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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 26 FEBRUARY 2024

(Continued from 23/02/2024)

Transcribed by:  
EPIQ

THE CORONER: Dr Dwyer.

DR DWYER: May it please the court.

MR ABBOTT: Before Ms Dwyer commences, my name is Abbott and I seek leave to appear on behalf of Mr Zachary Rolfe, the witness to be called in this matter.

THE CORONER: Yes, Mr Abbott, we were informed that you would be acting as his counsel today (inaudible) and I was about to take appearances from everybody. There are some new appearances today.

MR ABBOTT: All right, thank you.

THE CORONER: Yes, Dr Dwyer. As I said, before we all begin with anything substantive, I will take appearances, as there are some different faces at the Bar table to those that were here last week.

DR DWYER: Thank you, your Honour. Your Honour, I appear as your senior counsel assisting, alongside Mr Coleridge and instructed by Ms Walz of Walz Legal.

THE CORONER: Thank you.

MR BOULTEN SC: Your Honour, I'm back again. I appear for NAAJA and as you know, I'm instructed by Mr Derrig.

THE CORONER: Thank you.

MR BOULTEN: And we have the assistance of the Human Rights Law Centre, Mr Espie is here from that centre.

THE CORONER: Thank you, Mr Boulten.

MR MCMAHON: If your Honour pleases, my name is McMahon. I appear for the Parumpurru Committee for Yuendumu and I am instructed by Doogue and George (inaudible).

THE CORONER: Thank you.

MR MCMAHON: Doogue and George, with respect.

MR FRECKELTON: May it please, your Honour, my name is Freckelton and I appear with Mr Bernard, instructed by Ms Lau for the Northern Territory Police Force and various of its members.

THE CORONER: Thank you.

MR ABBOTT: Your Honour, I appear for Mr Zachary Rolfe. I am instructed by Mr Luke Officer of the TGB.

MR MULLINS: Good morning, your Honour, if the court pleases, my name is Mullins. I appear on behalf of the Brown family, instructed by Prudence Watts, Streeton Lawyers.

THE CORONER: Thank you, Mr Mullins.

MR BOE: Good morning, your Honour. My name is Boe and I appear with Greer Boe and Claire O'Neill who are appearing by live stream. I am instructed by Julia Pincus and Christian Hearn for the Walker, Lane and Robertson families.

THE CORONER: Thanks, Mr Boe.

MS NOBBS-CARCURO: My name is Amanda Nobbs-Carcuro. I appear on behalf of the Northern Territory Police Association appearing and instructing me is (inaudible).

THE CORONER: Thank you.

MR HUTTON: Your Honour, my name is Hutton (inaudible).

THE CORONER: Thank you, Mr Hutton. Yes, thank you for those appearances. All the commencement of any evidence today, there are some brief (inaudible) that can be made. Firstly, I will deal with the issue of nonpublication orders.

On Friday, when the matter was raised by Mr Officer, I noted that the current order was subject to an exception where evidence was referred to in open court. That was the intent and shared understanding of that order, but during its many amendments over the last three years, that has been removed. To rectify this and to reflect that shared understanding, I will amend the current NPO, nonpublication order, to add the following at point 6:

Order 1 does not prevent the disclosure or other publication of:

- (a) Any evidence given or other discussion in open court during the inquest;
- (b) Any documents, including audio-visual and audio material made publicly available on the coronial website; and
- (c) Any material made publicly available by the Supreme Court of the Northern Territory.

I have also received some (inaudible) regarding the documents that should remain the subject of Table A of the nonpublication order. And I will deal with them in turn. In respect of Item 17 in Table A of the current order, I am not persuaded that s 43 of the *Coroner's Act* permits the suppression of the identity of a person (inaudible).

In my view, while the information may be somewhat embarrassing, it does not contain sensitive personal matters and nor does the evidence satisfy me that its publication would be contrary to the administration of justice for the person's personal safety.

In respect of Item 20 of Table A, the interim order was made at Mr Rolfe's request and its purpose was to ensure that certain documents would not be picked up by the media (inaudible) and potentially misrepresented before Mr Rolfe had the opportunity to give his evidence.

I explained for the purpose of the order at transcript page 4917 at the directions hearing on 28 April 2023. As Mr Rolfe is here in court today and he will shortly commence his evidence, the order is no longer necessary or appropriate. However, I am persuaded that the following documents from Item 20 of Table A should, for the time being, remain subject to the order, except if they are referred to in open court.

Those items are 3-6, 3-8, 3-9, 3-64 to 3-64F, 3-159, 3-161 and 10-11. And a revised order protecting this (inaudible). I now propose to deal with Mr Rolfe's application dated 15 February 2024. That application raised three issues.

The first issue was whether I should direct the interested parties to provide Mr Rolfe of a list of topics on which they propose to examine him. I'm not persuaded that it's either necessary or fair to request the parties to do so. That's not the course that's been adopted for any other witness and I'm not persuaded that there is reason to do so now. Unduly repetitive questioning can be avoided in the ordinary course. Firstly, by counsel's asking the questions and avoiding unnecessary repetition. And so if there are any objections from any counsel, including Mr Rolfe's counsel, and then make any intervention that's necessary by me. Having said that, it is expected that there will be some degree of overlap between the interested parties' questions.

The second issue was whether I should direct the parties to identify the relevant item number in MFI MMM which is a document listing a number of text messages when asking any questions about those text messages of Mr Rolfe. I note that this was the course that was largely adopted during Sergeant Bauwens examination, and I'm persuaded that it also should be adopted for Mr Rolfe. So is there a text message which should be identified by reference to that document. The third issue was whether I should determine, in a pre-emptive and global way, an objection by Mr Rolfe, to answering questions, that he sees may tend to incriminate him.

I'm not persuaded that s 38 of the *Coroners Act* permits me to determine such objections before a question is asked, and the objection taken. To the extent that it does, I'm not persuaded that it would be appropriate to determine the application though globally, because to do so would give rise to difficulties when assessing what is expedient in the interests of justice. Accordingly, I will deal with the objections, if and when they arise. I note that the application was made 10 days ago. It may have been possible to have dealt with these matters earlier, had there been a longer period of time. So - however, it was necessary to (inaudible).

MR ABBOTT: Your Honour, may I say something about your third ruling this morning?

THE CORONER: Yes, Mr Abbott.

MR ABBOTT: I raise, not to - not to complain about it, but merely to observe that it would be helpful, if counsel assisting, at least indicates when she is moving to a topic in respect of which the privilege against self-incrimination might be claimed. That will enable me, then I intend to claim to privilege on Mr Rolfe's behalf. So Mr Rolfe has instructed me to claim that privilege. And subject to your Honour's views, I intend to claim the privilege, on Mr Rolfe's behalf.

THE CORONER: Yes, Mr Abbott, thank you for bringing that to our attention. And I'm sure that the questions will be posed in a way, such that it is evident the topic of the question.

MR ABBOTT: And, your Honour, I wouldn't want to waste the court's time, waste the Coroner's time, by - by having to object to every question. I would suggest, respectfully, that we deal with it on an issue by issue basis. I can take the claim of privilege of the first relevant question. Your Honour can then rule on it. That will determine the course of further questioning, I would have thought.

THE CORONER: I hope so too, Mr Abbott.

MR ABBOTT: So do I.

THE CORONER: Yes, Dr Dwyer.

I note that we have Mr Rolfe in the witness box.

ZACHARY BRIAN ROLFE, affirmed:

XN BY DR DWYER:

DR DWYER: Sir, could you tell the court your full name?---Zachary Brian Rolfe.

And which state are you currently residing in?---New South Wales.

You have previously given evidence to this court in November 2022, is that right?---Yes.

Have you read a transcript of the evidence that you gave on the last occasion?---Yes I have.

Sir, I think you were about 24 years old when you made an application to be a police force in the Northern - police officer in the Northern Territory, was that right?---Yeah that - around then.

What made you apply to be a police officer in the NT?---What made me apply?

Yes, well what - what was your interest in the role?---I applied to a number of states to be a police officer. I just wanted to be a police officer.

What you made think you'd be a good fit to be a police officer?

MR ABBOTT: I object to this line of questioning.

DR DWYER: I'll withdraw the question, I'll ask a different way.

What were the actual (inaudible) - - -

MR ABBOTT: Well I object to the whole line of questioning, about an application to be a police officer. I can't see what possible relevance this has to your enquiry. The fact that he - we know he is a police - was a police officer at the relevant time. But I can't, for the life of me, understand why it's now perceived to be relevant, and take up your time, as to what might have caused him to apply to be a police officer.

DR DWYER: Your Honour, I expect it will become apparent, but out of fairness to Mr Rolfe, I want to give him an opportunity to explain what it was like for him, as a young police officer, in the Northern Territory. Including whether it met his expectations. Whether he felt prepared for it. As a leading question, it is relevant, in my respectful submission, to understand what he thought he could bring to the police force of the Northern Territory.

MR ABBOTT: Well the two are not related necessarily. It might be - - -

THE CORONER: They might not be, but they might be, Mr Abbott.

MR ABBOTT: Yes, but you - you have to take - you have to decide at some stage what's - what might be and might - and what might not be. This is the end of the coronial inquest - - -

THE CORONER: It is.

MR ABBOTT: - - - this is not the beginning, your Honour.

THE CORONER: It is. And Mr Rolfe is here, as an integral part of the matters under investigation. And what brought him to the Northern Territory, in my view, is an opening questioning, and I'm happy to hear the answer.

MR ABBOTT: I'll sit down then, but I expect to raise again shortly.

DR DWYER: Mr Rolfe, can I - do you want that question again?---Yeah, please.

All right. You were about 24 years old when you applied to be a police officer in the Northern Territory. What made you think that you would be a good fit for the

role?---I was good at helping people that needed help, and I was good at protecting people.

What were the skills that you thought you brought to the force?---Well I - basically what I just said, I was good at that. I had above average intelligence. Above average fitness. A high level of compassion, and was good at communicating.

I take it you think that they're the best attributes of the Northern Territory Police Force, and you could bring them to the role.

MR ABBOTT: Well I object to that - - -

DR DWYER: Well I'll withdraw (inaudible) - - -

MR ABBOTT: - - - does it matter - matter what he thinks are the - - -

DR DWYER: - - - I'll withdraw it - - -

MR ABBOTT: - - - attributes - - -

DR DWYER: - - - I've withdrawn the question, Mr Abbott.

MR ABBOTT: Yes, but again we're - - -

DR DWYER: I have withdrawn the question, Mr Abbott.

MR ABBOTT: - - - we're wasting time.

DR DWYER: Mr Rolfe, was there anything specific about the Northern Territory that brought you to it, or did you - were - were you just interested in police forces in general?---Police forces in general.

You did an interview with a journalist on 5 December 2019, less than a month after Kumanjayi passed away. Do you remember that - - - ?---Yes.

- - - it was with the Australian - - -?---Yes.

You were asked some questions by that journalist about Alice Springs and your role. And you said Alice Springs was fairly eye opening. You were asked the question, "How different is the culture in a town like Alice, compared to where you're from, and where you've lived previously with the military." Remember that?---Not - not particularly.

All right. I'll read you your answer. You said "Oh in a different world" - - -

MR ABBOTT: Sorry, which interview is it? Sorry, I'm just trying to look it up.

DR DWYER: An interview with The Australian. It's at 20-73, its answer 20.

He said this, "Oh they're different worlds. To be honest, the first couple of weeks in Alice, I felt more comfortable in Kabul in Afghanistan, than I did in Alice." You go on to say you got used to it. "But it was a different world than Canberra, where I'd grown up." Can you tell her Honour about that?---Yeah, it's been established before, but I guess when we were - Canberra's Canberra, Kabul, there's a set of rules. There's, I guess, one world in Afghan, it's a lot different than ours, but we know what it is, and we're stepping into that world. In Alice Springs, I think it's been mentioned many times before, it's basically two worlds colliding. And they still haven't figured out how to work together, or work together in a peaceful manner I guess, that's what I'm saying. If that makes sense.

How much of your work was domestic violence related when you got down to Alice Springs as a probationary constable?---I couldn't give you the facts on that, but most of it.

So percentage wise - okay, look - - - ?---The police should - - -

THE CORONER: He said "Most of it".

DR DWYER: That's - I - - - ?---The police would know.

Were you expecting that as a probationary constable?---Yeah I guess I.

Did you feel prepared for that then, given the training that you'd done at college for six months, and your life experience?---Yes.

What was it, in terms of your training, or life experience, that prepared you, do you think, for that work in Alice Springs?---I'm not - an amalgamation of everything. I'm not sure, everything up to that point.

Well you - I think you gave evidence on the last occasion in November, that you hadn't had much experience - I don't think you'd had any experience with Aboriginal people growing up, is that right?---We had a couple of kids in our school but not much - - -

You had - - - ?---And obviously in the Army there's a lot, that - I worked with a lot of the lads I worked with.

You obviously hadn't encountered anything like you'd encountered in Alice Springs?---No I had not.

And in terms of cross-cultural experiences or training, you hadn't had any specific training in relation to understanding Aboriginal culture, before you got to the Northern Territory Police Force?---Yeah, just all was in the NT Police training.



I'll come back to that, but in - in your first year for example, in the NT Police, did you have much community engagement, outside of arresting people I mean. Was there positive communitality engagement?---Yeah, every day.

In what way; can you give some examples of that?---Every day when we're not arresting people, we're engaged with community.

Was it in a positive way?---Generally. If we could make it positive, yes.

Can you give any examples of positive community engagement that you had an opportunity to do while you were a police officer in Alice Springs?

MR ABBOTT: Well, I object to this. I can't see what possible relevance this has, straying - the topic of his early years as a police constable may be relevant, and your Honour's not ruled that it is. But if we're going to go on the highways and byways of the early years, we're going to be here for more than a week at this rate.

THE CORONER: Not if we simply get through the evidence, Mr Abbott. And the issues - - -

MR ABBOTT: But, your Honour, the accused - - -

THE CORONER: - - - of cultural engagement are - have been raised in this inquest; positive and negative interactions. In my view, it's appropriate that we understand the positive interactions - - -

MR ABBOTT: Well, maybe it is - - -

THE CORONER: - - - as well as any other.

MR ABBOTT: Maybe it is, your Honour. But taking two examples, is, I would have thought, not going to be any help to you.

THE CORONER: Well, unless I hear the examples, I'm not sure.

MR ABBOTT: Well, that's the whole point of this. And I object to the accusatory tone that your counsel assisting is using to my client. There's no reason why she can't ask her questions in a much more modulated tone and, certainly, a less accusatory tone of voice.

THE CORONER: I am not hearing that in the questions that are asked, and in particular, when Mr Rolfe has been invited to reflect on some positive experiences.

MR ABBOTT: I've really just addressed my objections, the relevance that is being invited to reflect on positive experiences, so I won't repeat (inaudible).

MS DWYER: My learned friend completely misunderstands the line of questioning. And I'll try again.

Mr Rolfe, during your time in Alice Springs, did you have an opportunity for positive community engagement; and I mean specifically with the Aboriginal people?---Yes.

Can you give some examples of that?---I was in Alice Springs for three years and I attended over 3000 jobs. I've been on the road for however many hours that is in any shifts, so I don't have any - I haven't prepared for any specific positive engagements. Yeah. But I'm sure they may come out (inaudible) or tomorrow or the week.

All right. Well, outside of the courtroom, I think you expressed frustration that you might be presented in this inquest in a way that misunderstands your level of community engagement or your interest in that work. I want to give you an opportunity to tell her Honour about some of the positive experiences you might have had?---That - that's - I won't take the opportunity right now. It might come up later.

I think when I asked you about what you thought you could bring to role, you mentioned fitness and intellect and compassion?---Yes.

At the start of your time in the Northern Territory as a police officer - - -?---Yes.

- - - would you describe yourself as someone who was compassionate towards the community?---Yes.

Including the people that you were arresting?---Do my best. It depends how they acted at some point. Say if they resisted arrest or they fought me, is after they stopped fighting, there would be compassion for sure, yes.

But you're saying that brought your level of compassion, including into that arrest situation wherever you could, is that right?---Yes.

So just listen to this question, because it's important. Do you feel like that changed and in time over two and a half years or so when you were in Alice Springs?---No. I think everyone has a compassion bucket, and depending on the day, how much - what your day's gone like, you could either be more compassionate or less compassionate on the day. But I think, overall, as a person, I became even more compassionate.

I just want to go back to your path into the Northern Territory Police Force, and I'm not going to take all that long on this issue, but just signposting it for you. From October 2010 to May 2015 you were a permanent member of the Australia Defence Force. You - - -?---Yes.

- - - gave some evidence about that last time. What, initially, attracted you to that role?

MR ABBOTT: Well, is that relevant; what attracted to that role. Is that possibly relevant to his inquest.

MS DWYER: I'll just ask my friend to listen to the following questions and wait for it to become apparent. Mr Abbott hasn't had an opportunity to be in the inquest until now.

MR ABBOTT: And I haven't read the 5000 pages of the transcript either. So you're one-up on me on that.

MS DWYER: I press the question, your Honour.

THE CORONER: Yes. The various attributes of police, what might be appropriate to look for during selection processes, what might be appropriate to look for or guard against during - - -

MR ABBOTT: I'm sorry, your Honour - - -

THE CORONER: - - - how they commit their - continue their working life, in my view, is relevant, and obviously there is a background here in the ADF, and there are questions that have been raised in relation to how that might impact a person carrying out their policing life. And in my view, it's relevant to understand a little bit about what his attributes were in the Defence Force.

MR ABBOTT: So for my own personal knowledge, this is being asked because the attributes that he brought or the things that he did in the ADF might be relevant to his behaviour as a policeman. Is that the line of logic?

MS DWYER: That's right. But also, there's - one of the issues is that there is the militarisation of the Northern Territory Police Force - - -

THE CORONER: Exactly. There's the two.

MS DWYER: And it may well be said is - - -

MR ABBOTT: Militarisation?

MS DWYER: I'm sorry, Mr Abbott, I'm speaking. You'll have to wait.

MR ABBOTT: All right. I'm unaware that - - -

MS DWYER: Is the issue of the issue of the militarisation of the Northern Territory Police Force. It might be said that there are some very positive attributes that the Australia Defence Force recruits bring into the Northern Territory Police Force. It might be said that there are some things to guard against. But that is clearly an issues, and your Honour would be interested, obviously, in my respectful submission, in Mr Rolfe's reflections.

THE CORONER: I am. I'll allow the questions.

MS DWYER: Mr Rolfe?---I can't bring myself back into my mindset at 18 years old. But I didn't want to university, I wasn't sure what career path I wanted to go down. The Army was a good option to grow up and mature. The end state was always being the police officer.

Did you start with an ambition to join the SAS as part of the Army?---I - that was - that's probably very ambitious, but I started with the infantry. That was then, I guess, a potential pathway.

But the SAS was something that you were interested in very early in your Army career. Is that fair?---Yeah. Correct.

Just a year and a half into your Army service, in May 2012, you and another soldier stole tobacco and money from a comrade's locker in an Army camp, in a rugby camp, I think. Is that right?---There was no money involved.

All right. It was tobacco, was it?---Correct.

And anything else?

MR ABBOTT: Well, I object to this. What relevance does it have - - -

MS DWYER: It's relevant - - -

MR ABBOTT: - - - that he stole a pack - allegedly stole a packet of tobacco.

THE CORONER: It's relevant in many different ways, Mr Abbott.

MR ABBOTT: Well, if your Honour could tell me. I can't see - possibly see the relevance. It happened long ago. It's got nothing to do with the matters in this case. It's not alleged that he is a dishonest person. At least, I don't think it is.

Sorry. My learned friend says it alleged he's a dishonest person.

THE CORONER: Well, it's a - - -

MR ABBOTT: Well, I object.

THE CORONER: It's relevant to his entry into the police force and it's relevant on credit issues

MR ABBOTT: Well, I make my objection, your Honour.

MS DWYER: Mr Rolfe, I'm not going to labour the point. I'm want to give you an opportunity to respond to it. A year and a half in to your Army service, May 2012,

you and another soldier stole tobacco from a comrade's locker in rugby camp. Is that right?---Correct.

And was there anything else or was it - - -?---I don't think so.

Okay?---It was a long time ago. And I was also drunk at the time, so.

Okay. And how old were you then?---Say 20.

You just said, "I was also drunk at the time"?---Correct.

Do I take it from that that you didn't regard it as a big deal?---No. So what happened there was I was on an Army rugby tour. I was a junior soldier, mixed with a number of senior soldiers. We were all drinking heavily. Some point of the night someone made a bet or a dare that we need to go get cigarettes; who can go find cigarettes. Number of us, again, drunk, as we were on an Army base, found a - went through an open dorm, found a bag of tobacco in someone's room. Took the bag of tobacco, went back to our dorm, passed out. In the following morning, I woke up, told my coach I'll be a bit late to training, because I had to return the bag of tobacco we stole on the piss. At which point, he said, "Don't do that. I have to tell the MPs." The MPs came. I told the MPs what had occurred, owned up to it; we'd done the wrong thing. And I got charged with theft. I took it.

Okay. Just tell with MPs, what's that acronym?---Military police.

You didn't think it was a big deal but the Army did didn't they?---They charged me with theft.

And you were convicted in an internal military investigation?---Correct.

Obviously you admitted it and pleaded guilty?---Correct.

You had to show cause, in fact, didn't you why shouldn't be terminated and gather references, et cetera?---I believe – it's too long back for me to remember the details.

We've got this in the brief. I'm sure I don't need to put it on the screen but tell me if I do?---No.

From what we can see in the materials you were given a two years formal warning in effect?---Correct.

You deployed to Afghanistan from July 2014 to January 2015?---Correct.

I asked you a few questions about this in January 2022 and you explained that you were there to provide force protection from mentoring elements in Afghanistan?---Yes.

Did you see it as part of your mission to be building good relationships between Afghanies and Australians?---I don't know if I can answer that question.

The reason I'm asking is about did you receive any training in relation to that aspect? That is that part of your mission as an Australian soldier was to work on relationships or nation-building?

MR BOE: Well, I object to that. That assumes that that was his mission.

MS DWYER: No, that's an open question.

MR BOE: The questions assumes that was the mission.

MS DWYER: I'll clarify that.

Was that part of your mission?---I can't tell you. You'd had to look at the missions statements for deployment.

What about in terms of how you understood it? Did you believe that it was part of your - - -?---I'd have to see the mission statement for that particular mission.

Just put a formal mission statement aside. In yourself did you think that it was part of your role?---My role was to provide force protection to mentors over there.

So it sounds like the answer to my question is no, that it wasn't part of your role to build?---If you ask me about my particular mission then it becomes a technical details of what my mission was over there. If you ask me is it a positive side effect that I could have achieved over there then potentially there's some situations where I would have engaged the locals with the ideal situation would be a position.

But it wasn't part of what you were instructed to do when you were over there.

THE CORONER: That you can remember?---I'd have to look at what my instructions where when I was – it's written down somewhere. I can't tell you. I can't make it up.

MS DWYER: I asked you on the last occasion whether or not you had had any specific training in cross-cultural issues or cultural engagement?---Yes.

Is there anything you want to expand on from what you said last time?---Looking at my, the transcript that I said and the questions you asked me obviously I'd need to look at the curriculum for the cultural training that I received in the NT Police. But in regard to respecting people who are indigenous in the NT it would be, I think it would be helpful for me if you could give me some, a few examples of how I could show respect to an indigenous person that differs in a Western culture and I can tell you if I was taught that or not.

We might come back to that but can I just focus on Afghanistan?---You're talking about Afghanistan.

Sorry?---Yeah, I was completely mixed up what you were saying. I thought you were talking about the other one.

No, we'll come back to your training in the NT and expanding on that from last time?---Sorry.

But in Afghanistan do you recall any cultural training that you had?---Yeah, we did have some, yes.

I appreciate it was a time ago but do you remember now anything about what you were taught?---I remember some of the cultural differences. Like, for example, what I was saying before, for example, in Afghanistan men would often hold hands and walk and talk as a show of respect. It's obviously different here. It's a key example of a cultural difference.

And that's a good example and one that you recall?---Yes, yes.

What about in terms of ways that you might communicate with people in Afghanistan to show respect?---The key example is that handholding one. I guess there was differences in how they eat food but again that wasn't really my job. My job wasn't to interact with Afghans as much. I was taught to watch while the mentors interacted.

I see?---If I was to interact with the Afghans it wasn't, I guess it wasn't a particular part of my role. It just happened.

Understood. So it may well be that you didn't in fact get any specific training in how to use your communication skills in a particular way?---Correct.

While you were on deployment in Afghanistan, I think I've got the dates right, 28 August 2014, you made an application to complete the 2015 special courses selection process. Is that right?---Yes.

That's the SAS in effect? Is that what we understand as special forces?---It comes as the SAS and the commandos.

The application was not supported by your commanding officer at that time. Do you remember that?---Correct, yes.

And the reason given was because you were still on that two-year formal warning?---I think so, yes.

How did you feel about that? Did you think it was unfair? Were you annoyed or something else?---The only thing that was frustrating about that was I believe I received my two-year formal warning one year after the incident and for that whole one year I was basically on a formal warning anyway so it got extended.

Was that part of your decision to leave the Army though?---When we got back from Afghan things happened with battalions.

There were a number of reasons, is that right?---Correct.

Is that fair?---Correct.

And is that one of them that you could see that that career path wasn't going to be as smooth as thought it would be?---Yeah, correct. But I guess also my passion for joining the SAS wasn't high enough to keep me in there like that. So it wasn't like the dream. You know what I'm saying?

Okay?---If the passion was high enough I would have stayed in and I would have tried out again but I would have stayed in the military and rode that out but the passion wasn't there.

Did you let go of that passion altogether or did you keep it in your mind it's something you might go back to?---I guess it was kept in my mind as something I might come back to because I guess the option was open for me as you'll see later. The option was left open for me to try again.

Once the formal warning was over?---Yeah but, like, obviously I'm not in the Army in 2018.

When you applied again?---Yes. It's a bit of a difference. I had a good enough reputation that allowed me. I didn't know the offer was given to me, yeah.

We'll come to 2018 in a moment?---Yeah. So I know it doesn't make sense for everyone else.

So you've given pretty clear evidence you left the Army for a number of reasons. One of them is sense of frustration that you weren't getting into the special forces?---I wasn't given the opportunity I guess, yeah. There was definitely not a given thing that if I tried out I'd get in. definitely not.

Between 2 October and 23 November 2015 you participated in a training course conducted by Trojan Securities International and that was in the US. Is that right?---Correct.

According to the materials that course focuses on advanced tactical and firearms familiarisation, close personal protection, risk management, urban warfare and driving in hostile environments. Is that right?---Correct.

What did you do that course for?---I wanted to upskill. Basically I just wanted to upskill and improve my resume but I also wanted to learn new skills. I wanted to get myself back out of the comfort zone and grow as a human. And knowing that if even



still I was to join the police force those skills are always going to exist in life let alone police.

But it was in part of your mind that those skills might equip you well, further equip you for the role of the police?---Yeah, and life in general to be honest.

Did you have in mind in policing that you would be well suited to TRG or Tactical Response Group?---Yes.

You applied to four police forces in Victoria and Queensland, I'll come to that, and WA as well?---Potentially, I can't remember.

And also the Northern Territory. I think your evidence earlier was you didn't specifically have a preference?---Yeah, yeah.

Did the NT come up quicker than any others or what made you - - -?---What do you mean?

Why did you decide on the NT?---I think the NT was the last option. The application was honestly just the easiest to fill out at that time but the NT was the last option.

Obviously there are some transferrable skills, or I'm anticipating there transferrable skills from the Army over into policing?---Correct.

Tell me if you agree with this. Things like obviously the training. You're nodding. I'm just saying yes?---Sorry, yeah, yes.

Map reading?---Yes.

Or orientation?---Yes, yeah.

Communication skills?---Yes.

Attention to detail?---Yes.

Working in a command structure?---Yes.

Anything else?---I'm sure there's a number of others but those are good ones. Another one would be, I guess, conditioning to stress, working under arduous conditions.

And obviously your first-aid skills as well as demonstrated on the night of 9 November?---Yeah. Better than average I guess.

