March you would have discovered that the application was not pending but had been rejected for integrity reasons, is that correct?---I think if the NT Police Force had been able to confirm the progress with that application, further information would have been available, yes.

That information, namely that he had been rejected and directed not to apply for 10 years for an integrity breach would have been significant to the recruitment panel's decision, would it not?---Yes, that's correct.

Are you aware of why - you said that it wasn't common practice to seek that information but are you aware of any reason why it wouldn't be feasible?---No, I said I'm not sure if it was common practice and I'm not sure if organisations would be free to release that level of information to other organisations.

I want to finally ask you some questions about whether you think that there are any limitations or deficiencies in what was the interview process in 2016?---I think a common limitation to both assessment by a psychometric battery and via in-person interview is that it is largely reliant upon self-report which highlights the importance of being able to gather collateral information.

Some of that collateral information includes records held by other government departments. Can you think of any other examples of collateral information that we haven't talked about?---If a person's health is relevant to their occupational application well then medical records could be relevant as well.

What about psychological evaluation? I take it that the mere fact that you participated in the interview doesn't mean that you conducted a psychological evaluation of Constable Rolfe?---So the mere fact that I, as a panel member participated in the interview?

Yes, the mere fact that you happen to be a psychologist doesn't mean that this was a psychological evaluation, does it?---No, it's an occupational evaluation for a specific position.

Do you think, given the nature of a police officer's role, some form of psychological evaluation could be useful?---Yes, and I would assume that was the function of the psychological battery and the interpretive report to inform the process of psychological - or psychologically relevant principles for the occupations.

Do you think that the psychometric battery is sufficient for that purpose?---With determining risk inherent to the position and in the context of multiple applicants and the processes of the agency at the time, I think yes.

When you say "the context of multiple applicants" what you're saying is for resourcing issues?---Yes, correct.

Okay. So there are other, more intensive or involved forms of psychological evaluation that might be more expensive or not feasible to roll out on a larger scale, is that what you're saying?---Well, I imagine there would be.

Do you have any awareness of updates that the Northern Territory Police Force have made to the psychological testing of police applicants in the last 12 to 18 months?---Only what I've been told by counsel in the last few days that the AIFP socialist process is no longer used and that another product is used in recruitment and selection.

Your Honour, no further questions.

MR FRECKELTON: Just so that your Honour is alert to the situation, a group called (inaudible) now has the responsibility for undertaking psychological assessments and the information about that is to be found in Deputy Commissioner Smalpage's affidavit (inaudible).

THE CORONER: Thank you.

Any other questions?

MR BOULTEN: I have some.

THE CORONER: Yes, Mr Boulten.

MR BOULTEN: Is it all right if I sit and lean into the microphone?

THE CORONER: That is perfectly acceptable and hopefully everyone will be able to hear clearly.

<u>XXN BY MR BOULTEN:</u>

MR BOULTEN: I am going to ask you questions, Mr Van Haeften and my name is Phillip Boulten. I am a barrister representing the North Australian Aboriginal Justice Agency. During the course of the interview process including the psychological testing that was undertaken by the private provider, were there any questions that were designed to explore the applicant's familiarity with Aboriginal people or their attitudes towards Aboriginal people?---There are no specific questions within the interview protocol but there are questions within the psychometric battery but not evident in the reports of Mr Rolfe in relation to racist or discriminatory attitudes,

which suggest that he hasn't endorsed any of those items and risk hasn't been detected for those issues within the psychometric battery.

Apart from the psychometric battery was it the practice to ask applicants coming to the Northern Territory about their familiarity with Aboriginal people generally?---There is a practice at the interview for generally asking people what it would be like to work as a police officer within the Northern Territory, and potentially to be working as a police officer within remote communities, and many of the scenarios within the interview are situated as examples of working in remote communities, remote Aboriginal communities.

The scenarios that are included in the interview plan included some scenarios about remote communities, but it seems that Mr Rolfe was not asked to comment on any of those particular scenarios. Is that correct?---Yes.

Do you think that every applicant should be asked some scenarios about their potential dealings with Aboriginal people?---I think that would be helpful, given the context of policing within the Northern Territory.

Mr Coleridge pointed out to you three areas in the battery of testing that called for some degree of advertence during the course of the interview process. Could you explain what, if anything, was asked of the applicant Mr Rolfe that touched upon, firstly, an interest or suggestion that he might be more than the average person aggressive?---Yes. So a series of questions throughout the interview where we would anticipate gathering further information around risk issues, so question 6 to 8, where we would explore people's motivations for wanting to be a law enforcement officer, trying to determine if any of those responses suggested a propensity for over compensation in terms of authority. Question 22 to 37, the personal problem areas don't necessarily directly ask about what – are you aggressive or not, but they - in context of behavioural interviewing, often allows further exploration of those risk issues. The scenarios and the questions about firearms use, also try to assess how people would respond when they're questioned in terms of their processes and how they would take responsibility. And even though they're framed about a firearm use scenario, are essentially about how someone would respond to being disciplined in public and disciplined in front of peers. And then, more importantly, those risk issues that clarified at the critical item section, point 35, where one of the panel members, typically the psychologist, would pose that these questions are important for the panel to understand why the candidate provided a specific response, and invite further explanation about why the response was provided by the candidate for particular items.

So in the context of aggression, the disclosure at answer 25 to the fight in Townsville would have added to the caution that the committee was taking in relation to aggression factors, presumably, agreed?---It – the scenario as presented by Mr Rolfe would have highlighted his willingness to use aggression to protect another person.

So do I take from that answer, that actually his description of the Townsville incident helped to assuage any concerns the committee had about him being overly aggressive?---Yes, but based on his description of events.

Yes. What was the relevance of the factor that related to his childhood attitudes towards his parents?---What is the relevance in relation to the psychometric battery?

Firstly, that, and then secondly in relation to your interview process?---Yes. I suppose one component of that was just in relation to his attitude towards authority, and I – I would assume in terms of the psychometric battery, it's highlighting a predisposing circumstance that links to why his attitudes might be in a particular way.

And does that feed into the other concern that emerged from the battering about Mr Rolfe not taking criticism very well?---Yes, potentially.

What responses in the interview assisted the interviewers to deal with those interrelated concerns sourced in the battery?---The same sort of questions that I described before.

What answers in particular helped to calm you down on that issue, or helped to convince you that he was a suitable applicant?---I would have to reflect back through the interview, but - - -

If you don't mind, just take a minute, take a minute?---Yep. So what I would suggest is that if we had concerns about any of those issues by his responses, we would have noted those down at the least, and that would have been confirming information for the test battery. We're also very aware as the interview that people are unlikely to tell us information that would reflect negatively on their application.

Got it, yes. So are there any particular notes in your copy of the interview plan that helps to deal with the concerns thrown up by the battery about his ability to obey directions and his ability to critically analyse himself?---I think the only – only response from him about following directions that – at which there seemed to be a reasonable explanation was his description of an event during military training where there was a live fire exercise. And he disagreed with a superior, but thought that he and others were being put at risk, and in danger.

That was an explanation which was perfectly reasonable, it seems?---Yes.

And sensible?---Yes.

So not much self-criticism in that answer, the opposite. "I knew better than my supervisor", right?---Well, I – I think in the context of what was occurring in defence, is that there is sufficient evidence to say that sometimes people are put at risk.

Yes?---What was highlighted in the notes is that he raised it as an incident where he has questioned authority, and he has provided an example of why he questioned it,

and it was safety related. And the panel would have had no further way to assess that information.

There's no way to assess it without reference to some documents from the ADF?---Correct.

Does the Northern Territory Police Force always, sometimes, generally or never seek ADF records for former ADF personnel applicants?

MR FRECKELTON: Your Honour, I wonder if my friend could be particular as to the timing of this question because as you would be aware, there's been a shift of process (inaudible).

THE CORONER: I think Mr Van Haeften was in that role for five years, so perhaps over that five-year period.

MR BOULTEN: Yes, thanks.

MR FRECKELTON: Thank you, your Honour.

THE WITNESS: So my awareness would be whilst not being a member of the police recruitment team, that we would attempt to request the medical and relevant disciplinary information from Defence.

MR BOULTEN: How often was it received, in your experience?---I've got no awareness of that.

Fine. You would get some sort of feedback though from others involved in the process before you would sign off as a panel member, wouldn't you?---Correct.

So from - - -?---Or – I was just going to say, sorry. So potentially afterwards but any offer or any recommendation from the panel would be contingent upon further information as it was received. For instance, probity checks around criminal history, health information as those health checks occurred or any other information that was deemed relevant.

So it would have been open to the committee, for instance, to recommend that Mr Rolfe be given the job subject to being cleared following a check with the Queensland Police about his Queensland Police criminal record?---Potentially and the probity checks were still pending.

Do you know what is involved in probity checks?---Not specifically. But generally a background check with any intel held by the NT Police and then a criminal history check through the national system.

So a criminal history check in the Northern Territory through the national system would have thrown up the bare fact of him having received an infringement notice of

some description in Queensland for public disorder incident?---Do I know if that would be the case?

That's what I'm suggesting would be the case. Can you confirm that?---I can't confirm that. I don't know what level of charge would be listed, or offence.

So you never got this sort of feedback?---I was aware of whether the history check and the probity check would have occurred, potentially after the appointment or offer but it would not be one of my accountabilities as a panel member to seek that information or to manage the flow of information once received.

In all the time that you participated in these interviews, probably hundreds if not thousands of them, is that right?---Well hundreds (inaudible) yes.

Hundreds. Did anyone ever answer questions or lead you to conclude that they were harbouring racist attitudes?---Yes.

How often did that get revealed?---I can't tell you the frequency but I know it would have happened and been revealed in the psychometry battery but also revealed through self report at interview.

Just to give us an idea of whether it was extremely common or extremely uncommon or something, could you give a qualitative assessment generally about how often this happened?---It wasn't highly common.

Not highly common?---And my (inaudible) – not highly common, but it did occur. I'm sorry, I can't be – yeah.

That's all right?---But it was something that we were aware of.

Was it a disqualifying factor?---Yes.

Per say?---For me as a panel member.

And for the panel itself?---And generally there would be – generally there was consensus on issues such as that between panel members, so I'd assume yes, for other panel members as well.

How often was it identified by you and your colleagues in an interview that an applicant had been actively dishonest in their approach during the course of their application?---Sorry, I can't tell you frequency or percentages but it did occur.

So we're talking about it was not highly frequent, not highly common?---It was not frequent, no, that people would be dishonest.

Was active dishonesty a singular disqualifying factor for you and the panel?---If we were aware of dishonesty, yes, it would be for me.

And the panel, generally?---I would assume so, yes.

Well what about someone who has revealed to be – someone who reveals not just the participation in violent incidents in the past, but who enjoys the prospect of being involved in violent confrontations. Did you ever find anyone who fitted into that category?---Yes.

Was that a disqualifying factor?---Yes.

Universally when it was identified?---And by universally are you meaning in my decision making or?

In your decision making and to your knowledge the colleagues who sat with you on the interview panels?---I think I could clarify for myself that if Mr Rolfe had suggested that he had multiple events where he had demonstrated aggression to save others in similar circumstances, that would highlight a range of risks. But based on the information that we had at the interview, whilst of note, wouldn't have necessarily have been an exclusion factor.

Is a conviction for assault a necessary exclusion factor?---Yes.

Conviction?---Of assault, yes.

Okay. What about assisting someone during the course of an assault?---I would say yes.

Well did you know what the legal characterisation was of the Townsville incident was when you interviewed him?---No.

Well if participation in an assault would have disqualified him from joining the police, why didn't you ask or put in train some query about what this incident was that led to a ticket in Queensland?---Because I would have assumed that there was further information to the incident it would have been raised and identified in the probity check and the criminal history check. And I've also assumed that if I asked further information they would obviously present negative responses from the candidate to exclude them that they're very unlikely to provide those kinds of details at an interview.

All right. Could you explain what responses led you to the conclusion that Mr Rolfe had sound ethical skills?---So his responses to the scenarios, and problem solving.

And - - -?---I can generally give you an example of that.

What about him being a prime candidate? What did you think made him a prime candidate?---In terms of his problem solving skills, in terms of the overall battery being generally – highlighting strengths, in terms of his feedback about his own attitudes towards self-care.

That's all I wish to ask - - -?---Based on the information that we had at the time.

Thank you. (inaudible)

THE CORONER: Ms Morreau.

XXN BY MS MORREAU:

MS MORREAU: Thank you, your Honour.

Mr Van Haeften, can you hear me?---Yes, I can.

My name is Paula Morreau, and I act for the Brown family, family of Kumanjayi Walker. I only have a few questions for you. Could I ask – it seems that only you, as the psychologist on the panel, receive the psychometric testing report and review its contents. Is that the case, generally, in - - -?---No, that's – that's incorrect. The whole panel has access to the report.

I see. Would it surprise you to know that others have a different recollection?---Yeah, that would be very surprising, yes.

So from your memory – and I realise you don't remember this particular interview, but that it was your standard practice that each of the members of the panel would have this report well in advance of the interview process?---All members of the panel would have access to the recruitment file, in which the application information including the report – we wouldn't necessarily get that any further in advance of time, than a few minutes before the interview.

I see?---So the time between interviews – and that would definitely be the case for anyone outside of the police recruitment team, because we weren't in that work area and didn't have access to the file. There might be an occasion – sorry.

No, keep going?---There might be an occasion where we would, as a team, review all of the reports, or further short listing, and we would use the information in the report and the application at a short listing, as a panel.

So if I understand you correctly then, how – well, could you tell us as a matter of course how much time would you usually have with a report such as this?---Yes. On a general day of recruitment interview?

Yes?---We would be, on average, about five interviews per day, generally spend at a minimum around about an hour with each candidate, sometimes more. And we might have a break of 15 to 20 minutes in between that to consider the outcome, write the recommendation. If we weren't recommending someone, that would take a longer process, because we would justify why the recommendation to proceed wasn't occurring. And then within that time, we would also have to review the next candidate's file.

So within 15 minutes, you would be forming your conclusions from the previous interview and reviewing the application the person's complete – all the collateral information that had been collected by that point including the results of some psychometric testing for each applicant?---Yes, I think on average between 15 and 30 minutes would be roughly how that would occur.

I see. Did you think that was a sufficient time for you to be able to get across all of the information in relation to each applicant you were interviewing?---Well, I think that was the time that we had available, so we had to – we had to utilise it as effectively as we could. I think the information that we had available was the information on the recruitment file.

Yes?---And then subsequently from interview, which was largely the written application info, resume, certificate, a checklist by the candidate about any medical conditions, and the recruitment psychological report was available, and then the – within minutes prior to interview, the personal history form which they completed as they arrived at the interview location.

Yes. Right. I realise that you're operating under some constraints, but do we take it that you would have preferred longer time with these materials to improve your capacity to prepare the interview?---Well, I think additional time would help, but the interview was structured.

Yes. You've got a set of standardised questions?---Yes.

Except for question 45, which relates to the critical items that might be raised from the psychometric testing. Correct?---Correct.

And they are the additional questions you would prepare for the purposes of the interview?---Correct. I would just say – sorry, in terms of additional questions, it was a standardised process, so candidates were informed that they've endorsed some items within the testing that not many people endorse, so we – the panel likes to get additional information about why they said true, why they said false or yes or no. It doesn't mean that they were correct or not, and the statements are read out. So it was – that was standardised as well.

I see. However, there was some discretion, was there not, once you are asking the particular standardised questions, to formulate follow-up questions from the information that you were provided by the candidate?---Yes, within the scope of the question.

Yes. The standardised approach to questioning, is that something that you understand from your experience over that time was a useful and reliable process for you to use?---Yes.

Okay?---And I also think necessary for the organisation to stick to the largely standardised process when dealing on occasions with complaints of discrimination, when candidates perceive they were asked questions that they didn't anticipate

being asked. So going off the general script in terms of the interview protocol had other risks for the organisation as well.

Thank you. Were there any questions in the interview framework that were designed to identify some of the issues you discussed earlier in your evidence for persons who might have had a military background in relation to, say, exposure to trauma or, you know, the factors of sensitisation and desensitisation that you discussed earlier. What are the kinds of questions, if any, in the interview process, that might illicit relevant information around those areas?---No specific ones for a military cohort.

I see. Given your experience working with frontline workers in both the police force and, as I understand also, veterans, would you – would you think it prudent to include questions designed to illicit those pieces of information?---I think questions just around general mental health, and then I think that they could be – that they could be tailored to also relate to – well, could be trauma, or distressing situations that could be useful.

Thank you. Now, you've made a – some observations about post-recruitment assessment, and I just wanted to ask you a couple of things about that. Firstly, you mentioned in your evidence that there's a three-month, six month and I think 12 month check-in, is that right, with new recruits, in your experience at the NT Police Force?---Well, I was suggesting that there could be a review, yes, but - - -

I see. That there – I'm sorry, that there should be, not that there was. Is that what your evidence was?---Yes, I was suggesting that they could be useful intervals.

Yes. And that – but that was not in place at the time that you worked for NT Police Force?---In – like, I'm sorry, I'm not understanding the question now, in terms of - - -

That's okay. I think you've already answered it. When you're talking about that as a recommendation, is that – would that involve a welfare inquiry or include particular questions designed to identify, perhaps, some less obvious impacts of the exposure to frontline work over that period?---Okay, so – if we've been talking about my information through this morning about the welfare checks or the well checks - - -

The check-ins, yes?---Okay, sorry, I was getting confused about other recommendations that I suggested. So I think the interval is really around having a structured opportunity for people to be able to access support. But I think it's (inaudible) about recognising from an organisation point of view that there are inherent risks and inherent demand. There's an opportunity for people to access support without stigma associated with it, if it's a structured opportunity. And there's an opportunity to get initial early intervention feedback from a mental health practitioner if there's issues of concern being identified.

Okay. So it looks like your suggestion is perhaps two pronged, both for welfare purposes for the individual as well as secondly, organisationally, to ensure that that person is travelling along without any psychological difficulties?---Yes. I think it's one example of a strategy that can do that.

Yes. And the other strategy that you've spoken of is persons being under observation during their early periods of training and perhaps probationary work. Correct?---Correct, yes.

And are you suggesting there under observation by someone with your expertise, that is a psychologist who might be alert to psychological indicators?---No, I wasn't suggesting that they be reviewed or under observation by a mental health practitioner.

I see?---I was suggesting that there's the opportunity to assess the same characteristics relating to risk that were reviewed at recruitment throughout the course of training and supervision, especially at early career stages.

