



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: Inquest into the deaths of Matthew Joseph Arnold; Rachel Clare McCrow; Alan Thomas Brendan Dare; Gareth Daniel Train; Nathaniel Charles Train and Stacey Jane Train

TITLE OF COURT: Coroners Court

JURISDICTION: BRISBANE

FILE NO(s): 2022/6205, 2022/6206, 2022/6214, 2022/6238, 2022/6239 and 2022/6242

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FINDINGS OF: T Ryan, State Coroner

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Contents

INTRODUCTION	6
INQUEST ISSUES.....	10
CORONIAL JURISDICTION	12
MATTHEW ARNOLD.....	14
RACHEL MCCROW	15
ALAN DARE.....	16
THE TRAINS.....	17
251 WAINS RD, WIEAMBILLA	19
INQUEST ISSUE 1	24
Issue 1(a) The circumstances of Nathaniel Train’s unlawful entry into Queensland at Talwood in December 2021 and the adequacy of the subsequent police investigation.	24
Background to Nathaniel’s unlawful entry into Queensland.....	24
Nathaniel’s unlawful entry into Queensland.....	26
The subsequent police investigation	26
The adequacy of the subsequent police investigation	29
Issue 1(b) The circumstances surrounding the issuing and broadcasting of a missing persons report in relation to Nathaniel Train by the NSW Police Force in November and December 2022, including whether NSW Police Force officers acted in accordance with the relevant policies and procedures.....	34
Background to the issuing and broadcasting of the missing person report.....	34
The circumstances surrounding the issuing and broadcasting of the missing person report.....	36
Whether the NSW Police Force officers acted in accordance with relevant policies and procedures when issuing and broadcasting the missing persons report	44
Issue 1(c) The information communicated by the NSW Police Force to the QPS in the lead up to 12 December 2022, and the effect that that information had on the decision to send the four officers to the Wains Road property on 12 December 2022.	50
The information communicated by the NSW Police Force to the QPS in the lead up to 12 December 2022	50
Background to the information communicated by the NSW Police Force to the QPS on 12 December 2022	51
The information communicated by the NSW Police Force to the QPS on 12 December 2022.....	57
The effect that that information had on the decision to send the four officers to the Wains Road property on 12 December 2022	60
Issue 1(d) Consideration of the circumstances in Chinchilla and Tara police stations on 12 December 2022 which resulted in the decision for the four officers to attend the Wains Road property on that day and at the time they did.	66
INQUEST ISSUE 2	70
Decision to enter the Wains Road property	70
Was the decision to enter the Wains Road property appropriate?	72
INQUEST ISSUE 3	76

Circumstances surrounding the fatal shooting of Constable Arnold and Constable McCrow.....	76
Prior to the shooting	76
Constable Arnold.....	77
Constable McCrow	78
Constable Kirk.....	80
Constable Brough.....	82
Identity and actions of the shooters after Constable Kirk left the property	83
Issue 3(a) - Who fired the shots that killed Constables Arnold and McCrow?	87
Issue 3(b) - What guns and ammunition were used and whether they were obtained lawfully?	87
Nature of the forensic investigations	87
Areas of Interest.....	88
Weapons Licencing	114
Firearms located at the Wains Road Property & relevant ballistic investigations.....	115
Conclusions regarding issue 3(a) and issue 3(b) - Who fired the shots that killed Constables Arnold and McCrow and what guns and ammunition were used and whether they were obtained lawfully?	130
Issue 3(c) – Whether the Constables Arnold, McCrow, Kirk and Brough were adequately equipped and trained to respond to the incident.....	133
Were the Constables adequately equipped and trained to respond to the incident the officers expected to attend?	134
Were the Constables adequately equipped and trained to respond to the incident that unfolded?	137
Were Constables Arnold, McCrow, Kirk and Brough’s actions appropriate and in accordance with QPS training and policy?	141
INQUEST ISSUE 4	144
Background	144
Mrs Dare’s 000 call.....	145
Mr Dare’s movements	149
The triple 0 call operator’s actions after the first triple 0 call with Mrs Dare	151
Conclusion on issue 4(a) - why Mr Dare attended at the Wains Road property and what information he had at the time of his attendance.....	152
Issue 4(b) and issue 4(c) – who fired the shot that killed Mr Dare and what gun(s) and ammunition were used and whether they were obtained lawfully	154
INQUEST ISSUE 5	156
Overview of the circumstances of the QPS response to the fatal shootings.....	156
Issue 5(a) Whether the QPS communication system was adequate.	160
Issue 5(b) Whether appropriate advice was given to Constables Kirk and Brough while at 251 Wains Road, Wieambilla, up until such time as they were each able to exit the address.	162
Constable Kirk.....	162
Constable Brough.....	163

Issue 5(c) Whether the QPS Command and Control of the response to the incident, including communications about the incident to the Wieambilla community, including Mr Dare’s family, was adequate and appropriate.	165
Background	165
The QPS command and control of the response to the incident	167
QPS communications about the incident to the Wieambilla community	172
QPS communications with Mr Dare’s family.....	173
QPS communications with the families of Constables Arnold and McCrow	174
Issue 5(d) Whether the actions of the QPS recovery and extraction team, including the decision to leave Alan Dare’s body at the scene, were appropriate.....	176
The actions of the QPS recovery and extraction team	176
The decision to leave Mr Dare’s body at the property	178
INQUEST ISSUE 6	181
Circumstances surrounding the shooting of Gareth, Stacey and Nathaniel by SERT	183
Preparation of the property by Gareth, Stacey and Nathaniel Train	183
Deployment of SERT.....	189
Initial SERT mission priorities.....	191
POLAIR	191
Actions of the Trains after POLAIR arrival.....	192
Update in SERT mission priorities and arrival at PCFC	192
SERT entry of the Wains Road Property.....	193
Negotiation attempts and first shots fired at SERT	194
First shots fired by SERT and the confrontation that followed.....	196
Conclusion on whether the actions of the SERT operatives were appropriate in the circumstances	203
Operational challenges faced by SERT.....	206
INQUEST ISSUE 7	208
Stacey and Nathaniel’s marriage	210
Increasing religious themes and contact with Donald Day	214
Nathaniel’s cardiac arrest in August 2021 and increasing contact with Gareth	215
Nathaniel’s crossing of the Queensland border in December 2021 and afterwards	216
Stacey Train	217
Conflict with family members.....	218
Increasing evidence of persecutory beliefs and religious themes throughout 2022	219
The lead up to 12 December 2022.....	223
Evidence of Associate Professor Roose	227
Dr Aboud’s evidence about the significance of the mental health of the Trains	229
Professor Pathé’s evidence.....	232
Conclusions as to motivations of the Trains	233
Fixated Threat Assessment Centres	236
INQUEST ISSUE 8	239

The four emails provided to the NSW Police Force on 12 December 2022.....	240
Shots fired reports in the Wieambilla area prior to 12 December 2022	241
FINDINGS REQUIRED BY S 45.....	247
Matthew Arnold	247
Rachel McCrow	248
Alan Dare	249
Gareth Train	250
Stacey Train	251
Nathaniel Train.....	252
INQUEST ISSUE 9	253
Recommendation 1	255
Recommendation 2	256
Recommendation 3	257
Recommendation 4	257
Recommendation 5	257
Recommendation 6	258
Recommendation 7	259
Recommendation 8	260
Recommendation 9	260
Recommendation 10.....	262

INTRODUCTION

1. On the afternoon of 12 December 2022, four Constables from the Tara and Chinchilla police stations: Matthew Arnold, Rachel McCrow, Randall Kirk and Keely Brough, attended an apparently routine missing persons job at 251 Wains Road, Wieambilla (**the Wains Rd property**).
2. The officers were seeking to locate Nathaniel Train, a former school principal, who had been formally registered as a missing person by the New South Wales Police Force on 1 December 2022. Earlier on 12 December 2022, New South Wales Police contacted Queensland Police Service (**QPS**) officers at Chinchilla Police Station requesting an enquiry be conducted at the Wains Road property. The Wains Road property was the residence of a married couple, Gareth and Stacey Train. Nathaniel was Gareth's younger brother and Stacey's ex-husband.
3. In order to attend to the missing persons enquiry, Constables Arnold, McCrow, Kirk and Brough left their respective stations shortly after 4:00pm and met at the front of the Wains Road property at about 4:35pm.
4. The four Constables entered the property by climbing over the padlocked front gate, and began walking up a long unsealed driveway towards the Train residence while talking among themselves.
5. Less than two minutes after entering the property, and without warning, a shot rang out. Constable Arnold was struck in the chest and killed.
6. Moments later, Constable McCrow was shot in the left upper back and shoulder area. Minutes later, at around 4:46pm, Constable McCrow was killed after being shot in the head at close range.
7. At around 4:48pm, Constable Kirk tactically withdrew from the property after being directed to do so by his officer-in-charge. He was subjected to heavy gun fire as he fled, sustaining an injury to the hip and torso during the encounter. The Chinchilla police vehicle that he drove from the scene also sustained significant bullet damage.

8. Constable Brough remained trapped on the property, hidden in bushland, for a period of around two hours. During this time, the Trains lit a series of fires on the Wains Road property, including near where Constable Brough was hiding. The Tara police vehicle which had been parked just outside the front gate of the property was set alight shortly after Constable Kirk left the property.
9. Just before 5:30pm, two neighbours from the surrounding properties on Wains Road, Alan Dare and Victor Lewis, arrived at 251 Wains Road to investigate the fires that were burning on the property.
10. While standing at the front of the property at 5:26pm, Alan Dare was shot in the chest and killed, again without warning. Mr Lewis managed to escape and alerted police and surrounding residents.
11. As a result of the shootings, a tactical police operation commenced. As part of the police response to the events, a *Public Safety Preservation Act (PSPA)* declaration was made for the area surrounding the Wains Road property. This occurred at 5:27pm. The declaration was communicated over the QPS radio a few minutes later at 5:31pm.
12. After the PSPA declaration was made, but before the arrival of the QPS Special Emergency Response Team (**SERT**), an extraction team consisting of local QPS officers returned to the Wains Road property. Shortly before 6:30pm, the extraction team arrived at the incident location and noted that the body of Mr Dare, who at that point of time was clearly deceased but had not been formally identified, was located near the driveway.
13. Constable Brough, who had been in contact with a triple 0 operator for the past two hours while she was trapped on the property, was safely extracted at approximately 6:37pm. She was removed from the incident location using Mr Dare's Ford Territory, which was near the incident scene with the keys in the ignition.
14. The extraction team then moved forward onto the property in the direction of Constable Arnold and Constable McCrow who could be seen on and near the driveway approximately 100 metres from the front gate. As the extraction team reached Constable Arnold and Constable McCrow, it was apparent that they were deceased. Constable Arnold's and Constable McCrow's bodies were placed in a police vehicle and removed from the property.