On 30th - so I'm just coming to your police applications. On 30 December 2015, you applied to join the Victorian Police Force.

And we have these documents in the brief of evidence. I'm going to ask that 3-51 be placed on the screen.

Hopefully this will come up in front of you too, Mr Rolfe.

THE CORONER: You've got water there haven't you, Mr Rolfe?---Yeah, yes ma'am.

DVD PLAYED

DR DWYER: We might just stop that - you can stop the recording, I'll just ask you a couple more questions (inaudible) coming up?---Yeah.

So the - - -

Stop the loop, if we stop the loop.

THE CORONER: Try again.

DVD PLAYED

DR DWYER: One of the questions on the application form, is have you ever received any other infringement notice or penalty notice?---The only thing that was frustrating about that, was I believe I received - - -

If you - if you take the very top of the - of that form, there's an email that is sent from Karen West(?) of Victorian Police. And she sets out the questions that I'm asking about. So the very first part. Was that part of your decision to (inaudible)?---When we go back, back, yeah.

MR ABBOTT: Where - where - - -

DR DWYER: Mark is - yeah, it's the very first page.

MR ABBOTT: What point?

DR DWYER: And is that (inaudible)?---Yeah, correct. But I guess my - also my passion for - my passion for joining the SAS (inaudible) high enough to keep me in (inaudible). So it wasn't like the dream, you know what I'm saying? If the passion was high enough, I would have stayed in - I'd have tried out again, but - and I would have stayed in the military (inaudible) but the passion - - -

Did you let go of that (inaudible) there or (inaudible)?---I guess it was kept in my mind as I (inaudible) back to - - -

I'll just start that again, Mr Rolfe, on 30 December 2015, you applied to join the Victorian Police?---Yes.

You passed the entrance exam on 16 January 2016. One of the questions on the application form was "Have you ever received any other infringement notice or penalty notice, for example, offensive behaviour is your offence at (inaudible). And have you ever been convicted or found guilty of any criminal offence." Your answer to both of those questions was "No." Is that right?---Correct.

MR ABBOTT: I - - -

DR DWYER: Mr Abbott, the question's been answered.

MR ABBOTT: - - - I object to this, because the on-line application form I've got doesn't have those questions on it.

DR DWYER: Well it was - we don't - we obviously don't have the full on-line application - - -

MR ABBOTT: No.

DR DWYER: - - - but the on-line application is clarified in that first page, which is why I read that to (inaudible).

MR ABBOTT: Well, he ought to be - - -

THE CORONER: And that's information that's been (inaudible).

DR DWYER: According the material that - - -

MR ABBOTT: Yes, and there's two pages, your Honour. And those - the question that's been put is not on the on-line application form, that was part of the brief that I've read. So I'm desperately searching for it, but it's not there. But I'm now told that the brief - the on-line application form in the brief itself, is apparently only partial, not complete.

THE CORONER: Clarified by this correspondence - - -

MR ABBOTT: Apparently it clarifies it, yes.

THE CORONER: - - - which is also on the brief.

DR DWYER: I'll press the question, your Honour.

Mr Rolfe, I think you answered yes in relation to one of the questions?---Yes, so the email says that I answered no. I don't recall it, like obviously, I don't recall completing these documents, but.

It was - it was - - - ?---If the email says - yeah - - -

- - - it's some - - - ?---Yeah.

- - - ago, if it's December 2015 that you first applied for the Victorian Police. Do you recall being asked questions in general in police applications about whether you'd received any infringement notices or penalty notices or (inaudible)?---Look, I - honestly, I don't recall completing any of these applications. Yes, I recall the Northern Territory incident - instance of that question.

I'll come to the - I'll come to the NT shortly. If the - if the answer given was, as suggested in this email, if you gave an answer "No" to the question had you ever received an infringement notice or penalty notice, e.g. offensive behaviour, that was incorrect, wasn't it?---That was incorrect, yes.

And it is incorrect, because on 4 September 2011, in the state of Queensland, you were charged with public nuisance, (inaudible) violent behaviour, in which you paid a fine, is that right?---Yes I believe so.

Can I have on the screen please (inaudible). Sorry, we're having issues with the live stream - - -

THE CORONER: It seems to be when we put up documents, but we can show Mr Rolfe documents through the iPad is that correct?

DR DWYER: Yes. Okay, we'll just need to fix the looping issue, your Honour. I think it was working fine before then, so if we could just take a moment to fix the looping issue, and then I won't put any more documents on the screen.

I'll show them to you in another way.

THE CORONER: We think it's working fine.

DR DWYER: Okay, could I ask that you be shown please on the iPad then Mr Rolfe, 3-56.

THE CORONER: We can see if that fixes the problem.

DR DWYER: If you scroll down some pages - - - ?---Is this the Queensland Police Force application sorry?

That's right?---Yeah.

So on 4 December 2011 in the State of Queensland, you were charged with public nuisance. The application is at the top of that. If you might scroll down - - -?---Yeah.

- - - you'll see a record, your traffic record. And above that, a record that indicates that on 4 September 2011, you were charged with public nuisance, violent behaviour, and you paid a fine for that?---Yes.

And you knew about that at the time that you made an application to the Victorian Police. Is that right?---No, I had completely forgotten about this.

You knew about it when you made an application to Queensland Police?---Same answer as before.

In these applications, do you recall - if you scroll to the very top of that page, you sign a statement when you apply to a police force like Queensland, "I acknowledge that I have read this entire document and initialled each page. I declare the information that I have provided and any other attachments to be recorded accurately. I acknowledge that failing to disclose all relevant information and/or providing false or misleading information may result in me being unsuccessful." So it was imperative, wasn't it, that you read that document carefully first. Correct?---Correct.

And that you make every effort to answer accurately and truthfully. Correct?---Correct.

You were filling in this application in January 2016. It was less than five years after you had been charged with public nuisance and violent behaviour?---Yes.

I suggest to you that you would have forgotten?---I forgot.

Wasn't it attention to detail one of the skills that was necessary for you as an Army officer?---I was a soldier not an officer.

Sorry, an Army soldier?---Yes, it was. But if - yeah, if you want a memory expert on the thing, they might be better to answer this question. I just forgot.

Do you recall being asked at all about any disciplinary proceedings in the Army?---Again, I don't recall filling out these applications.

Have a look, if you don't mind please, Mr Rolfe at page 2 under the subheading, "Integrity". There is a question about drugs, "Have you ever used illegal drugs regardless of whether you have been charged?" And the answer is "No". Was that correct as at that time?---Shouldn't these answers - shouldn't I get one of those certificates for these answers.

THE CORONER: Are you asking for one? There has been no request by your counsel.

MR ABBOTT: Well, I do ask for one on his behalf. He has been asked questions about having ever used illegal drugs. That opens him up to if the answer is "yes", it opens him up to a risk of prosecution depending upon how vigorously this topic is explored, as I am sure it will be, given the minutiae to which my learned friend has descended already.

THE CORONER: All right.

MR ABBOTT: So in that regard, I do make an application under s 38.

THE CORONER: I'm not sure what offence, if any, would be the subject of a criminal prosecution at this stage.

MR ABBOTT: Well, using illegal drugs, depending upon the quantity, place, time.

MR COLERIDGE(?): (inaudible) your Honour, counsel assisting said there are (inaudible) certain instances of sensitivity that should be offered.

THE CORONER: In relation - - -

MR ABBOTT: Yes, that's what's being sought.

THE CORONER: Does it cover the topic of any usage of illegal drugs? Questions and answers in relation?

MR ABBOTT: It should, your Honour, because - - -

THE CORONER: Yes. All right, given that it could give rise to criminal proceedings, I will grant a certificate?---Can I get a certificate for the stat dec offence as well?

MR ABBOTT: Sorry, your Honour's offering a certificate and my client accepts it.

THE CORONER: Thank you.

MR ABBOTT: And my client will now answer the questions in relation to illegal drugs.

MR COLERIDGE(?): I think that a concern that Mr Rolfe might have is that there are potentially different incidents - - -?---Correct.

- - - in relation to this applications. So I think it's appropriate that a certificate be fashioned in such a case (inaudible) answers in relation to Mr Rolfe's (inaudible) move out this application. So for example, if it were to be suggested that there was something inaccurate (inaudible) will cover those types of offences?---I agree.

MR FRECKELTON: Your Honour, as this is the first occasion on which this particular issue has arisen, it might be helpful to be scrupulous about the process under s 38.

THE CORONER: Yes.

MR FRECKELTON: Which is under 39(1)(a), "If a witness declines to answer a question on the ground that his answer will incriminate or tend to incriminate him", that has happened so far. Then it needs to appear to you expedient for the purposes

of justice that the person be compelled to answer the question. Then you can tell the person what the consequences are and issue a certificate.

THE CORONER: Yes.

MR FRECKELTON: So that intermediate step hasn't been attended to so far. It might be useful, just in terms of setting a precedent for the various other matters that may arise, for that process to be undertaken.

THE CORONER: Yes. Does anyone wish to make any submissions on the expediency or otherwise for the purposes of justice that Mr Rolfe be compelled.

MR BOULTON: Can I just very quickly, this is a certificate that has been considered prospectively in relation to the answer to this particular question. The witness has already answered a number of questions about a previous form where he said he had no memory of having been convicted of a criminal offence in Queensland. There was no objection taken before those questions and answers and they should not be covered by a certificate.

THE CORONER: Yes. We're dealing with the matters as the objection arises and that was very clear at the beginning of these proceedings. But, in relation to this objection, firstly dealing with use of illegal drugs.

MR COLERIDGE(?): Yes, well I agree with there will be a number of these objections and I think it's hopeful by all parties that we can deal with general principles once.

THE CORONER: Yes.

MR ABBOTT: Exactly. That is certainly the hope that I have, your Honour, which is what I addressed originally when I rose to my feet earlier on.

MR COLERIDGE(?): What I might do, your Honour, is address you on permission, consideration, relevance and whether or not it's expedient in the administration of justice that Mr Rolfe would were held and briefly (inaudible) each of times of questions. As Dr Freckelton has rightfully observed, there must be an objection to a question that has occurred and your Honour must need to consider (inaudible) for the grounds for the objection. I take it that your Honour, with everyone's concedence, would determine their (inaudible) grounds.

THE CORONER: And this, at the moment, we're talking specifically about any use of illegal drugs?

MR COLERIDGE: Yes, he is.

THE CORONER: Yes.

MR MCMAHON: Your Honour must then be satisfied that it's expedient in the interests of justice to compel Mr Rolfe to answer the questions. Now, Mr Rolfe's submissions of two weeks ago in terms that that's more than (inaudible) in the interest of justice test, if not (inaudible). We wholly accept that.

Having taken an objection to a question, we're all agreed by the standard that your Honour has the power to determine an objection in relation to a general topic to which it relates. Then there's (inaudible) for that, your Honour under s 38(2) of the Act.

As to the relevant considerations, your Honour, a number of them are set out in Mr Rolfe's previous submissions with respect to counsel assisting the (inaudible). Your Honour just recognise that the privileges of information are longstanding Commonwealth privilege (inaudible).

Your Honour must recognise that although your directing (inaudible) with this certificate, prohibits the use of evidence in the proceedings. There could be some derivative (inaudible) listed as the evidence for example, in investigation. Your Honour must consider the seriousness of the countenances for Mr Rolfe.

In this case, I would respectfully submit that they're likely to be relatively minor in the age and nature of the - I mean, we got (inaudible) offences. On the other hand, your Honour must take into account that parliament has seen fit to abrogate privilege against self-incrimination and has done so for the express purpose of ensuring that coronial inquests get to the truth and would not be frustrated with the depth of the (inaudible) direction function by objections to questions.

Your Honour must, of course, then consider whether the evidence is relevant to a fact in issue in the proceedings in its appropriate value. Having noted all of those matters and noted that it's not contingent I think that there aren't - it isn't expedient to the administration of justice to compel Mr Rolfe to answer a question, in my respectful submission, the offending is very dated, it is incredibly (inaudible). Mr Rolfe has - - -

THE CORONER: If any, I don't know.

MR MCMAHON(?): That's right. Mr Rolfe has the advantage (inaudible) certificate. In those circumstances, it's expedient to the administration of justice to grant the certificate. In my respectful submission, the same goes for (inaudible) that might tend to demonstrate some kind of criminal dishonesty; an offence, for example, of making a false declaration.

In our respectful submission, there are reasonable grounds to uphold the objection. So(?) to make the objection on that basis for similar reasons, the date, the seriousness of the so-called offence and the fact that there's direct(?) (inaudible) immunity certificate render it expedient to the administration of justice to inform Mr Rolfe that your Honour will grant him a certificate.



THE CORONER: Yes. Does anyone wish to say anything further?

MR ABBOTT: So your Honour, could add to that submission?

THE CORONER: Sure.

MR ABBOTT: Your Honour, as I read s 38, the objection is taken to a question, but the certificate relates further questions, plural. I rely upon section - subs (1) talks about a question. Subsection (2) talks about refusal to answer questions, plural, indicating that the certificate is meant to be given at the outset of the first question and to cover all subsequent questions.

THE CORONER: On that topic.

MR ABBOTT: On that topic.

THE CORONER: Yes.

MR ABBOTT: And I apply for a certificate in relation to the topic of illegal drug use, any questions there relating thereto and on the topic of making wrong answers in forms, in the sense that false statements, for which there are various laws around Australia that relate to making false statements, either on oath or just generally. I ask for a certificate in relation to those matters as well.

THE CORONER: For any subsequent victim - - -

MR ABBOTT: Yes.

THE CORONER: - - - on these topics.

MR ABBOTT: Yes.

THE CORONER: Yes.

Does anyone wish to be heard further?

MR ABBOTT: Sorry, your Honour?

THE CORONER: I'm sorry, I was just asking - - -

MR ABBOTT: I do apologise.

THE CORONER: - - - if anyone else wished to be heard further.

Thank you for those helpful submissions. In my view, it is expedient for the purposes of justice that Mr Rolfe be compelled to answer questions on the two topics that have been identified, namely any illegal drug use or any questions on the topic

regarding false statements made in forms. And provide a s 38 certificate in relation to all questions asked on those topics.

MS DWYER: Mr Rolfe, I think you answered "yes" when I asked you this question before, but - I withdraw that. Let me go back to where we started.

In relation to this form, one of the questions under the subheading "Integrity," was whether or not you had ever used illegal drugs. Do you see that?---Yes.

Your answer then was "no." Was that correct at that time?---No, it wasn't.

So that was a lie, was it?---Yes, that was.

Why did you lie in that form?---Basically, to give me the best chances of getting into the Army at that time.

Sorry, into the police force, do you - - -?---Is this the police?

Yes?---Yes, the police.

Is it the same case then when you applied to the Army?---I can't recall that.

On 4 September - - -

THE CORONER: Just wait for a moment.

MS DWYER: Before I move on from that, so the question was, "Have you ever used illegal drugs, regardless of whether or not you'd been charged?---No." You've acknowledged that that was not a truthful answer. What illegal drugs had you used up until that time?

MR ABBOTT: Well, I object to that. Is this necessary in relation to the ultimate aim of this inquest? I mean, we get into which ones, when - - -

THE CORONER: It goes - it goes, in my view, Mr Abbott, to the assessment of suitability and the like and subsequent impact on behaviour.

MR ABBOTT: What, that he might have used - might have smoked a bit of marijuana when he was a teenager?

THE CORONER: Well, I don't know. I don't know what he's going to say.

MR ABBOTT: Well, it's not if - - -

THE CORONER: So it might be marijuana as a teenager; I don't know.

MR ABBOTT: But let's assume that is the answer; what possible relevance could that have?

MS DWYER: Your Honour, I press the question. It goes to whether or not - it actually might assist my friend's client, if he wasn't so defensive in these circumstances, to allow Mr Rolfe the opportunity to explain why he lied on the form. That might - - -

MR ABBOTT: He's already explained.

MS DWYER: - - - be of assistance, rather than leaving it to us to speculate what (inaudible) drugs. And/or it may well be relevant to the issues that arise in the Northern Territory Police Force. Whereas, my friend would know, from reading the brief of evidence in preparation for today, there are issues of illegal drug use while Mr Rolfe was a serving officer with the Northern Territory Police Force.

MR ABBOTT: Well, I want - I do want to make the point that claim can only refer to, I assume, the reference to brownies in the text messages.

THE CORONER: Well, we will have that no doubt clarified - - -

MR ABBOTT: Well, and I'll be - - -

THE CORONER: - - - from Mr Rolfe during the course of his evidence. We might have views about what it might be referring to, that there might be other things in the text messages relevant to these sorts of issues that Mr Rolfe will explain to us. I don't know. But it's certainly raised in the evidence as a question that is relevant to these proceedings in relation to illegal drug whilst a serving police officer. And in my view, it is relevant to understand where that commenced and how that played into the various applications that were made to various police forces - - -

MR ABBOTT: Well, your Honour - - -

THE CORONER: - - - and how it was managed.

MR ABBOTT: - - - I submit it's about as relevant as asking anyone at the Bar table if they ever used illegal drugs.

MS DWYER: Mr Rolfe, would you like the question again?---No. I did smoke a bit of marijuana as a teenager.

Anything else?---I think I did some MDMA while I was in the Army.

Okay. Anything else?---Yeah, marijuana every now and then.

Illegal steroids - - -?---Never.

- - - at the time prior to that?---Never.

So it's marijuana and MDMA?---Yeah, I believe so.

On 4 September 2011, in the State of Queensland, you were charged with public nuisance, violent behaviour. And I took you to that fine earlier?---Yes.

You see that there, don't you; the details that we have on this document reveal the date of the offence?---I don't have a document in front of me, sorry.

Sorry. I'll just give it back to you. If you'll accept it from the - - -?---Yeah, I do.

- - - if you don't mind. And my learned friends will correct me, it's on that same 3-58(?) (inaudible), for their benefit. The offence actual date is listed as 4 September 2011. The description is "Public nuisance, violent behaviour" and the result date is 21 September 2011, with a fine of \$300. Did you go to court for that incident?---No, I - no.

The actual offence was committed in September 2011. Do you recall the details of the offence?---Yes.

What happened?---A fellow soldier was being assaulted by a number of men in Townsville. I believe it was The Strand area, which is a few hundred metres away from the - can't remember the street name; maybe the main street with the pubs in it, where I was. A - but a fellow soldier was being assaulted on The Strand by a group of males. One of his friends ran towards the bar areas, where I was, and located me and informed me that this soldier was being assaulted by a group of men and he needed help. He ran off to get more help, because the group was quite large. I ran down to The Strand, saw the assault occurring. The soldier that was being assaulted was on the ground, unconscious. I attempted to assist. And we had a fight, me and the group, and it was a - I was - I guess I was losing that fight. And then I started winning that fight. Unfortunately, when the police arrived, it looked like I was very much so winning that fight. The - so I got arrested on that time. The soldier who was being assaulted was I believe placed in a coma in hospital, and he lost sight in one eye. I believe his brain was being swollen, and he ended up being medically discharged from the Army due to that assault.

It sounds like a pretty memorable event, Mr Rolfe?---Not compared to the other events that have occurred in my life, no.

Well at that stage, it was December 20 - sorry, January 2016, or thereabouts, that you applied to the police force?---Correct.

It was one of the - only the second police force you applied to, or was WA in-between there?---I can't recall.

You had clearly read the form that said that you needed to make sure that you were full and frank in your disclosures?---Yes.

The incident you're talking about, is that the one that happened near the Mad Cow Tavern?---The Strand - I wasn't near the Mad Guy - Cow Tavern - no, that's a

different one. I believe the one you're talking about is I'm noted as a witness. NAAJA in their report stated that I had some - some more offending to do with that, but I was a witness in that.

Okay, you spoke to police in relation to that matter did you?---I - I gave my name as a witness.

You must have- do I take it from your answer so far, at the very least, read that application very carefully, correct?---Are we talking about the police application?

Yes, the Northern - sorry - - - ?---I - I - - -

- - - the Queensland Police application?---I may not have read it very carefully, no.

That's not a serious answer is it, Mr Rolfe? You had attention to detail as a result of your work in the Army. You're a clever young bloke. You're applying to be a law officer. You must have read the application properly before you signed it - - -

MR ABBOTT: Well I - I object to the accusatory tone of this cross-examination. My learned friend is counsel assisting, not - not counsel for the prosecution - - -

THE CORONER: She's - - -

MR ABBOTT: - - - she sounds like counsel for the prosecution. In the way in which she directs her questions, her manner of speaking, and her attitude to my client.

THE CORONER: I - - -

MR ABBOTT: My client is here to give evidence to assist the enquiry. My learned friend is here to prosecute him obviously.

DR DWYER: I absolutely object to the suggestion, and it misunderstands the question. But it's 2024, there are lady Barristers. My learned friend's going to have to get used to that. I am entitled to ask questions, in exactly the same manner as any other counsel assisting would ask them, which is obviously fairly, but also with a degree of inflection in my voice. I'm sorry if that upsets my learned friend. But it is quite clear that the questions I'm asking are not in an objectionable tone.

THE CORONER: I see nothing objectionable in the tone that's being used and the questions are being put clearly and fairly. And I don't think that the way the questions are being asked would have any impact, whatsoever, on Mr Rolfe, or his ability to hear, understand, and answer the questions. So I'm going to allow the questions.

DR DWYER: Could you answer that question please, Mr Rolfe?---I forgot what it was, but I guess - like I must say, my personal admin is not my strong suit.

All right. Can you have a look at the document please. It's at 3-56?---Yeah, I see where you're looking at now.

If you scroll down to that second page, under the sub-heading "Integrity." You see, "If you answered 'yes' to any of the following questions, you must provide details." And do you see there, 2.6 sub-heading "Court", 2.6.1 "Have you ever been to court in any state or country?" And examples are given are, "Unregistered, unlicensed, drink driving" etcetera. Your answer was "No." Was that answer truthful at that time, and correct?---I can't recall. I don't think I've been court as in those regards.

Well what about going to court in any regard?---Like as a witness?

Well the question is, "Have you ever been to court in any state or country, including, unregistered, unlicensed" etcetera?---I believe at that point I may have been to court as a witness. And again, I can't remember filling out this application. I may have assumed that that meant as an offender, or a defendant - - -

All right, the next question - - - ?---But I can't remember it, (inaudible) that answer.

Next question, 2.6.2 "Have you ever been spoken to, arrested, investigated, interviewed, or questioned by police, as an adult, even if no conviction recorded?" It couldn't be broader could it, as a question, in terms of inviting the applicant to explain - - -

MR ABBOTT: Well this is - this is - - -

DR DWYER: - - - any interaction - - -

MR ABBOTT: - - - This is - - -

DR DWYER: I haven't finished my question, Mr Abbott.

MR ABBOTT: Well there's two of them.

THE CORONER: I'm going to allow the question. If there's an objection at the end of it I'll hear it - - -

MR ABBOTT: Very well, your Honour.

THE CORONER: - - - but we have an intelligent young man, who will be able to listen to the question, I assume, if he has a difficulty with the manner in which the question's asked, and requires clarification, I'm sure he'll ask for it.

MR ABBOTT: I'm sure he will too.

THE CORONER: Mr Rolfe, you heard that. Sometimes there are some propositions, more than one, put in a question. If that causes you any difficulty, please let us know?---Yeah, definitely.

DR DWYER: Mr Rolfe, I'll ask you that one again. It's 2.6.2, "Have you ever been spoken to, arrested, investigated, interviewed, or questioned by police, as an adult?" That's what the question reads, can you see it there?---Yes.

Do you agree with me that it could - it is very broad?---It is.

And it is obviously, isn't it, designed to encourage an applicant to be forthcoming about any interactions they might have had with the police, regardless of whether it ends up in a charge?---Yes.

Outside of the incident that I took you to, the \$300 fine you got for public nuisance and violent behaviour, was there any other incident where you had been spoken to, arrested, investigated, interviewed or questioned by police as an adult?---Now that you remind me, the other one where I was a witness, yes, but again, that was so minor that I'd forgotten about that.

Could you be shown please, 3-58.

Just take a moment to read that to yourself?---Yeah.

This - the first incident I referred to you about where you were fined, was 4 September 2011. This incident was 23 December 2011?---Yeah.

So those following can understand, it reads, "That at 3.45 hours on 23 December 2011", so that's a couple of months after the first one, "Police responded to a male person who was unconscious on Flinders Street East after being assaulted. It's alleged (inaudible) 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. A particular vehicle has intercepted this car outside the Barracks(?). Concerning the two male occupants identity." Was that somewhere where you were living, those Barracks?---Yes.

You were nominated as one of the offenders there, being the offender was a Mr Shawcross(?), suspect, and Mr Rolfe, both members of the ADF - - - ?---But - you said I was just nominated as one of the offenders, and it says the - being "Shawcross (suspect)" and Rolfe nothing. I was not nominated as one of the offenders.

Okay, I'll read that again. "The offender with another male, has" - - - ?---There we go.

- - - "decamped, after someone was pushed with force, resulting in him falling backwards and hitting his head. The male was unconscious for a matter of minutes. Then the police intercepted a vehicle outside the Barracks. This being Shawcross (suspect) and Rolfe, both members of the ADF. The injured male

Okay. I'll read that again. "The offender, with another male, has decamped - - -?---  
There we do.

- - - after someone was pushed with force, resulting in falling backwards and hitting his head. The male was unconscious for a matter of minutes. Then the police intercepted a vehicle outside the barracks. This being Shawcross(?) suspect and Rolfe, both member of the ADF. The injured male had sustained a large laceration to the back of his head and appeared to be intoxicated." It goes on to note that, "The police took photos of Shawcross and Rolfe and scanned it into street check. They contacted the Townsville Hospital Emergency Department and spoke to staff in relation to the injuries. The police will make an application to obtain the city council CCTV footage. Both Shawcross and Rolfe have been released without charge until police make further enquiries regarding the event." Police clearly spoke to you in relation to that event?---Yes.

They in fact photographed you in relation to the event?---I can't recall them taking a photo of me, no.

Well, do you see the notation there that they took photographs of yourself and Shawcross - - -?---Yep.

- - - then scanned into the street check?---I do, but I don't recall that.

That event itself, you understood, didn't you, that a male had been knocked unconscious after falling backwards and hitting his head?---No. I - I was a witness. Do you want to know what happened?

If you could answer my questions, and then I'll give you every opportunity to talk about it?---Okay. So the answer to that question was no.

When police spoke to you about it, were you under arrest at that time?

MR ABBOTT: Well, I object. The document clearly shows that he was a suspect. You haven't gone on - got to the second page, where it says, "Rolfe, suspect," and not - "Rolfe, witness," rather.

THE WITNESS: Yeah. "Rolfe, witness."

MR ABBOTT: So he's not a suspect. The document, 358A, says he's a witness, not a suspect.

MS DWYER: I'm looking at 358, Mr Abbott. 358. I'll come to 358A.

MR ABBOTT: Well, you can't - you can't - - -

MS DWYER: They're different events, Mr Abbott.

MR ABBOTT: I object.



MS DWYER: 358A is 03/09/2011.

MR ABBOTT: Well - - -

MS DWYER: The other event is December 2011. I'll speak up if you need me to.

THE WITNESS: Sorry, I believe I have seen further documentation of this incident in the brief that does specifically mention that I'm a witness.

Okay. You're ably represented by Kings Council - - -?---Yeah.

- - - and (inaudible) can assist you with that. And I'll be very happy to be pointed out any documentation that I haven't taken to you so that you can fairly respond?---  
Yeah.

So you acknowledge that police spoke to you about this incident. Is that right?---Yes.

And there were two separate incident, weren't there; there was one on 4 September 2011 and then there was this incident on 23 December 2011. That's correct?---Yeah, two separate incidents.

Were there any more incidents where you were spoken to by police about - - -?---I can't recall.

Can I go back to the form that you were asked to fill out. "Have you ever been spoken to, arrested, investigated, interviewed or questioned by police as an adult" And your answer was "No." That answer was not correct, was it?---Yeah, correct. I couldn't remember, yes.

I'm suggesting to you, Mr Rolfe, and giving you an opportunity to respond, that you deliberately didn't disclose that you had been spoken to by police about that incident?---No. That's not correct.

The question is, "Have you ever been spoken to, arrested, interviewed, cautioned or charged by police as a juvenile" And your answer was "No." that answer was not correct, was it?---As a juvenile?