All right. My final question is past this initial period that we've been speaking about, are there any circumstances where you think there should be check-ins post incident, for instance, or other factors that might occur during someone's career in the police force where instead of relying upon voluntary self-reporting there might be a process that should be put into place?---Yes. So I can describe the processes that were in place - - -

Thank you. What were they?---So they were as a significant event or a critical incident occurred, that was reported. So the incident was reported to the employee support team, including a description of the event and the members that were exposed to that situation and then the employee support team would have carriage of offering some level of support, depending on the event to the personnel involved. Sometimes that would be an acknowledgement that they'd attended a stressful situation and a reminder about services that were available and sometimes that would be a more direct engagement with those personnel through a meeting to review any heightened reactions either soon after or further down. And that would be a complimentary response alongside ideas like the wellness check or the periodic review.

I see. Was there in place in your time in the position with NT Police Force where there might have been some disciplinary or – yes, disciplinary approaches or responses to a member's conduct where you as a psychologist or in your centre, your services, would be incorporated as part of that process?---So if through a disciplinary process it was recognised that someone would benefit from support, that might be a recommendation from that process and someone would have the opportunity to engage the services of the employee support team. But only in a voluntary context. People weren't mandated or directed.

And your employee services, were you based in Darwin?---So the employee support services main office was based in Darwin.

And there was also an office in Alice Springs was there?---An office in Alice Springs, correctly and then visiting services throughout the NT.

Okay. And in your experience was your office, your services, used regularly in relation to disciplinary processes or not?---Not in relation to disciplinary processes. There was a separation. And I think part of the separation was not – was instrumental to not creating another barrier to people accessing services relevant to treatment and support.

Thank you. They're all my questions?---And - - -

Sorry, finish your answer?---I was just going to say and that the connection with the disciplinary process or a fitness for duties assessment process, that increases the likelihood that some people were perceive a barrier to accessing the services that were available. So a separation was maintained.

Yes, thank you.

Any other – yes, Ms Ozolins. I note the time but we need to see if we can get finished. I'm not sure who else has questions.

MS OZOLINS: Certainly. Excuse me, your Honour. I don't anticipate being very long.

THE CORONER: Well we'll take your questions and then we'll work out where we go from there.

XXN BY MS OZOLINS:

MS OZOLINS: Thank you, your Honour.

My name is Sally Ozolins. I'm appearing in these proceedings for the Northern Territory Police Association?---Yep.

I just wanted to, if I could go back to the matters that you were talking about at the beginning of your evidence in relation to the provision of services to member particularly. And you said that you'd obviously been employed by police from January 2009 to December 2018. I think that's in your statement. And I recall your evidence being that there were about ten people employed in that unit at the time. Is that right?---Yes, correct.

Was it always ten people or did the numbers fluctuate?---The numbers would fluctuate as you would expect just in terms of recruitment and attrition. But roughly there was between three or four psychologists, generally three peer supporters, two chaplains and that might fluctuate around that.

When you say - - -?---As well as the manager's position, sorry.

Sorry, and the manager?---Yep.

When you say peer supporter, what was the role of the peer supporters?---To provide – so they were police members who were doing – performing a role as a peer supporter in the agency.

Were those – did those people have particular qualifications or training in the provision of mental health services?---So the primary qualification for a peer supporter was shared lived experience with the cohort of client. Yep.

Sure?---And the training included on-the-job training. And at that point in time the general mental health sector had very limited options for specific training of peer supporters. That's not the case now within Australia or the NT. But part of the on-the-job training would have included participation in workshops such as mental health first aid, apply suicide intervention and other in-house training as provided by the team about engaging with people and providing services, or contributing to services like critical incident follow ups and reviews and support to staff.

Sorry, at the beginning of where you were answering that question you said – sorry, it's not the case now, you say that there are more training opportunities for those positions now?---I'm saying in general within the mental health sector there are.

Right?---I don't know about what's accessed now.

So over the period that you were employed with the Northern Territory Police are you able to comment on whether you saw an increase or a decrease in the demand for services over that period?---I think there was in increase in the use of services. I think the services - the service provision though was at multiple levels, which included things like the well checks, by the period review, it included participation in mental health literacy training, it included participation in other workshops and it included self-referral for either crisis support or treatment services both through the in-house team and as well as to the services brokered within community and I'd assume that the HR department would be able to provide information about whether it was stable or increasing or decreasing.

Sure. When you talk about crisis support, is that a particular kind of support provided or is the reference to crisis linked to a particular incident requiring intervention by a service?---They - not specifically critical incident support but that there's a family member or an employee in distress and they contact the team for some temporary support, to either problem solve that or to talk through that situation.

And are you able to - in relation to critical incidents, what sorts of things are categorised as critical incidents?---So potentially traumatising events which could be direct exposure to danger, or horrific situations as categories of events.

And in your assessment, how important is it for members to have some sort of welfare intervention following the critical incident?---I think it's important for personnel to understand the personal impacts of those events and to have an opportunity to engage in support if needed.

And do you there is likely to be other adverse outcomes if people don't receive that intervention after a critical incident?---I think - I am making a distinction about people being given an intervention and people understanding the impact of an event and having services that they can access and I think people are more likely to access services if there is some level of acknowledgement of the event as being potentially stressful and having frequent reminders of the services that they can access and I think in that context as events get recognised a timely contact of people either via a professional support team or via their colleagues or via their supervisors, is helpful.

So would you agree, given your comments earlier about the ongoing reluctance of people to seek support for their mental wellbeing, that that positive intervention by a service provider or a supervisor or someone of that nature, that's going to be more likely to encourage people to engage in services?---I think there are some people that wouldn't engage in those services and those types of follow-ups would not have much of an impact all the time and people's response to those contacts are likely to be associated with their pre-existing positive attitudes about accessing support.

Sorry, that last bit without support, if they've got a pre-existing positive attitude? ---To accessing support then they are most likely to make use of those contacts.

Right?---But there will be a cohort of people that, you know, are either impacted by stigma or disagree about the usefulness of it or don't foresee the impact of the event as being significant enough and they may not necessarily respond to the overtures by colleagues or peers or by a support team.

Sure. Just moving away from - - -

THE CORONER: Can I just interrupt - sorry, Ms Ozolins. You said that, you know, attitudes might be formed where there is a pre-existing positive experience in receiving support. Is that what you are trying to generate, for example, if there are wellness checks that are part of the training and probationary period, establishing that experience of positive support?---Yes, that would be one example with either early career personnel or existing personnel and my experience of that is that having a relationship with a support team over time, improves the likelihood that people will engage positively in crisis when offers of support are made.

So the wellness checks are kind of two-way. One might identify issues early, but two, it can also establish a good experience in receiving support and building rapport so that you are more likely to engage in support later on?---Yes, and similar to (inaudible) services, pastoral care, all of the mental health literacy training, they are all opportunities in a similar way that help reinforce positive attitudes and relationships with the survivors.

And the approach taken largely appears to be an offer and opt-in approach. What do you think of the possibility of changing that, particularly if there are critical incidents to an approach where it is expected that people will engage unless they positively opt out, so that the expectation by the organisation is one of engagement but you allow people to opt out if they choose to do so?---Yes. I think that's how

I understood the processes as they occurred when I was in the organisation so, yes, there was an expectation that supervisors would notify the team and then from that notification services would be offered and people could engage or say they were okay and opt out.

MS OZOLINS: So just on wellness checks, did I understand your evidence earlier that there are ongoing wellness checks for members who work in high-risk area? ---I don't know what services are being provided within NT Police Force at the moment.

During your period there were there identified work units that were considered more high-risk than others that received additional attention in terms of wellness checks on an ongoing basis?---Yes, so there were identified work units and the history of the well checks within NT Police was that they were instigated as ideas by particular work units, for instance, the teams that were dealing with child abuse material or domestic violence units and those work units continued over time to engage in well checks and throughout the time I was with the organisation other work units including some general duties teams in remote stations were engaged in well check processes as well, however, there was no resource capability to deliver well checks to everybody within the organisation and I think there would be an argument to say that just mandated well checks with every member of the police force might not be the best use of resources as well. All personnel had the option to request that type of service, whether their work unit was participating in it as a unit level strategy and those individual requests would be accommodated.

You just mentioned there that you have been - or you were aware - that there was a wellness initiative in a remote station. Are services generally available in regional and remote areas?---I don't know what services are provided through the employee support team at present.

During the period that you were there were services readily available to officers in regional and remote areas?---Well there would have been limitations. Services would have been available via telephone and to some stations, depending on the engagement with the regional command, there might have been a review or a visiting schedule as well.

I presume that you will agree with me that proper resourcing of mental health services supporting frontline workers is crucial?---Yes, I agree.

And that the provision of services is important not only for the member in order to be able to perform their functions and duties but you would agree that where there are stressors or anxiety or depression or things of that nature arising from work, those issues translate into often personal and family relationships and have adverse effects in that regard?---Yes, there’s potential for that.

And things that might contribute to generally speaking, poor mental health, would be things like fatigue in addition to trauma and things that we’ve already talked about?---Yes, I’d agree.

And would you agree that members who feel unsupported by an organisation, or the organisation that employs them, that would also be a contributing factor to poor mental health conditions?---Yes, I think an individual's perception of support would be a factor related to their health and their attitudes around accessing support.

So if members are in remote areas seeking relief or respite which is not provided, that can be a contributing to factor to poor mental health outcomes?---Yes, that's foreseeable.

They're my questions. Thank you, your Honour.

THE CORONER: Who else has questions, just so I can get an idea?

MS PINCUS: I do. Probably only about five minutes.

THE CORONER: And who else?

MR FRECKELTON: If I also can cross as well.

THE CORONER: All right. I think we'd better take the lunch break but can we come back at five past 2:00?

Mr Van Haeften, we'll take a short lunch break. We'll come back at five past 2:00 and hopefully we'll get the links up and be ready to complete your evidence quite quickly?---Thank you, your Honour.

WITNESS WITHDREW

LUNCHEON ADJOURNMENT

RESUMED

BRUCE ALAN VAN HAEFTEN:

XXN BY MS PINCUS:

THE CORONER: Yes, Ms Pincus.

MS PINCUS: Hello, can you hear me?---Yes, I can hear you.

My name is Julia Pincus, I'm one of the lawyers representing the Walker, Lane and Robertson families. I just have two quick questions for you. One is we have on our – we already have the evidence that about 25 percent of the Northern Territory Police Force is composed of ex-military personnel, whether from ADF or foreign military services. And we also have some evidence that there is a propensity for there to be PTSD or some sort of moral injury, as we discussed earlier, as a result of serving in the military service. And then that then leads to a potential - - -

THE CORONER: I don't know if there's propensity. It's a higher risk factor I understand it to be.

MS PINCUS: You're right, yes.

And then in the event that there are instances of PTSD or moral injury, then there is a possibility that that would lead to increased aggression and forced – increased force used in arrest. If we accept that, do you think there is any wisdom in the Northern Territory Police Force doing its own psychological testing of all ex-military personnel to specifically identify whether or not this is the case in particular applications, noting your earlier evidence that it's too much to be testing everyone but just to use this as a sort of identifiable risk group?---I personally don't know we could distinguish a higher risk for experienced police officers from a military veteran cohort within the police force. So I would think in general it would be useful to help people identify what might be psychological injuries because of their occupational exposure. But I think the same suggestion could be applied to cohort of experienced police officers in relation to inherent risk of exposure and the increased risk because of that for developing trauma related responses.

Right. I suppose - - -?---As opposed to just military veterans within the police force.

Look, without labouring the point, I suppose I was getting to more the concept of the distinction of what is expected in the military versus the police, the sort of concept of going from being warriors in effect to guardians, so that being a distinction as opposed to people who have already served in the police force elsewhere?---I'm unsure about what the question is now. Sorry.

So that's okay. It was just – it was really identifying ex-military, notwithstanding that they come with lots of positive attributes in terms of discipline and team work, etcetera, but the fact that they have been trained in a very different way in terms of

their direction to kill as opposed to protect, potentially, would be reason enough to do specific psychological testing on that group?---I can give some assumptions about training and I think there are differences in training around use of force. But there's also multiple context in which I'd assume military veterans had been trained to act in different ways in terms of using force. And within a military context would have demonstrated variation in terms of how they might use force. I think the point I'm picking up is would it be useful to ensure that there is useful and functional retraining of certain aspects, such as around use of force. And I think my short answer to that would be yes and that would be an additional component for training and attention if it were coming from a military background or someone especially from another policing jurisdiction who had different protocols in terms of how they engage in training.

Thanks very much. And then to secondly, very quickly, do you have any - can you talk about the potential effects that a diagnosis of depression may have on the performance of the duties of a police officer?---Well, I think in general it could have multiple effects including just around the key linkages to symptoms of depression and I suppose what I would pay attention to if someone had a severe level of depressive symptoms and over an enduring point of time is the impact upon their elective functioning, so their capacity to think and solve problems and a potential likelihood that would become more difficult for them managing safety critical decisions on the job.

And in view of - - -?---So there would be a performance deficit.

Thank you, and in view of that, is your view that it would be - that there should be mandatory self-reporting to supervisors in the event that there has been some sort of mental health diagnosis of depression et cetera?

I think mandatory reporting of specific mental health conditions and health conditions is one approach. I don't think it would actually be effective and I think if there is - as long as there is a possibility that people can access support and not report it, which would there would be, then if people were worried and perceiving the impact of stigma or perceiving the impact of a negative management of that disclosure within the organisation, probably the most needy people in terms of support wouldn't report it anyway.

Right?---But I think - - -

But wouldn't they also be the people who wouldn't necessarily seek the services of the ESS, for the same reason?---And potentially be impacted by accessing support in general, whether internally or beyond the organisation, yes.

Okay, thank you. No further questions?---Thank you.

THE CORONER: Mr McMahon?

MR MCMAHON AC SC: Your Honour could I just have three minutes if I may?

Mr Van Haeften, my name is McMahon, I act for the Parumpurru Committee which is a justice committee at Yuendumu and we are very focussed on the future and the application of learnings from this inquest. I want to ask you just one issue, which is about changing the culture in a workplace and if you think that you are not qualified to answer the question then just tell me and I will sit down. But I am drawing on your long experience with the Northern Territory Police and as a psychologist, and I want to put a couple of propositions to you and then seek your input on how you might assist the inquest by commenting on changing culture in a workplace, all right? So I think we can take it as a given that we accept that people can change, for instance from being someone with racist views to non-racist views or anti-racist views or vice versa and so on and that will depend on your colleagues and various dramatic incidents in your life and so on, and we take officers in this case, sitting in the witness box, shedding tears when they reflect on the mistakes that they have made in the past for being exposed in this inquest. Do you understand?---Yes.

So just accepting for a moment, and these are controversial points and I am not asking you to take them as proven or anything like that, but just accepting for a moment that was the workplace at the Alice Springs Police Station where racist language was freely used, that there was too much acceptance of excessive force against Aboriginal people and there was too much emphasis on getting the job done over the ethics of a particular situation, such as a forceful arrest and using excessive force and so on, okay. Just accept that there was a climate like that at the relevant time and then my question to you is, everyone knows that such a climate needs to b be fixed and changed and from a psychologist's point of view are you able to assist us in saying, "When you have a workplace which has got some fairly long term and troubling problems like the ones I have identified, if you are asked a question, "Well, how do you change that from a psychologist's point of view? Are you able to contribute to this inquest by answering that question?---I think just briefly and conceptually and I would say yes.

Well, go on, please?---I think one aspect of that would be that the demonstration of desired values as well as behaviours within leadership and that's frequently demonstrated through rank, I think is a component of that due attention is given to when discovered its inappropriate behaviours and attitudes are demonstrated as an action and that anyone that observes it and needs to report it has a safe mechanism for doing that without any negative repercussions to themselves or others. I think the workforce needs to perceive significant efficacy in any of those interventions otherwise they will dismiss them as being ineffective and won't trust that that will have any change and I think there needs to be some process for people to remediate their behaviour and be accepted back into the organisation otherwise it sort of encourages those behaviours to be kept in the dark and not reported and it discourages people from an opportunity to change their behaviours.

Thank you?---I was just going to say and I think this is a significant component is that the landscape of the workforce needs to be representative of the community and

I know there's lots of attempts and lots of difficulty in doing that in terms of recruitment and then around the complications and I think especially for Indigenous people living in the NT of policing within their own communities, I would perceive that as far from a simple context for anyone to be living and working but I think all of those efforts in combination are some measures. So just three quick points then. It's clear that your answer is not off the cuff, this is something you've thought deeply about over a long time, do you agree with that?---That's correct.

Just in order to assess the weight of your answer. Secondly, can I add one further additional point and in light of what you have said, it seems that one thing that may be missing in the armoury of police command is the ability to act quite rapidly and decisively when they need to send a very severe message to the workforce, that is should there be a clear mechanism and a clear route for police command to be able to say, "Given that police officer has done A, B and C, you're out of the workforce starting today" - at least suspended and possibly out of the workforce. Is that one of the many levers which you should have available?---I would disagree that there aren't – there are not those opportunities and levers and I think - - -

Okay?---There are those and I would have witnessed those occurring over time but not uniformly applied across process, or across events.

And finally in terms of the very first point you made about leadership. It seems likely that to the extent that there is a serious and strong focus on showing the entire workforce the importance of strong and ethical leadership, that that will filter down through the workforce and create a culture in the workforce. You agree with that?---Yes, I agree.

That will do, your Honour. Thank you.

THE CORONER: Mr Officer.

XXN BY MR OFFICER:

MR OFFICER: Yes, thank you, your Honour.

Mr Van Haeften, my name is Luke Officer. I act for Constable Zachary Rolfe. Can you hear me all right?---Yes, I can hear you fine.

I just want to ask you based on your expertise as a psychologist just some information arising from the psychometric testing. I'm not asking you to interpret it. But that is a report which gives information about personality traits, isn't it?---Some of the information in the report is about personality traits, yes.

Yes. And would you agree that personality traits can change or develop over time?---I'm not an expert on personalities so I'll offer a general response to that. But I would assume that personality traits are relatively stable over time but with an intervention and right motivation people can become aware of strong personality traits and if motivated can modify their behaviour. For instance, from antisocial

outcomes as a result of personality traits to more prosocial for some people, depending on the severity and depending on the personality trait.

So can you or can you not comment on why a report of this nature has, I suppose, an expiration on it, this report you'll see on page 1, it's valid to a certain date which is 12 months. Are you able to comment on why there's a validity period?---Yes, I can. Because some of the information is modifiable. So some information such as symptoms associated with depression or a mood disorder, it's likely that those things could change within 12 months. It's less likely for other attributes that are assessed within the psychometric battery such as personality traits will change within that period of time, so they'd remain consistent.

So is aggression one of those that could change or remain consistent?---Aggression as a personality trait?