15. At approximately 6:46pm, the extraction team confirmed that the three police officers had been removed from the property. A decision was made that it was too dangerous and logistically difficult to move Mr Dare's body at that time.
16. QPS helicopters (**POLAIR**) arrived at the scene from approximately 6:55pm, and from this point in time the actions of Gareth, Stacey and Nathaniel Train as well as the actions of the responding SERT operatives (who arrived later) were captured on POLAIR footage.
17. At around 8:30pm, four SERT vehicles, including a Bearcat, entered the Wains Road property. By approximately 9:12pm, the SERT vehicles established a cordon around the residence on the Wains Road property where Gareth, Stacey and Nathaniel Train were located. Attempts to negotiate commenced.
18. Over the next hour and 15 minutes, a protracted shoot out between SERT operatives and Gareth, Stacey and Nathaniel Train took place in the vicinity of the residence. Gareth, Stacey and Nathaniel Train each shot at the responding operatives during the course of the engagement. Shortly after 10:30pm, Gareth, Stacey and Nathaniel Train were shot and killed by SERT operatives.
19. The deaths of Constable Arnold, Constable McCrow and Mr Dare were each a "*death in police operations*" under the *Coroners Act 2003* (**Coroners Act**), because they happened in the course of, or as a result of, police operations.¹
20. The deaths of Gareth, Stacey and Nathaniel Train were each a "*death in custody*" as that phrase is defined in the *Coroners Act*, because their deaths occurred while they were trying to avoid being put into custody.²
21. Deaths in police operations and deaths in custody are reportable deaths which must be investigated by the State Coroner.³
22. At my direction, a comprehensive and thorough investigation into the deaths was conducted by QPS Ethical Standards Command (**ESC**). In the course of the coronial investigation autopsy examinations were conducted in relation to the bodies of those who died. Relevant items located at the Wains Road property and firearms used in the incident were also examined.

¹ Section 8(3)(h) of the *Coroners Act*.

² Section 10 of the *Coroners Act*.

³ Sections 8 and 11 of the *Coroners Act*.

23. A significant volume of body worn camera footage, POLAIR and SERT footage was reviewed, as was telephone and electronic information retrieved from Gareth, Stacey and Nathaniel's devices. Interviews were conducted with, and statements taken from, over 150 witnesses.
24. Various experts were engaged to provide opinions about matters such as the appropriateness of the QPS response to the incident, and the likely explanations for Gareth, Stacey and Nathaniel Trains' otherwise inexplicable behaviour.
25. Following the ESC investigation, a comprehensive ten-volume investigation report with various annexures including witness statements, footage, forensic analysis, and various charts and photographic exhibits was compiled and provided to the Coroners Court.
26. The *Coroners Act* provides that a Coroner investigating a death must hold an inquest if the death is a death in custody.⁴ The Coroner must also hold an inquest in relation to a death in police operations unless the Coroner is satisfied the circumstances do not require the holding of an inquest.⁵

⁴ Section 27(1)(a)(i) of the *Coroners Act*.

⁵ Section 27(1)(a)(iii) of the *Coroners Act*.

INQUEST ISSUES

27. Following four pre-inquest conferences in June 2023, November 2023, May 2024 and June 2024, I ruled on 26 June 2024 that, in addition to the findings required by section 45(2) of the *Coroners Act*, namely the identity of each deceased person, when, where and how they died, and what caused their deaths, the following nine issues would be considered during the inquest:
1. Consideration of the circumstances which led to the attendance of Constables Arnold, McCrow, Kirk and Brough at 251 Wains Road, Wieambilla on 12 December 2022, including:
 - a. The circumstances of Nathaniel Train's unlawful entry into Queensland at Talwood in December 2021 and the adequacy of the subsequent police investigation.
 - b. The circumstances surrounding the issuing and broadcasting of a missing persons report in relation to Nathaniel Train by the NSW Police Force in November and December 2022, including whether NSW Police Force officers acted in accordance with the relevant policies and procedures.
 - c. The information communicated by the NSW Police Force to the QPS in the lead up to 12 December 2022, and the effect that that information had on the decision to send the four officers to the Wains Road property on 12 December 2022.
 - d. Consideration of the circumstances in Chinchilla and Tara police stations on 12 December 2022 which resulted in the decision for the four officers to attend the Wains Road property on the day and at the time they did.
 2. Consideration of the circumstances surrounding the decision of Constables Arnold, McCrow, Kirk and Brough to enter the Wains Road property.
 3. Consideration of the circumstances surrounding the fatal shooting of Constables Arnold and McCrow, including:
 - a. Who fired the shots that killed Constables Arnold and McCrow.

- b. What guns and ammunition were used and whether they were obtained lawfully.
 - c. Whether Constables Arnold, McCrow, Kirk and Brough were adequately equipped and trained to respond to the incident.
 4. Consideration of the circumstances surrounding the fatal shooting of Alan Dare, including:
 - a. Why Mr Dare attended at the Wains Road property and what information he had at the time of his attendance.
 - b. Who fired the shot(s) that killed Mr Dare.
 - c. What gun(s) and ammunition were used and whether they were obtained lawfully.
 5. The adequacy and appropriateness of the QPS response to the incident, other than the response by the Special Emergency Response Team, including:
 - a. Whether the QPS communication system was adequate.
 - b. Whether appropriate advice was given to Constables Kirk and Brough while at 251 Wains Road, Wieambilla, up until such time as they were each able to exit the address.
 - c. Whether the QPS Command and Control of the response to the incident, including communications about the incident to the Wieambilla community, including Mr Dare's family, was adequate and appropriate.
 - d. Whether the actions of the QPS recovery and extraction team, including the decision to leave Alan Dare's body at the scene, were appropriate.
 6. Consideration of the circumstances leading up to the shooting of Gareth Train, Stacey Train and Nathaniel Train by QPS Special Emergency Response Team operatives, including whether the actions of the responding operatives were appropriate in the circumstances.
 7. Consideration of the profiles and motivations of Gareth Train, Stacey Train and Nathaniel Train.

8. Whether anything was known to the authorities that would have indicated a risk that Gareth Train, Stacey Train and Nathaniel Train would act in the way they did on 12 December 2022, including the QPS response to firearm related calls for service and investigations in the vicinity of the Wains Road property prior to 12 December 2022.
 9. Whether any changes to procedures or policies could reduce the likelihood of deaths occurring in similar circumstances or otherwise contribute to public health and safety.
28. The inquest was heard over a five-week period from 29 July 2024 to 29 August 2024 in the Coroners Court in Brisbane. Fifty-two witnesses were called during the course of the inquest.⁶ At the conclusion of the evidence, family statements were read to the Court on behalf of the Arnold family, the McCrow family, Wayne McCrow, the Dare family and Nathaniel Train's wife, Ms Brown.⁷
29. Counsel Assisting made oral submissions on the final day of the inquest, as did senior counsel for the sworn QPS officers and counsel for ESC officers Newton, McCormack and Baxter. Parties with leave to appear subsequently provided written submissions to the Court. I am grateful for the assistance provided by those submissions in the preparation of these findings.

CORONIAL JURISDICTION

30. The primary purpose of an inquest is to inform the family and the public about the matters required by section 45 of the *Coroners Act*, including how the person died and what caused the person to die. Where appropriate, a coroner has an ancillary function under section 46 of the Act in commenting on anything connected with a death relating to public health and safety, the administration of justice or ways to prevent similar deaths from happening in similar circumstances.

⁶ While the QPUE submitted that the oral evidence should have been curtailed, other interested parties submitted that more evidence should have been heard. The QPUE's concern that the witness list should not be settled before inquest issues are settled has been largely addressed by Practice Direction No. 1 of 2024 - Procedures for Pre-Inquest Conferences and Inquests.

⁷ A pseudonym - a non-publication order exists in relation to the identity of Nathaniel's wife.

31. It is recognised that there are limits in terms of the remoteness of particular events in assessing causation. However, in *Atkinson v Morrow* it was held that in examining how a person died a coroner has jurisdiction to inquire into all the circumstances attending a death or which might have caused it, and this “*jurisdiction is not limited to an inquiry into the means by which the deceased came by his death*”.⁸
32. In this inquest I have been mindful of hindsight bias. That is, the tendency of those with knowledge of an outcome to overestimate the predictability of what actually occurred relative to alternative outcomes that may have seemed likely at the time of the event. It is necessary to consider the circumstances as they appeared to the people who were directly involved at the relevant time.⁹
33. An inquest is a fact-finding exercise and not a process for allocating blame. The procedure and rules of evidence used in criminal and civil trials are not adopted. “*In an inquest there are no parties, there is no indictment, there is no prosecution, there is no defence, there is no trial, simply an attempt to establish the facts. It is an inquisitorial process, a process of investigation quite unlike a trial.*”¹⁰
34. A coroner is prohibited from including in the findings or any comments or recommendations any statement that a person is, or may be, guilty of an offence or civilly liable.
35. The findings of a coroner must be based on proof of relevant facts on the balance of probabilities. The principles set out in *Briginshaw v Briginshaw*¹¹ are applicable. This means that the more significant the issue to be determined, the more serious an allegation or the more inherently unlikely an occurrence, the clearer and more persuasive the evidence needed for the trier of fact to be sufficiently satisfied that it has been proven to the civil standard.
36. A coroner is also obliged to comply with the rules of natural justice and to act judicially. This means that no findings adverse to the interest of any party may be made without that party first being given a right to be heard in opposition to that finding.

⁸ [2006] 1 Qd R 397

⁹ H Dillon and M Hadley, *The Australasian Coroner's Manual*, Federation Press, 2015, p10

¹⁰ *R v South London Coroner, ex parte Thompson* (1982)126 S.J. 625.

¹¹ (1938) 60 CLR 336 at 361.

MATTHEW ARNOLD

37. Matthew Joseph Arnold was born on 16 February 1996 in Brisbane to Terry and Sue Arnold. He was 26 years of age at the time of his death. Constable Arnold was a triplet. His siblings are James and Hayley.
38. The Arnold Family's Statement said that Matthew loved being a police officer and "putting on the blue every day". That was his dream since year 9 at St Laurence's College. He was passionate about his career and wanted to be known as the "young, professional and reliable copper" – simply the officer who got the job done.
39. His family remember his generous and kind soul, his unique ability to make those around him feel safe, and how he cared for all those around him. He was not a police officer to his family, just Matty.
40. Constable Arnold commenced at the Oxley Police Academy in November 2019. He was sworn into the QPS on 27 March 2020. Unfortunately, COVID restrictions meant his family could not be present for his graduation. He completed his first year at Dalby and Tara police stations and was confirmed to Tara Police Station on 23 April 2021.
41. On 12 December 2022, he was a third year Constable serving at Tara Police Station. Tragically, two days later he was due to commence a secondment with the Logan Child Protection Unit, where he would be back with his family.
42. In December 2022, Constable Arnold was residing with his fellow police officers, including Constable McCrow, at the police provided accommodation in Tara.
43. Constable Arnold's death occurred in the line of duty and, in this way, it occurred in the course of his service to the community. Constable Arnold was posthumously awarded the following medals: Queensland Police Valour Award; Queensland Police Service Medal; National Medal; National Police Service Medal; Queensland Police Blue Heart Medal; and Queensland Police Emergency Response Medal.
44. I offer my sincere condolences to the family and friends of Constable Arnold. I acknowledge that the sense of loss Matthew's family feels is pervasive and has not subsided.