Sorry. I withdraw that. As an adult. "Have you ever been spoken to, arrested, investigated" - okay. Under the same question, another answer which would have made it accurate to say "yes" is the fact that you had been charged with the public nuisance and violent offence matter?---Look I wasn't aware - I got a ticket. I wasn't aware that meant you - you know, at that time you'd been charged. But again, if getting a ticket is being charged, then yes, I had been charged. But again, I couldn't recall it when I filled out this application.

You describe two events in 2011 in Queensland that appear to be memorable events for you as a young officer, as a young man. Is that right?---They're memorable if you spend your life sitting behind a desk. But for me in my life, no, it wasn't - they weren't particularly memorable.

The fine that you paid for was not just for public nuisance, it was public nuisance, violence behaviour?---Correct.

Did you take that seriously as a young man, getting a fine for violent behaviour?---I ended up getting taken in the front of my platoon and having my hand shaken by the Sarg(?) for defending this guy's life. I got taken to the RSM of the battalion and got thanked for saving this lad's life. And I got asked to go spend time with him in the hospital when he woke up from his coma to let him know that he wasn't alone when this occurred. So I did not take that fine particularly seriously.

Okay. So as long as it was okay in terms of you and the Army and those that you respected there, it didn't trouble you that you had a fine or conviction on your record for violent behaviour?---No. The police shook my hand as well. Said I did a good job once I found out exactly what had occurred.

Why did you pay the fine and admit the offence if you thought you'd done such a good job (inaudible)?---Again, as I said, personal admin's not my strong suit, and I'm not going spend - \$300 is - \$300 is easier to me than appeal the fine. I've got information now in the lead-up to all of this since this has come out, from Queensland Police, saying that I could still appeal that fine if I wanted to. And I cannot be bothered.

Have you got that documentation with you?---No, I have not.

Can you produce that documentation if you're asked to?---It's a phone call from Queensland Police member.

Who did you speak to in Queensland Police?---Can't recall the name. Lots of people have reached out to me over the last few years. But if you look at the - I guess all you'd have to do is look at the details for appealing a fine in Queensland Police.

Well, what we have got is an email that was sent to you by Queensland Police, which is the last page of the document at 3-56. It's from Recruiting and Integrity, sent to you on 7 March 2016. "Mr Rolfe, your recruit EOI expressed interest form completed and signed by you on 1 February 2016 has been vetted for integrity. It's imperative that all potential police applicants thoroughly read and understand the signed statement on the EOI, particularly the following statement, 'I acknowledge that failing to disclose all relevant information and/or providing false or misleading information may result in me being unsuccessful.' We have integrity issues for traffic, criminal and other matters. The guidelines generally have minimum exclusion and maximum exclusion periods. The guidelines apply to everyone, with no exception. The following integrity issues have been identified pertaining to yourself: public nuisance, violent behaviour, minimum exclusion of two years. Maximum

exclusion of 15 years." You failed to disclose that offence, and you were told that you were excluded for ten-year periods from - until 1 February 2026 before submitting a new application. Is that correct?---Correct.

And you made no attempt then to dispute the fine, even though you had an unlimited opportunity to do so?---No, I did not. I - again, the - that was in 2016. Obviously, the - this wasn't made public, all this, until after I was arrested. So that's (inaudible) - - -

MR ABBOTT: Your Honour - - -

MS DWYER: But this is an email you received - - -

MR ABBOTT: Your Honour, can I just interrupt. My learned friend's questions a few questions ago included the inference and, in fact, the statement that he had been convicted. I just - this document appears to indicate that he's never been convicted. Now, if my learned friend has information that he was convicted, as distinct from just receiving a fine, then I'd like to see it. But I come to this new, and I am therefore asking for assistance.

THE CORONER: Sure.

MR ABBOTT: If there is evidence of any conviction, I'd like to see it, because he question stated, as far as - - -

THE CORONER: Sure.

MR ABBOTT: - - - though he was convicted.

THE CORONER: Do you press that part of the question?

MS DWYER: No. It's about being found guilty or that offence, more accurately putting it.

MR ABBOTT: Thank you. Well, you withdraw the question, insofar as it contained the word "conviction," because he hasn't been convicted.

THE CORONER: Yes. It's been reflected to a found guilty, not a conviction.

MR ABBOTT: Thank you.

MS DWYER: And the question that I was asking all about in that regard, Mr Rolfe, was, "Have you ever been spoken to, arrested, investigated, interviewed or questioned by police as an adult, even if no conviction recorded." You answered "No" to that. Correct?---Yes.

Did you - is it your evidence that you didn't remember what had happened in 2011, when you received the fine or when you were spoken to police, or that you didn't think it fit with the question that you were asked?---No. I didn't remember. I was

obviously applying to the Queensland Police, where I had been fined. I wasn't going to be able to hide that from them. It was just an issue of memory.

On 7 March 2016 you were told by the Integrity section of Queensland Police that you had failed the integrity part because you hadn't disclosed that fine?---Yes.

And you did not appeal that decision, did you?---No.

And you didn't try to appeal the original fine, even though you tell the court now that you had - there was no time restriction - - -?---Apparently. This was after the - what I'm talking about there, that information came years and years after this email. But no, I didn't appeal this and no I didn't appeal the fine at that point.

Were you asked any questions in the Queensland application about whether or not you had disciplinary offences in the Army?---I can't recall.

Mr Rolfe, we're about to have the morning tea break, but I just want to give you this opportunity. You were about 24 years old, I think, we established at the time that you were applying police forces?---Yes.

The court appreciates that young - that you were young, and young men sometimes make mistakes. I want to suggest to you that in the same way that you didn't disclose the drug offending, you didn't disclose the earlier offending, because you didn't regard it as a big deal at first?---No. Ma'am - your Honour, I'm happy to own up when I make a mistake or an error, such as the drugs. But if I didn't remember, I didn't remember, and there's no amount of asking me the same questions on repeat it's going to change my answer.

All right. Well, after the break we will come to your application to the Northern Territory Police Force.

THE CORONER: We will take the morning tea adjournment; 15 minutes.

WITNESS WITHDREW

ADJOURNED

RESUMED

ZACHARY BRIAN ROLFE:

DR DWYER: Mr Rolfe, on 2 February 2016, you applied to the Northern Territory Police Force - - -

A PERSON UNKNOWN: Well object.

THE WITNESS: I can't recall the dates - - -

DR DWYER: All right, but you - - - ?---But I accept it.

- - - happy to take it from me, unless I'm corrected?---Yes.

Again, can I suggest to you that you read your application carefully before you filled it out?---I can't say that I did.

And you say that's because admin is not your strong suit, is that right?---So personal admin, yes.

Am I right that you'd just been a clerk in a law firm in Canberra?---Yeah I did some work there, clerk work, etcetera.

You would have understood from that work how important attention to detail is in legal documents, wouldn't you?---Yes.

And you understood that this was a legal document, a statutory declaration in effect?---Yes.

Page one of the application -

It's at 3-50A for my friends.

Says that you make a full - "Need to make a full disclosure. Failing to disclose information may result in the application not being processed, or once appointed, the termination of your appointment." Very similar to the other forces. You would have read that prior to filling out the form?---Yes.

And one of the questions clearly asks you about a prior criminal history, doesn't it?---I don't have it in front of me.

Okay. I'll ask that you be handed - it's 3-50A. It's also at 3-4 Just have a look at that first page if you don't mind, Mr Rolfe, and you'll notice the date there's the one I gave you, 2 February 2016?---Yes.

All right. And you see on the front page that warning in relation to reading all questions and instructions carefully?---Yes.

Can I suggest to you that you did do that, that is, that you did understand, and you did read that document carefully before you signed it. Would you agree with that?---Again, I can't recall when I filled out this document.

If you scroll down the document, if you don't mind. There's a page - it's got 45 on the bottom of the document. It says "Traffic, criminal and other offences"?---Yes.

"You must make full disclosure", it says, "Which includes all criminal and civil proceedings, all spent convictions, all traffic offences, including traffic tickets and court appearances, and all juvenile offences." So again, it's worded broadly to encourage disclosure. Do you agree with that?---Yes.

And the first question under that box is "Have you ever been convicted of any offence, criminal, civil, military, or other?" And you marked the box "No"?---Yes.

Marking the box no was in - that is, that was an incorrect answer to that question wasn't it?---That's incorrect, yes.

Because we've already established, haven't we, that in May 2012, you had a military offence, that you were convicted of, and given a formal warning for, correct?---Yes.

And you remembered that, didn't you, at the time that you filled out this offence - - - ?---| - - -

- - - sorry, this form?---I can't recall filling out this form or reading the questions properly, that might have been a mistake.

It might have been a mistake. It might have been a deliberate decision not to disclose it at that time?---No - - -

Is that fair?---I believe it would have been a mistake. You can see that when I became aware that I'd made a mistake in regard to the fine, I called the NT Police up and let them know about that.

But when you became aware - I withdraw that. When you were interviewed for the Northern Territory, you didn't ever disclose the military disciplinary events, did you?---Yeah, because again, it mustn't have come up, or mustn't have realised I'd made a mistake on this.

So that was just an innocent error, is that right?---Correct.

Isn't it the case that you thought that disclosing it might adversely affect your application?---No, in regard to the drugs, yes, that's correct.

What about in relation to the military events?---I - it didn't even come up in my head, I thought - don't know if I read the question properly, or - that was not my intent to make that error.

Okay, it might have just slipped your mind, is that right?---Correct.

The next question, "Have you ever been arrested, summonsed, or charged to appear before any court" - - -

MR ABBOTT: I'm sorry, but before if anything moves on that, again, she used the word "conviction." I don't think we've established that he was ever convicted of any military offence. He was certainly charged with it. But whether it was a conviction - - -

DR DWYER: I can show my learned friend that document. He was in fact convicted of a military offence.

I think that's right isn't it, Mr Rolfe? Would you like to see - - - ?---Can you just read question one again sorry - - -

Sure, question one - - - ?---No, no, is that what you were reading out just then?

Yes, I - - - ?---Sorry, yeah, no I was convicted in the military, yeah.

You were?---Yeah - - -

And - - - ?---Just sorry, I thought you were reading question two on this grey - in this grey box.

I was, but - - - ?---Yeah, I got mixed up.

- - - your Barrister's - - - ?---Yeah.

- - - your senior counsel's objection was in relation to the first question I asked you?---Yeah, understood.

And I think you've helpfully clarified it for us?---Yeah.

You've said that you were convicted of a military offence?---Yes, yes.

And you accept that the answer you gave then was not an accurate one?---Yeah, was a mistake, yes.

The second question is, "Have you ever been arrested, summonsed, or charged to appear before any court, tribunal, or authority, in relation" - or "In connection with ANY criminal, civil, military or other offences, or incident?" And you write "No." Was that correct?---No that's not correct. It's exact same situation as the Queensland application form.

It's just another mistake is it - - - ?---No that one - that's in regard to the arrest and stuff on - in Townsville. I'd forgotten about that until Queensland sent me that email.

Because the third question covers not just when you're charged to appear etcetera, it says, "Have you ever been interviewed, questioned, or investigated, in connection with ANY criminal, civil, military, or other offence, or incident, by any police officer, department or authority?"---Yeah.

And you had in fact been interviewed hadn't you, or questioned?---Correct.

And you - but you answered "No"?---Correct.

So that's the third error there, is that right?---Yes.

Do you recall on this form, if you scroll up, you can see it, there is a question, "Police Service History". "Have you ever previously applied to join the Northern Territory Police Force?---No." "Have you ever previously applied to join any other police service?" The box "Yes" is crossed out and you have ticked "No". Correct?---Yes.

But in fact, you had applied to join another police service by that time, hadn't you?---Yeah, I believe so, with the dates, yep.

Because you filled this out on 2 February. You applied to Victoria on 30 December 2015 and you applied to Queensland on 1 February 2016. Correct?---Correct.

So the correct answer there was "Yes". And then, "If yes, which services have you applied to" and you should have listed the details there of Victoria and Queensland. Correct?---Correct.

So can I suggest to you that was a deliberate decision not to inform Northern Territory Police that you had applied for those earlier police services?---No, incorrect. Just a mistake.

Mr Rolfe, I want to give you a chance to really think about these questions and answer them in a way that does you credit?---I'm not trying to answer these questions in a way that does me credit, I'm trying to answer these questions truthfully.

All right, well I don't want to insult your intelligence, so you've got an application in on 30 December 2015, an application in Queensland on 1 February 2016. You applied to this force on 2 February 2016 and the question says, "Have you ever previously applied to join any other police forces?" And you answer, "No". Even where the question below is, "If yes, which services have you applied to?" So you gave false information on this document?---Yeah, accidentally.

And I suggest to you that you did that deliberately because you thought, for some reason, it would improve your chances of getting into the Northern Territory Police?---That's not correct.

So that's the fourth error though, isn't it, that we've established on this



document?---Yes.

For a young man who was trained in attention to detail, that is a very clumsy way of filling out that form, I would suggest to you?---Correct, I agree.

But your evidence is that was entirely accidental. Correct?---Yes.

Were you asked in this form whether or not you had ever taken any illicit drugs?---I'm not sure. I don't remember filling this form out.

Do recall being asked in your interview whether or not you had ever used illicit drugs?---No, I don't recall.

I take it if you had been asked, your answer would have been the same as you gave in Victoria, that is you would not have disclosed your illicit drug use.

MR ABBOTT: Well, I object. This is a possibility upon a possibility.

THE CORONER: Yes. I won't allow that question.

DR DWYER: Mr Rolfe, I suggest to you that, for the same reason you gave about not disclosing your drug use in the Queensland application, you did not disclose any former military offence or been spoken to by police in any other matters or the fine for the public nuisance and violent behaviour for the other applications to other forces. That is, you wanted to improve your prospects (inaudible)?---Well, no I don't agree with that. And I also did disclose, when I was made aware of it, of the Queensland incident.

Well let's come to that. On 28 February 2016, you undertook psychological testing at the Australian Institute of Forensic Psychologists. Do you recall that?---No, I don't.

Do you recall psychological testing generally to get into any police force?---Yes.

It's pretty standard, isn't it? That would (inaudible)?---If that's the big multiple choice question, do you know if that's it?

Yes, I think that's right?---Yes, yeah, yes.

Okay. And you would have had to do some psychological testing to get into the Army as well, wouldn't you?---Yes.

So do you ever get any feedback from the Northern Territory Police about the profile that you fill out?---I'm not sure if I get feedback.

Okay. Well, can I tell you that the feedback was that it was an overwhelmingly positive application from you. Did you do your best to answer the questions honestly in the psychological profile?---I believe so.

You engaged with that process, did you?---Yeah, I believe so.

And do you say that at no time after your interview did you get any feedback from the Northern Territory Police Force about the positives or any caveats that were in that psychological profile?---I can't recall.

It's in our brief of evidence, so I want to give you an opportunity to comment on it, the caveat that is there, one of them, is this, "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 to blame others." Is that fair?

MR ABBOTT: Well, I object. This is an impossible question. He has been asked to comment on someone else's opinion. What possible relevance does that have to this inquiry.

THE CORONER: Well, he's given an explanation and how he's being asked a follow up question on that explanation to challenge it.

MR ABBOTT: Well, with respect, your Honour, he's not being asked that. He's being asked to comment on someone else's opinion as to whether or not he regards that opinion as fair or not. This is a coronial inquiry into a death. What possible relevance does his view about whether what someone else commented on him in a report which was confidential to them, what possible relevance does that have to the terms of your inquiry?

DR DWYER: I'll withdraw the question and I'll ask it differently out of fairness to Mr Rolfe, so that he has an opportunity to comment.

Mr Rolfe, do you think that after making a mistake, you are less likely than many others to accept responsibility?---No.

Do you think you might brush off the significance of the error?---No.

Do you think you might minimise your role in a matter or blame other people?---No.

What do you think in relation to your levels of aggression? Do you think it's fair to say that there were times in the Northern Territory Police Force where you acted with frank aggression, rather than firm assertiveness?---No.

Think back to your time in the Northern Territory, do you think that there were occasions where you resented authority figures in that structured organisation?---Yes.

Have you resented the brass effectively in the Northern Territory Police?---That would be in an individual sense. If someone who was a member of the brass had done something that I deemed an error, then yeah. But not for the - just for the fact that they are the brass or they are authority.

All right. But if you deemed your opinion to be more valuable than theirs or that they had a - I'll use your terms. If you deemed them to be an error and you not to be, then you might be contemptuous of them in those circumstances?---If I deemed them to be worthy of contempt, then I would feel contempt towards them, yes.

And you would resent them then, would you?---I'm not - if you read me the definition of "resent", I would need to - you need to give me the details of that.

All right. Well, let's just let you use your words, you just said that if you thought in effect that they were wrong and you were right, you might be contemptuous of them. Is that fair?---Yep, same as anyone else, regardless of rank.

And you would then think that there was a better way to do something rather than the way they were telling you?---If there was a better way to do something than the way they were telling me, generally I would bring that up with them, yes.

All right. You'd be happy to follow you way rather than theirs - - -?---I would - - -

- - - because you thought it was the better way?--- - - - be happy to inform them of my opinion of what a better way would be.

And if you were told to do it anyway, that is to obey the rules even if you thought they weren't the right ones, would you resent the authority structure?---Well, if it was unsafe or unlawful, I wouldn't obey the rule - obey the command.

Okay. If it was unsafe or unlawful, then you wouldn't obey the rule or command?---Yes.

If it was safe and lawful, then you would obey the rule or command. Is that what you're saying?---Yes.

On 7 March 2016, the Queensland Police Force told you that you were excluded from reapplying for 10 years. I showed you that document earlier?---Yes.

You must have been very disappointed about that?---No, it was fair. I failed to disclose. I forgot about that incident.

Were you stressed or nervous about the fact that you failed to disclose?---I can't recall how I felt on the day.

You didn't try to channel it - challenge it in any way, we've established that?---Correct.

The next week or so, or nine days later, after the knockback from Queensland Police, you were interviewed by Northern Territory Police?---I accept that. I don't have the dates.

You must have been worried when you were interviewed by Northern Territory Police, that they would discover your failure to disclose a public nuisance or public violence offence?---I don't think I was worry - I can't recall how I felt. I think - I told them about it.

Well when you told Northern Territory recruiters about the Queensland Police - Queensland charge, you told them a story that you had intervened to protect your mate, the - the - what you just told us before the break?---Correct.

You didn't ever tell them about another occasion when you were interviewed or asked questions by police?---I did not tell them about a situation where I was a witness to something else happening, no.

Did they ask you at all why you hadn't disclosed that offence the first time around?--- I can't recall.

In the - - - ?---I think at the time - I remember talking about it that day, I told them about the event, and I believe Sergeant Sharma was there, and I believe he laughed, and said "You'll fit in here."

You'll what?---"You'll fit in here."

Why did he say that?---You'll have to ask him.

All right. So you told him a story that in effect, you'd been charged with an offence, when you'd been the one defending the other soldier that was involved?---Yes.

You'd run to their aid, and you then effectively lionised(?) for that afterwards, and thanked for your work?---I have never - I don't know what lionised means.

All right, I'll - I'll ask it (inaudible). You told Saxon(?), Sharma(?) and the others in an interview, that even though you'd been charged with a criminal offence, and you accepted the fine, and paid it, in fact the real story was, that you'd gone to the aid of one of your mates in the Army?---Correct, but I wouldn't have used the words "charged", because that - I wasn't aware of that. I would have used "godifying."

"Godifying"?---Yeah.

Minimised what it - - - ?---Well I didn't realise getting a fine was the same thing as being charged at that time.

Well the fine that you got, wasn't just any old fine was it? It was public nuisance, violent behaviour, that's - - -

MR ABBOTT: It's \$300. The fine was \$300.

THE CORONER: For the - - -

DR DWYER: For the offence of public nuisance and violent behaviour. You - your Kings counsel is scoffing at that?---Yes.

He - - -

MR ABBOTT: I'm not scoffing - I'm not scoffing at it. I'm not scoffing at it. It was \$300. The record speaks for itself.

DR DWYER: Your counsel was - your counsel seems to have dismissed that as being not a big deal, because it's only \$300. Do you think it wasn't a big deal?---Well I think everything's on a scale. Everything is scalable, and that's probably on the lower end of the scale of any offences.

And is that why you made a decision not to reveal it in the original application to the - - ?---No, I've answered this question that many times. But no, that's not the reason.

When you told Northern Territory recruiters about that charge, it's clear that the story that you told them suggested that in fact you shouldn't have been charged with the offence, because you were the one who actually went to the rescue of one of your mates, and you were thanked for it. That's the story you told the recruiters?---I told them what had happened.

And that's the story you - that you told, isn't it?---Well I told them what happened. I didn't say that I should or shouldn't have been charged. I can't - like I told them what had happened.

In effect, the story that you're telling, it actually has you as the hero of that story, rather than someone who should have been accused or charged with any offence. Do you accept that?---I wouldn't say I'm a - the hero of the story, but correct. And I believe if I did fight, and if the police did a further investigation into it - investigation into it, I believe that I wouldn't have got fined.

But you didn't ask them to do a further investigation. You paid the fine and accepted the offence, didn't you?---Correct.

And is it your evidence that you don't recall ever being asked by the recruiters in the Northern Territory, why you had failed to reveal that the first time around?---Yeah I can't recall if they asked or not.

Did you get any feedback at all from the interview process?---I can't recall. I got accepted.

You were accepted, and you received the offer of employment on 22 April 2016, is that right?---Yeah, if you say so.

Well that was the first offer of - formal offer that you had received for a police force, correct?---Yes.

So you withdrew your application for Victoria because of that?---I must have, yes.

You were eager to get started?---Yes.

Her Honour has already heard a lot about the training that you and your cohort received around 2016. I'm just going to ask you a few questions about your perception of it?---Yes.

In relation to tactical training. You must have been ahead of the pack, given your Army background?---Correct.

And you've talked - I put to you some other skills that would have been relevant for a police recruit. You in fact duxed that year, that cohort, didn't you?---Correct.

And it would have been clear to you that you were someone who others looked up to in that cohort?---I wouldn't say that, I just - - -

Well you were - - - ?---I just duxed the course.

- - - you were pretty confident, weren't you, in relation to tactical skills, et cetera?---Yes.

Body-worn video was rolled out in the Northern Territory in the first year you commenced as an officer. And - or it was rolled out in the years after about 2014?---Mm mm.

It was standard issue by 2017. Were you trained with it?---I believe - I can't recall, I believe so. At some point I received training in it, yes.

And is that likely to have been in the academy, during that six month period?---Probably.

It's not complicated to use is it, the body-worn?---The only complicated thing about it is going to stealth mode, which I could never figure out.

Can you tell us about stealth mode?---I couldn't - I couldn't figure out how to do it, so you'd need to ask someone else.

But for the most part, how do you turn on your body-worn when you're not going into stealth mode?---There's two - so I guess you turn the safety off initially on top, and then you double-tap the central button, which turns it on.

And after the double-tap it records the 30 seconds prior, is that right?---Unless you hadn't had that safety switch on. So if the safety switch is off, nothing's recording, and you can turn it on, and immediately press double-tap, and it won't have pre-recorded 30 seconds. If you turn that on, and then it will start I guess, having that 30 second back-up.

And that's the sort of thing that you were taught, when you were being trained on the body-worn video?---Yes.

And for someone like you, who had used all sorts of different equipment in the Army, I take it that that was not a complicated thing to do?---Well as I just said, I still couldn't figure out how to use stealth mode, ever.

Did you understand the body-worn video to be an important tool for evidence collection?---Yes.

And you understood, didn't you, that it might vindicate a police officer if a complaint was made that wasn't accurate?---Potentially.

Or on the other hand, provide proof on an offence, or inappropriate behaviour that the police officer had been involved in?---Yeah, potentially.

Amongst your trainee group, did you detect any reluctance when you were being trained on the body-worn video usage?---Yeah a 100 percent.

Can you tell her Honour about that?---I believe there was - when body-worns were rolled out, there was reluctance by the majority of the police force on the ground. The police force on the ground initially - there was a big kick back. Police believed that body-worn video would be a way for Professional Standards Command to - just enable more complaints against police. And it'd be utilised to catch language such as swearing, more so than - so there was less concern about collecting evidence, and more concern about utilising body-worn video which would be used against police in a form of complaints by - through PSE, for minor things such as swearing. That was a large kick back. And I was out - that was the - I guess the culture of the feeling of body-worn video when I first joined up, and I was a part of that culture, and part of that feeling, that body-worn video was potentially a bad thing. And I believe the police force has changed its mind over the years, and I was a member who definitely changed their minds and saw the positives of body-worn video, rather than the opposite opinion.

How long did it take you to make that shift in your mind about the positives of body-worn?---Honestly, it took me years. I was - yeah, took me years. I still utilised it, yeah.

Okay, so remember going back, you started at Alice Springs in December 2016?---Yes.

Twenty 17, did you have a mind-set where you thought it wasn't a good idea to turn on body-worn video?---Mixed feelings again. Like again, I don't remember the dates or anything, but again I was part of a cohort that had a - had very much mixed feelings. Initially body-worn video was considered negative. Again, I'm not speaking for everyone. I'm speaking for the cohort that I was with. Not my class cohort, the - like it would have come from the instructors who taught us body-worn video, and

then it would have reflected in the police stations. But I can't tell you when it did so much, but I - I'm jumping ahead of the gun, but after Alistair Gall gave me my second remedial advice on the body-worn video, then it definitely clicked for me.

When was that?---I don't believe it's noted.

Okay, can - - - ?---And - and I can't recall.

All right. Are you able to tell us the year, 2017, 2018, 2019?---I wouldn't be surprised if it was the start of 2019 or the end of 2018.

Okay. Was there - - -

THE CORONER: Do you remember the incident? Yes, sorry?---I remember the incident where body-worn really clicked to me that it was such an important tool and this was after the - after I'd received the second remedial advice from Alistair Gall. I'd attended a - I got called to a drunk person job and by the sound of it, it was just a standard drunk person job to remove a drunken male from a property. So it would seem to be a very minor job. On arrival, I can't even remember my partner at the time, but on arrival, I wasn't driving. I opened the car door and immediately hear two females screaming and because - and this is a failure on my behalf - because I hadn't been using body-worn video as much up to that point, my muscle memory wasn't to turn the body-worn video on. My first instinct was to go to help the females. The drunk job turned into a male assaulting two pregnant teenagers, one of which was his partner. I attended. I stopped the assault, arrested the male, but I didn't have the evidence that would have been additional and as you are aware in domestic violence, often victims do not assist police for a number of reasons. And basically, I didn't have the evidence that I should have had to put that man away for as long as he should have gone away. So immediately, after that, I went to Alistair Gall and let him know that I made a mistake. And that was when it really clicked to me how important body-worn evidence was.

And at the very latest, that would have been early 2019. Is that right?---I believe so, but I can't be sure.

Prior to that, in terms of any warnings that you got, either individual or through the station, is it fair to say that it still didn't click to you that that was an important tool for evidence-gathering?---It did, but the attitude still prevailed.

Okay. And the attitude was of suspicion that this was going to be Big Brother or management looking over you and correcting for minor mistakes?---I wouldn't say correcting, I would say punishing or like negatively affecting your career for extended amounts of time for minor mistakes. For example, I am aware of a police officer who was investigating for over 12 months for swearing on body-worn video and the outcome of that investigation was remedial guidance, you know what that is. But during that time, he was prevented from I guess transferring to another police force, which is what he wanted to do for family reasons. So for a minor error like swearing at someone, he was deemed I believe the remedial guidance said along the words



of, "I know this is a stressful situation, just try not to swear." But for that investigation to take a year and a half, this is what we're talking about. So it's not a direction, it's a - it was seen as a way that you could get I guess persecuted in a way from Professional Standards Command.

That attitude, I think you described it as your "cohort"?---Yes.

You meant, not your training group 129?---Yeah.

The patrol groups that you were in in Alice Springs?---the Alice Springs Police Station. I worked with a number of patrol group teams. I think I initially worked with three patrol groups out of the five, but I tried to work with as many patrol groups as I could so I had a large base of understanding of the general feelings in the Alice Springs Police Station.