Well is it a personality trait only or is it some other form of characteristic?---Well if it a psychometric assessment is measuring aggression by static variables such as past behaviours, that will remain consistent with a historic event. If it's about a propensity to use violence in the future, that might change because that might be attitudinally based.

All right. And what about the making of a mistake and less likely to accept responsibility, is that something that can change over time?---That would be very contingent upon the reason why the mistake was made.

So it's all fact sensitive or circumstance sensitive?---Yes. So if the – it's circumstance and characteristic sensitive.

And what about the trait of having a tough father, is that something that can change over a period of time in terms of how you approach authority?---Well having a tough upbringing and a poor relationship with a parent is not going to change over time if it's already happened. How the person manages that exposure and how they make sense and meaning of it and how they manage their own behaviour in similar circumstances could potentially change over time. If that kind of upbringing had led to the development of personality characteristics or entrenched attitudes and beliefs, well then that's less likely to change over time, but it's possible.

You need more information about the nature of the relationship to be able to form an opinion on whether or not it could change. Is that the effect of your evidence?---Correct. And someone's perception of a tough relationship with their father might be very different to the person that they're sitting next to.

Yes, certainly. And of those three traits or characteristics of a person I've taken you to, do learned experiences in particular in relation to being a police officer, will that have an impact on how those traits or characteristics develop or not?---Potentially.

And those traits or characteristics, they're not unusual in an individual, are

they?---Are you suggesting what would be the prevalence rates for those traits of characteristics?

Yes. Is it something that Constable Rolfe having those three traits strikes you as odd, unusual or have you seen that in a number of people you've assessed before?---They would have been characteristics flagged in reports for other candidates, yes.

So it's not unusual?---Not unusual.

Now you qualify this actual statement, don't you, at 9.5 where you say, "An individual's psychological characteristics are one set of variables in the context of their behaviour in a given situation". So are those characteristics or traits situational as opposed to global, or both?---So their personality traits, for example, would be consistent across situations. The choices that they have in that situation about how to act, their level of distress, other factors that might be impacting their decision making, would be variables that could change across situations.

Yes. So it's all fact sensitive or circumstance sensitive?---Well it's – they're all relative.

Because you go on to say, "Pre-employment risk assessments are not able to account for the subsequent training and resources personnel may have at their disposal. The culture of the organisations or work units in which they will work or the situations in which they may be deployed to undertake high risk tasks and in the moment decisions?---Correct, that was my statement.

So those characteristics of an individual or personality traits, may or may not be apparent or may or may not have an impact depending on the situation that presents that person who holds those traits at the time?---I would suggest that personality trait and values and beliefs and attitudes would have a fairly significant impact on people's behaviours in different situations.

Yes, so it depends on the situation, doesn't it?---No, that's the opposite of what I'm saying. It would be fairly consistent across situations.

Well but why do you say that the pre-employment risk assessments can't account for, for example, the situations in which they may be deployed to undertake high risk tasks and in the moment decisions?---Because it's not the only variable.

So what other variables?---In relation to their decision making.

So what other variables are you talking about?---Other examples in addition to the ones that I've provided?

Yes?---Such as mental health conditions, the role that they have in terms of decision making, the scope and resources that they have.

What about having to make decisions in a high stress situation?---That would be a variable.

What about having to make decisions in high stress situations with very little time?---If they're under pressure, that would be another variable in terms of decision making.

And does training have an impact – when I talk about training, training for police officers and what they're accustomed to with their training, is that another variable?---Yes. And I think that strong characteristics, strong stable characteristics such as personality will guide how people make decisions when the stress is elevated.

You gave some evidence in relation to counsel assisting about threat perception and sensitisation and desensitisation and my note which is somewhat paraphrasing it, in terms of desensitisation, people not appreciating a level of aggression as significant because of over exposure to situations. Do you recall that evidence?---Yes.

And the example that was given to you by Mr Coleridge was that a police officer who attends half a dozen reports of domestic violence and keeps seeing the same thing over and over again, is that one of those circumstances of experience which might lead to desensitisation?---Yes, potentially.

But that requires, does it not, repetition of the exact same event time and time again. Do you agree or disagree?---Or similar events.

Or similar?---Yeah.

So for example, if a police officer has never been involved in a situation where in very quick time they are subjected to a rapid and violent assault, that wouldn't necessarily be one of those instances where you say that they'd been desensitised because of an over exposure to situations, would you? It's completely different to the repetitive conduct which might give you desensitisation, do you agree?---I agree. Exposure to a unique event that someone hadn't experienced before is different to repeat exposure to an event.

Yes. And so in those unique events, when we talk about characteristics and having in mind your qualification at par 9.5 which I read to you, is it the case that an individual in that situation would fall back on their training and decisions they make in – sorry, and decisions they make in the moment?---I would say the decisions that they make as well as the training will be influenced by their attitudes and values.

That's all I have, your Honour.

THE CORONER: Thank you.

<u>XXN BY MR FRECKELTON:</u>

Dr Freckelton.

MR FRECKELTON: Thank you, your Honour.

Mr Van Haeften, I'd just like to ask you first about the – what's been called the psychometric testing that was provided by the AIFP whose results were given to you. Can you characterise the focus of that testing?---A component of it is around aptitude, so numeracy, literacy and IQ in general and then there's another component around personality traits that might present higher risk to the occupation the person's applying for, in this case recruit constable. There's a list of other factors around desirable attitudes or undesirable attitudes not reflected in the report for Mr Rolfe but often reported in others and around, you know, sexist or racist attitudes, discriminatory attitudes. There's a component of that. And then also some questions around what might be other psychological disorders but not personality based. So things like depression and/or anxiety. There's other components within that are relative to higher risk occupations which is attitudes towards working within teams and questions that might guide how people respond to situations of stress.

Put another way, a carefully compiled set of focuses appropriate for assessment of suitability of a person for the police force or for the emergency services?---Yes, (inaudible) relevant to doing – performing well and staying healthy in the law enforcement, emergency services position.

But not a test which of itself is diagnostic?---No.

And so it wouldn't of itself readily identify whether someone was a psychopath?---No, it wouldn't.

And in fact if someone were a psychopath, they might well manoeuvre their answers in such a way as to present themselves appropriately for the task of completing an assessment form of this kind or a form or set of answers?---I think there's considerable effort in completing the test battery, that would be possible to modify your answers.

And likewise it's not a battery which would per say identify a personality disorder?---No. Or potentially screen for – screen for issues that are relevant, but not diagnostic.

But what you've identified is that it may well uncover at least features of an anxiety or depressive disorder?---Yes, that's correct.

But not so much so for post traumatic stress disorder?---I don't think so.

That leaves it in important I suppose then for the members of the interviewing panel to pick up on any issues raised by the psychometric testing and explore them orally in an exchange with the applicant?---Correct.

And how long did you spend with each applicant in picking up such issues and engaging in structured and free discourse with each applicant?---Sorry, can you repeat the end of the question?

Yes, of course. How long did you spend talking to each applicant on the basis of the testing and the answers given to the structured questions that you posed?---In general for the sections that I would ask, between 15 and 20 minutes, given that the entire interview was generally completed within 60 minutes.

So approximately an hour amongst the three members of the panel?---Yes.

And you tended to split the questioning into three roughly equal sections?---That's correct.

And was there a particular component of the questioning allocated to you as the psychologist member?---Yes, as a psychologist on the panel generally ask the section that was titled personal problems or problem areas. And the psychologist on the panel did the follow up questioning for any critical items, including any specific questions from the personal history questionnaire.

And were there particular issues which in that context you followed up with Mr Rolfe?---Yes.

Which ones were those, just describing them generically?---So there were three critical items that were put to Mr Rolfe to provide further information on. There was the consideration given to the personal history questionnaire. But no further questions were asked about the responses because I'm assuming I would have presumed he's provided those details within the interview already, as I've covered this morning.

And issues arose out of the psychometric testing in terms of recourse to aggression and responsiveness to guidance from authority figures, is that right?---Yes.

Were you the one who particularly followed up on those?---Yes. I asked those – I posed those critical items and asked for feedback about why he had responded in the way he had.

And just in broad terms, it's apparent and I'll go through the details in a moment, but you were satisfied in respect of those matters. How did you come to be so satisfied?---I don't know. Though I would have – there was critical information that suggested further risk, that would have been written down by myself or the other candidate.

All right. So if there was such – does such information come out in relation to those kinds of matters in the course of questioning from time to time with applicants?---Yes. And if that was the case verbatim responses would generally be written down as to their explanations of why they endorsed a particular critical item.

Hence my assumption that if that information isn't there, none of that was detected or reported by Mr Rolfe.

And broadly, what percentage of people are found to not satisfy the criteria for suitability for being a police officer by this whole process?

THE CORONER: Are you talking about once they get to interview?

MR FRECKELTON: Once they get to interview. Yes, thank you, your Honour?---I think generally there's attrition of about 70 to 80 percent. So, a recruitment drive interviewed a hundred people, generally, between 20 to 30 would be found suitable.

And Mr Rolfe fell into that category?---Yes.

Now, I wonder if you could locate - and, if not, I'll ask it be shown to you, the report that you gave, recommending advancement for Mr Rolfe, which is in – for your Honour's benefit, page 159 of the 221 in 7-1. Do you have that available to you, sir?---Is that the first page of the interview guide that I completed?

It's the – it has the candidate's name and then interviewing officer comments, and this has your name attached to it and your signature and there are four boxes, one of the (inaudible), one of which is ticked?---Yes.

All right?---I've got that page.

Thank you. Now, it's apparent from there - recognising that you don't have a memory of the actual interview with Mr Rolfe, do you - that you found him to be well-presented and confident, forthcoming and honest?---Yes.

What's the process by which you form an evaluation as to whether someone has been honest at interview?---I think a component about their responses to questions, so it could be perceived as a level of dishonesty if people were evasive about answering questions and had to be prompted multiple times to be fully – provide a full answer to a question, if people had been consistent with their responses throughout, not only at interview, but consistent reporting of information within the psychometric testing, within the personal history questionnaire and at interview as well. They're some examples.

The second matter which you notate in your interviewing officer comments is that, "Self-report suggests that Zach has a high level of resilience and well-practiced with self-management skills." I want to ask you about the self-report aspect of this. To what extent in your evaluative process are you reliant upon self-reporting?---For aspects like that, apart from the psychometric performance, but the rest of the information is primarily self-report at interview.

How does anything anomalous which is uncovered by your questioning factor into the evaluative process?---If, for instance, there was feedback at the medical

assessments that might have happened after someone had progressed through the interview.

Yes?---And determined that, you know, there was ill health or contrary information that suggested someone actually didn't have a high level of resilience for either fitness or mental health, that would be a point for reconsideration. Also, it's at reference-checking. So, highly dubious that you get critical information from nominated referees.

Yes?---That could be another opportunity to do that. And also, if someone reported his levels of physical fitness and/or capacity to sustain good performance in stressful situations but didn't demonstrate that in person at interview, that would cause questions for their self-report.

So, any kind of inconsistency feeds into the evaluative process, is that right?---Yes, correct.

In number 4 of your comments, you refer to Mr Rolfe as having demonstrated some ethical pragmatic problem-solving and interpersonal skills at interview?---Yes.

What sorts of considerations enabled to arrive at that conclusion?---So I think often that was more easily detected in people's responses to the scenario questions where they had to consider multiple options, in terms of dealing with the situation and laying that out and then explaining those things. But, throughout the interview, how people engaged with the panel as a whole, their level of respect, their capacity to manage questions that were difficult or pointed, and sustain the interaction within the panel interview as well.

And you've already referred to referee reports. Is referee material available to you to assist in your evaluation?---Not at the time of the interview. That would occur afterwards.

That's next?---Yes.

That's helpful, thank you. And you ultimately describe Mr Rolfe as a prime candidate for future development within the organisation. What did you mean by that?---Based on his performance at interview, and the overall feedback within the psychometric report, that he might be suitable for progression, not only through the training program, but also make opportunities in terms of leadership and performance, a high level of performance (inaudible).

So, this goes beyond mere acceptability for entry into the police force, but it's a comment from you about his potential for advancement?---Yes.

Now, your panel's recommendation – and here it was for advancement – isn't the last word, is it, because the actual decision-making is done by a challenge panel? ---That's correct.

And without naming the people on the challenge panel, how many individuals are on there?---Generally three.

And they receive a report from the three members on your panel, is that right?---I would receive a summary which is basically those comments from each panel member.

Yes?---They have an opportunity to ask questions of the panel members. Generally, all three would be available to attend. They also have the file at their disposal and, generally, by the time the challenge panel occurs, other information such as referee checks, medical assessments, probity assessments might be pending or might be there on file as well for review.

In terms of the probity information, is the probity-checking undertaken between the time of your work and when the challenge panel looks at the situation?---I think it would generally commence after the panel interview.

Right?---So, it wouldn't be proceeded with, with applicants that weren't recommended, but may not be available at the time that the challenge panel met, which I think was the case with some of the checks for Mr Rolfe.

And you've been present at a number of challenge panel hearings?---Yes.

And can you describe to her Honour how long a process and that exercise is in respect of an applicant and whether that panel routinely accepts what comes from your panel?---So, I think generally between one or two hours, off the top of my head. It's been a long time since I participated in one. Generally - - -

So, how many applicants?---Well, in different processes. So, if time was a constraint, then it would just be for the applicants that were being recommended to progress.

Yes?---And time wouldn't be spent talking about applicants where there was consensus for not progressing. Then, for each applicant, a summary would be provided by the panel, usually by the chair of the interview panel to the chair of the challenge panel.

Yes?---And any questions could be provided. It's also an opportunity for any of the panel members to present any concerns and, generally, there could be feedback at that point in time about any further assessments that were pending, whether that's medical, referee checks or the probity criminal history checks as well.

And what are the potential outcomes from the challenge panel? Obviously, a person can simply be accepted as suitable or they can be rejected outright by the challenge panel. Are there other outcomes between those two possibilities?---Yes, there could be a discussion around is there further information that's required?

Yes?---If risk information was discovered in the process of probity checks, there might be discussion around exclusion criteria for any further applications, which could be potentially we wouldn't consider an application from this person at any point or a period of years and an explanation why. So, that level of discussion might happen at those challenge panel meetings, if necessary.

Can the person be accepted as suitable for employment subject to certain conditions or a review period?---For the candidate?

Yes?---The candidate may get an offer of employment. And there's an example of the letter on file that Mr Rolfe would have received. Within it includes a number of caveats, including the discovery of information that might negatively impact or require reconsideration of his application, ranging from criminal history, probity, discovery of any dishonesty throughout the process and/or any medical or reference checks or other misconduct in other employment as well would – be covered within that.

What if there was an ongoing concern about the person's capacity to respond appropriate to guidance or an ongoing concern about their propensity to overreact in circumstances of stress; could that result in any kind of a conditional offer of employment?---I don't think I was ever aware of conditions being set within employment.

All right?---And generally, for those types of concerns, the – probably the natural question would be should we be offering the person a person.

Mr Van Haeften, you've had reason for a period of time now to reflect upon the process as it applied to Mr Rolfe. Do you have any final observations that you'd like to provide to her Honour in terms of the recruitment process for the Northern Territory Police Force in future?---Yes, I think a reflection that's been developing over the course of today and through the question is that similar to the question posed about desensitisation to aggression or violence, I think, as panel members, we get exposed to a range of different stories from people, as well as the information that we have from experience of working within the organisation, and for myself, the experience of working as a psychologist within the organisation. And I don't think, which is the point of my reflection, that the challenge panel are immune from the same processes of desensitisation or sensitisation. And I think this may be an example where the challenge panel might have been more acutely sensitised to description of the violence posed by the candidate, or maybe impacted in terms of accepting a level of aggression that was used in the example provided; a courageous example of use of aggressive to protect someone else. But viewed, essentially, in an acceptable way because of the context of the occupation.

Thank you very much, sir.

Thank you, your Honour.

MR COLERIDGE: Your Honour, I've got perhaps two minutes.

THE CORONER: Sure.

REXN BY MR COLERIDGE:

MR COLERIDGE: First question I wanted to ask you, Mr Van Haeften, picks up on something that you were asked by Mr McMahon. He suggested to you that there should be mechanisms in place for swift action to be taken by the Northern Territory Police executive either to suspend or terminate in certain circumstances. And as I understood your answer, it was that you thought that those mechanisms were in place but that they were not uniformly applied in all circumstances. If I've correctly understood your answer, I wonder whether you could just explain what that last part of your answer meant?---But without being able to provide examples, I think I was aware of decisions that could be made, decisively, if there was consensus, around potential risk with employees and of some employees being dismissed through probation periods for making poor judgement, that were deemed as dishonesty. And then other circumstances where that level of decisiveness hasn't been demonstrated.

Do you have, and again without giving examples, a sense of why decisions were being made inconsistently?---I think in part because different people were making different decision at different points in time, and that the variables of each situation would be taken in consideration. And that might be one reason why there's a variation in timeframe or decisiveness.

The second topic I wanted to ask you about briefly was this issue of personality traits. As I understood your answer, it was that personality traits tend to be relatively stable, but with intervention, can be changed. Is that correct?--- I intended to present that personality traits are relatively enduring, but for people motivated to, they could manage the impact of those personality traits to minimise the negative impact of (inaudible) themselves and to others.

But I take it from your answer that without motivation, self-awareness and intervention, it's unlikely that those enduring personality traits will be managed in a way that they don't have an effect on behaviour?---Agree. I'd agree.

Would you agree that one type of intervention might be positive mentoring within an organisation like the Northern Territory Police Force?---Yes.

So providing a good example of positive or desirable behaviours?---Yes, could be one method of (inaudible).

Another example is disciplinary action for undesirable behaviours, correct?---Yes.

Would you agree that if there isn't intervention and if in fact the environment reinforces undesirable personality traits, the risk is that those personality traits will be a quite significant influence on a person's decision-making?---Yes, potentially.

Just following up on that issue of personality traits, you were then asked some questions about variables, other variables that can affect decision-making in specific circumstances. And two variables identified by Mr Officer were high stress and time pressures. In situations of high stress, where a person is under time pressures, am I correct in thinking that people are more likely to fall back on underlying personality traits?---And to fall back on their underlying system of values, beside their decision.

And so if, for example, you have a set of personality traits that an institution tries to train you out of or train you in such a way that they don't have such an effect on your decision-making in situations of very high stress, the training might have less of an effect on your decision-making, and the underlying personality traits and values mightn't have more of an effect on your decision-making; is that right?---I would say that's a likely or more likely outcome.

The final topic was just about the psychometric testing. I identified to you a number of what I think you described as problem areas in – from the psychometric report, I'm correct that these suggested a level of risk in those identified problem areas. Is that correct?---Yeah, correct.