RACHEL MCCROW

45. Rachel Clare McCrow was born on 30 August 1993 in Rockhampton to Judith and Wayne McCrow. She was 29 years of age at the time of her death. Constable McCrow had one sibling, Samantha.
46. Constable McCrow was sworn into the QPS on 24 June 2021 and completed her first year at Dalby Police Station. She was confirmed to Tara Police Station on 21 July 2022 and was serving as a second year Constable at Tara Police Station on 12 December 2022. Like Constable Arnold, she was staying with her fellow officers in the police provided accommodation in Tara.
47. Constable McCrow's family remember her as someone who excelled in her training at the Police Academy. She was on a trajectory to leadership positions within the QPS. She was always willing to assist others and quickly became a much-loved and respected member of the Tara community. It is clear that the grief felt by her family is ongoing.
48. Constable McCrow's death also occurred in the line of duty and, in this way, it occurred in the course of her service to the community. Constable McCrow was posthumously awarded the following medals: Queensland Police Valour Award; Queensland Police Service Medal; National Medal; National Police Service Medal; Queensland Police Blue Heart Medal; and Queensland Police Emergency Response Medal.
49. I offer my sincere condolences to the family and friends of Constable McCrow.

ALAN DARE

50. Alan Thomas Brendon Dare was born on 11 September 1964 in Malacca, Malaysia.
51. On 12 December 2022, Mr Dare lived with his wife, Kerry, on a property on Wains Road, not far from the Trains' property at 251 Wains Road. He was 58 years old when he died.
52. Alan and Kerry Dare had known each other since they were children, as Kerry was friends with Alan's younger sister. They started a relationship in 1993 and married in 1996. When Alan and Kerry married, Kerry had two young children, Renee and Corey, who Alan raised as his own.
53. The couple moved to the Wieambilla area in 2019. Mrs Dare suffered from a spinal condition and Mr Dare was recognised as his wife's full-time carer. Mr Dare's family described him as a quiet achiever. He worked hard, and was capable of fixing any mechanical device or implement. He loved his family and did not complain.
54. On 12 December 2022, Mr Dare died in the course of responding to a fire threat in the neighbourhood and, in this way, he was killed while looking out for his community. Mr Dare was posthumously awarded the Queensland Police Bravery medal by former QPS Commissioner Katarina Carroll.
55. Two days after his death, Kerry and Alan would have celebrated their 26th wedding anniversary. I offer my sincere condolences to the family and friends of Mr Dare.

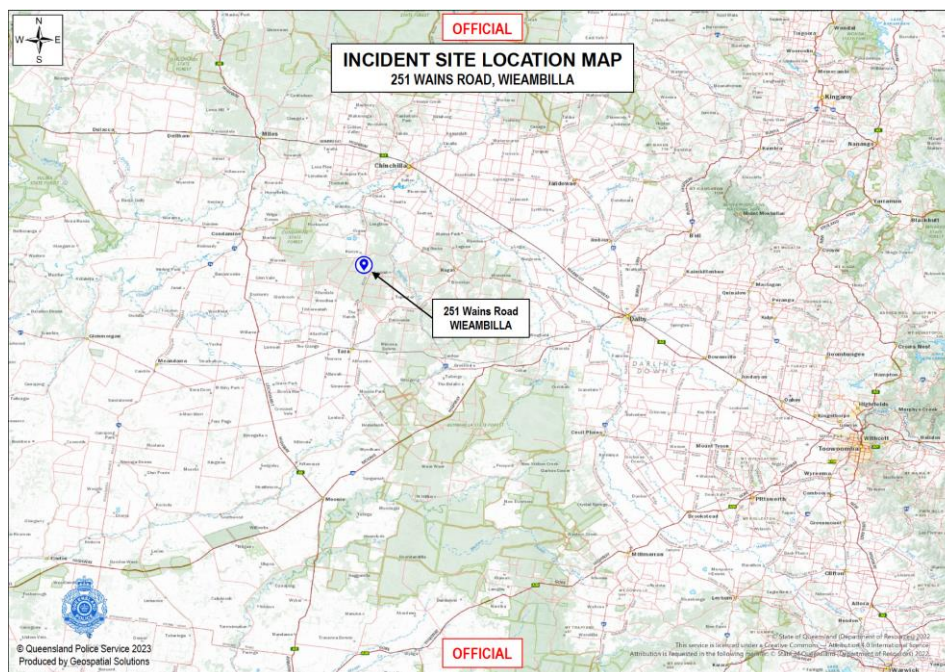
THE TRAINS

56. Gareth Train was born on 18 February 1975 at Coffs Harbour, New South Wales, to Ronald and Gwyneth Train. He was 47 years old when he died. Gareth was the second eldest of four children. Nathaniel Train was his younger brother.
57. Nathaniel Train was born on 21 May 1976 in Sydney. He was 46 years old when he died.
58. Both Gareth and Nathaniel identified as First Nations persons.
59. Stacey Train was born on 21 July 1977 at Gympie, Queensland. Her biological parents were Philip and Gayle Christoffel. Stacey was the eldest of three sisters. She was 45 years old when she died.
60. Nathaniel and Stacey met through their church in Toowoomba and began dating when they were around 15 and 16 years old. They married in 1995, when they were 19 and 18 years old, respectively. They had two children together. Their daughter Madelyn was born in 1996 and their son Aidan was born in 1998.
61. Gareth began living with Nathaniel and Stacey in late 1998. Within a year Gareth and Stacey had commenced a relationship. Nathaniel and Stacey's marriage formally ended in around 2000, and Stacey and Gareth married soon afterwards.
62. Following Stacey and Gareth's marriage, Nathaniel had other brief relationships, however, he continued to reside on and off with Stacey and Gareth in various regional and rural locations until he commenced a relationship with his second wife, Ms Brown. Nathaniel and Ms Brown's relationship began in 2006, and they married in 2019.
63. In their professional lives, Nathaniel and Stacey were both schoolteachers and school principals, who worked mainly in regional and rural locations throughout Queensland and New South Wales. Neither Nathaniel nor Stacey had any criminal history.
64. Gareth worked in a variety of jobs throughout his adult life, including as the groundsman at a school in which Stacey was the principal and for the Department of Child Safety. He had one minor entry on his criminal history for possession of an unregistered firearm in 1998, for which he was fined \$600 and had no conviction recorded.

65. Gareth and Stacey bought the property at 251 Wains Road in 2015 and moved onto the property in 2016. Gareth did not engage in any paid employment after moving to the Wieambilla area. Stacey worked at Tara State School for a number of years and held the position of Head of Curriculum at the school until her resignation in December 2021 in response to the COVID-19 vaccination mandate. Her resignation took effect from 16 December 2021, coinciding with Nathaniel's illegal border crossing.
66. Nathaniel moved to the rural town of Walgett, New South Wales in mid-2020 in order to commence the role of Principal at the Walgett Community School. He remained in this role up until 10 August 2021, when he suffered a cardiac arrest at work.
67. Nathaniel did not return to work after the cardiac arrest. On 16 December 2021, he parted ways with Ms Brown in Dubbo, New South Wales. On the following day, 17 December 2021, Nathaniel Train entered Queensland at Talwood in contravention of the recently imposed COVID -19 border restrictions.
68. In her Family Statement, Ms Brown said she was unable to comprehend Nathaniel's participation in the actions of the Trains on 12 December 2022. She frankly acknowledged that his actions had shattered the lives of the families of those who died. She remembers him as a skilled and dedicated educator who was committed to their family.
69. I offer my condolences to the family and friends of Gareth, Stacey and Nathaniel Train. I also acknowledge the assistance Aidan and Madelyn gave to investigators in helping to understand the events leading up to 12 December 2022.

251 WAINS RD, WIEAMBILLA

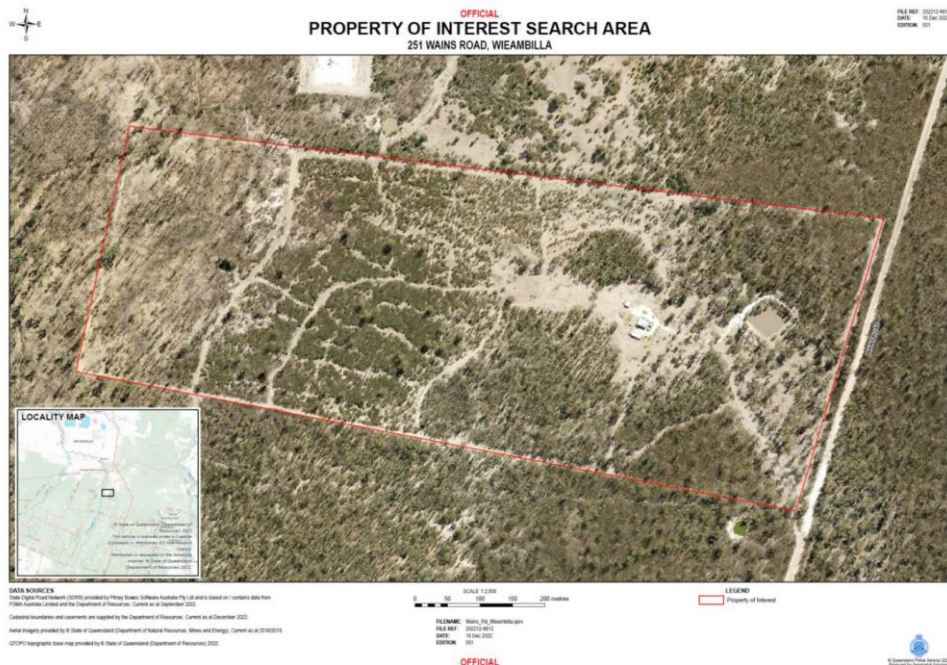
70. As has been indicated, all the deaths that are the subject of this inquest occurred on, or in the vicinity of, the property at 251 Wains Road, Wieambilla.¹²



71. Wieambilla is a rural locality in the Western Downs region, which lies approximately 255 kilometres west of Brisbane. Wieambilla is located approximately halfway between Chinchilla to the north and Tara to the south. It is about half an hour's drive to both of those towns from the Wains Road property. The property was within the Chinchilla police district.
72. In the 2021 census, Wieambilla had a population of about 78 people. The locality and surrounds are extensively used for coal seam gas harvesting. Many people in this area live off the grid on isolated blocks. The area in which the Wains Road property is located is colloquially known as "the blocks".
73. After the shootings, the property at 251 Wains Road was declared to be the primary crime scene. The property was a fully fenced 107-acre rural property. The front fence line was on the eastern side of the property, running along Wains Rd. The entrance was via a padlocked gate at the driveway towards the south-west-corner of the property. A dirt driveway ran in a northwest direction from the front gate towards

¹² Incident Site Location Map is exhibit V2.2, page 2.

the house yard which was approximately 339 metres long. On both sides of the driveway there was a large expanse of bushland. Approximately 218 metres from the front gate, the driveway forked and continued straight ahead to the house yard, as well as backtracking to the right in a u-shaped direction towards the dam on the north-east side of the property. The following two photographs of the Wains Road property were taken in the aftermath of 12 December 2022.¹³



Picture 1: Aerial view of the entire property located at 251 Wains Road, Wieambilla

¹³ Exhibit V4.18, page 12 and exhibit V4, page 9.