Okay. It sounds like, from what you're describing, those feelings were not just amongst the junior crew, you were getting that vibe from the sergeants and senior sergeants as well. Is that right?---Yeah, yes. And I can - I can't speak for upstairs. The highest-ranking person we had downstairs at the time, I think it's changed. He was the OIC of the station, and he was only a senior sergeant, I believe.

Who was that when you first started in Alice Springs?---There was multiple - - -

Okay?---It changed a fair amount, yeah.

That's helpful. When you talk about upstairs/downstairs?---Yeah.

Can you help us with that? So downstairs is the most senior - the senior sergeant, OIC of the station?---Generally. So OIC of the station had the office downstairs on my floor, general duties' floor. Upstairs detectives and above. I'm not really sure - - -

Okay?--- - - - how the go is up there.

So you mean literally upstairs/downstairs?---Like literally floors of the - like - - -

But it also meant - well senior management were upstairs and - - -?---Yeah, they were physically located upstairs.

So you said detectives and above. Is that right?---Generally, yeah.

And is it fair to say then from what you've told us that when you first started at Alice Springs at least, that resentment about the use of body-worn video and the way it might be misused by the PSC was from the senior sergeant rank downwards?---I can't speak as like confirmatory as that. But it did exist amongst ranks from constables to senior sergeants. But I'm not speaking for every senior sergeant. I'm not speaking for every sergeant. I'm not speaking constable.

Sure. But certainly enough that you detected that there was a culture of - - -?---Yeah, correct. And I think that would probably - you would probably find that in any police station where body-worn roll out.

But in Alice Springs, because of these particular issues with the PSC, that suspicion lasted at least a couple of years. Is that right?---Yes. I think at some point, the general orders changed to say something - and I don't know, this could have been after I left, but the general orders got stronger and stronger to the point where you started having to use body-worn video when you used a police power. And then I believe it may have even got to the point where you had to use your body-worn if you want to step out of the car or interact with a member of the public. But the rules got stronger to the point where it was enforced. It was enforced, I think you would have seen when it came out initially, there was no real strong guidelines about when you had to use it, I think.

But certainly, I can take you to this later, but by March 2018, there are internal circulars that advice being given aren't varied in relation to body-worn video?---Yeah, correct, I guess, because there were a number of incidents where people, including myself, weren't using body-worn video, so they had to get harsher and harsher about being more prominent about it.

I might come to that at the relevant time, but you have clarified the general feeling; 20 to 30 percent of the population in the Northern Territory are Aboriginal Australians and you've given evidence previously that you hadn't had any significant relationships with Aboriginal Australians or haven't had much of an opportunity to get to know them other than your work in the Army. Is that fair?---In the Army, I had a number of Indigenous mates, yes.

In answer to a question I asked you before about whether or not you were interested in the NT in particular or just any police force, I think you said, "Any police force." NT effectively was the first one to offer you the job?---Yes, but it was my last preference.

Sorry?---I think it was my last preference.

Your last preference?---Yes.

What was your first preference?---Probably would have been Queensland.

Why was NT on the bottom of the list?---I had never been to the NT before. I may have flown through Darwin, but I'd never been - it was the unknown. I basically just didn't know anything about it.

Okay?---And I'm - if I'm looking at somewhere that I would like to live, it's got a beach and mountains and forest, so it's just forest. So it's just basically the landscape I'm looking at, not desert.

Twenty to 30 percent of the population in the NT are Aboriginal. Were you interested at all in living and policing in an area with such a significant percentage of Aboriginal

people, or is that not something that was of interest to you?---I honestly had no consideration about what race someone was where they were living - where I was living, sorry.

In the November 2022 sittings when you gave short evidence, I asked you about cultural training or cultural conferencing?---Yeah.

And you said, "It was a small block."?---Yes.

And I reminded you that on 30 June 2016, you're recorded as completing an element of training called "Respect, Equity and Diversity online training"?---Yeah.

When I asked you what that was, you said, "It was pretty self-explanatory. It was teaching us about elements of respect, equity and diversity in the workplace and in the public?---Yes.

I just want to give you an opportunity to expand on that, if you want to. Is there anything else you want to say about that?---No, there's not.

It's a pretty basic proposition, isn't it, that you engage respectfully at all times, wherever possible, with members of the public as a police officer?---Yes.

Regardless of their sex, cultural background, sexual preference, lifestyle choices, et cetera and (inaudible)?---Yes.

You didn't have to be told in an online seminar by Northern Territory Police that you should respect people and respect, equity and diversity, did you?---No.

It must have been obvious to you before that online seminar that it was unacceptable for a police officer in the Northern Territory or elsewhere to use racist language?---I would say it's unacceptable but accepted in the Northern Territory Police, if that makes sense. I know it's confusing, but - yeah.

I'm going to ask - well her Honour is interested is what you say about that rather than me, so can you explain that?---I believe you've had a lot of evidence today that a lot of people in the police force, a lot of witnesses haven't heard or seen racist language in the police force or used in the police force. That's surprising to me here. I haven't seen a lot of racist behaviour per se in the police force, but racist language was utilised nearly daily. Look how (inaudible). Racist language was normalised in the NT Police Force. I think it would - do you know - you know Todd Tavern down the corner. You know how there's a section of Todd Tavern that's generally known as Aboriginal only section. Did you know that or no?

MS DWYER: Aboriginal owners (sic) section?---Aboriginal only section. Did you guys know that, or is - that might just be a police thing. So there's a section of the Todd Tavern that's - there's a section of Todd Tavern that's open between 10 am and 2 pm, or at least it was when I was here. Then there's the rest of the Todd Tavern, which I believe opens a bit later. It's a pub, pokies thing. That section of the

Todd Tavern is - are called by, basically, the whole police station in Alice Springs, and I believe to the point where it's mentioned over the radio, as the "Animal Bar," because it's an Aboriginal only bar. I guess, in the muster room, there could go – I could hear something racist said nearly every day. And the evidence that I've heard so far from people that have - it's only an Alice Springs thing is, I would say, completely wrong. So the NT Police is a small police force, comprising of about 1500 people. If there's a group of people doing something in Darwin, generally, we hear about it. You've heard evidence about the Territory Response Group and how professional they are and they are the tip of the spear. And from the Territory Response Group, a number of those members always have high ranking positions in the police force. I believe Assistant Commissioner [REDACTED] who was sitting in earlier, Superintendent [REDACTED]. He's, I believe, I - last I heard he was in charge of [REDACTED] and he was over in England, in formal recruitment. And [REDACTED] obviously gave evidence here before. Up until recently, the Territory Response Group had an annual party, where they would issue awards to some of the members. Generally, they have about 35 members and they have an annual party, maybe other police go and they - amongst the police force, we had heard of this award and we knew it to be called the "Coon of the year award". But the actual award, as I'm made aware, is called the Goonarda(?) award for the - for exhibiting the most coon-like behaviour of the year, and the staff would make the recipient dress up in a toga, and they would give him a wooden club with some nails in the end of end, which would often live above the TRG cave door. And this is accepted and this is known about by multiple people who have given evidence here, and multiple people have lied about it. And the people who have taken part of it have their way up into the executive. And as you said, culture starts at the head. And then a small place like the NT Police, we're going to hear about this kind of stuff, and this does become normalised, to the point where we've even heard about [REDACTED] getting kicked out of a restaurant in town, an Asian - a Chinese restaurant for abusing the staff. Apparently, they were slow, so he hit them up about being - if they're still angry for what we did to them in Vietnam. And his response to that, when being asked by a witness who was there recently was, "Ah we've just moved on from that." So I find it quite strange that the evidence so far that you've heard is that there's no - that racist language hasn't been normalised by the NT Police. I could go on. Like, you even have Colleen, NT assistant commissioner, she's recorded as calling someone a "fat gin." She spent how many years in the NT Police. I'm not saying that she's the only one; I'm just saying, like, she's an NT Police Assistant Commissioner using racist language. Racist language is used everywhere in the NT Police.

Just stick to what you've heard though, Mr Rolfe, can you tell us - - -?---So I've used - - -

What you've heard. I'll come to your - - -?---So obviously I've heard about all that award. We talked about that.

Were you present for any of these - - -?---I was not in TRG, so I didn't attend the annual party.

How did you hear about it?---Through other TRG members who have gone throughout the police force.

Any of them who've given evidence in this proceeding?---No.

Any of them who are still serving members of the Northern Territory Police Force?---Potentially.

I'm going to ask Mr Coleridge to tear off a piece of paper and give it to you and ask you to write their names down please?---I might talk to my lawyer before this. The best person to speak to about this would be [REDACTED], if he was still in the room. I'm sure he's close by. He is - - -

Why do you say - - -?--- - - - (inaudible).

Why do you say that [REDACTED] is the best person to - - -?---Him or Superintendent [REDACTED] or, potentially, [REDACTED]. If they're willing to give evidence on it, and I just - I know there's a stream happening, so I'd remind them that there's photos and videos of this ceremony occurring.

But why do you say that they're the best people; because they're currently in the TRG?---Because they were there when the order was given out by - from what I've heard.

I see. So those persons who you named, you have had information that they were present at a ceremony (inaudible)?---Correct.

And when I say "award," I mean in inverted commas. What you mean there - - -?---What is called an award.

- - - mocking?---Mocking Aboriginal people, yes.

Right. Are clearly racist?---Hundred percent, yes.

When did you first hear about that?---This is whilst in the police force.

Pretty early on in your career in the police force?---I was only in there short - a short while. So when - I think within my second year, I started having interactions with TRG. So it could have been - when did I join IRT; 2017?

Yes?---So it could have been the first year.

All right?---Because in - within IRT, I started having interactions with TRG.

What about - I might take you back there over the break and have an opportunity to speak with you about it. But what about within the IRT, did you hear any of those attitudes pressed?---No.

So at the start of your training with the NT Police, I took you to that online seminar that you did - - -?---Yeah.

- - - you did some other training on cross-cultural issues. Did it occur to you then as a young recruit - - -?---Yeah.

- - - that you would hear that racist language?---No. But I guess, in hindsight, so I guess the normalisation of language against offenders would start in police school. For example, the first time I heard the word, "scrote" was a word described by recruit trainers in police school to describe an offender or a particularly dirty offender, scrote, i.e. scrotum. So I guess it starts there, and why that we start kind of separating offenders from everyone else. And language is used for that. I - - -

So I just want to stop you there. So you mean you started to hear this word scrote, used to describe offenders who were deemed to be dirty?---Yeah.

And then it started to become common usage for someone who was deemed to be dirty, regardless of whether they were an offender?---No. Generally, it would - sorry. Generally, that would be used as an offender. But I'm talking about how, like, the - like, that you take this one separate time down the path - - -

Okay?--- - - - to normalisation. So I guess it would start with that, like you utilise words to describe an offender. For example, if we went to - if the only - if we went to - if nine out of ten jobs we went to were plumbers, we would probably start talking a lot of shit about plumbers; just 'cause it's natural. But this is steps. Like, it would start there. It wasn't until we'd moved down to - or when I moved down to the station where, I guess, racist language would become more and more normalised. But in the NT it's a bit confusing as well, because in the NT, amongst the locals, we would utilise words such as - not we would - you wouldn't start it, but if you're engaging with people in town camps and stuff, it's often that they would use words like half-caste or quarter-caste to describe someone. Now, if I was to use half-caste or quarter-caste interstate, which I - actually, I have used after working here, because it'd become so normalised and it's accepted amongst people working on the streets, it's deemed very - like - or it could be deemed racist, I guess.

Sure?---But here, that kind of becomes normalised. And now I'm not making excuses for like the further words and that, but it becomes normalised in a way so it's a bit - - -

Okay. So let's put that to one side. I understand the distinction you're making there?---Yeah.

Accepting that you understand that quarter-caste or half-caste is a racist term. But you're saying - - -?---I'm sorry - - -

- - - used up here in a way it wasn't understood to be racist?---Well, I'm not saying it's a racist term, because the way it was used here was not in a racist way.

Okay. Let's put that one to one side?---But I - but I understand how it can get confusing, and you can go from saying there's - for example, I've never said quarter-caste or half-caste before moving to the NT. And then it becomes normalised for me to say quarter-caste or half-caste after working here. Which can be, potentially, deemed racist to say that, but it becomes completely normal.

Had you ever heard the term coon before you started working in the Northern Territory Police Force?---Yes.

Whereabouts?---I guess through - through schooling, through the Army.

Was it a term used in the Army to talk about Aboriginal people?---It wasn't used much but it was - it was used. But it - like, you know, it wasn't used much.

In a way though that was - that you became desensitised to it?---I guess slightly, but it wasn't until the NT Police where that, I guess, occurred. And I still wouldn't say that I'm desensitised to using it.

Come back to the station when you got here - - - ?---Yeah.

- - - in December 2016, and 2017, 2018, you - well you started working with the TRG through 2017, you heard - - - ?---Like me having interactions with them, yes, but not working with them yeah.

Having interactions, you heard about this party?---Yeah.

What language did you yourself hear the TRG use, if any, that was racist?---Well the same as across the police - like you'd hear the terms coon.

Coon?---Sand "N" word.

Okay - - - ?---You - - -

- - - I appreciate you don't want to say that word, you mean the - I think it's well understood - - -?---Yeah what's been said - - -

- - - I don't particular want to say it either?---On the text messages previously.

Yes?---Well there's a number of racist language in - that's said in - in the Muster Room, but again, it's multiple racist but yeah, speaking that language, yes.

How many of the - what percentage of the population who you were arresting were Aboriginal people?---Well I think the stats would put it about 96 - 96 percent I think.

So is it fair to say, that even if racist language were used about a number of different races, the most - for the most part, the racist language was about Aboriginal people?---Yes.

You have given us an example in the use of the term coon and the other word you used. What else did you hear when you got to Alice Springs?---I guess would be those two, gin, gin jockey, to talk about a white person, or a person of another race who would be sleeping with an Aboriginal. And then the animal bar was used every day. The animal bar was used every day to talk about we're going through the animal bar to look for a warrant, or someone's located at the animal bar.

So in terms of the use of those terms, you gave an example of the upstairs downstairs difference in Alice Springs?---Yeah.

Were those terms used frequently when you got to Alice Springs by sergeants and senior sergeants?---No, as I was - as I said I had less involvement with sergeants and senior sergeants. I'd be more amongst the commies, the constables, sorry.

Sure, the constables who'd been there for some period of time is that right?---Yeah I believe the more time, the more normalised that race language would become.

Did it shock you, that they were using that language?---I guess it shocked me to start with, but then as you said, you become desensitised with it.

Did you raise it with any of your superiors, you were concerned about the use of language?---No, never.

Were you ever concerned about the use of that racist language?---I was - I never saw it used at an individual, or at a - in public, I guess. I never saw it used in public, or directed towards an individual who someone was speaking to. And - yeah, no, I never raised it. I - yeah, at the end of the day, no, I guess the concern minimised to the point where I didn't raise it.

Okay, you've had plenty of time to reflect over the last couple of years?---Mm mm.

Do you think now you have more awareness about how problematic the use of that language is than you did when you were in the police force?---A 100 percent.

Can you tell her Honour about that?---Well I can only speak for my - myself. And I know that there - I know that there are studies that do show that it - the normalisation of that language can dehumanise someone. And as that's been used in the past by military's in war situations, it's utilised as a tool to dehumanise the enemy. I can speak from me only that - I can tell you that wasn't the case for me, but the fact that I have, for example, said "coon" in my messages, the fact that that's been made public, which would have caused hurt to a number of people, especially kids, who should have been able to trust the police force, like that kills me. So I'm sorry for that. But I can't take it back.

Do you - - -

THE CORONER: You've obviously reflected?---Yeah.



I can see that you're a big reader?---Yeah.

DR DWYER: Do - - -

THE CORONER: And you read things that challenge you as well, is that right?---Yeah, correct. I can - one of the messages that doesn't make sense is about that.

DR DWYER: Do you now accept that the use of the language in a police station like the racist language you've told us about, is likely to have had an impact on the policing behaviour of some of the officers in Alice Springs?---I can't speak on behalf of others, but if - yeah, I'd accept if it had. But I can't speak on behalf of others.

But you've reflected on the behaviour of some other officers in terms of the use of language. Did you see behaviour towards Aboriginal people that you thought was dismissive, for example?---I don't know. I - - -

Do you - - - ?---I - like I - perhaps people - there's certain situations - I've never seen someone treated differently due to their race. I have probably seen Caucasians treated dismissively and same goes, but if someone's treated dismissively, I would say it's generally because of the - how that officer is feeling on the day, not - because from what I've seen, not because of any like racial connotations, if that makes sense.

Do you appreciate, given the reading that you've done about dehumanising - - - ?---Mm mm.

- - - and the use of racist language, that there might be occasions where someone was just treated in a dismissive or even a rough way, where you didn't pick it up, but it was related to police attitudes?---With - there's potentially, but I can't say yes or not, but yes, potentially.

I note that we go on a break at 12.30, your Honour. Just in - before we do, in fairness to some of the officers that we've nominated, we are going to have to investigate those issues further?---Yeah.

I will ask you, whether it's admissible or not, we can deal with, but would you please take those papers Mr Coleridge gave to you - - - ?---Mm mm.

- - - and provide the names of officers who you say you've heard using that racist language?

MR ABBOTT: Well I will consider that request, on his behalf, and speak to counsel assisting as to whether it's appropriate.

THE CORONER: Well, it's being asked in examination.

MR ABBOTT: Yes, I know. There's a question - there's a question about the desirability of this happening, and there are other - I want to talk to my client about it, and - - -

THE CORONER: Sure.

MR ABBOTT: - - - he wants to talk to me about it as well.

THE CORONER: Sure, well - - -

MR ABBOTT: It's a contentious - - -

THE CORONER: - - - you can have that opportunity, Mr Rolfe?---Thank you.

MR ABBOTT: And while - while I'm on my feet, your Honour, could I ask about possibility of sitting extended hours to finish this man's cross-examination?

THE CORONER: He's in examination, and - - -

MR ABBOTT: I'm sorry - - -

THE CORONER: - - - we are sitting extended hours. We're sitting from 9.30 to 4.30, as I understand it, which is extended hours.

MR ABBOTT: Sorry - - -

THE CORONER: If - if it becomes apparent that we need to sit longer hours - - -

MR ABBOTT: Yes.

THE CORONER: - - - I would check with the availability of everybody, and we have - so start it at nine o'clock.

MR ABBOTT: Thank you.

THE CORONER: But we'll see how we go today and if that - - -

MR ABBOTT: Yes, yes.

THE CORONER: - - - arises, I'm happy to check that it's suitable for everyone, and to start earlier in the morning.

MR ABBOTT: I'm conscious of the assessments that were given by various counsel, and I'd like to make sure it's - - -

THE CORONER: Sure.

MR ABBOTT: - - - we adhere to it, if possible.

THE CORONER: I'm conscious of them as well, so, I'd like to adhere to them as well.

But we'll adjourn for lunch.

WITNESS WITHDREW

ADJOURNED

## RESUMED

ZACHARY BRIAN ROLFE:

THE CORONER: Dr Freckelton.

MR FRECKELTON: Thank you, your Honour. Your Honour, in the evidence given by the current witness some individuals names associated with the TRG were provided by the witness. The Acting Commissioner of the Northern Territory Police Force has been present in court for the evidence given so far today.

I can tell you that the allegations being made by the witness are being looked into immediately. But in the interim before it can be determined what other information should be placed before you we seek a non-publication order in the same way that you've provided non-publication orders in respect of comparable situations in the past.

THE CORONER: Just the names.

MR FRECKELTON: Just the names, only the names. There are three names that you will recall, your Honour.

THE CORONER: Yes.

Does anyone wish to be heard in relation to that?

MR BOULTEN: There was one person who was named by reason of their position or rank but not otherwise but there is only one of those people.

THE CORONER: I don't think we have a timeframe in relation to any of this and so I don't think there is any need to suppress ranks. But to allow the matter to be properly investigated the names that were mentioned in relation to the TRG awards, there will be an interim non-publication order until further order of the court.

MR FRECKELTON: Thank you, your Honour.

MS DWYER: Just to clarify, it's just over the names. Not the facts that there was, not the allegation in relation to the fact of the award.

THE CORONER: No, it's just the names of the individuals.

MR FRECKELTON: Thank you, your Honour.

THE CORONER: Yes, Dr Dwyer.

MS DWYER: Mr Rolfe, in respect of those three names, I'm obviously not going to ask you to give them again, but just to be clear you haven't heard any of those three people use racist language yourself. Is that right?---No.

Have you heard that they were present at the time of these awards?---Yes.

And in terms of who you heard that from are you prepared to give the court those names so that it can be properly investigated?---No I'm not but I guess if the, I guess if it's investigated and denied then I believe those members who have spoken openly about it would be willing to come and give statements.

So they are?---So at some point yes but it may be down the track. Does that make sense?

So I'm asking you the question. You can refuse to answer it?---Yeah.

I'm asking you to provide, and you can do it confidentially, Mr Coleridge will provide you a piece of paper, the names of the persons who told you that information just so that we can properly investigate?---At the moment I'm going to say no. That'll be up to them if they're willing to come forward.

So you're currently refusing to answer that question, is that right?---Yeah.

MR ABBOTT: He's given his answer and he's not prepared, at this stage, to give the names.

THE CORONER: We can come back to it.

MR ABBOTT: Yes, I would have thought.

THE CORONER: We can come back to it if need be.

MR BOULTEN: Well, we want to make it very clear that the commissioner wants this investigated and we'll use all endeavours to do so. And if this witness were prepared to assist in a candid way that would be appreciated for the conduct of the investigation.

But instead he appears to be trying to conduct some form of negotiation about it. We say to your Honour that is most unfortunate but nonetheless what can be done will be done.

MS DWYER: What I understood, before I move on from that, what I understood you to say that if there is a denial from those three persons that you mentioned that they were ever present that it's your belief that people who told you about it would be prepared to come to this court?---Yeah, yes.

THE CORONER: Just so we can be clear, are you able to provide the year that you were informed that this occurred?---I believe I started working, not working with, but I think it'd be 2017/'18.

So it was either 2017 or 2018 or do you think the awards happened on both years?--  
-From what I heard, again I was never in attendance at the ceremony, the awards  
between approximately 2013 to 2016 had that wording that I said before. I believe  
the award still exists in some sense now, but it's just called something slightly  
different. Like for example, "The Goonarda award" rather than the rest.

And where did the awards take place?---Again, this a question for them, I only heard  
about it - - -

But where did you hear it was taking place?---I believe at the annual TRG Christmas  
party, or not Christmas party, but the annual party, that was potentially a Christmas  
party.

And did - were you told where that Christmas party took place,  
physically?---Potentially at the cave, where they work - - -

So where they - - - ?---Sorry, the - went into the Peter McAulay Centre.

Peter McAulay Centre in Darwin - - - ?---Mm mm.

- - - is that right? That's what you were told?---Correct.

You - - -

THE CORONER: And you also saw images?---I haven't seen any images, no.

You haven't seen any images?---No.

You were told there were images?---Yes, correct.

DR DWYER: And videos? Or just images?---Both.

So the same people that gave you those - the names, told you that there were  
photos and videos - - - ?---Correct.

- - - is that right?---Yes.

But you never asked to see them?---No.

And they never volunteered to show you?---No.

Did they tell you where they'd seen them, or how they came about them  
(inaudible)?---They were in attendance.

When you were first told about that, you were a young serving officer?---Correct.

Were you shocked about that?---Yeah I guess I was, yes.

Did you think it was funny at the time?---I can't remember what I thought of it. I didn't think it was funny, I just thought it was - I thought it was strange that high level people would be taking part in it.

Was it presented to you, by the people who told you about it, as something that was amusing or shocking or funny?---I guess considered funny.

Considered funny?---Yes.

By the people who were telling you about it?---I guess by the people that were doing it.

And the people who were telling you about it?---I think they would have found it funny at some point, if not then, then they'd probably groan as well. But at the time, I - yeah, there wasn't - it wasn't shock.

Why were they telling you about it?---I think it's just - - -

MR ABBOTT: Well I object.

THE CORONER: In what circumstances were they telling you about it?---Just in random conversation, about - I guess random conversation. Nothing particularly happened, it's just conversation. If that makes sense.

DR DWYER: You mentioned before the break a story about [REDACTED] Police?---Yes.

At an Asian restaurant - - - ?---Yes.

- - - or a Vietnamese restaurant?---Yes, Chinese.

Which [REDACTED] are you talking about?---[REDACTED].

The [REDACTED]?---Yes.

[REDACTED]?---Yes.

Had did you hear about that story?---From a person who was in attendance.

THE CORONER: Yes.

MR FRECKELTON: Given what is being traversed is hearsay, and instructions will need to be taken, I ask for a non-publication order in relation to his name.

THE CORONER: Does anyone wish to be heard in relation to that? For the same reasons, to allow matters to be properly investigated in the administration of justice, I make an interim non-publication order in relation to that name.

MR FRECKELTON: No, in relation to this one, the name's probably not sufficient, and the rank would need to be included, your Honour.

THE CORONER: And the rank. And the rank.

MR FRECKELTON: Thank you.

MR BOULTEN: Could I just be heard briefly? I would - - -

THE CORONER: Yes.

MR BOULTEN: - - - submit that the time period is more important to cover the concerns, rather than the rank. The fact that the rank was mentioned did not become an issue until the person was identified. And as my friend rightly pointed out earlier, there are a number of people to whom that description may have applied to. And I would submit that the fact that a [REDACTED] said things, should be public, but not yet which one.

THE CORONER: Dr Freckelton, do you wish to be heard in relation to that?

MR FRECKELTON: The - for the order to be effective, your Honour, it needs to apply to the name and the rank. If the description is simply to a high ranking officer, that's tolerable. But anything which would tend to identify the individual concerned should be the subject of a suppression order.

THE CORONER: Sorry?

DR DWYER: I support Dr Freckelton, your Honour.

THE CORONER: Yes.

DR DWYER: I think that's fair. There are too few [REDACTED] for it to be meaningful unless that's the case.

THE CORONER: Yes. I will make the non-publication order to cover the rank in relation to this matter.

MR FRECKELTON: Thank you. And perhaps if it's put in terms of anything that would identify - tend to identify the person concerned.

THE CORONER: Yes.

MR FRECKELTON: Thank you - - -

MR BOULTEN: So high ranking officer might do that. So I would submit rank.

MR FRECKELTON: We'll leave it to your Honour.



THE CORONER: I'll leave it to the name and rank.

DR DWYER: So Mr Rolfe, just getting back to that then?---Yes.

Feel free now to explain how you came into that - to have that knowledge?---That knowledge. That was actually after the - that was during this process. It was I think - so obviously [REDACTED] came in after I was gone. That was after this process that one of the members, ex-serving members who was with him at the restaurant, told me that in the - or I guess the conversation came up that he was surprised that I was being painted as the - or a small number of us in Alice Springs were being painted as the only people that had used racist language in the police force. He was surprised by that.

And so when had the incident occurred?---I'd have to ask - he - this one I can write his name for you.

All right, would you mind Mr Coleridge to give you that piece of paper and you (inaudible) - - - ?---This is (inaudible) at the moment?

DR DWYER: Yes, I'll hand it up to her Honour and I'll ask it be marked for identification, and there be a non-publication order over the name on this piece of paper, for the moment.

MR ABBOTT: And that it be kept confidential from other parties to this enquiry.

THE CORONER: Well the matter will need to be investigated - - -

DR DWYER: Dr Freckelton will need to investigate.

MR ABBOTT: Yes, well he - that wasn't explained to my client before. He gave a - - -

THE CORONER: I think he was willing to provide this name which was separate to his unwillingness to provide other names.

MR ABBOTT: Yes, but I - anyway, it's a matter on - my client ought to be - I ought to be able to speak to him about it.

DR DWYER: I disagree, your Honour, with respect. And I ask that - I'm asking questions. You're actually - the witness is actually compellable in terms of answering the questions - - -

THE CORONER: Yes.

DR DWYER: - - - but he wasn't pressed on the last occasion out of respect, and to give everybody an opportunity to consider it. But this is an important matter that - - -

THE CORONER: It's an extremely important matter, and Mr Rolfe appreciates that, I am sure - - - ?---Yeah, this is a big allegation - - -

- - - even if he's sitting in - - - ?---So I think he's willing to - because this one is obviously a big individual allegation, I think this person's willing to talk about it.