Now, the questions that you asked at the interview didn't provide critical information that suggested that there was further risk, correct?---Yes, the responses to the questions didn't provide further information - - -

Yes?--- - - - - - - of risk.

But they didn't disprove the level of risk that had been identified in the psychometric battery, is that right?---No.

All right, no further questions.

THE CORONER: Thank you for making yourself available for a good portion of today and for all of yesterday. We appreciate that input that you've had on the inquest and the information that you've provided. Thanks a lot.

THE WITNESS: Thank you, your Honour.

THE CHAIRPERSON: See you later.

WITNESS WITHDREW

THE CORONER: Dr Dwyer?

DR DWYER: Your Honour, the next witnesses are Sergeant Matthew Allen and Senior Constable Brad Wallace. And I've called those officers.

MATTHEW GLEN ALLEN, affirmed:

BRAD WALLACE, affirmed:

DR DWYER: Your Honour, just before I call – or ask both officers to provide their details for the court. I note that there are a number of documents that are relevant to the officers. Firstly, starting with Senior Constable Brad Wallace. We have two statements from Senior Constable, both dated 26 July 2022. They are at 7-113A and 7-113B. And a statement from Sergeant Matthew Alum, on 11 August 2022, at 7-2B. Perhaps, your Honour, for the benefit of the court, and my learned friends, the statement of Hagart Ronnie Burns(?) may also be relevant.

That's on 8 August 2022, 7-115B. And the statement of Assistant Commissioner Smalpage, or perhaps both statements, from July and September of this year, 7-120A and 7-120B.

THE CORONER: Thank you.

DR DWYER: That's the housekeeping out of the way.

Might I just ask, for the record, for you each to state your full names.

Senior Constable Wallace, could you just say firstly, your full name, and your rank, and your station.

THE WITNESS WALLACE: Bradley James Wallace, Senior Constable, registered number 30154. And I'm attached to Crime, in Alice Springs Station.

DR DWYER: And I'll ask you some further details about your experiences shortly.

But in the meantime, Sergeant Alum.

THE WITNESS ALLEN: Matthew Glen Alum. I'm a Sergeant at the Police, Fire and Emergency Services College. Registered number 2081.

DR DWYER: And where are you currently based?

THE WITNESS ALLEN: At the College in Darwin.

DR DWYER: Which is Darwin though?

THE WITNESS ALLEN: Yeah.

DR DWYER: Thank you very much.

Senior Constable Wallace, you set out some of your very interesting history, with both the AFP and the Northern Territory Police Force, in your first statement. I'm conscious, as (inaudible) of many family and community members listening into the evidence, and needing to understand a little bit about that for themselves. So can I note, firstly, you're an initiated Aranda man. Your country is around this area. Can you tell us about – about where you come from?

THE WITNESS WALLACE: That's correct. My family comes from Loves Creek Cattle Station. We're Eastern Aranda people. My mother lives on the homelands, approximately 80 kilometres east of Alice Springs.

DR DWYER: And you've lived the bulk of your life in the Northern Territory, is that right?

THE WITNESS WALLACE: I've lived all but some time spent serving with the Australian Federal Police outside of the Northern Territory and Australia, within the Northern Territory.

DR DWYER: You explain in your statement, that as a young person, you travelled and lived with your parents, through central desert areas, is that right?

THE WITNESS WALLACE: Yeah, through both central desert, and through Arnhem Land as well.

DR DWYER: You have completed a Master's Degree in Indigenous Knowledge's and Cross Cultural Mediation, that is run through Charles Darwin University?

THE WITNESS WALLACE: Yeah, that's correct. I completed that, I think it was 2015.

DR DWYER: And you explain in your statement, you joined the Australian Federal Police in 1998, and worked across a variety of positions and locations. You set them out on your statement, and I won't ask you to go through all of them, but they include Joint Defence Facility at Pine Gap. The Alice Springs Aviation Team. Darwin AFP, Aviation Team. The AFP Crime Operations in the Northern Territory. And relevant to some of the questions I'll ask you later in your evidence, a Family Investigations Liaison Officer, or FILO position, which exist in the AFP, but not yet in the Northern Territory, is that right?

THE WITNESS WALLACE: Yes, that's correct.

DR DWYER: In 2009 you took 12 months leave without pay from the AFP, and you worked for the Central Desert Shire as a Regional Manager for the Community Safety and Night Patrol portfolio. Can you tell her Honour about setting up those – those regional areas for Night Patrol.

THE WITNESS WALLACE: So I took a 12 month leave of absence from the Australian Federal Police. And I won a position with Central Desert Shire, as they were starting to set up the Community Safety or the Night Patrols, across the central desert region. And it was of interest for me, because it's my home area. And I hadn't been – I hadn't worked on community for some time. I had several communities that I was responsible to recruit staff and maintain facilities and vehicles at. Ranging from Harts Range, on the Kitchener Country, through to Lajamanu, on Gurindji Country, which is where there's a large Warlpiri community.

DR DWYER: One of those communities was Yuendumu, is that right?

THE WITNESS WALLACE: Yes, that's correct.

DR DWYER: You note that as part of that role, you drew up cultural and – sorry, you drew up, or you assisted with memorandums of understanding, between the Northern Territory Police Community Patrollers, and the Central Desert Shire?

THE WITNESS WALLACE: Yes, that's correct. Part of the process that Central Desert Shire was working on at the time, was to set up – author and set up memorandums of understanding between the Senior Night Patrol Officers, and the Station Sergeants or the OICs of those communities.

DR DWYER: And you've noted in your statement that that project lasted for about 12 months, and you went back to the AFP. Do you know whether or not those memorandum of understanding are still in existence, and operational?

THE WITNESS WALLACE: To be perfectly honest, I couldn't tell you. I think you'd have to get that information through Central Desert Shire, or through Northern Territory Police. I'm not currently attached to remote, so I don't have knowledge if that's still the case.

DR DWYER: All right, we can follow up on that. And you're aware that the principle – that Night Patrol still exists through the central desert area, at least in some communities?

THE WITNESS WALLACE: Yes I am aware. I don't know if it's still being run and funded by the Attorney General's Department, to the same standard, and with the same amount of funding and staffing as it was at that time. That was a roll out as part of the Intervention in the Northern Territory. So there was a lot of funding available. And there was a lot of scope for us to try different things.

DR DWYER: Your Honour, that might be an issue that interests the court, and we can follow upon that.

Just to finish off on your experiences, before we come to the – the situation now, Senior Constable, you were returned to the AFP in October 2010, and then you were sworn into the Northern Territory Police Force in 2012, as a Special Constable, for a particular reason. Can you tell the court about that?

THE WITNESS WALLACE: I was posted and stationed to Darwin, as part of being in the region, in the Northern Territory, and some of the work I was undertaking. I was sworn in as a Special Constable of the Northern Territory Police. My registered number at that time was 6971, and I worked across several portfolios that were interactive between the Australian Federal Police and Northern Territory Police.

DR DWYER: And did that include areas in the central desert, even though you were based in Darwin?

THE WITNESS WALLACE: I did some work in the central desert. The bulk of my work was across the Top End of the Northern Territory, as far down as Lajamanu.

DR DWYER: So I – coming closer in time. You resigned from the AFP in July 2020, and you joined the Northern Territory Police Force, as a full-time constable in the same month. You completed transition training in October 2020, that is transitioning from the AFP into the Northern Territory Police. Is that right?

THE WITNESS WALLACE: Yes, that's correct.

DR DWYER: Is that different to the full six months training that you would do as a young constable?

THE WITNESS WALLACE: Yeah, that's correct. It's a program that Northern Territory Police run, called the Advanced Recruitment Program. I undertook that training from July to October 2020.

DR DWYER: So it's three months, rather than six months?

THE WITNESS WALLACE: That's correct.

DR DWYER: And you indicate that since you have re-joined the police – or joined the police force in the Northern Territory, you've undertaken roles in general duties, Community Resilience and Engagement Command, known as CREC, and you're currently, or at least at the time that you completed this statement, you were attached to Strike Force Viper. What was that? Or is that?

THE WITNESS WALLACE: Strike Force Viper is a high-volume property crime unit in Alice Springs, that deals with, obviously high volume property crime. I'm no longer attached to Strike Force Viper. I – well I started a position on Friday the 11th with Domestic Violence, so I'm in-between roles at the moment.

DR DWYER: What would – what will be the position that you're going to?

THE WITNESS WALLACE: I'm going into the Crime Team, within Alice Springs Station.

DR DWYER: That I think brings up to date with you Senior Constable. And I'll return to your experience shortly.

Sergeant Alum, you indicate in your statement that you've commenced the role you're in now on 15 March 2021, as the Course Coordinator for – within the NT Police College, is that right?

THE WITNESS ALLEN: Yeah that's right. I was the course coordinator for Squad 145. 15 March last is when I started the role at the police college, and 145 is my first squad that I've put through as a course coordinator, and I've just – I'm doing Squad 149 at the moment.

DR DWYER: And how many squads go through in a year?

THE WITNESS ALLEN: I can't give you exact numbers, but three. But it depends what squad you're talking about.

DR DWYER: All right.

THE WITNESS WALLACE: Could be auxiliary's, Aboriginal Community Police Officers, constables, and ALO's. So it's very, very busy. I've been - - -

DR DWYER: I've jumped forward - - -

THE WITNESS WALLACE: - - - (Inaudible) - - -

DR DWYER: I've jumped forward because I haven't got you yet to properly explain what your role involves? Could you do that?

THE WITNESS ALLEN: So my role as a - I'm the sergeant of a constable squad. I'm there for their whole time as an instructor. I focus on legislation, how to put a brief of evidence together, manage them through their whole process, administrative. We have a lot of skill blocks throughout the time, what we call skills blocks where they learn to drive a motor vehicle, firearms training, operational safety. That's taken on by other instructors. But my sole role is the course coordinator, I deal with a lot of the theory in relation to, like I said, legislation, policy, procedures, incrementally throughout their course.

DR DWYER: Senior Constable Wallace just told us about the accelerated course that he did and we've heard evidence from some officers from New Zealand who came over to the Northern Territory Police Force who also did an accelerated course. Are you responsible for course coordination of both six months for new recruits and the accelerated course?

THE WITNESS ALLEN: No, I've never - never been involved in an accelerated program. It's only been squad 145 and ALO squad that I've been involved with.

DR DWYER: ALO, Aboriginal Liaison Officer?

THE WITNESS ALLEN: Yes.

DR DWYER: Now, you two have met before today obviously?

THE WITNESS ALLEN: Yes, we have.

DR DWYER: On the - you indicate in your statement, Sergeant Allen, that on 29 June 2021 you officially approached Senior Constable Wallace and his management at Alice Springs Police Station. You asked him if he would come up to Darwin between dates in August 2021 to ask if he could present to 51 recruits from squad 142?

THE WITNESS ALLEN: Yeah, that's correct. So I was aware of Brad's prior involvement with other squads before the time I was at the college and I wanted to bring that flavour and his experience to the young constables on a three-day program which we'd put together and I can explain to the court.

DR DWYER: And certainly I'm coming to that and that will be extremely useful. But in terms of Senior Constable Wallace - sorry to talk about you in front of you, Senior Constable - but in terms of Senior Constable Wallace's presentation we have on our brief of evidence at 12-1 a presentation that goes for two hours and 44 minutes which is an example of Senior Constable Wallace's work with a group of young recruits, is that right?

THE WITNESS ALLEN: That's right, yes.

DR DWYER: Were you there at that presentation?

THE WITNESS ALLEN: I wasn't there at that presentation. I haven't watched that presentation but I've been privy in person to his presentations.

DR DWYER: So you became aware of the work of Senior Constable Wallace and then you asked him to help you out in the course?

THE WITNESS ALLEN: That's correct, yes.

DR DWYER: Is that right? In relation to the course as it currently exists, as at 2022, I just want to contrast what was available to Constable Rolfe, for example, and his cohort of police officers in 2016. Ms Ronnie Burns, forgive me I've mispronounced that. Do you know whether or not I'm pronouncing her name correctly?

THE WITNESS ALLEN: Hagart Ronnie Burns.

DR DWYER: Thank you. She sets out in her statement which her Honour has at 7-115B, that in the course - what the course materials were when Constable Rolfe commenced his training.

And they are in our brief of evidence, your Honour, from 12-2 through to 12-6.

I've printed some of these out before. Have you seen those, Sergeant Allen?

THE WITNESS ALLEN: I saw those - yes, I have seen those before.

DR DWYER: The course that it - as it existed when Constable Rolfe did his squad training is also explained by Assistant Commissioner Smalpage in his first affidavit at par 271. I'll just read it for you. He says, "Constable Rolfe squad received one week of cultural awareness training which included a series of lectures around issues faced by police in remote communities and a basic introduction to Aboriginal culture. This week of training culminated in an attendance at Bagot Reserve to meet with Bagot Community Elders and to interact with Aboriginal youth through a game of basketball." Can I ask you to accept that we've heard evidence from Constable Kirstenfeldt who appears to have had similar training, he referred to, when asked about cross-cultural training, some experiences at Bagot. He met - he said, "We met with the Elder there. It was really good. Her name was Helen. We played basketball with some of the kids" and they'd heard about Helen's experience in terms of the tragedy of the Stolen Generation?

THE WITNESS ALLEN: I don't dispute that, no.

DR DWYER: In - within these materials which when we have read carefully there are, I suggest to you, some important things, for example, the history or part of the history of colonisation including tragic experiences with massacres, state-sanctioned massacres in this country, kinship and a basic understanding of kinship and a basic outline of racism. Are those things picked up in the new training which I'm going to take you to?

THE WITNESS ALLEN: Yes, most definitely.

DR DWYER: Senior Constable, before I come - sorry, Senior Constable Wallace, before I come back to Sergeant Allen about what's changed since 2016 I just wanted to ask you both to reflect on this. We heard from Sergeant Kirkby who had done an accelerated training package in 2013. When asked to reflect on the training that he did to help him understand what he would be experiencing and how to approach cultural situations he said, "We joined in April 2013. We travelled to Daly River. There was a bit of cross-cultural training delivered by 'an Irish chap' in Daly River. It was limited cross-cultural information." He described it as woefully inadequate. That's just one officer and he's reflecting on his memories since 2013. I appreciate you both weren't in your roles then.

Sergeant Allen, have you - did it come to your attention when you took over the role in 2021 that there was serious deficiencies in the training?

THE WITNESS ALLEN: We could do things a lot better and we can always do things a lot better. And obviously we've - that training, the big difference is as a course coordinator which - the role I was explaining, if I'm giving a lecture or taking a workshop about how to put a brief of evidence together I take that workshop, I deliver that package. With the new program we've got individuals, subject matter experts in that chosen area, for example, Brad. There's a lot of others I can get into later, that are actually delivering those workshops and presentations with the experience of being there and seeing it themselves. So that's the big difference that I can see.

DR DWYER: And that's an important difference and I know I've got evidence to call from you about it.

Before we do, Senior Constable Wallace, when you did your accelerated training you explain at par 11, that was June 2020. You had a conversation with college staff about the provision of culturally appropriate training for members commencing their careers with NT Police. You did that because you recognised that the NT Police could and should do it better. Is that right?

THE WITNESS WALLACE: Yes, that's correct.

DR DWYER: What were the deficiencies that you saw and bearing in mind it was the accelerated training package?

THE WITNESS WALLACE: I saw a very basic package put together by an NGO to be delivered followed by a basketball game and I didn't see that as appropriate or anywhere near enough training to prepare police officers from interstate and international jurisdictions to work in the community with my people.

DR DWYER: One thing that you'd point out to me, Constable Wallace, is that many of the new recruits have had very limited engagement with Aboriginal people before they start as police in the Northern Territory, is that right?

THE WITNESS WALLACE: Yes, that's correct.

DR DWYER: Many of the recruits - you just mentioned international recruits as well as young people?

THE WITNESS WALLACE: Yes.

DR DWYER: So can I come to some of the changes. This was of course - Sergeant Allen did the accelerated process before you became involved also - sorry, Senior Constable Wallace. Before you became involved, Sergeant Allen, when you became involved or from the time you h ad become involved the course content and the way it's delivered has changed substantially, is that right?

THE WITNESS ALLEN: Yes, that's correct.

DR DWYER: And you started to say this earlier: it's not you delivering the whole course, it's you engaging some external providers?

THE WITNESS ALLEN: Yes. I would say that I arrange the presenters and facilitate the three-day program. It's not Sergeant Allen standing there speaking about cultural competence, community engagement, with - so I can take you through that if you like. I might start with that and then I'll come back to Senior Constable Wallace. So you speak in your statement - bear in mind it's all set out here. I'm trying to draw out the important points particularly for those listening. You set out

that there are three specific days in terms of the cultural awareness presentations. Can I ask you to go through each day?---Yeah. Just before we do that, to set the scene straight up, the first week of the police constables we do a presentation and explain to them their life's completely changed. They're now leaders in the community. They're now training the cultural differences, the expectations, the Code of Conduct. Respect equity and diversity. But right at that early moment, that first week, we deliver a project for them that gets delivered during their cultural awareness program. So it's an assignment, it's a presentation task, and I spend a bit of time explaining what is expected of them as police officers and why they're actually sitting there wearing a uniform. Trying to put it into context. Words to the effect of helping the community, leaders. That's what our role is, to serve and protect, and I focus on, it's really early, but I focus on our mission and our vision, you know. What's written on our patch, so they actually get a grasp of what they're sitting in the classroom for and where their career's going. So I give them that presentation. I issue them with this assignment, and I say to them, "In six months' time during the program of the three-day cultural awareness package, you're going to do all this research in relation to an Indigenous First-Nation's language," and all the classrooms at the police college have names of Arrernte, Anindilyakwa. All the - not every, there's so many cultures and languages.

Sure?---But there's about 13 or 14 that the recruits get allocated.

I'm going to hit Bec with this without having given her any notice, but if you have a look, Bec, please at 7-2B which is an attachment to Sergeant Allen's statement. You start to see some of the overheads that Sergeant Allen's referring to. So this happens at the very first week. Sending the signal that this is to protect and serve, or serve and protect is on your badge, I think. Am I right about that?---Yeah.

That that's the mission for the Northern Territory Police Force?---Yeah.

And then profiling a number of different communities, and you said, and Bec will give us an example, you've mentioned Anindilyakwa I think and we've also got - - - ?---Warlpiri, Arrernte, Kriol, Gurindji.

And then in terms of the assignment, I think there are some parts of this that I won't put on the overhead because there's some sensitivities around ownership of the material.

But the very first pages, Bec, if you can see them? It's M, it's the attachment to Sergeant Allen's statement, 7-2B?