74. The house yard on the Wains Road property was enclosed by chain mesh fencing with a single gate on the eastern (front) side at the entrance to the yard from the driveway. As depicted in the picture below,¹⁴ the dimensions of the yard were approximately 55 metres along the eastern side, 47 metres along the southern side, 49 metres along the western side and 42 metres along the northern side.



Picture 2: Aerial view of house yard – North is the top edge of house yard boundary

75. There were several structures inside the main house yard. The residence was located just to the left of the driveway, which continued inside the house yard. A shipping container was located towards the middle of the southern fence line. A large, enclosed dog cage was to the west of the shipping container and an open shed was located on the southern fence line, just to the west of the enclosed dog cage. There were two small cream water tanks attached to the open shed.
76. There was also an open shed on the northern side of the yard behind the main house yard. There was a large cream water tank connected to this shed.
77. The driveway roughly bisected the house yard from the front gate of the yard to a rear gate on the western side. There was a small 'turn around' spot just off the driveway on the northern side of the dwelling. The driveway also veered to the left just inside the front yard gate and ran

¹⁴ Exhibit V4, page 10.

between the front yard eastern fence line and the dwelling, to the shipping container and shed on the southern side of the dwelling.



78. As can be seen in the above photograph,¹⁵ the dwelling was located roughly in the centre of the house yard, and consisted of an eight-room raised timber structure. The dwelling appeared to be designed for “off the grid” living. There was no mains electricity connected. There were solar panels on the roof connected to inverters inside the laundry. There were two blue water tanks on the eastern side of the dwelling; a smaller cream water tank on the southern side; and one maroon water tank on the northern side of the dwelling. All water tanks were connected to the dwelling.
79. The photograph below¹⁶ depicts the northern side of the dwelling, which is where the vast majority of the engagement between Gareth, Stacey and Nathaniel Train and the SERT operatives occurred.

¹⁵ Exhibit V4.3, screen shot.

¹⁶ Exhibit V4.8, page 117.



INQUEST ISSUE 1

Consideration of the circumstances which led to the attendance of Constables Arnold, McCrow, Kirk and Brough at 251 Wains Road, Wieambilla on 12 December 2022.

Issue 1(a) The circumstances of Nathaniel Train's unlawful entry into Queensland at Talwood in December 2021 and the adequacy of the subsequent police investigation.

Background to Nathaniel's unlawful entry into Queensland

80. In 2019, Nathaniel Train married his long-term partner, Ms Brown. They had been in a relationship for some 13 years by the time they married. This included some periods of separation.
81. In about mid-2020, Nathaniel and Ms Brown moved to Walgett, New South Wales. Nathaniel worked as the principal at the Walgett Community College Public School. Ms Brown also worked there, initially as a teacher and later as the assistant principal. It appears that Nathaniel was actively involved in the school and wider community and was well liked and respected.
82. On 10 August 2021, Nathaniel suffered a cardiac arrest at work. In the lead up to the cardiac arrest, Ms Brown observed that he appeared to be stressed as a result of his enormous work load. It seemed to her that every day was a challenge for him.
83. Following his cardiac arrest, when he was still in the hospital, Nathaniel refused to have an implantable cardioverter-defibrillator (**ICD**) inserted, despite strong medical advice that he do so and that his life might be at risk if he did not. Ms Brown was surprised by Nathaniel's decision not to have the ICD implanted. It appeared to her to be a decision which was out of character for him.
84. Nathaniel did not return to work after his cardiac arrest. Ms Brown observed that he became progressively more emotional after his cardiac arrest, and that he seemed to ruminate more frequently on the stressors in his life.

85. In the period after Nathaniel's cardiac arrest, the New South Wales government mandated the COVID vaccination for persons who worked at government and non-government schools.¹⁷ Ms Brown received hers, but Nathaniel refused to do so. It seems this was also a decision which was out of character for him.
86. In the lead up to the 2021 Christmas school holidays, some four months after Nathaniel's cardiac arrest, Nathaniel and Ms Brown made plans to go to Melbourne for a couple of weeks and then travel to Southern NSW. They were building a house there on a block of land and were to stay for the remainder of the holidays.
87. On 14 December 2021, when Ms Brown returned from work, Nathaniel informed her that he had changed his mind and had instead decided to visit his children, Madelyn and Aidan, in Queensland. This was the first that Ms Brown had heard of such a plan. Nathaniel also told Ms Brown that he had not been taking his heart medication for the last month. Ms Brown tried to persuade him to take it, but he was adamant he did not want to.
88. It was decided that Nathaniel would travel with Ms Brown to Southern NSW, leave his trailer there and then head north to visit his children. Ms Brown planned to hire a car for her use while Nathaniel was away.
89. On 15 December 2021, Ms Brown received a text message from Nathaniel while she was at work, requesting that she hire a car earlier so that he could leave for Queensland sooner. Nathaniel was concerned that, because of rising floodwaters, he might not be able to drive north if he did not leave soon.
90. As a result, on 16 December 2021, Nathaniel drove Ms Brown to Dubbo in his black Landcruiser. They parted ways in Dubbo. Ms Brown hired a car and began her journey to Melbourne, as planned. Ms Brown understood that Nathaniel was heading home to pack and that he was then going to be driving north the following day, to go camping and visit his children.
91. That was the last time Ms Brown saw Nathaniel.

¹⁷ *Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2021*

Nathaniel's unlawful entry into Queensland

92. On 17 December 2021, Nathaniel crossed the border from New South Wales to Queensland at Talwood, a small town approximately 250 kilometres north west of Walgett. He did so by attempting to drive through an e-gate near Talwood. The e-gate was a gate set up by the Goondiwindi Regional Council to prevent entry from New South Wales to Queensland. Local farmers had access to a Bluetooth key to allow them to open the gate.
93. Unable to drive through the gate, Nathaniel drove into nearby floodwaters before the vehicle became stuck. Nathaniel exited his vehicle and discarded some property, including firearms and ammunition, into the floodwater.
94. A local farmer arranged for his farm hand to tow Nathaniel's vehicle from the floodwater to the farm workshop. The farm hand then drove Nathaniel towards Talwood. On the way, Nathaniel borrowed the farm hand's mobile telephone and made a call. When he and the farm hand parted company, Nathaniel had two firearms, a compound bow and some knives with him.

The subsequent police investigation

95. On 20 December 2021, a Goondiwindi Regional Council employee reviewed footage from a camera located near the e-gate, which depicted Nathaniel's attempt to drive through the e-gate. The Goondiwindi Regional Council informed the Goondiwindi Police Station that the Talwood e-gate had been damaged by someone attempting to drive through it.
96. QPRIME occurrence QP2102376010 was created for the suspected wilful damage offence and Constable Michael Brownlee was tasked to investigate the complaint. Constable Brownlee reviewed the footage which captured the incident and revealed the registration of Nathaniel's car. He also spoke to the farmer and the farm hand by telephone about the incident.
97. In doing so, he learned about the telephone call Nathaniel had made from the farm hand's telephone and was able to determine that the number Nathaniel called was registered to Gareth Train. He also learned that Gareth's registered address was 251 Wains Road,

Wieambilla. Constable Brownlee determined that the address was within the Chinchilla police district.

98. On 22 December 2021, Constable Brownlee arranged for the crime manager at the Goondiwindi Police Station to send the occurrence to Chinchilla to have local officers take up with Gareth, in an attempt to locate Nathaniel. In turn, police could take up with Nathaniel in relation to the alleged wilful damage offence.
99. At the Chinchilla Police Station, the task of attempting to locate Nathaniel at Gareth's address, or to speak to Gareth to ask if he knew where Nathaniel was, allocated to Constable Nathan Rigg. Constable Rigg reviewed the occurrence and saw that it related to a wilful damage offence which appeared to be a minor matter. He conducted QPRIME checks on each of Nathaniel, Gareth and Stacey, who were listed on the occurrence, and observed that there were no flags with respect to any of them.
100. When he reviewed the file, Constable Rigg observed that there were no statements on it, which he would need if he did locate Nathaniel at the address he had been sent to. Accordingly, on 2 January 2022, he returned the occurrence to the Goondiwindi Police Station, with a request for a statement to be taken in relation to the wilful damage offence before he attempted to locate Nathaniel.
101. Constable Brownlee obtained witness statements from the farmer and farm hand on 17 February 2022 and 29 April 2022, respectively. He also obtained a quote for the damaged gate. By the time Constable Brownlee took the statement from the farmer, the floodwaters had receded. The farmer had located various items which appeared to have been discarded by Nathaniel, including a number of firearms.
102. Constable Brownlee went to the farm and seized the firearms, the ammunition and the other items located by the farmer. The other items were innocuous, and included school papers and other documents.
103. On 1 August 2022, after obtaining the additional information requested by Constable Rigg, Constable Brownlee arranged to have the occurrence sent back to the Chinchilla Police Station. He did that because, on the information available to him, he believed that Nathaniel was likely to be at the Wains Road address. On that occasion, an offence relating to failing to secure firearms was also attached to the occurrence.