Okay, then - - -

MR FRECKELTON: I'd like - so that this can be properly looked into, your Honour, might I and my legal team be informed of the name so that the investigation can be undertaken.

DR DWYER: In my respectful submission, that's appropriate so that it can be investigated.

THE CORONER: Does anyone wish to be heard any further in relation to that application?

MR BOULTEN: No.

THE CORONER: Then I am making a non-publication order over this name, save that it can be made available to the team, the legal team assisting - or appearing for NT Police. And for the purposes of any investigation that they are conducting in relation to what Mr Rolfe has said in relation to this name.

DR DWYER: May it please the court.

MR FRECKELTON: As your Honour pleases.

THE CORONER: But at the moment, it's MFI - - -

DR DWYER: MFI NNN, your Honour.

EXHIBIT MFI NNN: Note with written name by Mr Rolfe

DR DWYER: Before we move off the topic of high ranking officers - - - ?---Yeah.

- - - and your helpful evidence about understanding the whole context - - - ?---Mm mm.

- - - (inaudible) police, is there anybody else of a high ranking nature that you have - - - ?---No, not that I'm aware of. I can talk on - there's probably one more thing that's - can provide back, and a confusion within - in regard to racism within the NT Police, and then - and then that's probably me done on that, if you'd like to hear.

Okay, sure?---I guess the - there's a confusion in the NT Police and that was while I was there as well. I think it's again more apparent, just more easy to explain in the light of recent statement. So obviously this - these names are only recently, but it -

the same issues were there. So obviously just a few weeks ago, or recently, Chancy Peach and Natasha Fyles withdrew the alcohol bans, under - they said they were there - they were racists laws, which is obviously the same view that a lot of police officers hold. So the Chief Minister and the Deputy Minister stated that these laws were racist. And withdrew them. And then they put them back in place. And a lot of the police officers on the ground hold these same views that these are racist laws, yet they are made to enforce them. So on the back drop of that, it is fairly confusing to be a police officer in the NT at times when you're delving with that.

But is there anything confusing about the use of the term "Sand N" that you told us about, or "coon" or - - - ?---Sorry, no, completely - no, completely nothing confusing about those terms there. They should not be used.

So just before I move off racist language and we get on with other things, you were a young officer in Alice Springs. You arrived in December 2016. You're through to November 2019, obviously - - -?---Yes.

And we know about different patrol groups that you worked in and certain people who you worked with regularly?---Yes.

Did you come to hear that racist language used openly by sergeants in the Alice Springs Police Station?---Yes.

Sergeant Gall, for example?---Definitely not.

Sergeant Kirkby?---No, not either of them.

Sergeant Bauwens?---Definitely not Sergeant Bowens.

Never heard out of his mouth?---Out of those three, no.

Okay. We know racist text messages were exchanged with Kirkby and Bauwens, is that true?---I'm not - I'm aware of the ones with Bauwens for sure.

I'll take you - - -?---You'll take me to the Kirkby ones - - -

But you say you never heard that language?---Not out of their mouths, no.

All right. Mr Coleridge will give you a piece of paper. Can you write down the name of the sergeants who you did hear use that language - - -?---I would rather not just sit here and snitch on people.

THE CORONER: Mr Rolfe, this is an inquiry that has delved deeply into the culture of the NT Police Force, particularly in Alice Springs at the time you were a serving officer. We are very concerned to learn about how it is that racist language became normalised in the Alice Springs Station at that time?---Yeah.

And we are very concerned to identify whether or not there is a risk that it is still a normalised practice. If there are still officers from that time who are serving, who were commonly using racist language, particularly sergeants who have an influence over younger officers, then it is very important that we understand that?---I can - like, the only person - - -

MR ABBOTT: Your Honour, that - my client shouldn't be forced, as he says, to snitch on his former brethren in the Alice Springs Police force.

THE CORONER: This is not about snitching.

MR ABBOTT: Yes, is its, your Honour.

THE CORONER: This is about understanding the extents and breadth of racist language in the Alice Springs officer of the police and understanding whether that risk is still current, and if so, how we should go about addressing it.

MR ABBOTT: It may be, but my client should not be forced to give names when he doesn't want to. And in my submission, he's done a lot of - he's done much to help explain the situation in Alice Springs and the Northern Territory Police Force generally, and to go this one step further, when he doesn't want to, in my submission, in interests of fairness, you should insist on him doing so.

MS DWYER: With respect, your Honour, it is helpful and it's helpful for us to understand the context and the background issues. But in fairness to other parties, particularly in the Northern Territory Police, there will be need to be other investigators. Unless there are names given or further details, it's in - in my respectful submission, very difficult to evaluate that evidence.

THE CORONER: We have been thorough, as thorough as we can be in our investigation of these matters. When it has been raised by other witnesses, we have gone to great lengths to investigate the circumstances of that evidence. I don't see why it should be different for Mr Rolfe.

MR ABBOTT: It's not a question of difference for Mr Rolfe. Were other witnesses demand - made they should hand up names when they didn't want to? Or is he the only one who's been in that situation in this inquest?

THE CORONER: He's the only one who's offered that other people have participated in this kind of language and it - declined to provide information about who they are.

MR ABBOTT: Well, he's already provided a great deal of information. He's provided information about the upper echelons of the Northern Territory Police Force, and now he's being asked, in effect, to dob in his mates. And I submit, your Honour, he should not be forced to do that.

MS DWYER: Really suggesting that it's more important to have a culture where you don't dob in your mates that it is to have answer honestly to a courtroom, trying to get to the bottom of systemic racism or overt racism and how you might tackle it. That's a rhetorical question, but my respective submission is it's more important for your Honour to get to the bottom of it.

I'll just ask Mr Rolfe whether he refusing to answer that question?---I'll answer it if you make me.

THE CORONER: Mr Rolfe, you understand the purpose of this inquest?---Yes.

It is to understand the circumstances that may or may not in the end, I don't know - - -?---Yeah.

- - - have contributed to a series of events that culminated in the death of aggravation young Aboriginal man?---Yeah.

The inquest is concerned that racist attitudes may have, it's not yet decided, but may have been a part of the confluence of factors that led to that sequence and contributed to that sequence of events. I am concerned, as part of my function as Coroner, to try and identify those issues and prevent loss of life in future?---Yeah.

For the benefit of the public and also for the benefit of young police officers - - -?---Yeah.

- - - who are still joining the NT Police and who still might be exposed to some of the attitudes that you've told us you were exposed to and may have influenced the way you speak and possibly the way you behaved?---Yeah. I – I write this name down - I'll write this name down. Just for all the police watching on the stream, if you don't mind me saying that I never wanted to be in this position. Obviously, I did not want to be giving evidence; I think that's clear. But here we are.

MR ABBOTT: Can writing them down, can that be kept confidential in the same way that the last this was kept.

THE CORONER: Other than for the purposes of the NT Police carrying out an investigation.

MS DWYER: That's my - I think that's appropriate, your Honour.

THE CORONER: Yes.

MR ABBOTT: Okay. So I ask it be kept confidential - - -

THE CORONER: Yes.

MR ABBOTT: - - - the same - - -

THE CORONER: For the same order. The same order in relation to MFI NNN now applies to MFI - - -

MS DWYER: 000.

The last question on this that might make you feel uncomfortable, but your patrol group included people like Bre Bonney, Jen Zendelli(?). Their names have come up in the past, Mitch Hansen's. Mr Hansen's given evidence. Senior Constable Hansen's given evidence. Those three, were they officers that you heard start to use racist language?---I (Inaudible) so Mitch, I think it's Mitch and Jimmy - - -

Jimmy Kirstenfeldt?---Yeah. We've used racist language, yeah. The girls, no.

Bonney or Zendelli(?), no?---No.

Other constables and probationary constables that you've heard around the station used racist language. Is that your evidence?---Yes.

The thrust of your evidence so far, tell me if I'm wrong, is that you understood when you joined the police service that you would be required to show respect to the community?---Yes.

Fair to say that you come from a household where you're expected to respect people?---Yes.

You were taught respect in the Army - - -?---Yes.

- - - if you didn't already know it. And you got to Northern Territory Police Station, Alice Springs, and you anticipated that you would be treating people with respect?---Yes.

And when you got there, there was a culture where racist language was used that was surprising to you. Is that right?---Yes.

And that, effectively, infected your policing. I withdraw that.

It infected you in terms of you picked up that language. Is that what - - -?---In regard to the language, yes.

So you, effectively, embraced that culture where the language was used?---I wouldn't say embraced, but I would say that I am a product of my society or subculture and it did rub off on me, yes. But I wouldn't say embraced.

The body-worn video that you told us about, when you did the theoretical training for that I the six-month period - - -?---Yes.

- - - you understood why body-worn videos were used and you understood how to use them?---Yes.

When you got to Alice Springs, you found that there was this culture where there was suspicion around the use of body-worn?---Yes, I believe that was still, like – that was nearly portrayed during the body-worn training, in - - -

I see. So right – right from the time you- - -?---Right from the – right from the get-go there was a push back.

And that push back was obvious to you when you started at Alice Springs throughout- - -?---Yeah, definitely. Just some – some people embraced it, 100 percent. But for some of us no, there was definitely a push back.

And I think you've effectively answered my question: you said, "for some of us." So that culture infected you in terms of the way you used your body-worn?---Yes, definitely.

You've previously told an interviewer on 5 December that the reason you wanted to go to Alice Springs is to get the most experience in the quickest format? Or that – I'm paraphrasing. Is that fair?---Yes, that's – that's fair.

You said there that you heard it was the busiest station in the Northern Territory. You wanted to get into the deep end and learn your craft down there, where it was the busiest station?---Correct.

And where you'd heard it was the most volatile?---Yes.

At that time, were you already thinking about a career in the TRG, if possible?---I honestly can't recall. I think it was always a – like, a potential. But I didn't know enough. I can't recall.

It was always something that would have been a natural set – a natural fit for your skillset?---There were – yeah, I was always looking towards career progression, yes.

And that's- - -?---And yeah, sorry. To your last question, yes. Sorry, that is.

And the TRG was regarded by you as the pinnacle of the profession in the Northern Territory Police?---I guess in that tactical element, yes. Yes.

And something you were obviously interested?---Yes.

In terms of an induction in Alice Springs, you'd previously given evidence in November 2022 that there was no specific cultural training about Alice Springs and surrounds. It was more of a practical overview, is that fair?---I – I believe so. I think so, yes.

So you know now – or you would have come to know – that there are Aboriginal communities in and around Alice Springs, including Ltyentye Apurte, Mutitjulu, Yuendumu. Did you learn anything about the positive cultural experiences that you

might have in communities as a police officer?---I honestly don't remember, only because I wasn't called to positive jobs and because I'm not – because we were so busy, I didn't have time to – I was going from job to job and when I wasn't going from job to job, I was writing up jobs or catching up on work. So no one's calling me to positive events. We're only called to crime to negative events.

So- -?---I can't – I don't think so.

No one's calling you to do a job out there?---Yes.

To a positive event. So for example, you're not being asked to go out and assist to run the barbecue at a basketball competition in Yuendumu?---Yes, and I know there are police officers who do that, especially Community Police Officers. But I know there are police officers that do that stuff in Alice Springs, but I was – that was not my section.

Okay. So you didn't get to have any of those positive cultural experiences, is that right?---I had positive experiences often on the job, but none in a controlled or a – in a tasked manner, if that's – yeah.

And this isn't a criticism of you, but it wasn't part of your pastime to seek out access to Aboriginal communities?---No, it wasn't, no.

Do you think, looking back on it, that you would have valued an opportunity to have more positive experiences and engagement in community when you first started?---Definitely. I think that would be good for all police officers.

But none was on offer to you as a young recruit when you got down there, is that right?---Not that I can recall.

On 27 December, the very first year you started – your first week on the job, the Hugh River was flooding?---Yes.

You recall that's unusual for Alice Springs and the surrounds?---Yes.

There was floods. Two tourists got swept off the road and needed rescuing?---Yes.

According to the press, you and another senior constable and a member of the public jumped in to assist with the rescue?---Yes.

You, no doubt, knew yourself to be a good swimmer who could – and you felt confident in doing that, is that right?---Yeah, more confident than anyone else there.

The local press reported those acts as heroic acts, you remember that?---Yes.

Morning TV was out there, celebrating your actions. Remember that?---Yes.



And there were photos of – a photo of you and your other officers and you’ve told the Australian, when you were interviewed on 5 December, “I think it was good, less so for the recognition, but more so for getting into the police force and being able to help someone for real. That’s why you join up. The real jobs are few and far between”?---Yes.

Is that a sort of thing that you regarded as a real job in the police force, being able to rescue someone?---No, I think what I was talking about then was actually being able to help someone that does need help, or being – being able to help someone. A lot of the time we call up to clean up the mess and we’re actually unable to provide that help but sometimes, we can provide help that – for potentially is a – life-changing for someone. And a lot of the times, you’re just going from – you know, jobs – unfortunately, if we rock up to a home being broken into and we take your statement and then take some fingerprints and then leave, it doesn’t really give a sense to – I don’t think to anyone – that we’ve helped – we’ve done our job and – but yes. I’m talking about actually being able to make a difference in someone’s life, a positive difference. But not necessarily like, an adrenaline-filled difference, no.

All right. But it was obviously very satisfying for you at the time to think that you had been able to help those people trapped in the river?---Correct.

And at the time, according – what you tell the Australian – “The colleagues on the ground floor, GDs, it was all pats on the back. They knew when stuff needed to be done. I could step up. The brass was not too happy”?---Correct.

So this is just even in your first week or so, you’ve got the brass off-side, is that right?---Correct.

And you did you mean by “the brass”?---At that point in time, it was Virginia Read and Pauline Vickery.

What were their roles, do you recall, at the time?---I can’t – I seem to think they were both superintendents.

Were they based in Alice Springs, local?---I assumed so at the time.

Okay. How did you come into contact with them?---I was called into a debrief immediately after the job. When we got home late that night – because on the way back from the river, the river’s on the way back from – the Hugh River had flooded, so it took us awhile to get back. But we got back to Alice that night and we got called into a debrief. Pauline Vickery was there. That’s when I first came into contact with her. Unless I come into some minor contact with her in like, in the week previously. And – yeah. Gave us a bit of a smack and then I went from there.

When you say, “gave us a bit of a smack,” you’re using that colloquially. What do you mean?---I think we just got a bit of a rev-up up for our, I guess, risky behaviour.

And what did – what was – and do you remember what the rank was of - - ?---I still think she was a superintendent, but I could be wrong.

She was obviously a very senior officer at that time?---Yes.

And you, a newly-arrived probationary constable, what was she telling you that you should have done differently?---She didn't really tell us that we should have done anything differently. She just said what we did was wrong, so what I took that mean is that we should have stood on the side of the riverbank and watched these people drown.

Okay, so you thought that she didn't properly explain to you what you could have done, should have done differently?---Yeah, correct.

And what about Virginia Read? Do you – she was a very senior ranking officer as well, wasn't she?---Yeah, correct. So over the next couple weeks, I would start my shift – which would generally start with a muster room meeting – and I would – instead of me starting in the muster room, I'd get called upstairs to Virginia Read's office to get a bit of a – a bit of a talking to about my risky behaviour, and then I'd go and join the rest of the team.

Okay. How many times do you think that happened, that you were spoken to?---Probably at least – in her office, in that – probably at least three times. I ended up starting an NTPA member up there with me.

Okay. Did you get anything from it? Did you get any understanding from that about what you, as a probationary constable, could have learnt or done differently or – no?--The only – the only thing I got – I learned from that was – or that seemed to be the message was that I should have stood on the side of that river and watched these people drown.

What you say in your interview three weeks after Kumanjaya passed is, "They didn't like the fact that a probationary police officer took some charge as well on the ground, but it was just talk. It was just meetings." So you're saying that it was never explained to you at any stage why that was risky or riskier than another option which might have saved their lives but still - - ?---Yeah, correct. I don't know if it was a risky behaviour, but we had no other options. There was – so we'd driven out there, SES was on their way behind us. But as I said, the rain was still coming in. So as we were driving out to Hugh River, we were passing through dry creek beds that had now flooded and the water was still rising. So what had happened was SES had come out behind us to the point where the river had risen so quickly that they couldn't get out behind us. So we were basically out there by ourself. We had no communication equipment. We had no rescue equipment. The civilian had a rope. So we weren't really given any other options.

So from that time on – I take it from what you've told us that you didn't have much respect for what Virginia Read or Vickery told you in relation to that rescue for example?---In relation to that specific - because I guess my view of a police officer is

that you're supposed to put yourself in between the danger and the person that needs help. And then there seems to be police officers that don't agree with that if the danger is a bit too dangerous. But I think we sign up as police officers to stand between the person that needs help and whatever they need help from. So I got the impression that, yes, that's what these officers believed, unless the danger is a bit too dangerous and then we will let the person deal with it themselves.

But weren't they saying to you, in effect, you should have waited for further instruction. There was a way to ensure those people were safe and still not put police lives or other civilian lives at risk?---No, they weren't saying that, or they never did say that to me. And I guess the issue of urgency was - and I haven't explained it, I don't know if there's a need to explain it too much - when we arrived - so these two tourists had driven across the causeway in their little hire car. The hire car had been swept off the causeway and the car had been swept approximately 200 metres down the river. The car had then become stuck against a tree, but the car was submerged because the river was so high. The woman managed to punch out the back windscreen and use the boot divider similarly to like a boogie board. Turns out that she couldn't swim. So her partner managed to climb the tree that the car was stuck against. But looking at the water - and then she'd gone out of view. She'd ended up getting sent down the river like seven kilometres. The partner, when asked - he couldn't speak English, but I saw him and he was under the - he was cold; he was shivering. I could see in his eyes that he was about to give up and let go of that tree. And it seemed to me that he was of the belief that his missus had died and he'd been responsible. And it seemed to me that within a very short period, he was going to give up and I was not going to watch there - stand there and watch him. Watching the river at the start, I remember Sergeant Jamison believed that we should go and search the river for the female first. And I told her, looking at the river, I said, "There is no way she could have survived this river, even if she was a swimmer, we need to take the wins that we can and we need to save this one life. Better save one life than none.

So was anybody giving you instruction there?---We were discussing what the potential - because everyone was pretty much dumbfounded. This is a water rescue that needed real life specialist equipment that we did not have, the police aren't trained to do what we did.

You were with Acting Sergeant Jamison. Is that right?---Yes, yeah.

And so she was more senior of the two, but you two were working it out together. Is that fair?---Yeah, correct.

And did you - was it your view, and I'm not being critical of this, was it your view that you had superior skills in terms of rescue which might have meant that you were more likely to be able to save the person?---Yes. And then I think it - like I didn't take charge. I think it was merely given after discussion. I told her what I thought we should do. She and the rest of the patrol group agreed with me. And then we did that and then we saved two lives.

Were you the more junior of the officer - the most junior of the officers there?---The very - yes, yes.

And was she the most senior?---Yes.

How many police were there?---I think six or it might have been an uneven number, but six or seven - or five or six, or six or seven.

So it's fair to say - - -?---There's a photo of it. That whole - however many photos - people in that photo.

Okay. You're referring to a photograph that was in the press?---Yeah.

"Officers to the rescue"?---So maybe five.

So you were used to taking - assessing a situation and taking control from your time in the Army?---I was comfortable with taking control.

But at no point in time did the bosses, in terms of Vickery or Read, recognise what you had done here as being a positive thing. Is that right?---Correct.

And you got multiple bravery awards which it's clear?---Yeah, correct.

March 2018, the National Police Bravery Award. October 2018, the Australian Bravery Award from the Administrator of the NT. April 2019?---I didn't get police bravery.

Australian Bravery Medal from the Administrator?---That's an Australian one, not a police one.

Not a police one?---Yeah.

Canberra Times reported on an award from the Royal Humane Society's bravery award. How did those awards come about?---Well, one of the people - so when we rocked up to the causeway, there were cars banked up on either side. So it turns out one of those cars, I think was an ABC reporter. That's where the photos came from.

Okay?---And then I guess it got public attention. Someone who was on some bravery board, part of the government, I guess the investigates and puts you forward for an award.

That obviously must have been very gratifying to you?---Like it was nice, yeah.

Well awards are something that are important to you, aren't they, giving your career in the Army?---No, we really just get - I just got participation awards in the Army like.

This was a pretty big deal though, wasn't it? There were various ceremonies. There were photos in papers. There were endorsements. (inaudible)?---Yeah, correct.

But that's not why you - you don't do it - I didn't do it for the awards. They're just a nice side-effect.

But at no time, is your evidence, did you get an award from the Northern Territory Police?---Correct.

And you thought you should have done?---I think if you look at it logically, then yes, because I believe Sergeant Jamison and I - and I could be wrong - but I think we're the only police officers in Australia that have received a bravery medal, received a national bravery medal for an incident on duty without receiving any commendation from their police force. I think we would be the only two that that's ever occurred for. So logically, yes. Again, I am - I could keep going.

It was an example, wasn't it, of seeing it as the brass not understanding what you felt it was like for somebody on the ground and what you needed to do?---My frustrations at the brass came later in this incident.

You remained frustrated with Vickery, didn't you, throughout your career?---Well, I think what happened, if we go to the frustration in that incident was not so much that - I'm actually happy to be left alone. I'd rather be left alone than anything, but what happened was prior to one of the awards ceremonies, I think the main one, the Australian Bravery medal, one of the people on the board that puts you forward for this medal, he actually came over to see me and he warned me out and he said something along the lines of, "Hey mate, just want to let you know, the description of what you did tomorrow when it's written out is going to be a bit different and I can't have your face showing any surprise. We've had to - as part of our investigation, obviously we spoke to the police on the ground, they spoke to the two tourists and then they had to get a report from the police. He said the report from the police does not match what occurred. So obviously in summary, the report was - like we joint - the three of us jointly, myself, Sergeant Jamison and the civilian, we worked together to save the first man. And then I swam or traversed approximately five kilometres down the river where I found where the woman had been swept to. I swam back across the river. She was all busted up. Grabbed her on my back, found a smaller part of the river that I could swim her across on my back and walk up. That's the summary of the story. The police report was that I had waded into waist-deep water and called the tourist over to me. So the thing was a big strong. So then when I - so I guess that - when you're putting effort into - if you leave me alone, I'm fine. But if you're putting effort into actually negatively affecting me - and again, I needed to confirm that, so when I returned to base, or to the police station, I looked up the PROMIS job of the water at the river rescue and I found the case note entry of the police report and it was written by Superintendent Vickery - or whatever her rank was at the time - and it kind of confirmed that. So yeah, that was a bit - - -

You thought she deliberately downplayed your efforts. Is that right?---Yes. But then later in my career as I grew a bit, I thought potentially she was trying to protect me from like getting in trouble for risky behaviour, so I'm not too sure. She could have been trying to protect me in one way. Does that make sense?

But at the time, you were annoyed, were you? You thought that you were unseen or undervalued in that incident?---I just - no, I just think they put effect into negatively affecting me where it would have been less effort just to leave me alone.

Did that impact your trust in terms of the brass?---Yes, yes.

Last week, we heard from Sergeant Bauwens, the head of the Immediate Response Team, and so I'm just shifting onto the topic to ask you some questions about that. Just two months after you arrived as a probational constable; so the sequence was that you arrived, there's a river rescue and then February 2017, you submitted an expression of interest to do the training for IRT?---Yes.

Had you met Sergeant Bauwens outside the IRT?---I was only there for a couple of months. I believe I would have seen him around, but I wouldn't have known him well.

Okay. He's now someone who you've come to know very well through your work at the IRT?---Yes, definitely.

Is he a good friend?---Definitely, yes.

Was he a good friend even before you left the police force?---Yes.

And he's remained so since?---Yes.

In May 2017 you attended and passed the initial training course in IRT, is that right?--Yes.

And that was conducted by TRG officers?---Correct.

This is what you chose before you started to come into contact with the TRG officers in 2017 through the IRT?---Correct.

You passed the skills training for the IRT easily which is not a surprise given you time in the Army and your skills, is that correct?---Correct, yeah.

It won't surprise you to know that Sergeant Bauwens has a high regard for you?---No, it's good to hear, yes.

And he's someone that you have a high regard for as well, is that right?---Definitely.

Fair to say that he became an important mentor to you in the Northern Territory Police?---Yes.

Did anybody else in the IRT become an important mentor to you?---I think the more, like, generally the more senior people than me that would maintain that mentor role would be him and Paddy.

Paddy McCormack?---Paddy McCormack. Mike Williams before he left, yes.

There's somebody by the initials CV. We've given him a non-publication order. Do you know who I'm referring to?---Yes.

Was he someone who was a mentor to you in the Northern Territory Police?---I looked up to CV but I don't know if he, in some regards we probably looked up to each other in different areas. We were good mates.

But in terms of someone who you would regard as being able to teach you the tools of the trade that's what Bauwens was a bit like?---Yeah. Bauwens and CV as well, sure.

That about other mentors who you had in the Northern Territory Police Force?---Well, I looked up to Alistair Gall. Like, he's a very good police officer, very professional. There's a few but I don't want to name them because there's a lot of police officers who have been negatively affected by their connection to me so I don't really want to name. Is that all right?

Sure. I won't press you on that at the moment. What about Kirby? Was he someone who was a mentor to you?---He was one of my good sergeants, yeah.

In terms of your experience – I withdraw that. In terms of your assistance to the IRT you had a number of skills from the Army which I imagine gave you advanced skills weaponry compared to other people trying out for the IRT?---Yes.

And also house clearing?---Yes.

Tactical planning?---Yes.

Displaying leadership?---Yes. I don't whether that's taught or whether it comes naturally in practice but I don't know, yeah.

So that was a muscle that you had an opportunity to flex in the Army?---Yeah. No, actually, no. Definitely not in the Army but just within life. Because the Army is very much, for example, whereas in the police you can have, it's showing a junior officer can, an officer on the job can take charge or is allowed to take charge if they are the most experience. In the Army, in the Australian Army, no. You have your rank. You listen to your rank. You do as you're told.

You just gave an example of cue, the (inaudible). I mean, that's an example, isn't it, of where you took charge of a situation and showed leadership?---Yeah. So I'd say I had definitely utilised my leadership skill before the police but I would just say not in the Army. Not really.

You said you got an opportunity to do that in the IRT?---Yes.

And is it fair to say that you're an enthusiastic member of the IRT? You put your hand up for jobs, for example?---Not always but yes I would say I was more willing than others to attend jobs. But sometimes, as we've seen, I was tired and wouldn't go out on jobs.

Sure, but you had a reputation as a hard worker, always happy to help out when you could?---Correct. When I was at work I worked hard.

And did you assist with some of the training of the IRT (inaudible)?---Yes. Only at Sergeant Bauwens' discretion I guess is the word when he asked for it.

Things like house clearing, for example, they were skills that you had that you could teach others because of your experiences in the Army?---Yes, correct. House clearing and recognizance I guess I had high level skills in.

What about weaponry?---My weapon handling skills were better than average, yes, and I think I was able to assist with the instructor.

And by 2019 as we see in your messages you were sourcing equipment and assisting Sergeant Bauwens in that regard?---Yes.

It was clearly one of the more rewarding parts of the job for you the IRT, is that fair?--It was rewarding. I think the most rewarding part of the job was what I would say what I said before when you actually get a job where you get to help someone who needs help. And that is most likely in general duties but it was rewarding.

And good fun wasn't it?---Potentially. I guess the fun in the job comes not when you're actually on the job in question. It comes in the downtimes surrounding that job and we had a good team and we did have. When we worked we worked. When we weren't working we had good bands of good fun.

In terms of that sort of camaraderie, you described the camaraderie just then in relation to a place in the IRT, that continued throughout your time in the IRT?---Yes.

And was it the same in your patrol groups? That in terms of the police on the ground, describe in the Australian as the GDs, there was a good sense of camaraderie and that's the probationary constables, constables, sergeants?---I think generally there was a good sense of camaraderie. There's probably a number of police officers that didn't feel that level of camaraderie unfortunately. I was lucky enough to have a good enough group of people around me that I felt that camaraderie, yes.