THE CORONER: Is she definitely there?

DR DWYER: Page 1 of 13.

THE CORONER: I think this is the PowerPoint.

DR DWYER: Exactly. Yes, thank you very much, your Honour.

So Bec, if you could just flick through, just scan through. Just backing up what Sergeant Allen's just told us, these are First Nations groups around Central Australia, and there are some from the top end.

THE CORONER: Language.

DR DWYER: Language groups. And you just stop there.

For example, Kunwinjku, what's the point of that, Sergeant Allen, can you just drill down on what happens then in the assignment?---So with the assignment, they're giving, they research a particular police station. A community within that language group, and they are asked to proactively engage with, and that means not just emailing. Getting on the phone, talking to the OIC of the police station, the constable at the police station. Aboriginal liaison officer, the Aboriginal community police officer, the land council.

Any stakeholder of relevance out there to talk about history, current issues, police numbers, challenges, and they're starting that process. So how many people speak the language, is there challenges in relation to whether the language is, is there any cultural in terms of song-wise, dance, languages where some – 'cause they're all completely different – are some really got a strong culture today with the young kids.

For example, Allowah got a great little song with all the kids that talk about where the Allowah people, and it's real sort of interesting anecdotes in relation to that. So that's one aspect, and towards the end of the assignment, they get asked what could they do after their research to help improve community engagement and things like that.

And I think one of the questions also is, what else could you do to deepen their knowledge base?---Yeah.

Is that assignment started and finished in the first week?---No, no. So it's evolved in the short time that I've been there. When we first rolled it out, they were giving, unfortunately some of the Aboriginal community police officers got a really small amount of time to do that sort of work. So you'll notice, you know, it was about 300, words to be specific. But it's evolved now where they've given the whole course. So Squad 149 is given the whole course to work on this project. That gets delivered on the third day of their cultural awareness training, which is scheduled just before, about a week before their graduation.

So can it be, before I bring Senior Constable Wallace in, can I ask you to go through the days of the cultural awareness program and who that is delivered by?---Yeah. I just want to - it's relevant too. During that first week, Larrakia Nation come into the police college. Janine McClennan(?), and she'll provide an afternoon presentation all about her culture, history of her culture, and it flows on the assignment, and what

I spoke before about why they're police officers, what are they here for. It all flows into that assignment in the first week. So that's of relevance too. It's during that first week, Janine McClennan does her presentation, and she'll be best placed to provide the evidence of the nuances of that presentation. But I've seen it. It covers a lot of ground from history, current day and future Larrikia people.

When we were speaking out of court, Sergeant, you were at pains to say that you can't speak on behalf of Aboriginal people. You don't purport to be any sort of topic expert, do you?---No, no.

But you want to make sure that recruits are going to hear from First Nations people?---That's right.

And be taught by them?---Yeah.

Totally unsatisfactory to have that delivered by somebody who's not Aboriginal?---That's correct.

Is there anything else that you want me to ask you in terms of a broad overview, before we get on to the days?---That's all instructors at the college, and the feedback I've got from the recipients of the phone calls from that early days. As in the communities that are getting the phone calls about, from the young police officer doing these assignments and tasks, are very receptive to speak and share information about their culture. And that's, yeah, that's.

I'm just going to ask you then a brief outline about the three days before I bring Senior Constable in. Day one, you say the cultural awareness program commences with the first morning run by the CREC. The Community Resilience and Engagement Command. Can you just explain what that is?---So that's an entire Command that the Northern Territory police have established. Engagement, resilience is the focus obviously of that Command. So representatives of the CREC will come that first morning, and spend the morning with the recruits but they speak about Aboriginal liaison officer role, responsibilities, they'll talk about individuals and their journey and some positive - basically roles, responsibilities. They are the eyes and ears of police and they are going to be the connection between us and the community and that is explained to the recruits what their role is.

Senior Constable Wallace, you've had a role within CREC, is that right?

THE WITNESS WALLACE: I was the acting sergeant in CREC during the period of the Rolfe trial.

DR DWYER: How long has CREC been in existence for?

THE WITNESS WALLACE: To be honest, I'm not entirely sure.

DR DWYER: I can find those details. Do you know whether it is a relatively new concept for the Northern Territory Police?

THE WITNESS WALLACE: It is, and it's a developing concept.

DR DWYER: So while the Rolfe trial was going on, as you set out in your statement, there was a need for particular support to be delivered for the community?

THE WITNESS WALLACE: Yes, that's correct for both our policing community and for the wider Aboriginal community of Central Australia. We had a really good liaison process at the time at the Warlpiri community here and we were really focussed on that and that was just to alleviate some of the tensions and to develop a strong engagement and platform between the police and the community at that time.

DR DWYER: One of the things you did was try to explain to people from Kumanjayi's family and community what was happening in the trial and what could be expected, is that right?

THE WITNESS WALLACE: To an extent, yes. I mean, they had very good advice from their own legal counsel.

DR DWYER: Sure.

THE WITNESS WALLACE: We were just there to assure them that the police were still available to perform our functions and our roles on the community and to continue to build, repair and continue with engagement and relationships within the community.

DR DWYER: One of the things you did was attend their correctional facility to try and see people who were in custody and explain to them part of the process?

THE WITNESS WALLACE? Yes, that's correct.

DR DWYER: Sergeant Allen, is there anything else from that first day of presentation that you wanted to tell us about?

THE WITNESS ALLEN: Before the three day cultural awareness new package is a number of subjects I can speak about. Unconscious bias training, mental health first aid, respect, equity and diversity, Code of Conduct, which I've already mentioned, trauma informed AMSANT, Aboriginal Medical Advisory - I apologise - Medical Service Alliance Northern Territory. Dr Carmen Biller comes with her team and she delivers a two-day trauma informed package to the recruits. This is all prior to the three days.

DR DWYER: I see, well, I might start there and then go to the three days and try and do it chronologically. We have some information about those topics you jus talked about in the statement of Assistant Commissioner Smalpage. He explains that in short, some of those topics you just talked about have been introduced relatively recently, that is since Constable Rolfe did his training?

THE WITNESS ALLEN: So I haven't been exposed to or been aware of that training previously.

DR DWYER: So that if I can just put this on the record so that we understand the evidence. The mental health first aid scheme, Assistant Commissioner Smalpage tells us, has been in place since around January 2017. Do you see it being delivered?

THE WITNESS ALLEN: Yes, I do.

DR DWYER: What can you tell us about it? We can obtain further information, of course, from those who deliver it (inaudible) what is your experience of it?

THE WITNESS ALLEN: Yes. Senior Constable Karen O'Dwyer and Marcus Tilbrook(?) are the ones that can provide that evidence. There's a lot of workshops, there's a lot of communication in relation to strategies and understanding how, mentally, you can be affected by your job, essentially and the police role is wide, a lot of responsibilities and how to deal with that, so exercise, nutrition, all those sort of - you know, and that's the extent in terms of mental health first aid.

DR DWYER: I just want to stop you there for a moment. Senior Constable, did you have any mental health first aid when you started back on the accelerated course? I am just contrasting this?

THE WITNESS WALLACE: Yes, it was part of our course program.

DR DWYER: Did you find it useful?

THE WITNESS WALLACE? Absolutely.

DR DWYER: Okay. Was it delivered by Ms O'Dwyer and Mr Tilbrook?

THE WITNESS WALLACE? Yes, I believe it was.

THE CORONER: So it's directed at understanding your own mental health or is it directed at being able to provide a kind of first aid intervention with people that you encounter on the job?

THE WITNESS ALLEN: Both. Both, your Honour.

THE CORONER: Both, okay.

DR DWYER: Senior Constable Wallace, I am going to ask you at some stage later to reflect on your experience with general duties when you first came to Alice Springs. I might just jump in and - jump around and do it now. It was pretty confronting, was it for you to go back to GD?

THE WITNESS WALLACE: Yes, absolutely. Alice Springs and Central Desert is my home. I've been involved with law enforcement since 1998. I've worked in multiple jurisdictions as part of the Australian Federal Police including international. By far the hardest, most brutal workplace that I have worked in is Central Desert. It's extremely difficult, challenging, confronting, can be very violent and it takes as lot out of you as an individual and coming from this community and having Arrernte family, (inaudible) family, Luritja family from across the region and dealing with some of those traumas from within my own family group is very confronting.

DR DWYER: Yes.

THE WITNESS WALLACE: So it's been an experience. I'd say it's the hardest policing I've done in my 24 years.

DR DWYER: We have had some evidence about how it can be particularly challenging for First Nations people in the role of police when they have got family and community who might be affect. Do you, as an Arrernte man, did you find that that particularly confronting?

THE WITNESS WALLACE: It's confronting daily. There hasn't been a role that I've had within the Central Desert Region where I haven't had to deal with my own family, so each day I come to work and I try to provide our community with the best service that I can within the auspices of what we do as police officers. I see other Aboriginal Community Police Officers and Aboriginal Constables and Aboriginal Liaison Officers who are exceptionally dedicated and work hard but that's not withstanding the very dedicated non-Aboriginal staff that we have within the Central Desert Region that I work side by side with that try exceptionally had an try to provide the best for the community.

DR DWYER: So I am going to come to some reflections that you've thought about ways to support people generally with your recruitment training. Was there anything that you received or learned about in that first aid package that equipped you when you started GDs?

THE WITNESS WALLACE: Well, the package is designed to, as Sergeant Allen said, to provide a response to mental health situations within the workplace but also to be self aware and it's really important doing the type of policing that we are doing here, especially in the general duties' portfolio, that you're very aware of your own traumas and your own challenges within the workplace - because it is very confronting, as a local person. I always was aware - I grew up here and spent time in communities and within the township of Alice Springs, my grandparents lived in town camps within Alice Springs, so I have a long history here. I had no idea the challenges that I would face when I came back to work here.

DR DWYER: Can you give us an idea of those? I don't want to make it too painful for you, but what were some of the challenges that were unexpected?

THE CORONER: Can I just say, have the circumstances deteriorated from when you were here as a younger man to now or is it just that you are seeing it or being confronted with it more because of the role that you are fulfilling?

THE WITNESS WALLACE: Possibly both, your Honour. On reflection, my previous experience was not as a member of Northern Territory Police and not working frontline. So I knew that I was going to be challenged when I came home and I knew I was going to be challenged working within my own plan, family and tribal groups in the wider region. But what I wasn't ready for was the day to day traumas and the day to day violence that our members deal with. And it can be very difficult and you carry that. Our members carry that daily.

DR DWYER: And you made a point of saying the members carry it daily, Aboriginal members and non-Aboriginal members and you work alongside both and you see a lot of caring committed Northern Territory Police officers, is that right?

THE WITNESS WALLACE: I was actually surprised when I came to Alice Springs with the Northern Territory Police at the level of commitment. And I'm – you know, I'm here and I've stated that I will say the truth and it's – it was very surprising to me to see the way that – especially the experienced Northern Territory Police officers cared for and were invested in the community here. It was quite heartening to me. I was really shocked at the absence of racism in the muster room. It's something that I expected, having a long experience in policing and law enforcement across several jurisdictions and with the sheer volume of work that's conducted by the Northern Territory Police that involves my people. I was expecting a lot of negativity and I was expecting to be confronted by words, actions and reflections that would be better placed in the past. And I do not tolerate and anybody's that worked with me will reaffirm that I do not tolerate racism or racist practices or biased practices in the workplace. I have high expectation of myself and others and I have nothing but praise for the general duties members that I've worked with here and by the leadership within the station, other than some of the things that have come out during this inquest.

DR DWYER: So you stayed back down in Alice Springs, is it 2020 that you came back to the police force?

THE WITNESS WALLACE: Yes, that's correct.

DR DWYER: So we got from you your experiences from 2020 to 2022. You have experience in the police force generally before being in the AFP, have you experienced racism prior to that time in the NT Police or police generally?

THE WITNESS WALLACE: In police generally, absolutely. Absolutely. When I first joined in 1998 I faced racism in the workplace almost daily. My father was employed by the Australian Protective Service, Australian Federal Police at that period of time and I had several discussions with people that made derogatory comments about my father being married to an Aboriginal woman. It was common in the workplace. The reference to me as being one of the good ones or asking me

why I spent time outside of work with people of colour who are my family, that was common in policing in the 90s within the organisations that I worked for. I will unequivocally say that I've had conversations with other Aboriginal members that are long term in Alice Springs that work in the same areas that I have and there's frustrations in policing in Alice Springs and sometimes those frustrations lead to comments or conversations and they can be a little bit confronting. But overall I can't say that I've seen great levels of racism in the muster room here, if any. What I see is a group of people working in an exceptionally challenging environment, trying to do their best to protect this community.

DR DWYER: So we have in this inquest some phone messages from Constable Rolfe's phone where he's 'communicated with a number of police in 2019 and it's from those phone messages that the court has come to understand the racist language that was used by a number of officers, a number of constables, three constables including Constable Rolfe and then two sergeants, including the sergeant who was the head of the IRT and the sergeant who was operating on Constable Rolfe's patrol group. I'm not going to repeat the language, Senior Constable Wallace, but you've obviously but you've obviously heard it through the media, is that right?

THE WITNESS WALLACE: Yeah, that's correct.

DR DWYER: And that's a snapshot in time at least in 2019 and from a number of officers in the command. That's not something – well how did you feel about it?

THE WITNESS WALLACE: As a police officer I'm disgusted. As an Aboriginal man I'm angry and I'm hurt.

DR DWYER: And is it your perception that others in your family and community feel the same way?

THE WITNESS WALLACE: 100 percent.

DR DWYER: No doubt the court will be relieved to hear that your experiences have been different in Alice. But where to from here in terms of starting to address the hurt and the pain caused?

THE WITNESS WALLACE: This is the thing that I found frustrating about the release of those messages through this inquest. In my – I'm in my 25th year of law enforcement. I've seen some really positive changes and I've seen the diminishing impact of racism in the workplace. I think both the jurisdictions that I've been employed from have come ahead leaps and bounds in the employment retention and recruitment of Aboriginal staff. I've seen different programs put in place to address attitudes and issues and that's shown through the programs that Sergeant Allen is trying to get up and running and improve and the PEFS college in Darwin. But what really impacted me was that after 24 years the same language was being used, albeit on what those members thought was a private platform. I know some of the members involved. I don't know all of the members involved. I've worked with some

of the members involved and I'm deeply hurt and disappointed. Have I seen and heard that racism in person, no, I haven't. But that doesn't diminish how it makes me feel, because it makes me reflect on how those officers would view my family members walking down the street in their roles and whether they have formed biases about them prior to dealing with them. And I can't say that because I can't talk for them, that's just how I feel. As a police officer, like I said, I'm disgusted that that type of language was being used on any platform and I'm deeply disappointed that it wasn't addressed by people that were within leadership roles within that group.

DR DWYER: No doubt a number of your colleagues in the Northern Territory Police Force, Indigenous and non-Indigenous feel the same way. Any officers folk who are non-Indigenous spoken to you about the way they feel about that treatment?

THE WITNESS WALLACE: Absolutely. And it's been really heartening to have some of those conversations, especially with some of our more senior members. And I'm not talking about senior by rank, I'm talking about senior by service or through their actions within the organisation. It's been quite heartening. But that doesn't diminish the effect that that type of incident has on how we are reflected by the community. How I'm reflected as an Aboriginal man wearing this uniform. How my family sees me wearing a uniform that can be associated with racism. It hurts.

DR DWYER: So there's a long way to rebuild the trust after this, is that fair?

THE WITNESS WALLACE: I think we're doing the right things to try and rebuild that trust. I think that what Sergeant Allen is doing at the college and some of the processes that have been put in place are addressing those issues. Even though I'm angry and a little bit hurt by what's come out during the inquest, then perhaps it had to in order for us to move forward.

DR DWYER: One of the young officers – I don't know whether you've been following the evidence every day, or one of the young officers who was involved in the patrol group, Constable Hansen, was visibly upset when he was giving evidence, reflecting on his own behaviour. He gave evidence – I don't know, did you hear any of his evidence when he - - -

THE WITNESS WALLACE: No, I didn't.

DR DWYER: He gave evidence that he has had some time to reflect on it, he's grown, he's got his own child during that period of time, it's grown up and he was deeply disappointed and ashamed with his own behaviour and it's been that he owns it. It's been a period of learning and reflection. Is that any significance to you hearing it as an Arrernte man?---Yeah, I think that anybody can learn from their behaviours and become educated and change. I think the basis for most racist comments and racist attitudes in our community, whether it's against Aboriginal people or anybody from any other ethnic group, is based on ignorance and a lack of education. So as a younger man, I used to get very angry about racism because it was so in my face, but as a – as a middle-aged person who's educated myself, I think the best way to move forward is to have those hard conversations and educate

people. I think attitudes can be changed. Doesn't mean that there's a basis there for forgiveness. I mean, you know, the first thing I thought when I heard that there were some apologies being given for comments that have been made is are you sorry you said it or are you sorry you got caught? So those members may be sorry, but you know, for myself and perhaps for some of the other Aboriginal members within the organisation who – and some of our non-aboriginal staff who try to so hard to build those bridges with the community and work effectively. The damage is there, you know, so.

Well, that young constable, we're told he actually grew up with Aboriginal people, has Aboriginal friends, and went to them, explain what had happened and face them; that young officer. We have heard from one sergeant and not the other. And would it surprise you to think that people at the level of sergeants are not only not picking up, or these two at least in those circumstances, not only not picking up younger officers for the language but actually participating in it?---It does surprise in 2022 that that wasn't addressed by leadership.

Sergeant Allen, when you are educating young recruits, and you've had an experience of a number of groups, are there some attitudes being – well I'll withdraw, I'll just ask this question: are people encouraged to speak freely so that - - -?---Just draw quickly on what Senior Constable Wallace was talking about. Sergeants of some of the most influential rank in our whole jurisdiction and strong leadership is required to stamp out that – this behaviour. From a college perspective, I've already the Code of Conduct is abundantly clear to them that first week, you know, where we take it through what's – on and off duty, what's acceptable behaviour and what's not. I just wanted to add that. Sorry, what was your question?

I guess what I'm coming to is are there some attitudes expressed by recruits that surprise you, that are prima facie racist?---No, not – I want to talk about, down the track in the evidence, the panel, where we have experienced Indigenous officers, and they're encouraged to ask whatever question or have any discussion on any topic they like. The squad at the moment that I've got is so diverse. There are individuals from so many different backgrounds, nationally, internationally. There's zero tolerance for that sort of behaviour and language at the – at the training college. It's stamped out, made abundantly clear in that first week.

I think Senior Constable Wallace referred to the fact that a lot of racism stems from ignorance, and that panel presentation which you're coming to is an opportunity to dispel some stereotypes, is that right?---Yep. Yep.