104. Constable Brownlee reviewed Nathaniel's QPRIME reports and saw that he was a teacher, and observed that he had previously worked in Yorkeys Knob, Queensland. He saw that Nathaniel had no criminal history. After locating the firearms, he contacted the QPS Weapons Licencing Group. The Weapons Licencing Group confirmed that Nathaniel had a firearms licence and the firearms were registered to him.
105. On 5 August 2022, Constable Rigg and Constable Kirk attended 251 Wains Road to make enquiries with Gareth as to Nathaniel's whereabouts. Before their attendance, Constable Rigg had conducted searches on QPRIME in relation to both Gareth and Nathaniel and determined they had no police history of any significance.
106. When the constables attended, the gate was locked. Constable Rigg left a calling card in the mailbox. He observed there were surveillance cameras at the front of the property, so he considered it was highly likely the occupants of the property were aware of the police attendance. He waved the card in front of the camera on the mailbox, before placing it in the mailbox, to indicate he was leaving something there for their attention. He anticipated that the occupants of the house would call him when they received his calling card. However, he did not receive a call that day, or in the days following. After attending at the property, Constable Rigg had Nathaniel flagged as wanted for questioning.
107. On 12 August 2022, Constable Rigg looked up Gareth's telephone number and attempted to call him, without success.
108. On 14 August 2022, Constable Rigg returned to the property and checked the mailbox. The calling card was still in the mailbox. Given the lack of contact with the occupants of the address despite his attempts since 5 August 2022, Constable Rigg formed the view that it was likely that no-one was living at the property and completed a report to that effect. The occurrence was again returned to the Goondiwindi police station.
109. On 15 August 2022, Constable Brownlee attempted to call Nathaniel on the phone numbers listed for him on QPRIME. The numbers were disconnected. Constable Brownlee determined, having regard to the steps that had been taken to contact Nathaniel and after consulting his supervisors, that it was appropriate to take out an arrest warrant.

110. On 16 August 2022, the arrest warrant was issued. The arrest warrant listed three offences: wilful damage (contrary to section 469(1) of the *Criminal Code*), failure to securely store weapons by licensee (contrary to section 60(1) of the *Weapons Act 1990*) and failure to store small ammunition in a secured area (contrary to section 99(2) of the *Explosives Regulation 2017*). These offences related to the damaged e-gate and the firearms and ammunition located by the farmer. Constable Brownlee also contacted the QPS Weapons Licencing Group.
111. On 18 August 2022, Nathaniel's Queensland weapons holders licence was suspended. The documentation with respect to the revocation was issued for service on him. A QPRIME task and BOLO ("Be On the Look-Out") was recorded on the QPRIME system, to be actioned when Nathaniel was located. As it transpired, he was not located prior to 12 December 2022.

The adequacy of the subsequent police investigation

112. Each of Constable Brownlee's superiors (Senior Sergeant McIntosh and Inspectors Deacon and James) considered Constable Brownlee's investigation was appropriate.
113. Detective Inspector Suzanne Newton reviewed the investigation as part of the coronial investigation. She considered that the investigation complied with Chapter 2 of the QPS Operational Procedures Manual, which deals with investigative processes.
114. Deputy Commissioner Scanlon gave evidence that, in her view, the investigative steps taken by the officers at the Goondiwindi and Chinchilla police stations were "*routine and appropriate police practice*". In her view, the period of eight months between the reporting of the incident by the Goondiwindi Regional Council in December 2021 and the issuing of the arrest warrant in August 2022 was not unusual in circumstances where the suspect could not be located. I also take into account Deputy Commissioner Cheryl Scanlon's evidence in relation to the demands of policing border crossings in the Southern Region at the time.
115. I accept the evidence of Constable Brownlee's superiors, Detective Inspector Newton and Deputy Commissioner Scanlon about the adequacy of the investigation.

116. I consider that the investigation was adequate. In my view, Constable Brownlee actioned the complaint he received in December 2021 in a timely way. His review of the CCTV footage and his conversations with the farmer and farm hand were appropriate first steps.
117. The information Constable Brownlee had, as a result of viewing the CCTV footage, was that Nathaniel was headed from New South Wales into Queensland. The information given to him by the farm hand who drove Nathaniel towards Talwood suggested that Nathaniel did not have a mobile telephone with him. Constable Brownlee took appropriate steps to contact Nathaniel by obtaining the mobile telephone number Nathaniel had called from the farm hand's telephone.
118. The telephone number Nathaniel called from the farm hand's phone was an appropriate lead for Constable Brownlee to follow in his attempt to contact Nathaniel. Having determined that the number belonged to Nathaniel's brother Gareth, who resided in Wieambilla, it was reasonable for Constable Brownlee to consider that Nathaniel was likely to have been heading there and to focus his efforts on trying to locate Nathaniel at that address.
119. After he was unable to contact Gareth on his telephone, Constable Brownlee took steps to have officers from the Chinchilla Police Station attempt to make contact with Gareth at his address. I consider these investigative steps were reasonable and appropriate.
120. I also consider it was reasonable for Constable Rigg to request that statements be taken and included with the occurrence before he tried to locate Nathaniel. In my view, upon receiving that request from Constable Rigg, Constable Brownlee obtained the further material in a timely way. I note that a period of some seven months elapsed while Constable Brownlee obtained the requested material, which included two statements and a quote for the damaged gate. I accept that the investigation related to relatively minor offences involving a damaged gate and discarded firearms and ammunition. I do not consider that, on the information available to police at that time, the nature of the offences required that the investigation be progressed more quickly.
121. When the matter was again sent to Chinchilla Police Station, the steps taken by the officers at the Chinchilla police station were reasonable and adequate. Constable Rigg attended at 251 Wains Road on two occasions in an attempt to speak with the occupants of the property.

On the first occasion, he left a calling card and, after the second occasion, he attempted to telephone Gareth's telephone number.

122. Given the calling card was apparently not moved a week after it had been left in the letterbox, in circumstances where Constable Rigg believed he was drawing attention to its existence by waving it in front of the camera, it was reasonable for him to return the matter to the Goondiwindi Police Station, with Nathaniel flagged as wanted for questioning.
123. Once the matter was returned to the Goondiwindi Police Station, it was reasonable and appropriate for Constable Brownlee to take out an arrest warrant in respect of the matter for actioning when Nathaniel was located. It was also appropriate that Constable Brownlee contacted the QPS Weapons Licencing Group, and that the Weapons Licencing Group suspended Nathaniel's weapons licence.
124. At the time of the investigation, Nathaniel was known to be a teacher. He was the holder of a weapons licence and did not have a relevant criminal history. The offences on the arrest warrant were of a relatively minor nature. In that regard, the weapons offences were offences of failing to securely store weapons and small ammunition and were punishable by maximum penalties of 100 penalty units or two years imprisonment (for the *Weapons Act 1990* offence) and 20 penalty units (for the *Explosives Regulation 2017* offence).
125. The offence of wilful damage carried a maximum penalty of five years imprisonment, and the alleged damage of the e-gate was a relatively minor example of that offence. In the circumstances, given what was known to police about Nathaniel, and having regard to the nature of the alleged offences, I consider that it was reasonable that no further active steps were taken to locate Nathaniel upon the issue of the arrest warrant.
126. During his evidence, Constable Brownlee was asked whether he considered laying other charges against Nathaniel, specifically, a COVID-related offence for crossing the border or offences relating to his possession of firearms and knives on 17 December 2021.
127. Constable Brownlee said that he considered, but did not create, a COVID-related offence. That was because, without speaking to Nathaniel, it was not possible for him to know whether an offence had been committed. He did not know whether Nathaniel had a legitimate reason to be in Queensland, or had an exemption to cross the border.

I consider that explanation to be reasonable, and do not consider the police response to Nathaniel's border crossing was inadequate by virtue of a COVID-related offence not being included on the arrest warrant.

128. Constable Brownlee said that he did not consider creating an offence for the possession of the firearms or the knives that Nathaniel was seen to be in possession of on 17 December 2021. The reason for that was that it was common for people hunting in rural environments to be in possession of firearms and knives and that, without more, mere possession of the items was not sufficient for him to determine that an offence or offences had been committed. I consider that it was reasonable for Constable Brownlee, for the reasons provided by him, to not include those offences on the arrest warrant.
129. I note that Constable Brownlee did not take steps to attempt to contact Nathaniel by making enquiries at the New South Wales address to which his vehicle was registered.
130. It was submitted by several parties that the investigation was deficient because of the failure by the QPS officers to make those, or any, enquiries in New South Wales. However, I do not consider the adequacy of the investigation conducted by Constable Brownlee was inadequate by virtue of those enquiries not being undertaken. That is because, on the information available to Constable Brownlee, it appeared that Nathaniel had crossed from New South Wales into Queensland and had made contact with his brother, Gareth, who lived at Wieambilla.
131. In my view, it was not necessary for the QPS officers to pursue, as lines of enquiry, the information that his driver licence listed his address in New South Wales or that his vehicle had NSW registration plates. I do not consider that attending Nathaniel's NSW address, or attempting to contact his wife, were necessary steps. While it would have been open to QPS officers to pursue those lines of enquiry, it does not follow that the investigation which was conducted was inadequate because they were not.
132. I also note the submission that the failure to attend at Nathaniel's New South Wales address or make enquiries with his wife presented a significant missed opportunity to intercept Nathaniel before the events of 12 December 2022 transpired.

133. I understand this submission to be made on the basis that, had Ms Brown been contacted and informed that Nathaniel had abandoned his vehicle and some firearms at Talwood in December 2021, there is a real prospect she would have taken steps to find him at a much earlier point in time, and that her attempts to do so could have resulted in QPS officers attending the Wains Road property at an earlier time.
134. While I accept that Ms Brown would have told Nathaniel that police had located his vehicle and firearms if she had been informed about those matters by police (noting they were in regular telephone contact during early 2022), it is not possible to know what explanation Nathaniel would have given to her about those circumstances, and whether that information would have caused Ms Brown to take a different course of action. In May 2022, Nathaniel had told her he was camping not far from the Wains Road property and that he was in contact with Gareth.
135. It seems most unlikely that Nathaniel would have contacted the police if Ms Brown had informed him about those matters, and that the police were looking for him.
136. I accept the submission that the investigation into Nathaniel's firearms revealed a deficiency in the weapons registration information sharing processes between Queensland and New South Wales. That is because, when Constable Brownlee first contacted the QPS Weapons Licencing Group, the information about Nathaniel's firearms was out of date. The extent of those deficiencies was not explored in the inquest hearings. I note, however, that there is a move towards implementation of a National Firearms Register in Australia which is expected to allow law enforcement agencies to better share and update information on firearms nationally.

Issue 1(b) The circumstances surrounding the issuing and broadcasting of a missing persons report in relation to Nathaniel Train by the NSW Police Force in November and December 2022, including whether NSW Police Force officers acted in accordance with the relevant policies and procedures.