We've heard that Alice Springs was a very young police station, lots of young police officers coming into it and a fair bit of transients at times. Did you experience that?---I guess it seemed that the recruits that were coming were getting younger and younger but it was my only station that I'd been in so I don't have a station to compare to it in regard age or anything like that.



Did you regard the IRT officers you worked with as a cut above the average GDs?--- Definitely they were a cut above. They had extra training but, again, it was only two weeks and then it was as we go. And you learn on the job at the same time. You learn the people that you're at. You sponge off them. So they were a cut above but by no means they're extra elite or anything. It was just that they were willing to do the extra. It's been discussed. It's a part-time role on top of your normal full-time role. They did get extra training.

And they were often the ones that were willing to work particularly hard, is that right?---They were willing to do the extra work, yes.

Were you one of the fittest and hard of working in the IRT when you were there?---I probably was the fittest. Hardest working just depends but fitness it's easy to shine.

The fittest?---Yeah.

Did you regard it as a steppingstone for the TRG?---I wouldn't say it was an official steppingstone but it was nearly obviously pathway to that. Does that make sense?

You applied back to the SAS in 2018?---Correct.

Was going into the IRT a way to keep up your skills so that you could reapply if you wanted to?---Yes it was and that's what I was talking about before. So I was out of the Army for a number of years but obviously when I was in the Army I had, I guess I had a good enough reputation that I was able to reach out to one of the members in charge of recruitment for the selection process for the SAS. And at that time I think I was just in a bit of a rut in policing and I wanted to have that sense of – you'll know the dates. I don't know if I'd applied for TRG yet by that point but either way I wanted another challenge. I wanted to get out of the comfort zone then so I was able to quickly, I guess, technically re-enlist technically in the Army and start that process for their selection.

And the IRT would have been a good way to keep up your skills?---Yeah. It wouldn't have been nearly enough for use different weapons but it was good. Like, slightly I would say but, yeah, it's a lot different.

It wasn't everything you needed to do and I don't need to ask you details about the SAS?---Yeah.

But certainly that level of fitness and extra training in terms of the equipment and house clearing, et cetera, would have been helpful?---Correct. It's always helpful, yes.

We heard from Sergeant Bauwens that were frustrations in relation to resourcing for the IRT. One of the aims of the IRT was to have a group of officers with tactical skills who could assist while waiting for the TRG?---Yes.

Was it your view that they should have had more equipment available to them?---I definitely think IRT needed more equipment and you would have seen that. To get a base level of really good equipment I think it was 12 of us or ten to 15 it was on paper. It was seen to get the base level of good equipment that we needed I think \$40,000 I found the cost order for.

You're referring, I think, to a text message that you sent to Sergeant Bauwens in relation to communication Vickery where you said on 20 March 2019, "Just talked to Vickey. Cost us 2000 operational rounds and gave her a heads-up about the quote. She's happy with about 40,000 which is wicked. It'll get us everything. So once I get the quotes complete I need the same quotes for the same shit she'll put through?--- Yes. So the rounds I don't, in my experience, getting rounds for training was never too difficult. But the - the second part of that message, the cost order, that was fairly difficult to achieve. But that's for as Sergeant Bauwens talked about the body armour. We were utilising, and by "we" I don't just mean IRT, I believe the police force in general had body armour that was expired, etcetera, that should not be used. Stuff like that.

That was something that you and Sergeant Bauwens pondered over, can I suggest to you, I'm saying that negatively, but you were - you were pretty frustrated about not getting the support that you needed from Darryl?---Yes, I think to have that unit without the correct kit, and especially without the right timing and training is incredibly dangerous.

Why do you - can you expand on that?---I think you're giving people a high level of tasking, a lot of responsibility. One, if you - well the most obvious is if you're sending people out with expired body armour, and it - that's not to say it will fracture, but it may, but - - -

Sure, and in relation to the - to the training, you're sending people into areas where there are high risk or higher risk, you are putting them - or you're creating a risk as to actually they're not properly trained for the job, correct?---A 100 percent.

And were you concerned that your group in the IRT was not being adequately trained for a high risk situation?---We were doing the best training for the timing that we were given, but we - everyone needs more time. The policing in general needs more time. I think we get one range day, we, I'm not a cop anymore, but I think it was one range day a year. Shooting is an extremely perishable skill. And that goes for IRT or general police officers. And yeah, we could go on for - we could go down the whirlpool with that.

(Inaudible) for (inaudible) and planning, and communication, all of those things need to have regular training don't they?---Yes. Yes, but in regard to like the perishableness of something - - -

By perishable, you mean that unless you practise those skills regularly they deteriorate, is that right?---Correct. So they're all perishable skills, but some, I guess perish a bit slower.

In July 2019, you texted somebody -

I might ask Ms Walz if she doesn't mind, just showing you MFI NNN?---Yeah.

And I won't put this on the screen. It's text number 314. And it's in relation to the equipment again?---Yeah. Thank you.

I'll just read onto the record so everyone understands the question. "Hey mate, you're probably hell busy. I'm a cop in Australia where we work - we carry Glock 22s, I was looking at putting a vortex red dot site on it, and an Olight PL2 Valkyrie. Not too fussed on the light, that just looks pretty good and not too pricey. Can't find a holster over here that'll sort that out, are you aware of any that will work? Thanks heaps man." Who was that person that you text?---I'd - I don't recall, it was not a person I know. It was a - I guess a supplier or a tactical professional, in that sense.

Okay, was it someone who you had met on one of the overseas tactical forces?---I don't believe so, but it - but it may, I just don't remember at the time. But I remember like looking into that.

Had you - did you listen to the livestream when Sergeant Bauwens was giving evidence?---I caught I think, most of it.

Okay, so you may recall his evidence on this, but a red dot site provides a point of site dot for pin-point accuracy in shooting?---Yes.

Particularly night shooting, is that right?---Yes.

And Valkyrie is a hunting torch is it?---From my recollection, the Olight Valkyrie is a small torch that you could fit on the base of your Glock barrel. The benefit of that would be that, for example, we done it before, and it's exceptionally dangerous, if you are looking for an armed offender in a house, at night time, without lights, and you don't have a torch on your Glock, you have - you've got your Glock in one hand because you're facing potentially a threat. Could be armed with a firearm, or armed with a knife. You have your light in your other hand, so when you're opening doors, you're blind. Does that make sense?

So had you - did TRG have these, do you know?---I believe TRG has similar - I'm not sure what brand they have, but I'm aware that TRG are allowed to have that. They should.

GDs are not is that right?---GDs are not. So I was - at this time, I think I was looking to be able to spend some money, ideal the police money, to get this, to put forward a - I guess a case file on why we should be able to use this.

Had you had an occasion where you had needed it and not had it available?---Only in training. I cleared houses with - looking for armed offenders who have just

stabbed someone and I would definitely have liked that, rather than having the torch in one hand, because then it's - it's exceptionally dangerous.

But did I just understand your evidence to be that you had had that experience in training, but not in a real life scenario?---Sorry, I'd had it in training. I'd definitely had the experience, but in real life scenario, clearing houses, I've cleared houses at night time with my Glock out and the torch out, and definitely needed - well, didn't need it, but ideally would have had the torch on the base of the Glock. I believe the police attitude, and they could be a 100 percent, correct me if I'm wrong, but I believe the attitude at the time was that the police - and I think the policing in Australia, this might be all over Australia, this isn't NT, is that if you put a torch on your Glock, some officers might start utilising that torch as a torch, when they just need a torch, rather than they need the Glock, and they might start pointing their weapons at people.

The Vortex red dot site allows you to pin-point an offender is that right?---It just makes shooting a lot more accurate.

And that's not a general duties option is it?---No, it probably should be, because the average accuracy rate I think in police shootings around Australia is less than 30 percent. So anything that can improve that should be accepted.

Did you ever raise this issue with Valkyrie or any of the (inaudible) in Darwin or Alice?---I potentially may have, but I - if I hadn't, I was looking - it looks like I was preparing to. But I wanted to have the stuff there set first.

Did you ever get - get a red dot site (inaudible)?---I don't think so. There was torches. There was a couple of torches available, if you found them, in some drawers. But I - we didn't have - again, as I said, you can put the torch on, but you can't then re-holster your weapon. So what you'd have to do is you'd have to draw your weapon, attach the torch, and then go to do your job, which is rarely going to be the case.

Did you ever put up a case for IRT to have red dot sites and Valkyrie?---I don't think I had yet. That was on - I was probably preparing to.

If you'd got access - I think you said earlier, you were hoping that the NT Police would pay for - would pay for those things?---Mm mm.

Did you, in the IRT, have an option of buying them yourself and fitting them to your weapon?---That wouldn't have been an IRT option, no.

Did you, at any time, fit anything to your weapon that was in - was additional?---I don't think so, no.

And in GDs?---No.

In the two years you were in the IRT, our statistics show that you had nine IRT deployments, including when Kumanjayi passed away. There were four in 2018, and there were five in 2019. Does that accord back there with your memory?---Yes.

You - so there were none in 2017, the year that you trained. You told us earlier about the culture shock you had?---Mm mm.

By the end of 2017, so a year in, no deployments to the IRT, you were pretty over it weren't you, in terms of policing?---I had - I had moments throughout the years. I definitely had rollercoaster moments where I yeah, got over it, yeah.

By August 2017, you were texting your mum, "NTs not for me." And she was saying "I get that." And then you messaged, "Just want war, but then also luxury"?---Yeah.

These are the early text messages, three - - -

MR ABBOTT: Can you read the number.

DR DWYER: Three to six, text three to six.

Why was the NT not enough for you, and that's the first one, or why was it not for you? "NTs not for me"?---I think honestly NTs just not the place for me. Again, I - I like the beach. I like the forest. It's not - it's not somewhere I'd choose to live. If I could do it - the same job here that I could do on the beach, I'd do it on the beach. Does that make sense?

But you go on to say, "Just want war", this is text - - - ?---Yeah.

- - - "But also luxury living"?---Yeah.

So what that sounds like is that there's not - it's not exciting enough for you in the NT, it's not enough adrenalin, not enough challenge?---I think I had more adrenalin here than anywhere else that I've ever had. I think if we - or I think the mistake we could make is reading too much into these messages, because the vocabulary I use is often not understood outside of the - my inner circle. So that's basically - what's that saying is that I want to go and do hard work. I want to do - I'm willing to do the hard work, but you get the dirty work to roll in the mud, but then I want to go live in a nice place at the end of the day. That's what I'm saying there.

Well you'd done the Trojan course overseas?---Mm mm.

You were then signed up, we know, in I think it was 2019 for another tactical course overseas?---Yes.

And you've obviously had an interest in the SAS, you've joined - - - ?---Mm mm.

- - - you've put in the application again in 2018. Were you thinking at that stage that what you really wanted to do was go back to the SAS, or go into some sort of tactical

fighter work?---Potentially yeah. At the end of the - I think - I guess one of the things that I really wanted about my career was a - was progression, or the chance to progress. And I believed - I'm not sure if I was - I think I wasn't getting the progression that I desired. In - on top of all this tactical stuff that I was doing as well, the reason that I went over to South Africa and did that course is because at that time, we were having an exceptionally hard time as Alice Springs Police Officers to get on to police courses. They were all generally ran up in Darwin at that time and it's cheaper for the police to give those courses to Darwin police officers, because then they don't have pay for accommodation. So at that time, there was a massive lack of – and flights. There was a lack of progression, I guess, and I was doing these courses externally because I had a constant goal to better myself to progress.

Just have a look at text message number 7. Again, to your mum. “Gonna go try and get in a fight. Have a good night, Mum”?---Yeah.

And she responds, “What did you mean by going to go try to get in a fight?” Were you letting off – did you often let off steam in that way?---I have no idea.

On 26 October 2017, you made an application to the Australian Defence Force for service in Special Operations Command, SOCOMD. That's the SASR, is that right?--I apply – yeah, look - - -

Commonly known as the SAS?---Yes.

So about one year in, you're looking for an exit from NT Police, aren't you?---Correct.

At that stage, it was plan A, SAS, plan B, police? Or did you – would you think you'd just exit altogether?---No, I – I guess, at that stage, plan A was still the police as I was in the police. Plan B was if I could pass the SAS selection course, then I could do – my – my goal was to take some leave from the – it's a three week selection course. Take leave, if I passed, I wouldn't come back. If I didn't pass, I'd come back.

Okay. 15 March 2018, you completed the Australian Army Special Forces entry test?---Yes.

That was a physical barrier test- - -?---Correct.

- - - for further selection. Did you pass that?---I passed that. I had a fractured wrist at the time, but I managed to get through that. But then the – the further three week testing was coming up and there was no way I could get through that with a fractured wrist, so I pulled out.

That was a further physical test, was it? The three weeks- - -?---Yes, three – yes.

Did you – you pulled the app. Did you do anything to try and keep that spot open or reapply?---No, there's nothing you – you have to wait till the next year.

That was – I see. So you could apply again the following year if you wanted?---  
Correct. I was invited to reapply. They were aware that I had an injury and they actually, at the time, were very happy for you to let them know rather than get there and again, waste time. If you have an injury, you're not going to pass.

You've already told us a little bit about what it was like for a young officer in the – in Alice Springs around that time. 2017, you're still talking about your first – well, your first and second year in the job. I think March 2018 you applied- -?---Yeah.

- - - for the special – Armed Special Forces. Because of that injury, you couldn't get in that year. So you were stuck there, effectively, in the NT Police. How were you feeling about the job at that time?---I think, again – you're going to see – you're not going – there's moments – there was definitely moments when I was – when I was not happy with being in the NT. There were moments, but the majority of the time, I loved the job. I loved the job, I loved being at work. It's just I wanted further progression and I wanted to move forward with my career. I believe, I think in – yeah, if you do a couple of years in Alice Springs on the street, your days, kind of, they're starting to become all the same.

Okay. So is this fair: that there was a sense of camaraderie and team work amongst the patrol group that you were with throughout 2018 and 2017?---Yes.

And the IRT offered you some good opportunities, but you didn't feel that you were progressing far enough with the police?---Yeah, that would be fair.

And you were getting fed up with the sort of work you had to do?---I'm not sure. I guess this – the reason why I ended up pushing – putting that energy back into IRT, for example, helping Sergeant Bauwens out, was because I figured if I – again, I was young at this point and everything is about growing up and getting some maturity. So when I realised that these are the cards I had at the moment and better make them – the best of them, started putting that energy instead of looking for an (inaudible), I'm putting that energy back into the NT Police.

Okay. So you mentioned that you're young. You were, I think, about 25? 26?---Yeah.

So that time. When you look back on it now, do you see yourself as someone who was significantly less mature than you are now?---I think every year I thought I would be a lot more mature. Yes, correct.

And can you look back and see that you were in a bit of a hurry to get where you wanted to go, to get that constant progress?---I can definitely see that, but I can – I can still see both sides.

In – on February – or in February 2018, you went to the GP in relation to your insomnia and you were prescribed some Valium. Was that impacted on your policing, insomnia?---When was that, sorry?

2018?---I can't really recall that. I've had – I have had trouble sleeping for years and years, yeah. So.

Did you have trouble sleeping throughout your time in the Northern Territory Police Force? Did it get better or worse at any- - -?---I would have had – at times when it was good and times when it was bad. There – the night – like, obviously, shift work affects everyone. But yeah, on top of – yeah, I just had – sometimes I had really bad time sleeping. Sometimes not.

I mention the February 2018, you went to the GP for that. You were prescribed Valium at that time. Just a month earlier on 11 January 2018, you were involved in the arrest of Malcolm Ryder. You recall that?---Yeah, yeah.

There's been significant discussion about Malcolm Ryder- - -?---Yeah.

- - -throughout the – over the course of the years. The – I don't need to go too far into the facts. The matter went to trial in May 2019 and I might circle back to that, but just brief, police attended a domestic disturbance on 11 January 2018. A male partner – a male person by the name Mr Polson(?) had allegedly assaulted a female person?---Yes.

You and four other officers attended the house for some minutes?---Yes.

Speaking to potential witnesses, and then you later into the house, correct? Police entered the residence and Mr Polson was arrested in a bedroom?---Yes.

As a result of his screaming his mum, Rebecca Hayes, and his stepfather, Malcolm Ryder, entered the bedroom. They were both sprayed with capsicum spray by Constable Geranios, do you remember that?

MR ABBOTT: Your Honour, I object to this. In terms of – we need a certificate, if there's an enquiry – this is going to continue?

DR DWYER: I don't think – I'll just – if I could my learned friend to wait until I ask you a question, I don't think you will need a certificate at this point in time, but I - - -

THE CORONER: If you - - -

DR DWYER: I'm conscious of the fairness issue, and I - - -

THE CORONER: Sure. So don't go past it.

DR DWYER: I don't intend to.

THE CORONER: And if you have any other concerns, I'll hear from you, Mr Abbott.

MR ABBOTT: Thank you, your Honour.



DR DWYER: On your version – which I’m not going to interrogate at this point – but in your version, Mr Ryder was tackled and ground stabilised by you?---Yes.

And you will recall that he received cuts to his - - -

MR ABBOTT: Well, again, he’s being asked to admit on his oath what his version was.

DR DWYER: His - - -

MR ABBOTT: And in my submission, it’s time for the certificate.

DR DWYER: All right. Well, we might just deal with the certificate, then.

THE CORONER: Sure.

DR DWYER: And then to avoid any further argument.

MR ABBOTT: Yes, thank you.

THE CORONER: I think I understand counsel assisting’s position, because this matter has been to court and evidence has been given.

MR ABBOTT: Yes.

THE CORONER: But I’m – I also understood your position, Mr Abbott, so let’s hear – we’ll hear from you now.

MR ABBOTT: Very well, your Honour. May I formally apply for a certificate.

THE CORONER: Yes.

MR ABBOTT: In my submission, your Honour, my client has ground to decline to answer a question in relation to this incident and indeed, all other use of force incidents which – which will be the subject of this inquest – on the ground that the answer may, will or tend to incriminate him.

THE CORONER: Yes.

MR ABBOTT: And in my spectral submission, it is expedient for the purposes of justice – and should be so – should appear to you to be so – that he should be compelled to answer. In that case, if he answers the question, then he should receive a certificate.

THE CORONER: Yes. Do - - -

MR ABBOTT: I expect that – I work on the basis that your Honour has been through this before and there's no point in me claiming at this stage that it's not expedient. It's just a waste of time, so.

THE CORONER: Well - - -

MR ABBOTT: I have cut to the chase.

THE CORONER: Sure.

MR FRECKELTON: Your Honour, I might just provide some information so that you're in a position to make an informed decision about it. In respect of the Malcolm Ryder issue, aside from the matter that – in which Mr Ryder was a defendant before Borchers J - - -

THE CORONER: Yes.

MR FRECKELTON: The issues were investigated by the Professional Standards Command and they found that excessive force had not been engaged in by Mr Rolfe. And on the 12th of January of 2018, Mr Rolfe was counselled by a watch commander for not submitting a particular form at the end of his shift. And on the 4th or 5th of October of 2018, remedial advice was provided to a number of members, including Constable Rolfe, for failing to activate a body-worn camera. So the matter was finalised at that point. The incident occurred on 11 January 2018 and finalisation occurred by October of that same year.

MR BOULTEN: What date was the finding of no excessive use of force?

DR DWYER: It was that couldn't be substantiated.

MR FRECKELTON: Yes, that's a correct way of putting it.

MR ABBOTT: However, I apprehend that he's going to be asked some questions in relation to comments made by his Honour, Judge Borchers which the effect of that will be to suggest that his account the basis on which the police acted in dealing with the incident should be looked at because it's just not true, to put it in a nutshell.

THE CORONER: Mr Coleridge?

MR COLERIDGE: While counsel assisting team's view is that the prosecution is unlikely in going to attempt to asking certain questions. We accept that the objection is (inaudible). I note the position that it is expedient in the circumstances of justice to uphold Mr Rolfe and the proposal to deal with this use of force incident along with the balance of use of force incidents.

Now, were there matters arising in respect of each of those use of force incidents that material distinguished, then it might be necessary for your Honour to consider them one by one. But I think we're ad idem that they are all sufficiently

similar and raises similar issues that your Honour can consider what is the expedient administration of justice in respect of (inaudible). I might just identify those incidents.

THE CORONER: Yes, please.

MR COLERIDGE: The first, of course, is the excessive use of force and violence by Judge Borchers relating to Malcolm Ryder. The second is, and I should say that the source of this list is a document that Mr Rolfe has provided the parties. The second is the use of force incident concerning Cleveland Walker. The third is the use of force incident concerning Albert Bailey. The fourth was the use of force incident relating to a child whose name, I think has been suppressed.

MR ABBOTT: That's Master G?

MR COLERIDGE: Yes, Master G. If the use of force incident relating to Antonio Woods. The sixth incident report relates to the Todd Tavern. The seventh (inaudible) and that's from the use of force incident relating to the Araluen Park. Now all of those should be well known to your Honour.

THE CORONER: Yes.

MR COLERIDGE: And the joining of my friend is expedient in the circumstances of justice noting the direct use (inaudible) granted and the end to which these issues (inaudible).

THE CORONER: Yes. And I also note that all of those issues were identified by Mr Rolfe's legal team and all parties here have been put on notice in relation to those objections.

MR ABBOTT: There is one more. Mr Madril(?) referred to in the Proctor report at page 36.

MR COLERIDGE: Yes, (inaudible).

THE CORONER: Yes.

MR ABBOTT: Bojangles (inaudible).

THE CORONER: Yes, so the matters identified on behalf of Mr Rolfe in submissions filed on 15 February 2024, par 22 subs (a) through to (h).

MR BOULTEN: The Bojangles incident has been mentioned at the Bar table.

MR FRECKELTON: Yes.

MR BOULTEN: But that relates to someone other than Mr Bailey.

MR FRECKELTON: That's correct.

MR BOULTEN: That's a different incident.

MR ABBOTT: Well, Bojangles is one that's also be - - -

MR BOULTEN: No, it's not.

MR ABBOTT: In that case, I'd ask that it be included.

THE CORONER: I'll just have that one properly identified in a similar - in the same way that you've identified the other matters.

MR BOULTEN: May I clarify whether this application relates to the witness' exposure for incrimination in relation to use of force or does it also extend to the suggestion that he lied on oath about the Ryder matter or other matters that were investigated?

MR ABBOTT: Both. I ask for this to cover both aspects.

MR COLERIDGE: Counsel assisting's submissions is there are reasonable grounds for that objection.

THE CORONER: Does any - I note that I have received some written submissions addressing this, but are there any further submissions that any of the parties wish to make at this stage?

MR BOULTEN: For the record, it is appropriate, in our respectful submission, for your Honour to issue a certificate.

THE CORONER: Thank you, Mr Boulten. Any other submissions? I note that there has been an application for what is commonly referred to as a "Section 38 certificate" under the Northern Territory *Coroners Act* in relation to a series of uses of force as identified in the submissions filed on behalf of Mr Rolfe. And in addition to those matters, a use of force at Bojangles which is understood by the parties to be referred to in the material under consideration in this inquest.

It appears to me that it is expedient for the purposes of justice that Mr Rolfe be compelled to answer questions in relation to the uses of force and any investigation arising following those uses of force and I grant a certificate in relation to both areas.

DR DWYER: Your Honour, just one matter, there is more than one Bojangles' incident, I'm told. It might not surprise your Honour. But it's my learned friend's application, I would just ask that that be clarified then. It doesn't need to happen now. It just needs to be the date of a project, because it's been referred to (inaudible).

MR BOULTEN: The material that I have at my fingertips, it seems it's 2 April 2017.

MR FRECKELTON: Yes.

THE CORONER: So the certificate covers that incident on 2 April 2017.

DR DWYER: May it please the court.

Mr Rolfe, I - - -

MR ABBOTT: Your Honour, could I please find - my learned friend did say that I made a concession that's fair. What I was saying to your Honour is that in all the circumstances and given your Honour's previous rulings, I anticipated that your Honour would find it to be expedient.

So, I'm not personally making a concession on behalf of my client, but it's expedient for you to come to that view. But of course, I put it to you that, in view of your previous rulings, that would be the course that you would, I anticipated, adopt.

THE CORONER: Do you wish to make any further submissions on that, Mr Coleridge?

MR COLERIDGE: I think I would like to better understand what Mr Rolfe's solution is. And if there's any opposition.

MR ABBOTT: There's no opposition.

MR COLERIDGE: There's no opposition, I see. All right.

THE CORONER: So I'll grant the certificate and as I said, it is expedient for the purposes of justice, given the issues that have arisen during the course of this inquest and investigation.

DR DWYER: May it please the court.

Mr Rolfe, the question that I put to you before and setting out the facts as a reminder, and I don't need to go into more detail than this, you understand that Mr Ryder had given a version of events that Mr Ryder was tackled and ground-stabilised by you?---Yes.

You understand that he received a number of cuts to his - two cuts to his forehead and needed 13 stitches in the Alice Springs Hospital?---Yes.

A complaint was later made by NAAJA. You understand that?---Yes. I can't remember it but.

Did you become aware of that in 2018?---For excessive use of force?

Yes, for excessive use of force?---I think so.

There was an ancillary issue identified in relation to your body-worn video?---Yes.

You gave some evidence earlier about - that's what I want to ask you about - you gave some evidence earlier about a culture in the Alice Springs Police Station that you came to know about of not turning your body-worn off because of suspicions in relation to PSC?---Yes.

Is that why you didn't turn your body-worn video on in this case?---Yeah, mostly likely, yes. I think you'll see there was - how many of us were in attendance, I think about five or six police.

That's - I think there were five police in attendance?---And one person had their body-worn on.

That's right?---So that's still in that time-frame of the kick back.

Okay, so what you're saying to her Honour is that at January 2018, certainly there was still suspicion and kick back against the body-worn video?---Yeah, definitely.

That's your explanation for not turning it on?---Yes.

In all likelihood, is that the - - - ?---In all likelihood, yes.

And are you also telling her Honour that it's likely to be the reason why three other officers alongside you, didn't turn their body-worn video on?---Yes. Again, not speaking for them, but likely.

Did you receive any individual feedback from the - about that failure to turn your body-worn video on at any time in 2018?---I've received, that I can remember, two sit down remedial advices from Alistair Gall.

Okay. Do you remember roughly the dates of that, if that jogs your memory?---No, sorry I don't.

There was an agency wide broadcast in relation to body-worn video use disseminated on 2 March 2018.

That's for the benefit of those at the Bar table, 18-21C.

And there was an additional divisional broadcast issued in Alice Springs by Acting Superintendent Pauline Vickery on 26 March. Do you recall broadcasts about it, in addition to the individual remedial advice?---Yes, I remember - not - not like obviously the details, but yeah.

So in spite of those broadcasts, was there still a resistance, a suspicion about it after March 2018?---Yes.

(Inaudible). And that was widespread as far as you could see, in

Alice Springs - - - ?---Yes.

- - - Police Stations? Fair to say this, you were on notice that it was an expectation of Northern Territory Police Force that you turn it on, but you were impacted by that broader culture and suspicion?---I'd need to look at what the broadcasts were back then. Because as I said, it changed. It became more, I'd say, harsh, the requirement, not harsh, but like it became more - the rules became more solid. So I don't know what the broadcasts said at that time.

Okay, well let's have a look at that. It's at 18-21C. That says,

“In a number of recent complaint against police investigations, it has become evident that members are failing to activate personal issued body-worn video, in compliance with the PPP instruction body-worn video. This can result in a lengthy and time consuming investigation, leading to outcomes unable to be negated or confirmed. This can place a lot of stress and anxiety on officers waiting for a formal outcome of complaints. Personal issue body-worn video is part of your accoutrements, and should be carried at all times whilst on duty. The roll-out is now well progressed, with nearly all members having received their personal issue device. Body-worn video has already proven to be an exceptional law enforcement tool, supporting prosecution processes, and protecting officers on the front line. Body-worn video footage is also an important tool in resolving complaints, and avoiding lengthy and unnecessary investigations. Additionally, footage from incidents can be used to identify performance and learning opportunities for teams and individuals to improve performance. Given the trends identified with the non-use of body-worn video identified, in complaints by Professional Standards Command and the Office of the Ombudsman, all officers will be required to explain why they haven't activated their body-worn video in adherence to policy, as part of the complaint investigation process.”