So you set out day 1 at par 9 of your statement, you explain that there's involvement from CREC, the Aboriginal Interpreter Service conducts a presentation and workshop with the recruits?---Yep, so Mandy Armac(?) and her team come in once the CREC is finished. She does a presentation in relation to the serviced provided by Aboriginal Interpreter Service. They do some role playing, speaking to individuals from non-English speaking backgrounds and the benefits of using an interpreter. Again, any specifics in relation to her presentation, she can give that evidence, but

that's the second part of the program on that first morning, and it's about an hour/two – two hours, yeah.

Then the afternoon session is a two-hour presentation from Multicultural Council of the Northern Territory by the president of the council, Dr Joseph?---Edwin Joseph, yeah. So one of the documents you had earlier is a multicultural document. We've reached out to the multicultural society and Dr Edwin Joseph has – comes and provides presentation. He speaks about, from a Darwin Top End point of view, Filipino, Indonesian population, migrants, refugees. And the challenges – the experiences some of these individuals might have with police nationally or internationally and how to treat and respond and be aware that experiences overseas, experiences nationally may be affecting these migrants' behaviours when dealing. So – so takes it through topics in that package there. But I was only speaking to Dr Joseph the other day. There's a lot more work that can be refined in terms of specific subjects that he can speak about, essentially. He does a big Q&A session and, again, takes a lot of questions from the group and does it in the auditorium at the college.

so just so the evidence makes sense to those listening, you're pointing to a document on my Bar table, which is Policing between cultures, multicultural awareness, which is a series of Powerpoints that we have at 12-3 in our brief of evidence. Is that right?---That's right. And it's my understanding that even though I wasn't at the college, packages like that probably may have been delivered by somebody in my role.

I see. So now you bring in external experts to deliver them - - -?---Yeah.

- - - is that right?

Day 2, which you explain for us in your statement. This is from par 10. That posted by Jason or Phillip Elswood(?) from Cross Cultural Consultants. Could you explain what that organisation is?---So that's an external organisation, a consultant professional body that specifically deals with cross-cultural training. And they've being formally engaged by Northern Territory Police only very recently, as recent as last year; July/August last year, to deliver a one-day package. Now, I've sat and been present with Jason's package, extremely engaging with the recruits. He starts off setting the scene about statistics nationally, compared to the Northern Territory, population of Indigenous people in the Northern Territory, the communities, 70-odd communities. We're aware of our police stations; I think we've got about 50 remote communities, outstations. Really setting the scene about the importance and the relevance of cross-cultural training at the start. He also spends a lot of time going from 1770, the start of colonisation, Bilamuc(?) Bilamuc's brother, Pemulwuy, all the way up to census, curfews in Darwin, really setting that scene. Also the culture of individual culture versus collective, collectivism. And Jason again, is the person to give that evidence. But from what I've observed from the recruit's engagement, participation, and we have what we call surveys, where they provide feedback. They take – they get a lot out of that. That particular day.

DR DWYER: Just to be clear, so it's on the record, Jason is a First Nations (inaudible)?

THE WITNESS ALLEN: Yes, he's a Larrakia man, yep.

DR DWYER: And sorry, just – Senior Constable Wallace, that was not something that was available in the accelerated program that you did, is that right?

THE WITNESS WALLACE: No, it wasn't available.

DR DWYER: I'll come to day three, and then I want to bring you back in, Senior Constable Wallace, about your reflections.

Day three, you explain Sergeant Menzies(?) with a panel of Indigenous NT Police Officers, who share their policing experiences, generate discussions on a range of topics. And answer some questions. Is this where you – or is this how you came to meet Senior Constable Wallace, because Senior Constable Wallace came in for day three?

THE WITNESS ALLEN: Yes.

DR DWYER: Okay.

THE WITNESS ALLEN: And – no, sorry that's not where I met him. No, no. I had some time with the federal police a long time ago. I met – met Brad there many years ago, 2010.

DR DWYER: But in terms - - -

THE WITNESS ALLEN: So there was - - -

DR DWYER: - - - that was my clumsy question. Senior Constable Wallace came in to deliver on the day three, sessions?

THE WITNESS ALLEN: Yes, but more importantly, in the June this year, it wasn't just day three, he was actually present throughout the whole three days. From a police officer's perspective, and added a lot of value to a lot of the discussions that were generated throughout that week. But the main reason was yes, for the – for the third day in the morning with the panel. And also to be present when the recruits do their presentations. And offer some feedback and some value adding to their presentations.

DR DWYER: I'll just ask you about day three generally, and then loop back to what Senior Constable Wallace is able to contribute if he can be there for longer. Day three commences with a panel of Indigenous NT Police Officers, sharing their policing experiences. You explain that session is generally facilitated by yourself or other course coordinators. And you set out how long it runs for. You say, "At 10.45, the NLC, that is the Northern Land Council, and traditional owners, and rangers

attend, and provide a presentation to recruits until 12 pm. And then the recruits are able to provide some refreshments for the gathering." That is for the group whose still there, is that right?

THE WITNESS ALLEN: Yeah, so in the morning we have the panel. We invite the experienced police officers. We invite them to stay for the NCL presentation, Northern Land Council. The recruits actually cook a barbeque for everybody, including college management, where we have informal conversations, refreshments, a photo, and then we go back after lunch. And the formal presentations are – are delivered, hopefully, with the audience of Northern Land Council, experienced police officers, who are operational. Some of them can't stay the whole time.

DR DWYER: Sure.

THE WITNESS ALLEN: People like Senior Constable Wallace, college management, and people from the C-Rangers(?) who are aligned with the Northern Land Council. So – and the experienced officers could be Tiwi based, Daly River, Aranda, try to get the cross section. But it's difficult, depending on operational requirements, leave rostering, so.

DR DWYER: Sure. Is that the recruits delivering their assignment - - -

THE WITNESS ALLEN: Yes.

DR DWYER: - - - in effect, to that audience?

THE WITNESS ALLEN: Yes.

DR DWYER: That's a big audience to have to deliver your assignment to.

THE WITNESS ALLEN: I've actually got photos of it, because it paints a thousand words. It's actually really good to see. I wish I had some recordings of the actual day to show you, but I do have photos to show the court. Yeah, because if you're giving a presentation about Tiwi, and you've got an officer there whose lived and worked and grown up in Tiwi, whose listening to, then we – we use that to – to emphasise to them, their research project effort, work ethic.

DR DWYER: Have you got those photos with you, Sergeant Allen, to - - -

THE WITNESS ALLEN: Yeah I do.

DR DWYER: - - - during a short afternoon break, I might get you to pull them out so you can show them to us.

THE WITNESS ALLEN: Yeah.

DR DWYER: Is that an opportunity for – we talked earlier about stereo types, and some of the unconscious bias that might be exhibited. Is it an opportunity for recruits to get some feedback?

THE WITNESS ALLEN: So not so much during the presentations, but the panel discussions in the morning, anything's on the- on the table in terms of discussions. I go through – or the course coordinator – other course coordinators would go through and basically get, for example, if it was Mr Wallace, straight off. Tell us your story, how did you become a police officer. Tell us your family structure. Tell us some examples of challenges you've had in the work place. Give us some ideas, insight into community engagement initiatives. So the names are in my statement. Detectives, or investigators who are working in domestic violence, Danielle Chisholm, Lisa Burken-Hagen(?), Glen Koonan(?), Ricky White, Carl Gunderson(?), Nathan Mayo(?). Big cross section of individuals. It's really valuable for the recruits to hear their story. But it's not always the same people, due to the reasons I've discussed.

DR DWYER: Sure, and you list 14 names in your statement - - -

THE WITNESS ALLEN: Yes.

DR DWYER: - - - with the people who are helping out there. One – one thing I wanted to ask you about is the unconscious bias training. We know from Assistant Commissioner Smalpage's training that as a result of coronial findings, the inquest into the death of Kumanjayi Green, that were – the findings were released in June 2018. In that case, the coroner was critical of police investigations, on the basis of possible institutional racism. And on 5 November 2021, there was an online unconscious bias training package created and approved for release. And there's been some unconscious bias training introduced into the college, is that right?

THE WITNESS ALLEN: Yes, Anika Freeland(?) does the unconscious bias training.

DR DWYER: Does that happen before or after the panel discussion?

THE WITNESS ALLEN: Before, yep.

THE CORONER: Just, you said there was a – an opportunity for people to ask questions. Is there an opportunity for questions to be asked anonymously, as in written down and - - -

THE WITNESS ALLEN: No. No.

THE CORONER: - - - they're – you might get some harder questions, and – and some issues that people are grappling with in relation to their own doubts and lack of knowledge, if they didn't have to stand up and expose it in front of everybody.

THE WITNESS ALLEN: With – your Honour, with the trauma informed training, and the squad – the trauma informed training emphasise creating a safe work

environment. I'm not disputing what you've said. By the time they come to seeing the squad develop, by the time they come towards the end of their training, there are a lot of discussions about a range of topics. Racism, Stolen Generation, work place behaviours.

THE CORONER: It would be interesting to get them to write some questions - - -

THE WITNESS ALLEN: Yeah.

THE CORONER: - - - right at the beginning.

THE WITNESS ALLEN: Yeah.

THE CORONER: They might not still be questions at the end. But it would be interesting to reflect on what their questions were at the beginning.

THE WITNESS ALLEN: Yep.

DR DWYER: Senior Constable Wallace, when we were speaking outside of the court room, I think you gave me an example of – something you might say to recruits. And it's from your own experience of how you, as an Aranda man, have experienced the restrictions at bottle shops. Is that something that you have shared with recruits?

THE WITNESS ALLEN: Oh sorry - - -

DR DWYER: Was that – sorry, Sergeant Allen.

THE WITNESS ALLEN: For example, one of the experienced officers addressed the group about when he was in plain clothes trying to buy alcohol and how he was questioned in relation to do you have a job, where do you live, really confronting stuff. And when you've got an experienced Aboriginal police officer standing there telling recruits that you can't make a judgment based on – like he's got tattoos, like Mr Wallace has and in plain clothes, that the last person that that individual thought, the liquor inspector was, that he was actually a police officer.

DR DWYER: So that Aboriginal man has been stereotyped by a liquor inspector and he's able to tell the recruits about it?

THE WITNESS ALLEN: But he's sharing that story with the young recruits, which has to be of benefit to their development and training.

DR DWYER: Senior Constable Wallace, have you been asked some questions that you found confronting or ignorant or what's your experience of it?

THE WITNESS WALLACE: Well I actually encourage the recruits to ask questions that are confronting and you know, if it comes from a space where their ignorance is based on lack of understand then it's not necessarily ignorance, it's lack of

understanding. So we create that environment where they feel comfortable to ask those questions without being judged, then I think it's a positive environment. And that's what we try to create. I know that you've watched my presentation and I can be a bit rough in my delivery sometimes, but I try to get across to them that you know, you can't judge people, you can't stereotype people. Every tribal group, every person, city people, bush people, we're all different and we all need to be taken on face value and you know, one of the biggest issues with policing is dealing with dehumanisation of people that are subjects of our investigations. And that's something that needs to be covered really strongly.

DR DWYER: When I was viewing your presentation, it appeared to me that the recruits were generally very engaged in it and really interested in how you delivered it and that was over the two plus hours, nearly three hours. Is that how you experience it?

THE WITNESS WALLACE: When I'm delivering?

DR DWYER: Yes.

THE WITNESS WALLACE: I really enjoy delivering to those classes. I can see the benefit in it. One of the reasons why I started doing those was because I wasn't satisfied with what was provided to me at the college and with a background, with my university studies and my background within my own tribal group, I'm certainly not an authority figure within my own tribe, I'm not an elder, I don't hold a strong position within my tribe, I'm just another man. But I have a knowledge based upon my own life experience that can be beneficial, so I have a bit of a reputation for opening my mouth at the best of times, so I put myself in the position where I could share that experience with the recruits. And the feedback has been very positive. A lot of those recruits I now work on the road with in Alice Springs, so I have worked on the road with and have interacted with them through my position within Strike Force Viper and I'm sure I'll continue to within my roles down here. I think that the first really positive strong interaction at the college goes a long way to laying the platform to how those members will deal with the confronting challenges policing are going to bring them within the Northern Territory.

DR DWYER: Is it just before we have a break, can I ask you, Senior Constable Wallace, given of course the need to be sensitive to Kumanjayi's family and community, but just in terms of helping recruits to understand the pain that's been caused by the inquest, do you think it's a good thing to be able to bring up with recruits what's been uncovered in the course of this inquest?

THE WITNESS WALLACE: I think it has to be. I think for my organisation, the Northern Territory Police to move forward, I think for the Walpiri community to move forward, for the community as a whole to acknowledge that the situation has occurred and that appropriate measures have been taken based upon what's going to come out of this inquest, I think that it's a conversation that has to happen. The only way to address issues within our own community is to be honest and courageous and sometimes have conversations that none of us feel comfortable

with. That's how my mother, my grandmother and every Aboriginal person in Australia's ancestors going back to the time of colonisation have dealt with what's happened to them and what's put us in the position we are now, where we're moving forwards and there's a future ahead of us, you know. From the time my mother was a member of the Stolen Generation, my mum came home to her own country. My mother was confronted with racism. She was a corrections officer for quite a long time. And you know, to – for things to have moved forward from her time to my time, it's had to have been courageous and honest. I think it needs to continue.

DR DWYER: Thank you.

Is that a convenient time, your Honour, to take a short break for the afternoon?

THE CORONER: Yes.

DR DWYER: Your Honour, could we come back at 4.30? I just know we're on a timeframe.

THE CORONER: Yes.

ADJOURNED

RESUMED

BRAD WALLACE:

MATTHEW ALLEN:

DR DWYER: Officers, we're all very interested in your evidence and I have to give my colleagues a go, so I'm going to try and cut to some of the things that we could work on in the future.

Senior Constable Wallace, in your statement, your first statement, you set out your thoughts on some recommendations for training going forward. You note that you've provided some training on seven separate occasions at the NT Police College and you've delivered several different streams of police training, including to advance recruit squads, mainstream recruit squads and auxiliary squads. Each time there's been different time periods. And you make the point that best practice would say that each presentation should be the same, consistent time period, is that right?

THE WITNESS WALLACE: That's correct.

DR DWYER: Your recommendation is that the NT Police internal Indigenous cultural training program is established and staffed with appropriate police and Aboriginal liaison officers. Just to be clear, is there currently an NT Police internal Indigenous cultural training program or are you suggesting that one needs to be set up?

THE WITNESS WALLACE: Not that I'm aware of but I'm unsure whether that's part of the current community resilience engagement command's remit going towards.

DR DWYER: I see. What would it involve? What do you envisage?

THE WITNESS WALLACE: Well currently we've got 176 identifying Indigenous officers in the Northern Territory Police in the role of constable of different ranks with 66 - - -

THE WITNESS ALLEN: 66 Aboriginal community police officers.

THE WITNESS WALLACE: The majority of which are local Northern Territory Aboriginal people. So we cover from the Tiwi Islands right down into the pit lands(?) in Central Desert. So we have pretty much Aboriginal representation within our ranks across the entirety of the NT. So what I'm suggesting is that we utilise that life skills and knowledge base from within to strengthen the understanding and the knowledge base of our members, particularly that are going to work in remote areas and regional centres of the Northern Territory.

DR DWYER: And do you envisage that they are involved then continuously, that is that there's a training package that is not just that the college when officers start, but that there's regularly training involving those officers?

THE WITNESS WALLACE: In a perfect world, yes. In an operational world it may not be entirely possible. Although we do have some incorporated training days in the rosters that I've worked with NT Police it's not always possible given court and operational commitments to have that practice. The other thing I've suggested is that where members of the organisation have missed that training because they recruited earlier, that they're gathered when they complete additional training at the college. So if they run a detective training program or an investigations program at the college and people haven't had the opportunity to undertake appropriate cultural training, that it can be caught at that period of time.

DR DWYER: Sergeant, you mentioned earlier how valuable it was to have Senior Constable Wallace for the whole three days rather than just a period on the panel. Would you like to see an Aboriginal person embedded in the whole of the training program?

THE WITNESS ALLEN: We have had – we have had the – and yes, it's very beneficial. Aboriginal Community Police Officer Glen Kernan(?) has taken an Aboriginal community police officer program or course. Kyra Wilson(?) is now working at Gove. She's recently part of the induction cohort working in the same office as myself and my colleagues. And it's really easy for me to say can you come and walk across the room and come down to the panel. She spoke of her story in front of the class. Yes, it is of – I could see that obviously being of benefit. But we have experienced that previously. Right at this moment in the induction team there's no Indigenous officers in the induction team. Operational safety is another area. It's currently one, yeah.

DR DWYER: You spoke earlier, senior constable, about the numbers, 176 at the constable rank or within the ranks, so it might be constable 1st class, for example. Do you know – and yourself, you're obviously a senior constable – do you know what the highest ranking is for an Aboriginal person in the ranks? No doubt we can find out.

THE WITNESS WALLACE: I honestly wouldn't be able to answer that.

DR DWYER: In terms of recruitment strategy for the Northern Territory Police, it's an area that you also deal with in your statement, senior constable. It's obviously an area that you feel passionate about, the need to recruit local Aboriginal people in particular.

THE WITNESS WALLACE: Yeah, well a policing service should represent the community it polices. There's a whole array of issues that affect the sheer numbers that would be required to reflect that in the Northern Territory. However, best practice would be for us to attempt to gain the highest numbers of entrants that we

can. Because I think from my own experience and from watching other experienced Aboriginal police officers working within the community in Central Australia in particular, the skill sets that they bring to the table in the forms of language, knowledge base, kinship, can go a long way to dealing with some of the situations that we have. And it's also embedded ongoing training for members that are working with them day to day in how to deal with the community. I think it's beneficial. That's not saying that non-Aboriginal police officers aren't effective in their roles. There's so many good police officers that I've worked with in the Northern Territory over the last two years I've been fully employed in the prior eight before that where I was a special constable and I have great admiration for some of the people that I've worked with. But the more Aboriginal police officers we can get, the better off this organisation is going to be. The particular challenge that we have in that aspect – and it was the same as the challenges that I saw while I was working for the Federal Police, is when we are doing targeted recruitment for Aboriginal people and Torres Strait Islander people throughout Australia and the Northern Territory, we compete with every other government department, with every non-government organisation and the private sector for the best. And that's always a difficult concept to achieve.

DR DWYER: Can I ask you what made you want to be a police officer and stay being a police officer?