Background to the issuing and broadcasting of the missing person report

137. I have previously summarised the background to Nathaniel's unlawful entry into Queensland in December 2021, as well as the circumstances of that unlawful entry.
138. Prior to Nathaniel's border crossing at Talwood on 17 December 2021, Ms Brown had last seen Nathaniel the day before. On that day, 16 December 2021, she and Nathaniel had parted ways in Dubbo, New South Wales. Ms Brown understood that Nathaniel was returning home and that he would then be driving north to go camping and see his children. Ms Brown did not know the circumstances of Nathaniel's border crossing on 17 December 2021. She did not know that his car had gone into floodwaters and that he had abandoned it in Talwood, until the police informed her of that in early December 2022.
139. After they parted ways in Dubbo on 16 December 2021, Ms Brown received a text from Nathaniel informing her that he had encountered floodwaters heading north so he was coming back and staying in New South Wales for a while. She then did not hear from him until at least 9 January 2022, despite sending him numerous text messages in that time.
140. When he resumed contact, Nathaniel informed Ms Brown that his phone had not been working and he had a new SIM. Initially, because she was hurt and upset, Ms Brown did not resume contact with Nathaniel. They re-commenced email contact in about mid-January 2022. From about early March 2022, they had regular twice weekly telephone calls. During these calls, Ms Brown tried to discuss things that were happening at the school. By contrast, Nathaniel wanted to talk about whether Ms Brown was reading the things he was sending her by email, about biblical matters or COVID-related topics, about which Ms Brown considered his views were becoming more extreme.

141. Ms Brown was worried about Nathaniel because he was not taking his medication. It also appeared to her that his perception of things, and his beliefs about the world, were very different to how they had been. During these calls, Ms Brown tried to persuade Nathaniel to return home and to their marriage. However, Nathaniel told her that God had told him he was in the place God wanted him to be. He tried to persuade Ms Brown not to have any more COVID vaccinations, and to come to him. He told her he was camping in a forest area he knew from when he was a child. Their contact became exhausting for her.
142. In May 2022, Ms Brown asked whether there was somewhere she could send some items to Nathaniel. Nathaniel told Ms Brown he was camping in the bush not far from the Wains Road property and that she could send the items to that address. He told her he was in contact with Gareth.
143. On 30 May 2022, Ms Brown told Nathaniel that she needed to have a break from him because she was exhausted by his conduct. She wanted a break from further emails, texts and calls from him at that time. The next day, 31 May 2022, she sent the care package she had prepared for him to the Wains Road property.
144. Over the following months, while Ms Brown did not have direct contact with Nathaniel, she knew that he was in contact with his children and her daughter. However, in July 2022, Ms Brown's daughter told her that Nathaniel had stopped responding to her emails. Ms Brown tried calling, texting and emailing Nathaniel, but got no response. She reached out to other people to find out whether Nathaniel was in contact with anyone. She also wrote to Gareth and Stacey to ask whether they had had contact with Nathaniel.
145. On 21 August 2022, Stacey responded to the effect that Nathaniel had told her that Ms Brown told him that she did not want to hear from him again. The following day, Ms Brown emailed Nathaniel to confirm that she had never said that to him. She sent other emails to him, and called him, but all her efforts at contact were to no avail.
146. Ms Brown accessed Nathaniel's email account in an attempt to find out what was happening for him and how he was going. She found there were a lot of unopened emails. It appeared to her that he had stopped contact with everyone, which she found extremely concerning.

147. Subsequently, Ms Brown sent some mail for Nathaniel to the Wains Road address. She then emailed Stacey to advise her about the mail and request that she pass it on to Nathaniel. Gareth responded to the effect that they would throw out anything Ms Brown sent. The email was derogatory and abusive. Ms Brown did not attempt any further contact with Stacey or Gareth after that email.
148. In October 2022, Gareth forwarded Ms Brown a letter apparently written by Nathaniel on 9 October 2022. In it, Nathaniel said that he was planning to head back out bush and then “*check in with [Gareth and Stacey] again in a couple of months*”. This letter did not allay Ms Brown’s concerns. She was concerned that Nathaniel was not safe and not well.

The circumstances surrounding the issuing and broadcasting of the missing person report

149. Ms Brown first made contact with a NSW Police Force officer on 17 November 2022. On that day, she approached Sergeant Simon Thorpe, the officer in charge of the Walgett Police Station, at a work function he briefly attended.¹⁸ Sergeant Thorpe’s wife was being farewelled from the Walgett Community College. She did not tell him what she wanted to speak to him about, but asked whether she could make an appointment to see him the following week. Sergeant Thorpe told Ms Brown they could not make an appointment for her attendance but made it clear he would be happy to have a discussion with her at the station if she went there to see him.
150. On 23 November 2022, Ms Brown attended the Walgett Police Station and spoke with Sergeant Thorpe for a couple of hours. At that time, Ms Brown wanted advice about what to do about the fact that she had not been in contact with Nathaniel for an extended period of time.
151. Sergeant Thorpe knew Nathaniel had had a cardiac arrest on 10 August 2021, because he had been one of the first responders and had given CPR to Nathaniel. Ms Brown told him that she had last seen Nathaniel on 16 December 2021 and that, at that time, she understood he was going camping in Queensland.

¹⁸ Sergeant Thorpe was acting as an Inspector at this time.

152. Ms Brown told him that initially she and Nathaniel had been in telephone and email contact. As time went on, there were issues with their telephone contact and the emails became more religious and manipulative. She said that Nathaniel was behaving in a way which was out of character, including by ceasing telephone and email contact with other family members. She told him he had "*found God again*" and had "*started to become paranoid*". He had told her that their love would not continue in the afterlife unless she found, and was forgiven by, God.
153. Ms Brown also told him that Nathaniel had refused to obtain a COVID vaccination and had stopped taking his heart medication in November 2021, about a month before she last saw him. She told Sergeant Thorpe that she had not had contact with Nathaniel since the end of May 2022 and she was concerned about his welfare.
154. Ms Brown told Sergeant Thorpe about the letter apparently written by Nathaniel and addressed to Gareth and Stacey dated 9 October 2022 and left in their letterbox. She told him about the reference to his plan to "*check in again with [them] in a couple of months*". On that basis, she was uncertain whether she wished to make a formal missing persons report at that time.
155. In relation to Gareth and Stacey, the apparent recipients of the letter, Ms Brown said that the relationship between herself and Gareth was strained, and that Gareth seemed to be paranoid and had a dislike of police and authority figures.
156. Sergeant Thorpe told Ms Brown that, if she wished to proceed with making a formal missing persons report, the police would need a photograph and Authority for Publicity form to be completed so that a media release could be made.
157. At the time of the meeting, Ms Brown had not decided whether she wished to make a missing persons report. Among other things, she was concerned about the impact making such a report might have on Nathaniel's reputation in the local community. At the conclusion of the meeting, Ms Brown told Sergeant Thorpe she was going to consider what she should do. She was, at that time, inclined to wait until December, by which time the "*couple of months*" Nathaniel referred to in his October 2022 letter would have passed.

158. Sergeant Thorpe was concerned by the information provided to him by Ms Brown. However, because of Ms Brown's indecision about whether she wanted to make a formal missing person report, Sergeant Thorpe was unsure whether to record the information he had been given as an occurrence only, or a missing person report.
159. On 24 November 2022, Sergeant Thorpe sought advice about how he should proceed from Detective Sergeant Badger. Detective Sergeant Badger was not in Sergeant Thorpe's chain of command, but was the Detective Sergeant in charge of the detectives at the station. His advice was that the situation fell into a grey area, and Sergeant Thorpe should seek advice from the NSW Police Force Missing Persons Registry. Sergeant Thorpe did then seek advice from the Missing Persons Registry, first by attempting to call the Registry, and then by an email.
160. On 1 December 2022, after a series of rest days, Sergeant Thorpe again called the Registry. He received advice from an officer at the Missing Persons Registry that Nathaniel should be reported as a missing person and that the matter should be recorded as a missing persons event in the Computerised Operational Policing System (**COPS**). On the same day, he created a missing persons COPS event (COPS event E7623515) and included, in the narrative, a summary of the matters Ms Brown had informed him about during their discussion on 23 November 2022. This COPS event constituted a missing person report for the purposes of the police response which followed. The matter was then pursued as such. Accordingly, the missing person report was initiated by NSW Police, not by Ms Brown. She had no knowledge that the police were, from that time, treating Nathaniel as a missing person.
161. The COPS event included the significant information known to police at that time, including the following:
- a. That Gareth Train "*is paranoid and has a dislike of police and indicated that he did not want any report of police of MP [missing person] being missing*", and that he had "*threatened Aidan if he went to police [Gareth] would go after him*".
 - b. After his cardiac arrest, Nathaniel had "*found god again*" and "*felt whatever happened to him was gods will*". Ms Brown believed that Nathaniel "*has communicated with Gareth Train [and] has got into his head to make him more paranoid*".

- c. That Nathaniel's friends had distanced themselves from him because of "*his overly religious rhetoric when speaking with them*". Information about the last known contact between Nathaniel and his family members, including the 9 October 2022 letter.
 - d. Nathaniel had stopped taking his heart medication "*and did not want medical intervention and god would take him when he wanted*".
 - e. About Nathaniel's camping trip at the end of 2021 while in possession of his firearms.
 - f. Reference to the QPS records regarding Nathaniel's unlawful entry into Queensland in December 2021 and his discarded firearms and ammunition, as well as the arrest warrant that had been issued.
162. When the entry was created, Sergeant Thorpe was required to complete a risk assessment. The risk assessment is an online tool for assessing the urgency of the investigative steps to be taken to locate the missing person. The *Missing Persons, Unidentified Bodies and Human Remains Standard Operating Procedures 2022 (Missing Persons SOPS)* was the relevant procedure for the making of a missing person report. The Missing Persons SOPS provided, at page 49, in relation to the risk assessment:
- It is important to remember, when considering risk, we are not just considering the risk of whether the missing person will return but the risk to the person while they are missing and any associated risk to the community.*
163. The risk assessment tool was to be created by the officer in charge. Sergeant Thorpe was that person. The missing persons SOPS provided that it was to be completed by, firstly, answering all the questions in the tool and, then, by choosing a rating of 'limited', 'medium' or 'high'. Sergeant Thorpe answered the questions, then chose the 'limited' risk rating.

164. He provided a written explanation for his assessment which included that there was no indication of foul play, that Nathaniel appeared to be actively choosing to be uncontactable and appeared to have the means and ability to live off the land for extended periods of time. However, police had some concerns due to his reportedly showing signs of paranoia and choosing not to take his medication.
165. In the same part of the risk assessment, under the heading Proposed Police Action, he wrote, "*Checks to be conducted on CCR [Call Charge Records], bank records and await outcome of scheduled contact with family during December 2022*".
166. The following day, 2 December 2022, the COPS event, including the risk assessment, was reviewed by Detective Senior Constable Richard Gozman. Detective Senior Constable Gozman was an experienced missing persons investigator at the Missing Persons Registry who had been in that role with the Missing Persons Registry since 2019. He reviewed the COPS event as part of the daily review of all missing persons reports conducted by the Missing Persons Registry.
167. When he reviewed the COPS entry and the risk assessment, he had an email exchange with Sergeant Thorpe, who told him that Ms Brown was reluctant to report Nathaniel as a missing person until after he failed to make the scheduled contact the following month. Notwithstanding that information, Detective Senior Constable Gozman considered the risk should be rated as "high". He formed that view based on Nathaniel's health concerns, the length of time he had not been seen or spoken to and the fact that he had not been taking his heart medication.
168. Detective Senior Constable Gozman called Sergeant Thorpe and told him that he had formed the view the risk should be rated as high and that certain things should be put in place to try and find him safely. He followed up that telephone call with an email at 11:29am on the same day. The email contained a number of investigative steps Detective Senior Constable Gozman recommended Sergeant Thorpe take.
169. Detective Senior Constable Gozman requested the QPS Missing Persons Unit to flag Nathaniel as a missing person and to put a flag on his vehicle, which it did.