So that was a general warning, but - and I'm just reminded about this part, “The policy requirement is that body-worn video must be switched on prior to, and during any encounter, where you utilise a police power, unless impracticable to do so. Members should adhere to the specific operational scenarios contained within this instruction.” And then there's a reference to the instruction on body-worn video?---Yeah.

So it has to be used whenever you utilise a police power, which would include entry into a house, for example?---Correct.

Or an attempt to arrest a suspect?---Yeah, correct.

So that's pretty clear, isn't it?---Yeah, so I guess - well to answer your question before, there was - sort of despite this, there was still that kick back. And I guess the - the feeling at the time was perhaps officers would rather do the please explain, rather than deal with the - what I said before, like the complaint from PSE and stuff. But yes, it does say that. I acknowledge that, and yeah there was still that kick back.

What - what it seems to me as a lay person reading it, is that there's actually an effort to explain to police on the ground why it can help them - - - ?---Mm mm.

- - - rather than hinder them, and that why in fact, with the complaints, it can place a lot of stress and anxiety on officers if they don't have their body-worn video, because actually body-worn video can resolve a matter very quickly?---Yes.

Rather than the opposite of what you said before - - - ?---Mm mm.

- - - which was complaints can take a long time?---Yes.

So you're saying in spite of that, there was no trust in relation to this?---Well that's the biggest thing, there was no trust. And as I said, like I got to the point where I'd believed body-worn is one of the best things you can have, obviously it's definitely saved me, but it - that was from merely personal experience. I think - what are these called, broadcasts, there's probably better ways to go about that. Because I think there was a kick back station wise. It's probably better training and stuff to get people on side, but the broadcast was there, and many of us disregarded it, and many of us continued to not put our body-worns on.

Okay. There was another broadcast, which is at 18-21D, that Ms Walz will show you. That came through on 2 August 2018. It looks like it's an internal broadcast, which is repeating that earlier broadcast. And that came through in August. It appears to be a reiteration of those ideas, because there's still these ongoing problems?---Yeah.

Fair to say that accords with your memory that there was still that suspicion, lack of trust, throughout 2018?---Yeah, I get - yeah, so there was still that lack in trust, and I guess the - I guess the stick wasn't big enough to get people to wear the body-worns at this point. You know what I'm saying. But there was definitely still that lack of trust. I think there's probably the lack of trust between - not in regard to body-worn usage, but between the general duties and Professional Standards Command, it's probably still there.

Okay. So what about the advice that you were given by sergeants on the ground. Who you were travelling with. Was there a lack of trust from him as well? So it wasn't just the probationary constables and constables - - - ?---Mm mm.

- - - sergeants, obviously senior sergeants, also thought you're better off copping the complaint about not having your body-worn on than turning it on, the risk and the lack of - - - ?---Definitely can't speak on behalf of the senior sergeants. Didn't have enough interactions with them on the street. Potentially there was some stuff with the sergeants. I couldn't name names, or - - -

Well you just talked about that lack of - I won't ask you to name names - - - ?---Yeah.



- - - but you just talked about that lack of trust between officers on the ground, doing the hard work - - - ?---Yeah.

- - - and PSC. And this feeling that you'd be blamed for stuff that you - that wasn't fair and it would take a long time. What about from the sergeants (inaudible)?---I think they felt that lack of trust. But it also there was lack of trust in-between the general duties and the detectives, how there's like upstairs. There was - there was a time in our time in Alice Springs Station where that - that rivalry - well not rivalry, it was just an attitude and distrust between general duties and detectives. There's rules for general duties. There's no rules for detectives, it seemed, you see - like you'd see in the - the detectives that actually arrested me, none of them had body-worn on. So there's different rules for different people. So there's a lack of trust not just between general duties and PSC, but general duties and executive, general duties and detectives, at some point. We had some really good detectives that we (inaudible) being able to mend that relationship a bit. But yeah, there's a bit of lack - there's a lot of lack of trust going on in there.

What about for you as a young officer - - - ?---Mm mm.

- - - and your experience in Alice Springs for the two and a half years. Was there a - a feeling of lack of trust or resentment towards Commissioner - Assistant Commissioner, Deputy Commissioner, that sort of top brass?---There was probably not enough involvement at that point to even look at that level.

Okay?---I don't think I ever had any interactions with anyone above Superintendent.

Even despite the interactions, what about the general feeling about lack of support, or otherwise?---Lack of support, yeah I think that's fairly openly, like it's been established. There's a lot of feelings of that for sure.

Did that make - did you get the sense that Constable, Senior Constable, Sergeants, were resentful of - - - ?---Brass?

Yes?---Yes.

Including the brass up in Darwin, Commissioner, Assistant Commissioners?---Yes.

Do you think, reflecting on that then, more could be done, going forward? Outside your time, appreciate you haven't been there (inaudible) November 2019, that's important, for that level and that rank, to make contact with officers on the ground?---I think obviously that lack of trust, or that resentment from the - let's say the ground level troops, and I'm only - I can only ever talk about constable and sarg level. That is a symptom of the problem. The problem being, potentially, poor leadership. So I think the poor leadership needs to be address. If we actually focus on the symptom, you're not going to fix the problem.

DR DWYER: Well, where was the poor leadership coming from?---I think in just that lack of supporting members on the ground. That's where that feeling came from,

lack of support and members on the ground. You get in front of the media, you say the nice words but then when you don't act on it – I saw a lot of police officers who would, basically, just be dragged over the coals by Professional Standards Command. And it seemed to – it – that – that, in one of these broadcasts, mentioned that the stress can – the pressure that they put on officers near broke a lot of officers, or did break a lot of officers over extremely minor offending, which showed that all the nice words about the thin blue line, we have each other's back, is – was not true when I was in the Northern Territory Police.

And that was – fair to say then, from what you're saying – that you felt a sense of camaraderie with constable – senior constable sergeants, but everything from that rank up- - -?---Basically, I didn't have enough interaction with anyone from above that rank, so I felt no level of camaraderie or near-loyalty going either way. But in – when I mentioned detectives, I had some really good relationships with some detectives and we ended up working very well together, which is effective for policing in general in Alice Springs.

In terms of resentment toward the PSC or the leadership, did you detect that amongst the sergeants that you worked with?---Yes.

And that obviously impacted on your own attitude towards people in the department?---Yeah, I guess. And that – and that comes even further when, I think, you're being investigated by – for potentially minor offending by people who are in PSC who have criminal convictions or DVOs against you. So there's a lot of – 100 percent, that's resentment. If you're getting investigated for swearing or something like that but you're being investigated by someone who had a criminal conviction or a DVO who is in PSC or a history of domestic violence, you kind of go, "Well, who are you to – who are you to judge me?" Kind of thing.

So you regarded there to be hypocrisy amongst the PSC?---Yes.

And in relation to the body-worn video, or not turning your body-worn video on, did you think that that was not a big deal in terms of PSC process?---I – honestly, at the start of it, it seemed to be not a big deal because there was no consequences. And at the end of the day, it's – it's a fact that I'm not going to deny, there was a number of instances where I didn't put my body-worn video on and I got remedial guidance for. Remedial guidance is not a big deal. So yeah, I guess the answer to your question is, at the time I was in, it was not a big deal to not wear your body-worn video where it got to the point – sort of, in my own experience where – and I'm grateful for it – that body-worn video became – I realised how important it was.

You got remedial guidance on a couple of occasions in relation to the body-worn. From Alistair Gall is that right- - -?---Yeah, correct.

- - - on both occasions? When you were getting remedial guidance, you were getting it from someone you respected, is that right?---Correct.

And what – when he was saying to you, “Mate, you’ve got to turn your body-worn on,” did he suggest to you that that was a significant thing?---He did, and I believe on the second remedial guidance, it was – I believe he informed me that that was the last try, I believe.

That that was the last try?---Yes.

So that one made a difference to you, didn’t it?---That one made a difference to me for sure, but then I still hadn’t – I haven’t got that muscle memory in place yet. Obviously, because of my failings to activate body-worn video prior to that point. So there was still probably a number of issues after that. Also, there was a number of issues where I was being – it took a long time – because I either had let a – the sergeant in charge of body-worn video know that my body-worn video wasn’t working. It would last half a shift. So I would let him know that I was using other people’s body-worn videos that weren’t in the station, and I did not – I should have probably passed that up to, perhaps, PSC or Pauline Vickery or Virginia Read, who was in charge. I didn’t think to do that.

Are you saying there were occasions when you turned your body-worn video on, but it was someone else’s body-worn video?---Yeah, so there will be a lot of instances where it would look like, for example, there’s one police officer who was – on a long-term sick leave – was attending my jobs, but it was me wearing his body-worn video. And it becomes exceptionally hard to, I guess, decipher. Because I didn’t note on jobs, for example – I didn’t think to, because I just mentioned it was there – that during this job I was wearing this person’s body-worn video, for example.

You didn’t raise it with Pauline Vickery at all. Do you remember being spoken to by Pauline Vickery about this issue of body-worn video?---I remember being spoken to her about something, but I don’t recall the conversation. I – I accept it, but I don’t recall the conversation.

Do you remember being spoken to at any point about excessive use of force or concerns about people getting wounded or your- -?---No, I don’t recall that.

Between 26 July to 3 August 2018, you did your TRG selection?---Yes.

You passed with flying colours, is that fair to say?---Yes, correct.

And TRG involved the physical barrier test over two days?---Correct.

And did you learn anything new, or was it pretty much already under your belt?---That was all basically testing, for me, on things that I had previously learnt. I don’t think there was much teaching involved there, more like testing your trainability, for example.

You scored above the required standard and you were recommended to apply for future vacancies to TRG?---Correct.

So did – how long did you think it would be before you got the call-up? You completed that in August 2018?---Well, I was – out of the pool of people that passed the selection – I guess, the week and a half selection – it's – you are ranked on points throughout that selection period. As far as I was aware, there was no one in the pool outside of us – they were getting a fresh number, because no one was qualified for TRG. They needed some members in the spots. So the people in my pool that passed were the only ones that were qualified to get in. I topped the selection. In saying that, there was another police officer who had a past experience in Special Forces and privately – and I accept – and he was a (inaudible). So basically, he had more experience outside the spot – scoring less points, he had a lot more experience than me. So he got the next spot, which I was completely fair with. And I didn't know everything about the process of selection after this, but I assumed I would have gotten the next spot. I would have assumed it would have been a merit-based order.

Okay. And that was – your evidence is if it had been a merit-based order, you would have got the next spot?---Yeah, if it was based purely on points, I would have got the first spot but based on merit entirely and experience, he definitely deserved that spot and I assumed I would have got the second spot.

Okay. So by the time you had done your TRG training – just think back to it – it was August 2018, you had – you were ambitious to get out of Alice Springs?---Yeah, correct.

You had always had an interest in the TRG and you completed the course at – with top marks and you anticipated it would be a short time before you were appointed?---Correct.

Waiting for the TRG spot, you were obviously trying to still impress in Alice Springs, is that fair?---I was working hard. I don't know who I was trying to impress in particular, but I was working hard all – when I was at work, for sure.

Trying to be harder and stronger than everybody else?---I was trying to constantly improve. Yeah, for sure.

Being harder as a police officer was important to you, wasn't it?---I believe being harder as person is a potentially good thing, but I'm not saying about not being vulnerable and all that kind of stuff. But yes, I use the term, "harder" to – as a – a guess a scale of improvement.

Your arrest target was higher than the average general duties officer. Did you know that at the time?---Anecdotally, but I didn't know the stats.

Okay. You must have thought that would put you in a good spot with the TRG?---I didn't know if that would help me so much with TRG. I just thought that would help me – no, it would – it should have helped me with TRG with, I guess, recommendations from supervisors.

Okay. On 11 August 2018, police were tasked to locate a teenager by the name of Master G(?). You refer – you know who I'm talking about?---Yes, yes.

He'd run away from court and your role was to find and detain him?---Correct.

You did that with a group of other police officers?---Correct.

You lasered in on that and you tracked him down?---Correct.

You were particularly good at that, is that fair to say?---Yeah, I – yes. But I – it's not hard. I just – I just say it would be more – yeah. You have more endurance. That's – yeah. So it's not a hard skill, but you're fitter, if you are more committed, yes. And I was more so than others.

And you were more – you were fitter and you were more committed when it came to something like tracking down your man, you were good at lasering in on that job, weren't you?---If my task was to track him down, yes, I was good at that, for sure.

Okay. I'm going to show you that video. That's at MFI WW.

MR ABBOTT: Yes, well. We – we object to this.

THE CORONER: On what basis?

MR ABBOTT: On the basis of relevance, on the basis it has no part in the scope of your enquiry, what it is doing in this particular incident. You've – we say, your Honour, there's no link that can be demonstrated between this incident and any of the matters that you're inquiring into. Use of force on other occasions is said to be justified because, to use your words, they bear upon the adequacy of the Northern Territory's police force, supervision and assessment of Mr Rolfe. But we say, your Honour, that that's no real link at all.

If one looks at the issue of the adequacy of the police force supervision and assessment of my client, which my learned friend has already traversed in some of the questions, it, in my submission, bears no link up to that proposition, what happened on this occasion with this incident. And I say, your Honour, that the reasons that you've given in your rulings, numbers 2 and number 3, hardly support or show relevance when it comes to this type of situation. You said in your ruling – if I can turn to it – as I understand it, the – and I'll just find the passage and the ruling that I was referring to.

It seems to be that your Honour's in saying that it bears upon the adequacy of the Northern Territory Police Force supervision and assessment of Mr Rolfe, that he's in effect saying that the use of force – it must be the use of excessive force. Now, the judgment about these matters depends upon which end of the telescope you're looking at. In my submission, we have to – if these incidents are to go in, then we're looking at what is excessive force against a whole background of the

behaviour of the Northern Territory Police in these situations and why my client should be singled out, in my submission, there's no valid reason for doing so.

In this particular incident, as I understand it, this young person had absconded, a breach of bail had been reported to the police. He was arrested whilst hiding in a rubbish bin. And in my submission, the arrest was in compliance with the principles of arrest that my client had been upholding during his time as a police officer. In my submission, your Honour, there's no utility in going into this incident in the way in which it's planned, to provide some basis for some finding because it's got nothing to do with the death of Mr Walker that eventually took place.

THE CORONER: Yes. Mr Coleridge.

MR COLERIDGE: Thank you, your Honour. The first matter by way of response is to interpret your Honour heard submissions in writing and oral on the issue of use of force and ruled on them in ruling number 3 at par 72 through 77.

THE CORONER: Yes.

MR COLERIDGE: With respect, your Honour's reasons were persuasive and more importantly, your Honour determined the issue in circumstances where our friends wanted to know if evidence adduced in the interim calls into question the (inaudible). The result is that if there is to be some departure from that position, there really shouldn't be, oral new proceedings in the Supreme Court in the Northern Territory (inaudible) that Mr Rolfe is near a year's out of time now to bring such court proceedings and that evidence about this incident was produced from multiple persons on (inaudible) your Honour had (inaudible).

But lest it be necessary to speak to relevance of the episode, first the footage will speak for itself as to what it depicts. Secondly, in the ordinary way that a criminal court, any other court, civil, criminal might adduce tendency evidence, Mr Rolfe's interactions with offenders, or Aboriginal offenders that demonstrate that he has used excessive force might be (inaudible) to show that he had a tendency to use excessive force, to use force inappropriately or in other words, (inaudible) to rush into situations without regard for the consequences and in that way to increase the likelihood that force will be required.

Now, as to meet in advance a submission that might be made by my friends about circumstances of Kumanjaji Walker's case, your Honour cannot zoom in on the critical sections that occurred in House 511 and ignore everything that occurred up until that point in time. There has been criticism, which your Honour may accept or may not accept, about the conduct of the IRT in the leadup to their entering into House 511.

And in my respectful submission, that tendency would be relevant, not just to things that Mr Rolfe did or did not do, but his state of mind at the time he did those things. First – the first reason: direct connection, we say, to the cause and circumstances of Kumanjaji Walker's death. Second, your Honour, and it is no less

direct, is to assist your Honour to understand the adequacy of the Northern Territory Police Force discipline and supervision of Mr Rolfe.

Now, the relevance of that question was brought into sharp relief during the evidence of Sergeant Bowens, in my respectful submission. Given his evidence about what the standard operating procedures said about the circumstances in which superior officers even need or need to consider whether to stand officers down from (inaudible). If your Honour were to find that NTPF discipline and supervision of Mr Rolfe was inadequate or wasn't brought to the attention of people like Sergeant Bowens when these things occurred, your Honour might find that he simply wasn't suitable for deployment with the IRT on 9 November 2019 in light of this tendency. Or that the NT Police Force failed to consider whether he was suitable.

Each of those, in my respectful submission, are matters tied up directly with (inaudible) circumstances of Kumanjayi Walker's death. So in my respectful submission, the evidence is clearly relevant and even if it were not, this is a matter that your Honour resolved many months, if not a year ago in circumstances where there's been no (inaudible) decision.

MR ABBOTT: Well, can I make a very brief response.

THE CORONER: Sure.

MR ABBOTT: Your Honour, I'm concerned that having read your ruling number 3 and having heard what my learned friend said today in light of this tendency, that this is going to develop into a propensity case. I point out, your Honour, that there is no evidence that my client had ever fired his Glock before the events of the 9 November in terms of any incident. So we're not dealing with a propensity, obviously, to fire off a pistol. We're dealing with – if there is any tendency or propensity, so called, it's a propensity to, as my learned friend said, to rush into something, as it was described by one of the witnesses.

But when you're dealing with propensity, as Dr Freckelton said, a rigorous approach has to be adopted. And we're looking at a situation here where my client, on my instructions – and I'm told the evidence supports this – was the person who was involved in 3176 PROMIS cases throughout his career as a police officer in the Northern Territory Police. Of those 3176 cases, some 46 use of force reports were filed, not necessarily by him, but by others and some of the reports were reports of use of force by others at which he was present. So we're not talking about he has used force on 46 separate occasions. We're talking about 46 incidents where force was used by a member of the Northern Territory Police which required reporting in the normal circumstances.

Of those, five were taken by Mr Barram, two were apparently the subject of Mr Proctor's remarks and we're not looking, apparently, at some eight or nine in the course of this inquest. I say, your Honour, that if we are to go down the propensity line, then we've got to look at all the 3176 PROMIS taskings that he did because it's only by looking at the completely picture where you have any possible idea about

whether or not six, seven or eight incidents give rise to any rational conclusion about a propensity.

THE CORONER: Thank you. I have ruled on these matters previously in ruling number 3 in relation to how Constable Rolfe's use of force history may assist me in relation to addressing various issues in this inquest. One is whether or not he – Mr Rolfe had a propensity to rush in and potentially escalate matters or use force over and above that which others might use. Another aspect of it is in relation to whether or not incidences of use of force were appropriately addressed and considered by persons within the Northern Territory Police Service who were responsible for managing the behaviour of young constables, including whether or not they should be permitted to continue with, for example, the IRT or be sent out on IRT operations. In my view, for both those reasons, the issues in relation to use of force are relevant to the issues that I must consider and I allow the questions.

MR ABBOTT: Your Honour, may I make one final comment? I didn't intend to dissent from your ruling, because the words you used in your number 3 ruling were you accepted the evidence "at this stage." And I read into those words that you might entertain a further application like today at another stage.

THE CORONER: I don't think the evidence has changed substantially at or all in relation to the factors that make this evidence relevant.

MR ABBOTT: Your Honour pleases.

THE CORONER: Yes.

DR DWYER: Might that video be played?

DVD PLAYED

DR DWYER: Might – could they just pause that? I just note the - - -

THE CORONER: Sure, take the afternoon tea break? Is that what we're after, or? I note the time, it's 3:30.

DR DWYER: I think that's what the witness is asking for.

THE CORONER: We'll take the afternoon tea break. I – unless there is any issue arising for any of the parties, I do propose to sit through till 5 o'clock, with a possible 9 o'clock start tomorrow, Mr Abbott, on your invitation.

MR ABBOTT: Thank you – thank you, your Honour. Yes.

ADJOURNED



## RESUMED

### ZACHARY BRIAN ROLFE:

DR DWYER: Before we play that video, Mr Rolfe, you recall when you were doing your training and serving in the Northern Territory Police Force, and now, the motto of the NT Police is to serve and protect. Do you remember that?---Yes.

Were you ever given any advice during your training that part of that mission statement, in effect, is to build community trust, as a police officer?---I believe it - yes, I'd accept that. I can't recall it specifically, but yeah I accept that.

All right. And to build cohesion in the community, to the extent it can?---I have to get further details on cohesion - - -

Sure. What about this one. To foster good relationships between community members and the police?---Yes.

And you certainly understood that to be part of rumours of a Northern Territory Police Officer?---Yes.

And was it part of your training, given the significant population of Aboriginal people, that there was a need to make a - every effort to foster relationships between police officers and Aboriginals?---I do not know if there was a difference made between races.

But do you recall anything in relation to the role of a police officer and community policing?---In regard to like bush - - -

No. In regard to fostering good relationships with community members? Or did you just take that to be a given?---Well I think it was given, but there may have been additional training in regard to that, but I just can't recall it.

Okay. You would have noticed early on in your role as a police officer in Alice Springs, that a significant part of the job involved policing young adults, correct?---I actually probably, through GDs and stuff like that, steered more towards adults, rather than the youth. There was a youth section, for sure. I stayed as far away from that as possible.

And why is that?---It's just a lot more paperwork with the youth. And it seems to be that there is a - obviously we know there's a lot of issues in town, with them. And basically it seems that you - like you've probably heard it say, the revolving door of the watch house. You can arrest the same youth multiple times on the same shift. It's just extra work, and I did - I just didn't want to dabble too much with that. It was just a lot more simple - basically less paperwork and less confusion around dealing with adults.

Some police officers are drawn to individual parts of the police service. You've given evidence about your interest in the IRT and the TRG?---Yeah.

I take it you were not interested in youth engagement as part of your career path?---If there was a - as you said before, if I thought that there was a good place for positive engagement with the community, if that was a - I guess option to have a task, and then I'd have been interested in positive engagements with the youth. In regard to arresting youth, I would definitely prefer to arrest adults than youth.

And your evidence is, during the time you were in Alice Springs, the police force, you weren't asked to, or given opportunities to have positive engagements with young people is that right?---I specifically wasn't given any tasking's like that, such as that.

And you didn't nominate - this is no criticism, but you didn't nominate to go into a section dealing with young people, or to do particular work with them?---No, I definitely stayed away from youth patrol. Again, my understanding of youth patrol at the time, they probably did some positive engagement, but their - the majority of their time was obviously dealing with youth offenders, that I wanted to, if possible, steer clear from.

I asked you this question back in November 2022, in relation to training about trauma in young people. Did you - do - last time you said you couldn't recall any specific trauma informed training, is that right?---Yeah, I still can't, sorry.

Okay. Thinking back on it now, with the benefit of maturity and a few years reflection, do you think it would have been good for you to have more training, given you can't remember it, assuming there was some, or a little bit, or some training, on trauma informed engagement?---Yeah, definitely.

And particularly with young people? Would that have helped looking back on it?---Well for anyone, but yeah, but particularly for young, yes.

Young people and adults with trauma?---Yes.

Given the significant amount of trauma that you encountered in Alice Springs?---Yes, definitely.

Might I ask that that video be played then. It's MFI W (inaudible).

DVD PLAYED

DR DWYER: We can't hear that, can we start that again please with the sound louder.

DVD PLAYED

DR DWYER: The sound kicks in at about 30 seconds, but it should be louder than it was (inaudible).

THE CORONER: We'll see.

We'll just stop it and we'll see if we can work with the volume.

We - I think we'll have to go back to the iPad?---I've watched that video a number of times.

DR DWYER: It's just for the benefit of those, the rest of the people watching as well. We'll just see if we can fix it, and if not, I'll move on and come back to it.

MR ABBOTT: Is there any reason why we can't proceed with the question?

DR DWYER: Just give me a second, and then we'll try and (inaudible), and I'll come back to you.

MR ABBOTT: I mean we're not playing it for the gallery.

DR DWYER: We'll just see if this works and if not, I'll come back to it tomorrow.

THE CORONER: We might be able to get a speaker to connect to the computer. I think we'll need a speaker.

DR DWYER: We'll move on that from that. I'll deal with that tomorrow, your Honour, and we might try to get that fixed overnight.

THE CORONER: Well, we might be able to fix it now.

DR DWYER: Okay.

THE CORONER: Look, we might just adjourn for five minutes. Sorry about the interruptions, Mr Rolfe.

ADJOURNED

## RESUMED

DR DWYER: Your Honour, Mr Coleridge is going to see if he can do some makeshift purchasing to see if - to make sure that we've something in place for tomorrow. In the meantime, I think it is marginally better than it is on the inquest website if anybody needs to hear it again. But I ask that that video be played now.

THE CORONER: Thank you.

## DVD PLAYED

DR DWYER: Mr Rolfe, with the benefit of hindsight and a few years of maturity, that boy was 14 years old. Do you think you could have done anything differently?---I'll start off by saying that I still stand by that use of force. Everything could always be done better. What's something that hasn't been brought up in regard to that use of force is, that 14 year old, he's probably about my size, I'm not a big guy. But I definitely can't do this, and I don't think anyone at this table would have the athleticism to somehow jump into a green bin that's freestanding. So let's take that into account. So this boy was extremely athletic. Athletic to the point where he could jump into a green bin that's freestanding without the bin toppling over. So he's got a high level of athleticism which I took into account in my arrest. But obviously, in hindsight, everything can be done better. That is the very first time I've arrested someone in a green bin and I have never had any training on how to arrest someone in a green bin. I'm sure, if the NT Police put that as part of their training, I'd could do better.

What happened when you saw that child is that you make a noise with your tongue, "tut-tut", and then you slam the bin lid down on the child. Do you accept that?---I make the clicking sound. I close the bin lid. I didn't hit the child's head with the green bin or anything, but I closed the green bin.

That was wholly unnecessary, wasn't it?---No, at the same time, that's merely a form of - and this would sound silly - but it's merely a form of containing that risk while I have a quick second to think about how I'm going to continue arrest.

I suggest to you that making the sound "tut-tut" and then slamming the bin down was in fact humiliating for that child and you knew it?---I can't speak on what he would have felt. The clicking that I did was to get the attention of a fellow police officer who was nearby on the other side of the fence, and to bring his attention to me.

After you slammed the lid down, you then pulled the bin over in a forceful manner. That's fair?---Correct.

And the child then stumbled - then spilt out of the bin. Is that right?---Correct.

And you heard him say, "Sorry, sir. Sorry, sir. Sorry, sir. Sorry for running, sir." And you handcuffed him and pulled him up at that time?---Correct.

There is nothing that I can hear on that video where you give that child any words of comfort or any explanation for what you're doing. Do you accept that?---Yes.

In fact, while you're walking him away, you say, "You don't need to speak to me. Anything you say may be used as evidence." But there's no words of reassurance. Correct?---Yes, I told him what I'm required to say as part of my police duties when I arrest someone.

You agree no words of reassurance to him at that point or explanation of what you were doing?

MR ABBOTT: Well, I object. What sort of reassurance? What obligation is there to give reassurance? Reassurance about what? It's a very pointless term.

THE CORONER: Well, policing isn't all about obligation. It's about how you engage and interact with members of the public, including young children.

MR ABBOTT: Yes, but it's put as a positive duty. You didn't give him reassurance. I would ask - - -

THE CORONER: No, it's not being put - - -

MR ABBOTT: - - - reassurance about what?

THE CORONER: It is not being put as a duty. It's just being put as a statement that he did not reassure this 14-year-old child.

MR ABBOTT: Reassure about what though?

THE CORONER: About what was happening to him.

MR ABBOTT: Well, that would have been obvious. He was being arrested. I just can't understand what reassurance we're talking about.

DR DWYER: Perhaps I can clarify it in the next couple of questions. You hear the child say repeatedly in a timid voice, I suggest to you, "Sorry, sir. Sorry, sir. Sorry, sir. Sorry for running, sir." He clearly sounds frightened?---I can't speak on behalf of what he thinks.

No, but you can listen to him now. You've watched the video multiple times and you're a smart bloke?---From my experience, it's going to be kind of a standard response, he was sorry that he got caught. Not sorry that he - sorry that he got caught.