THE WITNESS WALLACE: I grew up between Darwin and Alice Springs. I was a pretty rough kid. I didn't always have positive interactions with the police. But I had a particular interaction with a detective sergeant in Alice Springs who's now deceased who invested a little bit of time in me and showed some faith in me and assisted me in some of my life decisions. He was a bit of a mentor. At the time I applied for the Northern Territory Police, for the military and for the AFP. I was successful for the three. My mum had a conversation with me and suggested that I wasn't mature enough to be myself to police my own community, so I took the opportunity with the Australian Federal Police at that time. And I think it was probably sound advice given the challenges that I've seen since I've been working back here. I joined the police because the conversations that I had with my family members in the 1980s and 1990s were about a lot of the negativity that came with the associated trauma and the dealings that my people had had with the police leading up to obviously my time and the way that we weren't particularly happy about those interactions. And it was pointed out to me that I can march up and down outside the station with a placard all day and what I could achieve may be limited. I could join and I could attempt to make changes from within, so hence I'm here at this inquest talking to you today.

DR DWYER: And do you feel like there have been significant changes since the time that you've started?

THE WITNESS WALLACE: Since 1998 when I first started, the banter day to day that I see in the workplace is totally different. The accepted language and behaviours that I see in the workplace are totally different. I think it's also a

generational change where the generations of police officers that were seen to undertake roles in this organisation and in my previous organisation have gone through different prospects of schooling, the introduction of social media. I mean there's a wide range of things that have impacted the attitudes of our youth today. That just doesn't go towards Indigenous people. It goes towards people's attitudes towards the ethnic community. The gay, lesbian and transgender community. The acceptance of people wider in main-stream Australia today, is totally different to what it was in the 1990s. So the attitudes of police officers, in my view, reflect those changes in society.

DR DWYER: Sure.

THE WITNESS WALLACE: For the bulk of the time. Which is why it's so disappointing, that some of the stuff in this inquest has come to light, because we don't see that, or I don't see that, day to day. And if I did, I certainly wouldn't tolerate it.

DR DWYER: No. Do – we've heard that there are significant number of people from the Australian Defence Force who are recruited into the Northern Territory Police. And that there is some material in the brief of evidence which suggests there are considerable skills that they bring that cross over. For example, skills in terms of understanding search and rescue. That might be very valuable. What are your experiences of, if any, of working with people who have been in the ADF?

THE WITNESS WALLACE: I've worked with the ADF both within Australia and off shore. I've worked in operational – Operational Fetter(?) in the Solomon Islands, with the ADF and New Zealand Defence Force, the Papua New Guinean Defence Force. The roles that we play in society across the two agencies are different. However, there's a lot of cross over between the two. And I think in the bulk, across my time within the AFP and Northern Territory Police, the officers that I've worked with that have come from the defence force, have been, in the majority, professional, and adaptive in the work place. So I can't say that I've seen any negative aspects, other than some that have been bought to light in this inquest. And you know, I wasn't part of the organisation then, and I haven't worked with those members.

DR DWYER: I wanted to ask you about, just go back to recruitment for a moment. In terms of strategy to attract Aboriginal people into the role. Have you got some ideas about that?

THE WITNESS WALLACE: Yeah I know that the Northern Territory Police is running a cadet program and a junior rangers program. But I don't see that as being available to some of our more disadvantaged kids. I think that on the ground engagement, which is what the Correct Command is trying to do, can address some of those issues. I think, spending some time – well we've got constables that are attached to high schools and middle schools, so – or senior schools, middle schools. I think that's positive. But targeted recruitment, particularly at university level, and

tertiary education level, of Aboriginal people that have skill sets to bring to the organisation, would be good.

DR DWYER: In terms of the benefits of having more Aboriginal recruits, they might be obvious. But are there any examples you can draw from your own experiences, where you've been able to have a particular relationship with a family, for example, getting someone to hand themselves in, avoiding conflict?

THE WITNESS WALLACE: Yeah, it's not – it's not unusual and it happens quite regularly here in Alice Springs. Recently I had quite a violent incident involving a young man and a star picket with some of our members. It's currently before the courts. But we were able to have conversation with that young person's family, and have the family bring him into the police station to be issued with a notice to appear. Rather than proactively targeting him in the community. And there's a range of operational reasons why that was a positive thing to do. And yeah.

DR DWYER: You – were you involved in those negotiations with the family?

THE WITNESS WALLACE: No. I it was actually done by the Community Reliant Engagement Command, on my request. Because they had the links directly to those families. And that's what that command brings to the table. We have some really strong Aboriginal Liaison Officers, that are senior law men within their own tribal groups and communities, and women. Sorry, my apologies to the ladies. But senior men and women, who have authority and influence within the wider central desert community. And that's – it's really positive to be utilised, and it's safer for the community. It's safer for us. Obviously there's times when that's not an option for us to utilise, when it becomes a safety issue for the – for the offender, or for victims in the matter, or for police officers. But when given the opportunity, I think that it's a very positive way to deal with things. I personally have had contact from offenders who have been outstanding on charges of serious harm, so serious violence charges. And I've had those young men actually drive past my house, pick me up in their car, and I bought them into the station, arrested them, and put them in the watch house. And that's what community relations can bring to the table. It's not always an option. But where it is an option, it's a positive option.

DR DWYER: I want to deal with two more topics before I sit down for my colleagues. But Senior Constable, when we were speaking outside, you talked about some of your work with Strike Force Viper, where there are 10 to 16-year-old kids involved with property offences. And you mentioned that you're having to – having to detain sometimes young people who are likely to have PhaseD, and poor impulse control, and be seriously disadvantaged. What's that like?

THE WITNESS WALLACE: It's challenging. It's a difficult work environment. So some of the young people that we deal with day to day, and some of our constables have worked within those units, and our youth teams are very young themselves. But the – the young offenders, we try to get medical reports to support where they are, and how they're affected. But with training that's provided by the police, and with observations, you can see who are the children, and at times that their affected

cognitively, or their affected in their ability to make complex decisions under stress. And we deal with quite a lot of those kids in the community here in Alice Springs.

DR DWYER: And it often falls to police to deal with them, at two or three in the morning, is that right?

THE WITNESS WALLACE: Yeah that's correct. I think the police are always the last port of call to deal with difficult situations. So a lot of the offending happens at night time. So it's the police who are out dealing with those young people, at a time when they're vulnerable. I think on a whole, from what I've seen from working within Strike Force Viper in the last six months, where the bulk of young people's property offending is addressed, that it's done in a professional and effective manner.

DR DWYER: What are your experiences of working with Territory Families, for example, and getting some help for you as a police officer, trying to assist the community?

THE WITNESS WALLACE: Look, it's difficult. I can only see what I observe in my role.

DR DWYER: Sure.

THE WITNESS WALLACE: We deal with the children. We put in the Territory Families reports that need to be done, whenever we deal with a youth person. We don't always get to see, or very rarely do we get to see what response there is to that. But at three o'clock in the morning when we're dealing with say a 15-year-old youth, whose committing offences, who may have some cognitive impairments, or some impairments due to PhaseD, we don't have an on-call capability to come out and to deal with that person. So our options are that the person's taken into custody, and taken into the watch house, or that they're taken back and delivered into the care of a responsible adult. Which isn't always possible. I would say that the bulk of the young people that we deal with, who are recidivous offenders within the Alice Springs region, come from broken homes, or homes where there's – there's – it's not a safe environment for them. There may be alcohol and substance abuse. There may be other issues within the household. There may be no food. And it hurts me to say this, because these are my people, but that's the realities and what I see in my role, day to day. The kids that are cared for, effectively, are home, they're going to school. They're living their normal lives. It's not those kids that we deal within our role.

DR DWYER: So we – her Honour has some evidence in relation to Kumanjayi's experienced. He was very loved by family and community. But we understand from the evidence, that he may have had FASD. He certainly had poor impulse control. He appears to have had cognitive difficulties, which meant that he left school early. He had witnessed domestic violence. He went on to perpetrate domestic violence, and he had a history of trauma, because both of his parents were deceased, by the time he was a young fellow, around 10 or 11. Are they the bulk of – that is, is that unusual for a presentation of a young person that you see, Senior Constable?

THE WITNESS WALLACE: That would be on the upper end of the scale of the trauma of the young people that we deal with day to day face.

DR DWYER: So he is not an isolated case? There is a number of young people you are dealing with?

THE WITNESS WALLACE: Absolutely.

DR DWYER: In terms of assistance from other agencies for police at the front line what - in an ideal world what do police need?

THE WITNESS WALLACE: The capability to have somewhere safe to take children that don't have a safe environment for us to return them to I think is something that's really important. Nothing - nothing hurts me more than taking a child home at 4 o'clock in the morning to find everybody in the house drunk, no safe environment for the child, no food, no safe space for them to sleep in and we - - -

THE CORONER: And the alternative is detention.

THE WITNESS WALLACE: Sorry, your Honour?

THE CORONER: And the alternative is detention?

THE WITNESS WALLACE: That's correct.

THE CORONER: Even for a first offender if there is no responsible adult that can be located the alternative is detention - which should be a last resort and you are not give any other option other than the last resort?

THE WITNESS WALLACE: I would agree with that totally, your Honour. I think that there is a failure in community capability, perhaps an NGO or perhaps Territory Families supply supported housing, especially for some of our middle to older teenagers and for some of our younger offenders and sadly, some of the children that we deal with are between 10 and 13 years of age, they're tiny, they - they struggle at home with the same issues that I've just spoken about and at times we take those children into custody because we don't have an alternative and then we can't find an responsible adult. We have several children here in Alice Springs where their own families are refusing to come in to the watchhouse to pick them up because they are either frustrated with their behaviours or they are removed kinship-wise and family-wise and they are just a person that's placed in a position of being responsible - it's difficult.

DR DWYER: One thing - and then I will sit down. One thing you mention in your statement is needed is - or you would like to see is the establishment of family investigations liaison officers which is a concept from the AFP. Can you just tell us about that?

THE WITNESS WALLACE: So the file I rolled in the AFP is more based for multi-national, international and interstate based crime. So it's based more around the counterterrorism sphere of operations or with disaster response. So I was trained as a FILO(?) within the AFP and, you know, part of my role we dealt with victims, families of victims from MA17, MA370 so from the Malaysian Airlines disasters, the families were our responsibility to deal with, to provide advice to, to provide support to, to take secondary DNA samples from and whilst that's a far cry from the work that we're doing here in the Northern Territory, I see a correlation where it could be affective to deal with the offenders' families in serious crime matters and the victims' family in serious crime matters and to keep them abreast and aware of the circumstances and the situations. One of the things that I have seen in the Northern Territory is - and it's exceptionally difficult, given the operational resource implications within the NT and the remoteness of some of our stations, but what we should be aiming for is to provide a family in Yuendumu with the same - or similar - support services policing response that they would receive if they lived in Sydney.

DR DWYER: There are, it's fair to say, significant more resources that are required to assist the Northern Territory to deal with that, is that right?

THE WITNESS WALLACE: Absolutely.

DR DWYER: Thank you very much.

THE CORONER: I didn't check with you timing and availability.

DR DWYER: Sergeant Allen is on a plane at 7 pm, your Honour, so he has kindly offered to sit until 5:30 pm and then someone can whisk him off. Senior Constable Wallace has rearranged his schedule, he actually needs to drive to Darwin tomorrow but we could keep him until 11 pm, I think he is happy. So 5:30 I think we should aim for your Honour.

THE CORONER: Have you discussed that with - - -

DR DWYER: I have and our court officer has kindly agreed to sit till then too.

THE CORONER: All right, thank you. Questions? Mr Espie?

<u>XXN BY MR ESPIE:</u>

MR ESPIE: Sergeant and Constable, my name is Espie, I appear on behalf of NAAJA. Constable Wallace, you spent some time coordinating or running the Community Safety Patrols or the Night Patrols with the shire and - I am trying to rush through it but just correct me if I am wrong, that was for about 12 months, is that correct?

THE WITNESS WALLACE: Yes, that's correct. So from 2009 to 2010.

MR ESPIE: NAAJA is, amongst other things, it has - conducts community legal education primarily in the top end but also the community at Lajamanu educating - providing legal education for night patrol staff in a number of communities. I just have a couple of questions about your time in that role. Obviously your - did your work also involve training the staff or was it more management and - - -

THE WITNESS WALLACE?---It did involve training of staff. I actually - I liaised with a company at the time called Eagle Training which was a security-based training company but we worked together to put a training package that would be somewhat appropriate for patrollers working on communities because prior to that time there had been very little proper training given to them so we ran some basic safety courses, some courses about positive communication and dealing with conflict, dealing with trauma, four wheel drive courses because they travel vast distance as part of their role, so within the auspices and the budget that was given to me, I tried my best to give them some formal training.

MR ESPIE: You've mentioned the word "budget" - I guess generally speaking as those teams are first responders to a lot of incident that occur after hours, during the evenings, generally in communities they are the only people working throughout the night. I guess just interested in whether you think they are adequately resourced for that work?---A 100 percent not. They weren't resourced adequately in 2009 when I worked with them and my dealings with them on community since I've been back with Northern Territory Police and prior in my role with the Australian Federal Police when I would visit remote communities, they are not adequately resourced, trained or funded for what they do in the role they play within the community. Most of the night patrollers within communities in Central Australia are authoritative, influential Aboriginal people within their own culture and kinship groups. That education is gained through immersion in ceremony and culture from the time that they could walk. You can't buy that - you can't train that. It's so imperative and important for those people to be given support to provide the service on their community as a first response and I see it as being exceptionally valuable.

MR ESPIE: At various times there has been funding in various communities for not only just the night patrol, the day patrols or wardens and that sort of ting as well as - would you agree the hours that they operate could be extended and could operate alongside the role of police and communities?

THE WITNESS WALLACE: I've actually quite often had that thought to myself about the incorporation of some form of night patrol of those workers with the police but I think that there's definitely a separate role because what we - what I tried to get my night patrollers to focus on and if you wanted to engage this more, if you speak to Patrick Torres from Northern Territory Corrections who worked with me at the time, he could provide further information, was we encouraged our night patrollers to attend incidences, where safe, to divert people from the justice system. So it was to provide a community response to a situation that may alleviate the need for police to attend if it was not a violence-related offence and they could mediate the situation within their own cultural knowledge, based on their own skill level and that would, at times, alleviate the requirement for police.

MR ESPIE: So it's quite often very preventative work that they do?

THE WITNESS WALLACE: Absolutely.

MR ESPIE: One issue that often arises in NAAJA staff having conversations with night patrol is the concerns or frustrations of being - using that term - first responders and after hours not being able to get through to local police and phone calls being diverted to the call centre in the absence of any other sort of direct communication that they otherwise could have with the police. In other words, they simply go through the same process as a general member of the public if they call police after hours. Have you - is that sign that you're aware of in your time working with night patrols or more broadly working with community resilience engagement command or - - -

THE WITNESS WALLACE: Absolutely, albeit it was 13 years ago that I worked within that portfolio to Central Desert Shire. Quite frankly, there simply isn't enough police in our remote communities to police 24 hours a day, seven days a week. Police officers contrary to popular belief are still human, they require break time. They require rest, they require food. And I know myself I've conducted a lot of relieving roles throughout the Central Desert as a station OIC and as a constable at multiple stations that you very quickly become exhausted and when you become exhausted then at times management from our organisation step in and tell you unless it's an absolutely necessary commitment for you to go out, a matter of life and death, that you need to take that rest period and break time and it does make it difficult. The easy measure for that is to recruit twice the number of police to work our remote communities which in a perfect world I would say would be a great response.

MR ESPIE: And is that an issue that has arisen in the MOU's that you've developed between police and night patrol?

THE WITNESS WALLACE: I don't even know if those MOU's are still in place. I know that the sergeants that I worked with to create those MOU's are no longer in any of the positions where I was working because such great time has elapsed that many of them have moved on, retired, or otherwise from the organisation.

MR ESPIE: All right. Another issue raised in that situation is the concerns of ringing call centres and getting people in Darwin that either are unfamiliar with the language or accents of the people from those communities or familiar with the local places. I'm anticipating your answer but do you think there's more could be done to perhaps recruit in your answers about recruiting more Aboriginal people at all levels of employment including places of police call centres having localised people, Aboriginal people able to take those calls that might be a bit more familiar with various communities and regions? Is that something that may assist in sort of after-hours interactions?

THE WITNESS WALLACE: It would certainly be beneficial but our call centres operate out of Darwin. It's a centralised platform so I'm unsure how many current

spoken languages there are within the Northern Territory but I envisage it would be well over 100 if not two or 300. So to have a call centre staffed 24/7 with people from each and every language group would be exceptionally difficult. I don't think it's practical to have call centres at remote stations because police officers are out working operationally. They're not always at the remote station. So that's why I believe the system is set up the way that it is. So, yes, I agree in concept but that that would be beneficial. I understand the difficulties involved with trying to implement it.

MR ESPIE: All right. And you advocate for generally more Aboriginal police being recruited and then proactive policing as a way of attracting more police or more Aboriginal people to becoming police officers. We've heard evidence from a number of please around the challenges of recruiting ACPOs in communities. Are you aware of what sort of differences they may have in relation to salaries and awards that are provided for Aboriginal Community Police Officers?

THE WITNESS WALLACE: So Aboriginal Community police officers and police officers both get a housing allowance from Northern Territory Police as part of the salary package. I understand that an ACPO pay scale is slightly different to a constable pay scale and I think that's reflective of the level of training. But I don't think that that's reflective of their cultural knowledge base and cultural training that they can bring to the organisation including language skills.

MR ESPIE: That was going to be my next question whether there's enough factoring in of the different skills that Aboriginal police may have. You also referred in your statement to the unique stresses of policing in your own community. Is that something that should also be factored in to things like salary and awards?

THE WITNESS WALLACE: There's nothing more difficult than going to a death, built or otherwise, of a family member, wearing a uniform. I'll make that abundantly clear. It's hard as a police officer in any circumstance to do that. But with our Aboriginal police officers, especially if they're working within their own home environments, that's what we're asking them to do. I've been to deaths of my own family members. It's exceptionally confronting. Is there any way to recompense for that? I don't think so. Can we prepare our members for that through training and the effective mentoring and leadership and support? Yes, I think so. One thing I do know is working side by side with our non-Aboriginal, non-Indigenous colleagues from any ethnicity or culture, it may - I believe it makes the job easier on the given day, having a bit of local knowledge.

MR ESPIE: All right.

THE CORONER: Can I just ask you, you said there was a housing allowance but houses, as I understand it, are provided to police officers in remote communities but I don't know that they are offered or provided to ACPOs.

THE WITNESS WALLACE: Your Honour, from my understanding ACPOs and the constable stream which includes all ranks, is entitled to either a home, or a housing allowance.

THE CORONER: Thanks.