170. Sergeant Thorpe then made a number of requests for information in line with Detective Senior Constable Gozman's recommendations, including requests for Queensland criminal records, warrants, traffic records, motor vehicle details and address details, Centrelink information, Medicare/PBS information and Mobile Automatic Number Plate Recognition Records.
171. Sergeant Thorpe informed Detective Senior Constable Gozman that Ms Brown was reluctant to report Nathaniel missing until after he failed to make his next scheduled contact, but that he would look to obtain the Authority for Publicity and photograph that Detective Senior Constable Gozman had recommended at that time, and that he would stay in contact with Ms Brown in the meantime.
172. The review by Detective Senior Constable Gozman was not the only review mechanism for missing persons COPS reports. In addition to the review by the Missing Persons Registry, quality reviews were conducted by shift supervisors at the station at which the officer in charge who took the missing persons report was based. These reviews were done routinely and regularly. When a COPS event was created, it would appear in a shift supervisor's tasks as an "*unverified*" report until the shift supervisor reviewed it and either "*verified*" it or required it to be re-submitted to the officer who created it. When a COPS event to be reviewed was a missing persons COPS event, the shift supervisor was also required to review the risk assessment completed by the officer in charge.
173. In this case, Sergeant Grant Gannon was the evening shift supervisor on 2 December 2022. His duties included conducting quality reviews of recent police reports. In the early hours of 3 December 2022, he reviewed the missing persons COPS event and risk assessment. He "*verified*" the COPS event. This meant he considered that the report contained adequate information. However, when he reviewed the risk assessment, he too concluded that the risk to Nathaniel was "high", not limited, and changed it accordingly. He provided that the rationale for the risk rating was that Nathaniel had significant medical issues, had not been sighted for months, and had not been in contact with his next of kin for months.
174. He considered that the proposed police action, set out in the narrative, was appropriate at that time. The COPS event narrative indicated that requests for the following information had been completed: Queensland Criminal/Traffic History; MANPR [registration checks]; Medicare/PBS; Centrelink; Travel – Passport; and Subscriber checks.

175. On 4 December 2022, Sergeant Thorpe again spoke to Ms Brown. He telephoned her to find out if she had decided to proceed with making a formal missing report. She told him that she had decided that she would and that she had informed Nathaniel's children of her decision. He told her that police would be looking to obtain an Authority for Publicity form and a photograph from her that could be used in a media release. During this call, Sergeant Thorpe informed Ms Brown of the circumstances of Nathaniel's Talwood border crossing and the abandonment of his vehicle. He also updated the COPS event following his conversation with Ms Brown.
176. On the same shift, but in the early hours of 5 December 2022, Sergeant Thorpe emailed Detective Inspector Marr who was then the Detective Acting Inspector Crime Manager for the Central North Police District, which included Walgett. His role was to oversee all serious investigations in the district.
177. Sergeant Thorpe sent the COPS event to Detective Acting Inspector Marr for the purpose of seeking advice as to the appropriate next investigative steps. By two emails sent back to Sergeant Thorpe that day, Detective Inspector Marr set out a number of tasks to be undertaken in relation to the missing persons report. Some of them had already been recommended to Sergeant Thorpe by DSC Gozman and were already underway.
178. In the email sent at approximately 1:30pm, Detective Inspector Marr's first questions were whether a photograph and Authority to Release form had been obtained. Other tasks referred to included contacting the NSW Police Media Unit for a media release to be sent out, which could be shared with Queensland, making enquiries in relation to Nathaniel's phone number and a possible triangulation of his telephone and making bank account requests.
179. The email was sent to a number of officers at Walgett Police Station, including the shift supervisor, because Detective Inspector Marr was aware that Sergeant Thorpe was entering a period of days off.
180. Upon receipt of that email, the shift supervisor, Acting Sergeant Kate Eckel, requested that Detective Senior Constable Tim Montgomery and Constable Emma Condon assist with the investigative steps that had been outlined by Detective Inspector Marr.

181. As Detective Senior Constable Montgomery's wife worked at the Walgett Community College with both Nathaniel and Ms Brown, those two officers decided that Constable Condon would attend the school for the purpose of attempting to obtain an Authority for Publicity and photograph from Ms Brown.
182. Constable Condon attended the school on 5 December 2022 and met with Ms Brown in a private room at the school. She took an Authority for Publicity form with her, and explained it to Ms Brown. Ms Brown signed the form, and later emailed a photograph to Constable Condon.
183. Ms Brown also sent other documents to Constable Condon including correspondence from Nathaniel to Ms Brown and others, Nathaniel's bank account details and a document entitled "Our Story" which provided details of their relationship, particularly since Nathaniel's cardiac arrest, and the events of the previous year.
184. That same day, Constable Condon uploaded the documents to the COPS event, and forwarded them to the night shift supervisor to have them provided to the NSW Police Media Unit.
185. At 4:30pm, Acting Sergeant Eckel responded to Detective Inspector Marr's earlier email regarding the tasks to be completed, advising that Constable Condon had completed a number of them. She advised that, among other things, Nathaniel's next of kin had signed a media release form and was emailing a photo shortly and that requests for bank information had been made.
186. The NSW Police Media Unit subsequently broadcast the missing person report to the public by various media channels, including Facebook.
187. Over the following days, Constable Condon continued to undertake inquiries which included inquiries in relation to Nathaniel's telephone, liaising with the NSW Police Media Unit and communicating with Ms Brown.
188. On 7 December 2022, Sergeant Thorpe telephoned Gareth's mobile telephone number, but the call was not answered. Sergeant Thorpe left a message to the effect that he was following up in relation to a missing person report regarding Nathaniel and requested a return call. Gareth did not return his call.

189. On 8 December 2022, the NSW Police Media Unit requested the Queensland Police Media & Public Affairs Branch assist by on-sharing the NSW missing persons appeal on its Facebook page. It did so.
190. That same day, Detective Senior Constable Gozman conducted the Missing Persons Registry's seven day review of Nathaniel's missing person case as required by the Missing Persons SOPS. He reviewed the tasks that had been completed and were underway, and considered that the investigation was progressing well.

Whether the NSW Police Force officers acted in accordance with relevant policies and procedures when issuing and broadcasting the missing persons report

191. The first question which arises is whether Sergeant Thorpe's initial dealings with Ms Brown were appropriate. When Sergeant Thorpe met with Ms Brown on 23 November 2022, he spent a significant period of time with her, listening to her concerns and eliciting relevant information about her contact with Nathaniel. He recorded the information she provided in his police notebook. I consider that Sergeant Thorpe's dealings with Ms Brown were appropriate.
192. The next question which arises is whether the creation of a missing persons COPS event by Sergeant Thorpe on 1 December 2022 was appropriate. Following his meeting with Ms Brown, Sergeant Thorpe was uncertain whether Nathaniel qualified as a missing person. His uncertainty was due to the fact that, although Ms Brown had not had contact with her husband for some months, she did not want to formally report him as missing. At that time, she was, instead, minded to wait until December 2022 to see if Nathaniel made contact with anyone, as he suggested he would do in his letter of 9 October 2022.
193. It was appropriate that he sought advice. He was unsure whether the information provided to police warranted the making of a missing person report in the absence of such a report being made by Ms Brown. It was appropriate that he sought advice from Detective Sergeant Badger, a suitably qualified and experienced officer from whom to seek such advice.
194. Given Detective Sergeant Badger was also uncertain whether the matter amounted to a missing persons matter, it was appropriate that he advised Sergeant Thorpe to contact the Missing Persons Registry, and appropriate that Sergeant Thorpe did so.

195. The Missing Persons Registry is a specialist unit established in 2019. It sits within the State Crime Command. Its function is to co-ordinate the NSW Police Force response to missing persons investigations, including by offering guidance and support to officers conducting missing persons investigations. It was plainly the appropriate place for Sergeant Thorpe to seek advice from. An officer from the Missing Persons Registry advised Sergeant Thorpe that the matter should be recorded as a missing persons COPS event. It was appropriate, in circumstances where Sergeant Thorpe sought advice from the Missing Persons Registry, that he followed that advice.
196. The next question which arises is whether the advice by the Missing Persons Registry to create a missing persons COPS event was in accordance with the relevant policies and procedures.
197. The Missing Persons SOPS is the relevant procedure for the making of a missing person report. A missing person is defined, in section 5.0, as follows:

Missing person

A missing person is anyone who is reported missing to police, whose whereabouts are unknown, and there are fears for the safety or concern for the welfare of that person. This includes anyone missing from any institution, excluding escapees. For missing person reports to be taken, there must be a genuine concern held for the safety or wellbeing of the person.

198. Section 6.1 makes it clear that police may have a genuine reason to fear for the safety or welfare of a person even if the person's next of kin does not, and that it is the "*responsibility of the police to assess all available information to determine if someone meets the definition of a missing person*".
199. Section 9.1.1 deals with the situation in which a person has not been reported missing by someone such as their next of kin, but where police become concerned for the safety or wellbeing of the person, and their whereabouts are unknown. In such circumstances, the Missing Persons SOPS provide that a Missing Person Incident is to be created in COPS and the matter is to be investigated as a missing person matter.

200. In this case, at the time Sergeant Thorpe sought advice from the Missing Persons Registry, Ms Brown had not formally reported Nathaniel missing. However, Sergeant Thorpe was nonetheless concerned for the safety and wellbeing of Nathaniel, and his whereabouts were unknown.
201. Sergeant Thorpe's concern for Nathaniel's safety and wellbeing was reasonable. First, Ms Brown told him she was concerned, and, as Nathaniel's wife, she was well placed to form a view as to whether there was cause for concern or not. Second, Sergeant Thorpe obtained sufficient information from Ms Brown, in a lengthy interview with her, to give rise to an independent concern about Nathaniel's safety and wellbeing.
202. Further, Nathaniel's whereabouts were unknown. To Sergeant Thorpe's knowledge, Nathaniel had not been seen by anyone since Ms Brown last saw him on 16 December 2021. Although Nathaniel had, at first, been in telephone and email contact with Ms Brown, she did not know where Nathaniel was at those times. Sergeant Thorpe did not have access to any independent information as to Nathaniel's whereabouts.
203. Clearly, Nathaniel met the first limb of the definition of a missing person (namely that he was reported missing to police). Ms Brown reported him missing, even if she did not initially wish to make formal missing persons report.
204. He also met the second limb of the definition of a missing person (namely that his whereabouts were unknown) because Ms Brown reported that Nathaniel's family had not contact with him for a number of months and did not know where he was.
205. In my view, Nathaniel also met the third limb of the definition of a missing person (namely that there were fears for Nathaniel's safety and concern for his welfare) in circumstances where Nathaniel was known to have ceased taking medication for his heart condition in November 2021 and was, apparently, on his own in circumstances where it was uncharacteristic for him to be out of contact from family for such a lengthy period.
206. In the circumstances, I consider that the advice provided by the Missing Persons Registry that the matter should be entered into COPS as a missing persons matter was advice which was reasonable and in accordance with the Missing Persons SOPS.