He said, "Sorry, sir. No need to be rough, sir." And your response to that was, "You don't need to speak to me. Anything you say may be used as evidence?---Correct. I wanted him to know his rights.

So when he said, "Sorry, sir. Sorry, sir. Sorry, sir. No need to be rough" it didn't occur to you that you might say, 'I'm not being rough, mate, I just had to detain you. You're not in any danger. I'm going to walk you to the police station' or anything like that, that might have given him some comfort?---No, it didn't. But I may have done that – something – after the video. I'm not sure.

Do you think that on reflection that's something that you could have had time to give that child some reassurance?---The first thing I needed to do was to tell him of his rights, so he's aware of his rights and he's aware that he knows that anything he says can be used as evidence against him. That's probably more important. Then after that there could be space for reassurance for sure. I'm not sure what happened after that video ended.

You must have understood – you gave evidence earlier that you hadn't, or you couldn't recall any specific training in trauma and you agreed that you could have done with more training in trauma?---Definitely.

But you must have understood that all children are vulnerable to some extent. Do you accept that?---Yes.

Particularly a child in the care system, that is in the care of Territory Families?---I had no idea if this child was in the care of Territory Families, I don't think.

Weren't you tasked to detain someone who had run away from court in breach of bail?---I believe this was someone else's job at the time. So I got called into assist because I was in the area when he was seen there. I had no background.

So you had no idea he was in the care of Territory Families?---I didn't know much about his background. I knew a little – I knew his name. I knew he was a fairly prolific offender in town. I didn't know his background.

Did you know that he was being detained for a breach of bail rather than the commission of any further offence?---I think so. I think I said that.

And you would have, as a matter of commonsense, understood that a 14-year-old Aboriginal boy in contact with the criminal justice system was likely to be a vulnerable child?---Not sure where I sit on that. Because I wouldn't assume that a 14-year-old of a particular race is more or less vulnerable to another race.

Okay. Let me take the race out of it. A 14-year-old boy whose had multiple contact with the criminal justice system is likely to have come from a home where there might be some difficulties?---Potentially.

You would assume, wouldn't you, that that child was a vulnerable child?---Well, I just think – like I don't really know what a vulnerable child is in the larger sense of – a vulnerable child, what, that a vulnerable child that can't cause harm to someone else. A vulnerable child in what regard. It's too (inaudible) for me to answer.

THE CORONER: Well, as far as I know, Mr Rolfe had not worked extensively with children or in the youth justice sphere in Alice Springs at all.

DR DWYER: No, that's true, your Honour.

THE CORONER: And he has no recollection of any training he might have received. So I don't know that - - -

DR DWYER: True, your Honour. I'll ask this question - - -

THE CORONER: Even have that level of experience to be able to make assessments about the kinds of children that often come before courts.

DR DWYER: I hear your Honour.

Mr Rolfe, in your NT Independent open letter of February 2023 – you know what I'm referring to?---Yes.

You say that – you make a point of saying that when you defended yourself and your partner against Kumanjayi Walker on 9 November 2019, you, quote, “Didn't think about his race, upbringing or his past trauma. I thought about defending my partner's life.” And you're making the point that inside House 511 you didn't have time to think about Kumanjayi's traumatic childhood?---Correct.

But in the arrest of Master G on this occasion, you had plenty of time in the leadup to the arrest to think about the fact that he was as 14-year-old child. Correct?---No. So what had happened is I'm driving around on my shift, as far as I can recall, I'm driving around on my shift. Police officers who are more aware of his case, without my knowledge – which is completely fine – are looking for him. At some point they must have found him and he's run and it's come over the radio, hey, this person, Master G is on the run wanted for this offence, he's in this area going this direction, can we get any units to assist. I've gone to assist. You can see that I have then had a big run, I'm puffing in the video, had a big run for I'm not sure how long. And then I've located him. So there's been no - as far as I can recall, that's - that's how this incident unfolded.

All right. You would have been told over the radio that he was 14 years old and he was wanting to be detained for breach of bail, correct?---I'd have to listen to the radio transmission on the transcript to see what it was.

We've got body-worn video of you looking for this child for 11 minutes before you find him. Do you recall that?---Yes.

You had plenty of time during that period, to at least think about the fact that it was a child that you were looking for?---Well I knew - knew he was 14, yes.

I'm going to suggest to you some alternative options that were available, that you should have exercised at that time. When you found him, he was contained in the bin. He wasn't going anywhere after that time was he?---Well I'd say that someone that can jump in a bin that athletically, can jump out of the same bin, likely.

I'm going to suggest to you that when you found him, you should have articulated why you were there, and said to him, words to the effect of "I'm Constable Rolfe, I'm here with my colleagues. When you - I'm going to lower the bin, and when you come out of the bin you're going to be handcuffed and placed on the ground. And when I pick you up it's going to look like this." You should have had an ongoing dialogue with that child to explain what was going to happen, rather than using the force that you did. What do you say about that?

MR ABBOTT: I object. Putting this sort of counsel of perfection, as an afterthought, with the benefit of hindsight, and ignoring the agony of the moment, what was happening. He said he was running. In my - in my submission, this goes nowhere. And it goes nowhere to your ultimate end result.

THE CORONER: It's a trauma informed approach to arresting a young person. And Mr Rolfe's being asked to reflect on that. He might not have had any training in regard to trauma informed responses. And he might be able to tell us that never came into my mind. I don't know.

MR ABBOTT: But - but, your Honour, it's put to him as though this is a - this is some counsel of perfection which he ought to have obeyed.

THE CORONER: Well - - -

MR ABBOTT: If it's put to him, look, do you agree that this is a possible scenario - - -

THE CORONER: This is an alternative scenario, is what it was put to him - - -

MR ABBOTT: Well it's not put - - -

THE CORONER: - - - as another option.

MR ABBOTT: It's not put like that. It's put as a definite - - -

THE CORONER: I think that's exactly how it was put.

MR ABBOTT: - - - you should have done - the tenor of - the tenor of my learned friend's question. The language she asked it is, you should have done at this time, not what you did then. And if it's put - if it's put on the basis, well, there's a number of scenarios you could have adopted, this is one of them, what do you think about that, then - - -

THE CORONER: Okay, we'll put it that way.



DR DWYER: What do you think about that approach? Do you want me to read it to you again?---No it's all right. Again, that sounds like a - that sounds like a lovely approach, and if that was obviously in the hypothetical situation, I can't say if it would have worked or not. But I can say that one of the potential outcomes of approaching that in - in that way, is you get smacked in the mouth.

You had a number of other officers there at the time, didn't you?---There was a - if you know the school down this (inaudible) I forgot what it's called, there's a higher fence that most of them wouldn't be able to get over, you'd see there was a cut on my hand, because the top of the fence is either barbed, or just open chain-link, so it'll cut you. So I've cut my hand over - coming over the fence. Most of the officers weren't able to get into that school yard. I believe I was in that school yard by myself.

At the time that you were in that school yard, you used a particular signal for one of your colleagues - signal to that colleague to come over to where you were, they were in close proximity obviously if they could hear that?---He was just standing on the other side of the fence. So he's looking outside the fence. I did the click it. Clicked to him to let him know that he's over here and he (inaudible).

And he clearly heard you. Beckham came to - came over, correct?---He didn't come over again, because he was on the other side of the fence. But he stopped looking outside of the fence, he acknowledged.

I put to you that you - an alternative option was to communicate with that child when you found him. To explain to him what you were going to do, and that he was going to be hand cuffed when he came out. You said that effectively wasn't a - wasn't viable, is that right?---Well I - it's - it's a 100 percent another option. I'm not - I don't know whether in that certain situation it would have worked or not. But yeah, there's plenty of options of how you handle that. But again, as I said, I don't believe I have any - had any - unless the police can show me my police academy record, I don't believe I have had any trauma informed policing training. And I definitely have not had any training in how to arrest someone in a bin. And I would be, not that I'm a cop anymore, I'd be open for anyone getting training on it, if they're going to be judged on - on it.

Okay, can I - the evidence that I - the scenario that I just read to you were about communicating with that child in that way, articulating, "I'm now going to lower the bin, when you come out of the bin you're going to be handcuffed. You are going to be placed on the ground. When I pick her up it is going to look like this." Is a scenario that was articulated by Superintendent Nobbs, and that is transcript 29 to 48 for the benefit of my friend. You respect Superintendent Nobbs, don't you?---I don't know if I will open that bucket of fish.

MR BOULTEN: What did he say?

MS DWYER: "I don't know if I want to open that bucket of fish." Superintendent Nobbs has been in the police force I think 26 years. Would you respect that he has had experience, considerable experience, much more than you in detaining young people?

MR ABBOTT: Well, I object to this. What does it matter what someone else said?

MS DWYER: We are going to be here a lot longer if my learned friend objects.

MR ABBOTT: Someone else has a different view.

THE CORONER: Sure.

MR ABBOTT: And the view has been put. And he has in effect said, "Well, that is Superintendent Nobbs' view, not my view."

THE CORONER: And he obviously doesn't respect it. I think that is obvious by the answer that was given.

MS DWYER: I think it is obvious too.

When you – Mr Rolfe, when you detained Master G, you put handcuffs on him, and you walked him away, and you used a tone to talk to him. At no time do we ever hear you modulate your tone or change it once he was under your control in handcuffs. Is that fair?---Yes, I just spoke to him in a – whatever manner it is. I was fairly tired from running. I don't think I – I didn't call him anything mean. I just said what I needed to say for his own rights. He needed to know, despite him being arrested multiple times before, he needed to know and needed to be aware that anything he says, it is his right to know that anything he says does – could be used as evidence against him.

Sure, and I will move on from this shortly, but we will recall from watching that what he says to you is, "Sorry sir, no need to be rough." He doesn't appear to be about to start talking to you about the incident, does he?---Me giving him his rights is for his own safety and protection. And that is what we are taught to do as police officers, that is what I am required to do.

At no point do you communicate with him that you have detained him for his own safety or protection? Or that you are giving him that advice? Or that you are about to do something in terms of walking into a police station?---I wasn't detaining him for his own safety. I was detaining him because he was under arrest.

At no point in that video do we hear you communicate with that child about what is about to happen to them. Do you accept that?---Yes. Yes, it is clear what I say on the video.

You have said to her Honour that you, "Are a reader," and you clearly have done some reading in relation to trauma or have some understanding now sitting there

about the idea of a trauma-informed response, don't you?---I haven't done enough reading to be – give any good opinion on a trauma-informed response. I have read on – yes, yes.

After that?---If you give me a book, I can read it. But I don't know any.

We haven't been able to identify a use of force report in relation to that incident. Is there one? Or should there have been one?---I can't recall. If there wasn't one, it was never brought to my attention. As we are all aware that went – that job went through PSC and was cleared. So, they would have – should have brought that up if that hadn't been done, I should have put a use of force form in for that.

Who was the senior officer there on that job?---I want to say Hague(?).

First name? What rank was? What (inaudible)?---It was Senior Constable. But again, I could be wrong.

Okay?---This is just who I believe I was walking into.

All right. Did you get any feedback from the senior person who was there?---At the time, just pats on the back for locating the offender. Most police officers are unable to locate that offender. He is a fit young man. And at some point, that job was looked through by Crime, and multiple members on the Alice Springs Station. And there was nothing about good feedback about that. And I know that there has been a few police officers in this coronial who have given negative feedback. That is the first negative feedback I have heard from police. The general police feedback I would have heard is that is a good arrest using the risk principles, and I received nothing but positive feedback in regard to that arrest.

No feedback at all in relation to what might be done differently for when you are dealing with a child in that scenario?---None.

There is a diary entry that you photograph on your phone Mr Rolfe, on 2 December 2018, I want to take you to. Like many young people, is it fair to say you wanted to find meaning in your life in your career in the police force?---Yes.

And you wanted a career where you were useful, and you were using your skillset in a way that helped other people?---Yes.

You have given that evidence. You – I am not suggesting it is a bad thing. But it is pretty clear from your answers to date that you thought the best way to deal with that, to do that, was to be in a tactical squad like the TRG?---Actually, no I don't think that.

Okay?---I think the best way to use my skill set to help people was probably through general duties or potentially through the detective stream. The tactical part of my progression I did was not a forever thing. That was until my knees got sore, my

lower back got sore, and then I could move back. I don't believe they – if you are looking at purely helping people, you are going to do more of that in general duties.

In relation to I think an interview, one of the questions with the newspaper a couple of weeks after Kumanjaya passed away, you said something like, "You wanted to TRG when you were young and fit and able to make a good contribution there." Correct?---Correct.

So, it is clearly the goal in the short term place?---Correct.

And a good fit for your skill set, I think you have already said?---Correct.

After that you might think about the detectives, is that right?---Yes, yes. Something else.

Diaries entries from January and relates – I beg your pardon, I think I said December. It is 2019. It is photo 3 in MFI MMM?---Can I just make a special that we are now reading my journal for the Coronial for a shooting?

You may.

MR ABBOTT: Yes, I will talk to this. This apparently is a personal journal. And I can't possibly see what relevance this has to the questions that you need to consider.

THE CORONER: I don't have the document in front of me. If it is the document I am.

MR ABBOTT: Well, I have only seen it for the first time now, so.

THE CORONER: If it is the document, I recall it is an account of.

MS DWYER: Yes, it is. It is an account of an incident that appears to have occurred around the time of the diary entry, January 2019.

MR ABBOTT: Well, in my submission, my learned friend ought to explain the relevance of this.

MS DWYER: I think I will have to ask some questions before it becomes objectionable.

THE WITNESS: Would you mind leaving the lad's names out? Is that doable to ask me the question without doing that?

MR ABBOTT: There is a name that has been blanked out in my copy.

THE WITNESS: Yes, there are multiple names that haven't. They are all serving police officers.

MR ABBOTT: So.

THE CORONER: I am just getting my copy.

MR ABBOTT: Yes, yes, your Honour.

MS DWYER: Your Honour, Mr Rolfe has asked that I not name the certain persons in there.

THE CORONER: And those names are currently redacted?

MS DWYER: No, they are not.

MR ABBOTT: No.

MS DWYER: And I press those names. There is – I don't - - -

MR ABBOTT: There is six names.

MS DWYER: I press one of those names with the initial SG. Because it is a name that is already released, I don't need to read the rest of it.

MR ABBOTT: Well, I still don't understand the relevance of it.

MS DWYER: Perhaps you could wait for the question sir, and then we – you might get the picture.

THE CORONER: Well, I can see some relevance towards the end of that entry. Eight lines from the bottom. In my view, it is relevant for the same reasons already expressed in relation to use of force.

MS DWYER: Mr Rolfe, have you got a copy of that in front of you?---Yes.

Okay. So, you see where her Honour was referring these – the paragraph that beings, "I recently put a guy in hospital for stomping on another guy's head. You will never feel braver when big" – let's call it AN(?)?---Yeah.

Or A – "Is backing you up. Anyway, fuck losers, I'm young, hard, getting harder, nearly harder than I was in Afghan. We'll win." Who did you put in hospital for stomping on another guy's head?---I can't recall his name.

When did that happen?---Around that time, January 2019. At some point.

Was your body-worn video on?---I can't recall. I think – I can't recall.

Do you think no, that you- - -?---No, I think it would have been but I can't recall. Because there was no issues with this incident.

All right. Well, did you fill out a use of force report?---I would need to have access to all my use of force reports.

So in terms of you saying there were no issues with this incident, you mean none were brought to your attention by the people that you were there with on the job, is that right?---Correct, and none – none came after this.

There was – there's a sergeant nominated in there, who you were working with on that job, is that right?---Yes, but I'm not sure if that – what I'm talking about there with them were there on the same shift, yes.

I see. So do you recall now who the sergeant was or who the senior was on the day that you put a guy in hospital?---No, this was out the front of Bojangles and down that KFC way. One of the nights when everyone spilled out on the street and there's some – there was big fights. There was a lot of police officers around.

And how did you – why did you put him in hospital?---I didn't intend to put him in hospital. It just – the fact was that he stomped on a guy's head, who was unconscious on the ground, and ran from us. I gave chase and tackled him, because he refused to stop. As a result of being tackled, he went to hospital.

When you say you, "tackled him," how did you do that? Push him from behind or did you grab him from the side? What happened?---No, I just – I guess I tackled him like a – with my shoulder, arm wrapped around him.

And what injury did he sustain?---I'm not sure. I handed him off to a – another person. I had no more involvement in that except for a writing a – I believe I wrote a statement about him stomping on the other guy's head.

But you can't remember his name?---No, definitely not.

And did you – and you can't assist us in terms of a date frame?---No, just that it seems it's around that time.

Just around January 2019?---Yes.

And you can't recall specifically any of the other officers who were with you on that job?---I think if you look at it and we call him JT(?) – he – I don't know if he was there at the time, but I remember him being involved in the job and watching the footage of the head stomp.

You say in that note, at the beginning of it, "Sometimes the monsters win"?---Yeah.

"That's fine, but we're being beaten by losers, dumb kids and dumb men." What did you mean by, "sometimes the monsters win"?---I think that's just something I read recently from a book and I wrote that down.

Who were the losers that you're talking about?---I'm just talking about the criminals in Alice Springs?---So down the end of that paragraph when you say, "Anyway, fuck losers, I'm young, hard, getting harder, nearly harder than I was in Afghan, we'll win." Who are you fighting? Who are you meaning?---Just fighting crime in Alice Springs. I can see right now Alice Springs is losing the fight against crime, even more so than it was four years ago. This is just a diary entry of me being passionate about policing and my passion included trying to help people who were victims of crime and I think you can see that four years ago – four years ago, when I was in Alice, Alice was having a particularly hard time and Alice has only gotten worse in regard to crime since then. So it's just me being passionate about policing, seeing that it is hard to fix that issue and me, at the end of the entry, saying, "hey," re-motivating myself to try and get back into it.

I think you said the losers, who you referred to there, are the people committing crime in Alice Springs, that's what you meant?---Correct.

At the beginning of the paragraph you say, "That's fine, we are being beaten by losers, dumb kids and dumb men. Despite this, I've got some good people around me who feel the same." And then there's a quote, "No matter if you're the best player on the losing team, you're still a loser." Are you referring to any of your fellow police officers as losers there?---I'm referring to myself and ever other police officer in the NT as being on the losing team.

Around that time, in December 2018, you went to the GP complaining of shift-related work insomnia and you were prescribed Temazepam. Do you recall that?---Like not specifically, but I remember there was a number of times when I was prescribed medication, yes.

Do you think the insomnia was affecting your behaviour around that time, late 2018, early 2018?

MR ABBOTT: 19.

DR DWYER: I beg your pardon, 2019?---I was tired. I was tired. When I was at work, I was professional. But I was tired.

You said, "When I was at work, I was professional." There's a diary entry – or that diary entry – specifically says this, "Simmo(?) and I have had some wild shifts. Me playing Xbox with young Jamal(?) while Simmo does work, speeding through the streets, looking for trouble." Are you describing a professional operation there?---Actually, this is a good example of your talk – you – what you brought up before about positive engagement with youth. I went to a domestic violence incident at a house with a number of children involved. And part of that, whilst we settled down that issue between the parents and the kids – and these kids are exactly what you were talking about before, vulnerable kids who needed help, who probably came – or did come from a fractured family – we had spare time, so I spent time playing Xbox with the young kid, who probably had a negative attitude from – of police and, at the end of that, had – had a better attitude towards police. So there's an example of

positive engagement. In regard to speeding through the streets looking for trouble, it's literally our job. Or part of our job is to call – be called and attend to trouble, ie, crime.

“Simmo” is Simon Gillette, is that right?---Yes, it is. There was probably no need to say that for the record, but yes, it is.

Well, he comes up in a number of the text messages, doesn't he?---Yeah, and I was going to ask, because there's probably no need to read out everyone's names. And like, I'm going to – obviously, I'm going to talk to you about the text messages, but I'm happy to say if I sent them or received them, if they were from a police officer or a family member. It would be more respectful to them – because of the negative connotations of now being linked to me as a friend, if those names don't get read out because I don't see how it affects the question – I'm happy to answer the questions.

Okay?---Is that all right, from now on?

I – in that particular one, I press the name, your Honour, because she's a serving officer and I press her name.

MR ABBOTT: Your Honour, I ask – I ask that all the names be suppressed.

DR DWYER: We dealt with this in the non-publication this morning.

THE CORONER: Where the matters are – arise and we're dealing with serving police officers, in my view, it is in the public interest and in the interest of these proceedings that names be used unless there is a specific, special reason why they should not be.

MR ABBOTT: Well, could I ask this of your Honour? We're now – this is part of a whole series of SMS messages between my client and someone else, or from another person to my client. Have the recipients or the senders been consulted about their names being made public? If so, they ought to at least have the opportunity of turning up and asking for a suppression. And it seems to me that if you're going to be fair and afford natural justice to people who are mentioned in these SMS messages, that the recipient – who is not my client, or the sender who is not my client – ought to have the opportunity of coming along and saying, “well, I want my name suppressed.”

THE CORONER: As I understand it, members of the police force are represented in these proceedings.

MR ABBOTT: Well maybe, but have they been – has their attention been drawn to the fact that they are mentioned in these SMS messages and have they been given the opportunity of being able to apply for a suppression? Because if they haven't, they should be. I'm sorry?



I'm only asking with these SMS messages. I mean, for example, some of them are from persons who are interstate. I doubt whether they've been told that their names are going to be mentioned in the course of this discussion.

DR DWYER: When it comes to a civilian, unless it's relevant, I don't intend to identify them. Where it is relevant, then I will. But procedural fairness, as your Honour knows, requires that if you're going to make an adverse comment against somebody, given the opportunity to respond – I'm not suggesting any adverse comment in relation to Simon Gillette. I'm just merely pointing out the fact that that was the exchange. He's mentioned on a number of occasions. Your Honour actually has a very limited power under s 43 to make a non-publication order. And if that's not revealing sensitive information, I can't see how it comes within the power that your Honour has to grant non-publication orders. But if my learned friend says it does, then he needs to articulate where that power comes from.

MR ABBOTT: Well, I think we're going to open up - - -

THE CORONER: But as I understand it, members of the NT Police Service, are represented in these proceedings.

DR DWYER: As well as the Northern Territory Police Association, who represents a significant number of members in these proceedings.

THE CORONER: And this material has been part of the brief, and is available, and has specifically been identified as material about which it is likely there will be questions.

DR DWYER: That's exactly the case, your Honour. So the - the text messages themselves, all 7000 pages of them, have been available for well over 18 months. And then to assist the parties, counsel assisting made this specific MFI document, asking everybody to identify any possible text message that the witness might be taken to. So it couldn't have been sign posted any further than it has been.

THE CORONER: Yes.

DR DWYER: And I'll finish on these questions, Mr Rolfe. You had a number of good mates in the Northern Territory Police Force, obviously?---Yes.

Simmo was one of them?---Yes.

Some brotherhood obviously developed between the officers that you're working with on the ground, naturally?---Yes.

And you sent a text message, text 16 - sorry, Simmo sent it to you, "When violence stirs your soul, rather than a hug, lol boom(?)". And you reply, text 17, this is 8 February 2019, "Ha ha, I'm froken (broken) Aboriginal way." What did you mean by

that text?---So Simmo and I would use to often box together at one of the boxing gyms in town. So he is talking about a way of - I guess an outlet, for others. It's - I don't know, walking, meditating, some it's boxing. Some it's a - some it's boxing, through violence. So he's talking about that. He's just talking about an outlet for - for anything that goes in life. Any stress. Like he's had a healthy outlet, that I have the same outlet from him, in regard to say that I'm froken or broken, Aboriginal way, I was just staying that physically I think we'd had a hard session. And - in the boxing ring. And - You right? Sorry, Dr Freckleton just gave me a weird look.

He does that, it's not just you, Mr Rolfe?---Yeah, so it's a gym session you might not be aware of probably, but so we had a hard session in the gym, and I said I'm broken and the - in saying it's broken Aboriginal way, it's obviously that's just part of a - I guess it's a term, as I said before, terms that are used around town that just start to normalise to you.

So are you mocking the accent there, or the speech, form of speech?---Not at all. I'm just saying that's the - that I'm just saying if that's how I've heard some people in town say broken. Some people who happen to be Aboriginal.

I don't understand it myself, let alone Dr Freckleton, but I - if he was looking perplexed, then I share it. I don't understand what's meant by froken, Aboriginal - broken Aboriginal way. What are you - what - did that term come directly - - - ?---So it means the exact same thing as broken, that we say. It's the exact same way. It's just replacing "b" with the "f".

All right, and is it mocking the accent, or is it - or what is that - why is that term being used?---I don't think it's mocking anything. It's just - it's just a term that was used in town, and you hear a lot of terms. You might start saying it in certain forms.

You just explained why Simmo would have texted "When violence soothes the soul rather than a hug, lol boom?---Mm mm.

And then you text back, text 18, on 8 February, "Hey brother, I'm just cruising home for a couple of hours. I'll be ready at the drop of a hat though if you're keen to do some training and sparring. I want to get back into it with you. Something, get ready for April, and let me feel some hurt." Do you recall sending that text?---Yes.

You're just talking up boxing as a way of releasing your energy or frustration, or tension, is that right?---Correct, I believe he had a fight coming up in April.

He had a fight?---I believe so.

And then the same day, you text a woman by the name - with a - - -?---Hold up, hold up, hold up. Where? What number?

Text 26?---No, let's not say her name. There's no need for that name to be said. That's a civilian.

Mr Rolfe, I was just going to say, a woman by the first name of R?---Good.

You say, "I'm back. I just had a really good sparring session with Simmo. Needed some violence to recentre my head. I know that's weird, but anyhoo, ha ha, I'm back." So you used that terminology, "I needed some violence to recentre my head. I know that's weird." What did you mean?---Exactly what I said before. Like for some outlets for stress. Boxing is a very good outlet for me and it is a violent sport and it's nearly meditative for me.

So fighting, releasing the anger or frustration or aggression was a good way of - - -?-  
--In a controlled manner and a safe spot in a gym with other people who were willing to do the same thing, yes.

It might give you temporary relief, but it didn't actually help you process the level of violence you were exposed to, did it?---I'm not sure. That's probably for a psychology or something.

Do you see now, looking back on it, that there was an impact on your mental state around that time from the policing that you were exposed to?---Yeah, there's like stresses and trauma in policing and definitely. I don't think it's a - I don't think you can do some form of therapy a one off and it all goes away. You have to continually do it. That's why I continually, for example, box.

You have an exchange with that same woman on 6 February, text 11, where you indicate that you're burnt out from the work?---Yes.

You say - you're run down and burnt out around that time, aren't you?---Yes.

You thought the station was a mess?---Yes.

You weren't getting the recognition that you deserved?---Where do I say that?

That's a question. Is that what you thought? You weren't getting the recognition you deserved?---I can't say that I was thinking that.

Why did you think that station was a mess?---I think the Alice Springs Police Station was a mess. It probably still is a mess. If you look at the - if the opposite of a mess is an effective town that's not riddled by crime, that's what I mean by a mess.

Well, you weren't saying that. What you said in text 11 to the woman whose name starts with "R" is, "Fuck yes, because this station is a mess and the bosses don't have a clue." So it wasn't just crime around town. You thought your bosses there weren't up to the job. Is that right?---Yes.

Who were the bosses you were referring to?---You'd have to look at it. Again, if I saw it around 2019, that could include Jody Nobbs for example, or I'm not sure who the commanders and stuff were at the time.

So around that time, February 2019, you didn't have much respect for Superintendent Nobbs?---I had respect, but I'm just saying that he's probably one of the bosses, as a whole, who I didn't think were performing to a good degree and I think the outcomes show that.

Okay. So at that stage, you being a - you were still a constable. Is that right?---Yes.

You'd been there for two and a bit years, but you'd already been able to size up the fact that the bosses there weren't up for the job, including a bloke like Superintendent Nobbs, who'd been there for over two decades?---I believe I have the right to have my own opinion and yeah, that's the opinion I had. I think a lot of people in town would have the same opinion.

Is that a convenient time to stop?

THE CORONER: Yes, it is and we will resume at 9:00 tomorrow.

WITNESS WITHDREW

ADJOURNED