MR ESPIE: I think you just mentioned having people with local knowledge alongside - like yourself, alongside non-Aboriginal members is an extreme benefit to be able to provide local knowledge of people and places and history of families and that sort of thing?

THE WITNESS WALLACE: Yes, absolutely.

MR ESPIE: How often, as a local Arrernte person do you get, for example, not only having to upskill your fellow members but how often do you get a situation of family members reaching out for refuge -I think you gave an example of someone turning up asking you to drive them to the station and arrest them. Is that something that is also an additional challenge or perhaps a barrier to other people wanting to join the force?

THE WITNESS WALLACE: Look, being - choosing the path to work in law enforcement within our own community, whether you're an Aboriginal person working within the Northern Territory or you're a Lebanese person working in Sydney, or you're an Asian person working in Melbourne, is exceptionally challenging within your own community environment. I don't' think it would be any different from a young person who has grown up in Western Sydney in some of the lower socio-economic areas to wear the blue and go home and police his own. It's difficult to police where you come from. I don't think being Aboriginal makes that exclusively hard. I think what makes it hard for us is that we police within our own - within our own country - our won land, with our own kinship familial group, with people who we have ceremonial responsibilities to. It can be exceptionally difficult. The support from my family, for example, is very strong, however, I have members of my family that have changed attitudes towards me because of what I do. I try and maintain my own personal integrity, I'm no angel. But it's one of the most challenging things that somebody can do. And if you look at the history of Aboriginal police officers within the Northern Territory, we've had some exceptional human beings who have come from our communities that have performed those roles in our communities. And straight to mind would be some of the older gentlemen that performed roles at Yuendumu and Kintore and Papunya and Santa Theresa and within the Northern Territory Police those individuals are recognised and their contribution is highly valued by the organisation, especially if you talk to the older police officers who work side by side with them, they're more than – more than happy to express how much benefit they brought to the role. And I think it's something that perhaps as time has passed has become a little bit undervalued.

THE CORONER: Mr Espie, I'm really going to have to suggest that you've only got one question more, unless there's – I know that its, you know, unfortunate.

MR ESPIE: It is unfortunate, your Honour. This is only the second Aboriginal police officer that's appeared since we've - - -

THE CORONER: I know. If he was going to be available for any time tomorrow I would give you some more time but it doesn't sound like he can be.

MR ESPIE: I'm getting whispers he may be able to come back, your Honour. So perhaps I'll ask one more question.

THE CORONER: It doesn't have to be tomorrow, like we could come back - - -

DR DWYER: No, no, (inaudible).

MS MORREAU: Your Honour, just said to you before, the Brown, Walker, Lane and Robertson families, there are quite a number of questions that I would really appreciate if the senior constable could come back and I could focus on the questions I have for Sergeant Allen for the next little while? I apologise, I just thought I'd mention that now.

THE WITNESS WALLACE: No, that's fine. The only reason I'm leaving tomorrow is because I've got a funeral to attend on Saturday in Darwin. So – and I need my vehicle up there, so I need to drive up tomorrow. But I'm available if there is a requirement for me to come back.

THE CORONER: We can find some further time in the next period of time, because obviously there are a lot of important questions for you from various parties. So Mr Espie - - -

MR ESPIE: If that's a possibility, your Honour, perhaps I'll reserve any further questions and sit down now.

THE CORONER: I think so.

MR ESPIE: Thank you, constable.

THE CORONER: Yes, Ms Morreau.

MS MORREAU: Thank you, your Honour.

Thank you, officers. My name is Paula Morreau and I'm asking questions on behalf of the Brown, Walker, Lane and Robertson families who are the families of Kumanjayi Walker. I wanted to start with the training matters that you've been discussing, particularly asking whether or not there's been any moves to permit officers who are already in the force and have been in the force for some time, to have the benefit of the cultural training that you've been speaking of that is now available for the new recruits?

THE WINTESS, ALLEN: No. No. No is the short answer. I can see the benefit in it being an experienced officer myself I've got a great deal of benefit by having those interactions myself. I can see the benefit of it, yeah, for sure. What we have rolled out across the agency is the online Northern Territory Government cross-cultural training package but I agree, it's not as powerful as the face to face interactions.

MS MORREAU: In person reflection and learning from people who (inaudible) cultural knowledge?

THE WITNESS ALLEN: The challenge – the significant challenge is it's place based, location based. So if we reverse engineer it and look at recruiting of Aboriginal liaison officers, the direction of the community resilience engagement command in that respect, you could have an Aboriginal liaison officer at Umbakumba, Angurugu that would – has so much knowledge and value to that area that you couldn't teach me that in 23 years, everyday sort of thing. So that's the challenge.

MS MORREAU: And if we were speaking and thinking creatively about it and in terms of rolling this out to all new recruits, I'm talking about catching those that may not have had that benefit in the past, it could be local based, couldn't it, if there are enough educators who could be in the regions to provide that to the officers that are there?

THE WITNESS ALLEN: Certainly. Certainly. And it comes down to local procedures, leadership, initiative and we were talking while we were waiting to give evidence about it would be great to have a forum or a collection of the experienced officers would meet regularly throughout the jurisdiction and discuss their localised issues from that experienced officer, Indigenous officer point of view.

MS MORREAU: Can I also ask – I assume from your answers that you would think that extending this program to serving officers is a positive thing and perhaps something which should be taken onboard?

THE WITNESS ALLEN: Yes, I do. But the challenge is the location based, yes.

MS MORREAU: What about the regularity of cultural training, do you see any benefit in refresher courses for officers throughout their career and it can be a course slightly more advanced and more localised as people have more experience, but do you see any need for refresher cultural awareness bias training, those sorts of things, to be brought back to – on a regular level to all officers?

THE WITNESS ALLEN: If I take you back to the methodology in the college, is with that research program is giving them the tools and method to go to wherever they get posted throughout their career and adopt that methodology to learn about, increase their knowledge and speak to the right people in the right places. That's a way of getting the broader across the Territory. Local training, on-the-job requirements, leadership can really fit that void of – the officer in charge of a police station. We haven't spoken about induction.

MS MORREAU: It's one of my questions as well. But yes.

THE WITNESS ALLEN: A lot more can be done in relation to inductions and the cultural aspect to inductions for, in particular, officers in charge. And then the responsibility from a leadership point of view can be put on those individuals to help bring their members, talk to the right people, discuss the right issues – sorry, the local issues.

MS MORREAU: Can I ask (inaudible) then what your ideas are in (inaudible) for inductions? I saw Senior Constable Wallace in his statement that how important it would be that (inaudible) localised issues and that there be sufficient information for all of those officers in the station and have that leadership of the OIC be particularly involved. But to have cultural knowledge available and to have, you know, the capacity for officers to be able to grow while they're posted in a location? What are both of your thoughts on those packages?

THE WITNESS ALLEN: My view is strongly on location based at the college in particular is the broad methodology, but once you get to your station, because they could be going to three, four throughout their career, but in particular their first station, I would love to see the induction process be very structured, formalised and also accountable in terms of – the documents are fine. The documents are beneficial, but when there's local contacts, local areas, key people in the community, have they gone and actually met these individuals, so at - - -

MS MORREAU: And sorry, and perhaps even ensure that the Elders from those communities are you know, that cultural protocols and the arrangements are consistent and informed by their own – you know, they have a contribution to that as well.

THE WITNESS ALLEN: So my view, strong leadership, remote communities, localised and certainly a lot more work can be done in that area.

MS MORREAU: Senior Constable Wallace?

THE WITNESS WALLACE: I agree with Sergeant Allen. I think that there's definitely scope and space for an improvement in the way that our members are inducted into remote communities. I think that there's space for the Community Resilience Engagement Command to have an impact there. Our Aboriginal Liaison Officers that work in that space, are embedded in our stations, and we're trying, from my understanding, as an organisation, we're trying to have them represented at each and every remote station.

THE WITNESS ALLEN: So out of 20 remote communities I think, we've got representation around 40 Aboriginal Liaison Officers. Obviously having been involved in the training process and seeing – and to assist with the question from NAAJA lawyer, what drives – it's an individual drive, I believe, in my view, that gets the Aboriginal Liaison Officer, the Aboriginal Community Officer, to make a

difference in that community. That's their drive, to help, above all the family pressures. But the Aboriginal Liaison Officer Program, in it's infancy, it'd be great to see that representative across all the remote stations in the Territory, Northern, Southern, Central, Barkly.

THE WITNESS WALLACE: That's where the – the education base can come from, to provide that cultural knowledge and experience to our members from remote communities. If they have a member of the correct team whose embedded as part of their team, speaks language, knows the local stakeholders, whose able to explain cultural networking, and cultural brokerage within the community, that's imperative. I mean, we work at such diverse variety of locations throughout the Northern Territory. And notwithstanding or forgetting the fact that we're there to work as law enforcement within that community. So there's times when it's challenging, and whereas members of the police service were required to uphold and enact legislation, which at times, requires a use of force. But I think that there's options that can be explored before we get to that point in time.

MS MORREAU: And that sort of leads into another question I have. What about in training, the embedding of Aboriginal people and perspectives, in the more traditional aspects of police, like use of force, like de-escalation tactics, and like a tactical decision making, and how those knowledge's can actually affect policing in those more traditional areas. Not just through cultural awareness and knowledge and building that up. But also forming the development of policy, and how people interact in their daily policing lives.

THE WITNESS ALLEN: From a use of force perspective, is that where your questions going?

MS MORREAU: Yes, well I expect that there are ways of communicating, and there are ways of responding to incidents that may actually benefit from Aboriginal knowledge and perspectives, you know, and that , I guess happens at training. And I'm wondering whether you've had any thoughts along those lines?

THE WITNESS ALLEN: No, not until you've mentioned it. Also from an instructor point of view, we do have operational safety – and operational safety section, as I said earlier in my evidence, your Honour, that deal with use of force, operational safety, defensive tactics. Probably better placed to provide an opinion or view on that. But - - -

MS MORREAU: Can I ask whether – sorry, I'm sorry, I cut you off.

THE WITNESS ALLEN: No, that's.

MS MORREAU: Can I ask whether at the end of the cultural competency training in the institute, the recruits, is there an assessment that's made of progress there?

THE WITNESS ALLEN: The – with the training environment, competent, not yet competent, in relation to an assessment. However, it's the process that's the most valuable commodity, I suppose, in relation to the whole thing. It's a group activity. I don't know if I've explained that clearly at the start.

MS MORREAU: The assignment process that you discussed? Yes (inaudible)

THE WITNESS ALLEN: Yeah, it's a group activity. It's a group presentation. And quite frankly, if any group with your supervision of the squad, fall in behind, not looking like they're doing anything to meet the benchmark, and provide a presentation in front of the management at the college, our invited guests, that is below mark, certainly would have to be corrective action in relation to that. But fortunately, I haven't seen anything in relation to that. Is it a nine out of 10, eight and a half out of 10, 70 percent, 95 percent mark, no it's not.

MS MORREAU: And then finally on the training issues. Is there support or moves towards promoting advanced learning, of the kind that yourself took, Senior Constable Wallace, for members in the police office – police force, both Indigenous and non-Indigenous, to be able to bring, and to be sort of cultural leaders, and to assist other police officers along the way? And there's been moves in that direction in terms of domestic violence space, and mental health space in Queensland, I'm aware of that. Where people are going in and doing advanced training to be leaders in their communities. Is that something that's spoken about, or thought of as being useful here in terms of both cultural training, and incorporating the culturally safe practices within policing?

THE WITNESS ALLEN: From my – my awareness, no.

THE CORONER: Ms Morreau, you might get another chance, just before we lose the panel tonight, if anyone has just one important question to ask before they leave, I'll let you ask one question. But otherwise, we're – we might be able to reconvene later. No?

MR MCMAHON: I'll have a shot.

THE CORONER: Okay.

<u>XXN BY MR MCMAHON</u>:

MR MCMAHON: This is (inaudible) because you're not coming back. With regard to the Northern Territory, it's about a quarter to a third of the population is Aboriginal. About a 100 percent, or thereabouts of young people detained are Aboriginal. And 80 to 90 percent of adults detained are Aboriginal. You're training program is about say 25 – 26 weeks. And I preface this question by congratulating you both on the fantastic work that you've been talking about. It's not a criticism of you this question. But I'm suggesting that given the data I've just told you about, you provide about five – NT Police provides about five to six days of training, maybe seven, on let's say, Aboriginal issues, Aboriginal culture and so on. But the data is very much at odds

with that, four or five percent of your whole training deals with what is in fact, maybe 80 or 90 percent of your work. So can I – can I ask for your comment, perhaps suggest to you that there's quite a large philosophical and structural change which is needed in the training college. Which is that instead of five or six days, maybe seven, you really should be thinking about weeks and weeks of training in Aboriginal culture. And that you use that for two reasons. Firstly, so that your police are much better trained at dealing with Aboriginal culture and issues. And much better grounded for their whole careers. And secondly, on a rare positive note, that, from me anyway, that you be able to use that as a strong selling point. That anyone coming out of your college would be better trained than any police force anywhere – anywhere, on the whole question of working with the Indigenous population that they serve and police. So that it would become a strong leadership point. A strong pulling point for the NT Police, and also have a great practical effect in how good you were at policing if your trainees were given a great deal more training in Aboriginal culture?---Your Honour, my answer to the previous question has a lot of relevance to my answer to that question, in relation to the ALO program, and my example about my experience as a police officer and being able to reach out to an Aboriginal liaison officer at a particular community, has got incredible knowledge, cultural understanding, that I could probably never get if I sat in a classroom for, or a training environment all day every day.

But I don't dispute the calculation in terms of the significant proportion of indigenous population in the Northern Territory, vast contrast to the rest of Australia. Don't dispute that, don't dispute the challenges presented by those statistics from police officers, and I also don't dispute through my evidence, if you were to add up the hours we're sitting about. Six, seven days constant cultural awareness training. Also need to understand about the research project that's ongoing, and the references throughout the training to cultural issues, whether it be through the moot court process, brief compilation.

But I'll finish in summary. It's in its infancy. There's no formal review of what I've given evidence about today from a policeman point of view. We've got a learning development section. We're a registered training authority. The induction team, our management of the college, haven't done a review of what I've presented the evidence for, and it's evolved in the short time I've been there. So in terms of timeframes and additional opportunity for training, open arms with what more could be done in that space, given the challenges the police have.

And my answers back to the previous colleagues, is still in relation to the challenge of locations specific cultural awareness training. There's 50 remote communities across the Territory. How do we, the challenge is how do we get that in this environment at the college, and that's why it's so important, the liaison officer program and building that. So I don't dispute both. I think further work can be done. It's all - - -

THE CORONER: And very much a formalisation of what is required in an induction at the various locations when an officer is sent to one of those locations.

THE WITNESS: Yeah.

THE CORONER: So that that is formalised training, and that competencies need to be reached.

THE WITNESS: Yeah. It's not go read this document before you get out there. Read the document, meet the individuals, make it accountable. That it's actually occurred. So my answer is - - -

MR MCMAHON: Do you agree?---I agree, but I don't – there's more work to be done, but I don't know what the machine's going to look like going forward.

THE CORONER: Yes.

MR MCMAHON: My time's up.

THE CORONER: It is. Sorry. I think everybody – did you have - - -

MR FRECKELTON: I've got one, if I may.

THE CORONER: Yes.

MR FRECKELTON: Thank you, your Honour.

THE CORONER: And then we'll have to work out where we go to from here.

But your one question, Dr Freckelton?

MR FRECKELTON: Thank you.

<u>XXN BY MR FRECKELTON:</u>

MR FRECKELTON: From your respective perspectives, no doubt you've both been receiving feedback from indigenous and non-indigenous police colleagues about the revelations of racism, sexism and so on in the course of this inquest, some of which you have been receiving such feedback. How do you think it can be harnessed constructively? I'll be starting with you, Senior Constable?

THE WITNESS WALLACE: The revelations that there was instances of private messaging, racist comments, that were disgusting, horrible, shocked me and it hurt me but it didn't surprise me. Because we're a representation of mainstream Australia in the police. So where I think it can be positive is that it's been raised in this inquest that Northern Territory police are aware of it, and that we acknowledge that we don't accept it. We don't tolerate it, and that we will not have that as part of this organisation, this uniform, this brand moving forward. There is no place in any level of society that's acceptable in 2022, where that type of behaviour is acceptable, and that's whether it's in the format of racism, misogyny or any other form of hate

against any individual group ethnicity. Sexuality within our society, how is that ever acceptable today?

MR FRECKELTON: Sergeant, from your training perspective?

THE WITNESS ALLEN: Zero tolerance. In terms of this inquest, we've addressed every recruit in the training college about, it's not the culture. It's appalling. This won't be tolerated. Will not be tolerated, and Senior Constable Wallace said it earlier in his evidence. Sometimes, you know, your culture gets damaged like this. You got to go back a little bit to go forward. There's a lot of positive things going for police training, environment, as a fantastic culture. It's one of the better locations I've worked. Seeing the enthusiasm in the police officers that are working. Getting up early for PT, turning up to their courses, studying on the weekends. They want to get out. They've been asked why they want to join. They document it all down. They're doing assignments in relation to code of conduct. What the oath means to them. It's a lot of positive in my workplace.

MR FRECKELTON: Thank you, your Honour.

THE CORONER: I am going to ask counsel assisting to consult with these witnesses about whether or not one or both of them might be able to return. I'm also going to ask counsel assisting to consult whether that last question and those answers, we might get permission for those to be re-broadcast. We do not normally permit re-broadcasting of the livestream. But we'll adjourn till 9:30.

DR DWYER: Your Honour, just briefly. I'll let the witnesses go but I've got a bit of housekeeping I just wanted to raise super quickly, and it is this.

Thank you, Officers.

Tomorrow there is one witness, Officer Agnew, who's going to give evidence, and then we're going to have a discussion about Yuendumu. So Yuendumu visit is currently scheduled for 14 and 15 November, and can I ask my learned friends to come with answers as to who will be seeking to attend.

The second thing is this. Your Honour made an interim on publication order with respect to the name of the person that Constable Rolfe had sent that text message for my learned friend asking for 48 hours. Forty eight hours is lunchtime tomorrow. It occurs to me that we'll have some time in court to deal with any further arguments about that issue, and for your Honour to consider it and to hand down a ruling.

THE CORONER: Thank you.

MS OZOLINS: Your Honour, I won't be here tomorrow so I seek to be excused until the court recommences on 15th.

A PERSON UNKNOWN: I'm the same, that (inaudible).

THE CORONER: Thanks. Okay. So just if you make your position clear to counsel assisting in relation to the Yuendumu issues that would be appreciated.

ADJOURNED