207. I do not accept the submission that Nathaniel's cardiac arrest in August 2021, refusal of treatment or his voluntary cessation of medication were matters which weighed against police concerns for Nathaniel's welfare. Similarly, I do not accept the submission that, because Nathaniel willingly chose not to take his heart medication, or receive further treatment for his heart condition, it was not reasonable for police to have concerns about him. Rather, they were matters which, in my view, reasonably added to those concerns.
208. I also do not accept the submission that Nathaniel's previous lengthy camping trips were matters which weighed against police concerns for his safety. In light of all the circumstances surrounding his lack of contact with Ms Brown and other family members at the end of 2022, his previous periods of non-contact were not such as to alleviate the reasonably held police concerns for his welfare.
209. Further, in the circumstances, the letter from October 2022 which suggested Nathaniel intended to return to the Wieambilla property, or be in contact with Gareth and Stacey, in "*a couple of months*" was not a factor which ought reasonably to have reduced police concerns. To the contrary, to my mind, the fact that Nathaniel indicated he intended to spend a couple of months in the bush, alone and without contact with family or friends, was a factor which reasonably added to those concerns. I do not accept the submission that Nathaniel did not meet the definition of a missing person on the basis that his October 2022 letter indicated he did not intend to be back in contact with Gareth and Stacey until mid-December 2022.
210. In arriving at these conclusions, I have considered the evidence of Detective Sergeant Gorrie, a senior officer attached to the Missing Persons Unit in Queensland. At the inquest hearings, Detective Sergeant Gorrie gave evidence that he did not consider that, at the time the missing persons report was made, Nathaniel met the definition of a missing person. Detective Sergeant Gorrie said that had the matter been considered by him at the time, he would not have considered Nathaniel's case to be a missing persons case, but simply a "loss of contact" case, not warranting a missing persons response. However, he acknowledged it was not appropriate for a police officer receiving a request from interstate to locate a missing person to challenge that classification.

211. Noting the different view expressed by Detective Sergeant Gorrie compared with that of the NSW Police, I am unable to conclude that the view, and actions, taken by the NSW Police were unreasonable for the reasons outlined above. The fact that another officer or officers might not have classified Nathaniel's case as a missing persons case does not render Sergeant Thorpe's decision to do so (informed by advice from the Missing Persons Registry) unreasonable.
212. I note that, on 3 December 2022, Sergeant Gannon, the evening shift supervisor, reviewed the missing persons COPS event created by Inspector Thorpe and the accompanying risk assessment. He considered the risk to Nathaniel was high (not limited, as Inspector Thorpe had assessed it to be) and changed it accordingly. I consider that, having regard to the "*Description of 'Risk Ratings' for Missing Persons*" in section 11.2 of the Missing Persons SOPS, which provides a guide for matters to consider when determining the risk rating, there is scope for different conclusions to be reached about risk, even on consideration of the same set of facts. I do not consider there to be any difficulty in this case, in the fact that one police officer considered the risk to Nathaniel to be 'limited', while another officer considered it to be 'high'.
213. It was submitted that it would be open for me to consider that a different risk assessment may have resulted in different QPS officers attending the Wieambilla property at a different time (or even the same officers attending at a different time). I understand that submission to be made on the basis that, if the risk assessment was determined to be lower than 'high', attempts to contact Nathaniel may not have been made with the same urgency and the actions taken by NSW Police officers may have been delayed.
214. I accept that it is not possible to know how the events which did transpire may have been altered if a different risk assessment had been made. However, on the information available to me, I cannot reach any conclusions about the likelihood that the events would have differed, or the extent to which they would have differed. Contact with family members and requesting the attendance of police at addresses the missing person may have attended would have been engaged irrespective of the risk level.

215. The next question which arises is whether the broadcasting of the missing persons report was done in accordance with the Missing Persons SOPS. I conclude that it was, for the following reasons.
216. Section 9.1.1 of the Missing Persons SOPS requires that, once a Missing Persons Incident has been created (even if no-one has reported the person missing), the matter should be investigated as a missing persons case in accordance with the Missing Persons SOPS.
217. Section 9.2.1 of the Missing Persons SOPS provides for the immediate responsibilities of the officer in charge of a missing persons case. That section provides that, within the first 24 hours, the officer in charge must, among other things, obtain an Authority for Publicity to publicly release details of the case and, if an Authority for Publicity is not provided, contact the Missing Persons Registry for further advice.
218. Sergeant Thorpe created the missing person COPS event on 1 December 2022. At that time, he did not have an Authority for Publicity, because Ms Brown had not decided whether she wished to make a formal missing person report. He spoke with, and obtained advice from, Detective Senior Constable Gozman on 2 December 2022. This was in accordance with the timeframes provided for in the SOPS.
219. At that time, he told DSC Gozman that Ms Brown was reluctant to report Nathaniel missing but that he would remain in contact with her. Sergeant Thorpe telephoned Ms Brown on 4 December 2022, when Ms Brown informed Sergeant Thorpe that she wished to make a formal report, and Sergeant Thorpe explained he would need an Authority for Publicity and a photograph to create a public appeal.
220. Obtaining that material was then done in a timely way. The next day, 5 December 2022, Constable Condon attended at Ms Brown's place of work and obtained the necessary documentation, before sending it to the NSW Police Media Unit for dissemination.
221. In turn, on 8 December 2022, the NSW Police Media Unit requested the assistance of the Queensland Police Media & Public Affairs Branch in on-sharing the appeal on its Facebook page, which it did. In the circumstances, I consider that the broadcasting of the missing person report was done in accordance with the Missing Persons SOPS, and in a timely way.

222. It has been submitted that, when a person such as Ms Brown reports a person as missing (regardless of whether they formally make a missing persons report at that time), information ought to be provided to them which identifies how a missing person's investigation is conducted, what public notifications will be made, and advising the person about the type of information that should be provided to assist police with the investigation.
223. On the material before me, I am satisfied that Ms Brown was kept appropriately apprised of the police investigation and the information required from her. Public notifications were not made until she provided her Authority for Publicity. Constable Condon provided appropriate advice about the information that was required from her. I consider that there was otherwise an adequate and appropriate level of communication between Ms Brown and NSW police, particularly Sergeant Thorpe and Constable Condon, in person, by telephone and by email.

Issue 1(c) The information communicated by the NSW Police Force to the QPS in the lead up to 12 December 2022, and the effect that that information had on the decision to send the four officers to the Wains Road property on 12 December 2022.

The information communicated by the NSW Police Force to the QPS in the lead up to 12 December 2022

224. Information was communicated by the NSW Police Force to the QPS in the lead up to the catastrophic events on the afternoon of 12 December 2022 on 2 and 12 December 2022.
225. On 2 December 2022, the NSW Police Force sought the assistance of the QPS to the extent of asking the QPS Missing Persons Unit to flag Nathaniel as a missing person and put a warning on his vehicle. This request was made by email sent by Detective Senior Constable Gozman from the NSW Missing Persons Registry to the QPS Missing Persons Unit. The email contained some background information explaining why Nathaniel was a missing person.
226. There were three emails between Detective Senior Constable Gozman and an officer at the QPS Missing Persons Unit that day. The request was actioned by the QPS Missing Persons Unit and a missing person flag was added against Nathaniel's name in QPRIME.

227. After 2 December 2022, there was then no further information conveyed by the NSW Police Force to the QPS about Nathaniel, and no further requests made, until 12 December 2022.

Background to the information communicated by the NSW Police Force to the QPS on 12 December 2022

228. In December 2022, Detective Acting Sergeant Jordan Hammerton was the team leader for the detectives based at the Walgett Police Station. He first became involved in Nathaniel's missing persons on 6 December 2022.

229. On 6 December 2022, he saw an email sent by Detective Inspector Marr the previous day to Sergeant Thorpe and others which, in part, suggested that Sergeant Thorpe speak to Detective Acting Sergeant Hammerton about the case. Detective Acting Sergeant Hammerton and Sergeant Thorpe did meet to discuss the case, and the appropriate next investigative steps, on 6 and 7 December 2022. He understood that Sergeant Thorpe had already made attempts to contact Nathaniel and Gareth by telephone, without success.

230. Detective Acting Sergeant Hammerton also asked Constable Condon to assist Sergeant Thorpe with the case. Detective Acting Sergeant Hammerton was then on days off between 8 and 11 December 2022.

231. On 11 December 2022, he reviewed the progress of the case on his return to work. Following that review, he emailed DSC Montgomery and Constable Condon asking the two officers to do three things:

1. request local Queensland police officers attend at Nathaniel's last known address and speak to the occupants of the property;
2. contact his siblings and children to see if they had had contact with Nathaniel; and
3. contact the Queensland Police Media Unit to see if they had received any information after they disseminated the NSW Police Force Facebook post on their Facebook page.

232. On 12 December 2022, Detective Senior Constable Montgomery and Constable Condon discussed those tasks shortly after they arrived at work at about 7:00am. They decided that Detective Senior Constable Montgomery would attend to the first two tasks and Constable Condon would action the third.

233. To progress the second task, at 7:59am, Constable Condon requested, by email, that Ms Brown forward her the phone numbers for Nathaniel's children, so that Detective Senior Constable Montgomery could call them.
234. At 8:39am, Ms Brown replied. In her email, Ms Brown wrote, "*Please find attached some correspondence that occurred over the weekend between Aidan (Nate's son) and Gareth and then Gareth to Nathaniel. It's next level fucked up! Below are contact numbers for Maddy and Aidan – sorry – I don't have Stacey's.*" She attached that correspondence, which comprised four emails. The attached emails comprised an email from Aidan Train to Gareth on 10 December 2022 and emails from Gareth to Aidan, Nathaniel and Ms Brown.
235. One of the emails was an email sent from Aidan to email addresses for Gareth, Stacey and Nathaniel at 6:12pm on 10 December 2022. It provided:

Some Information

Aidan Train <[REDACTED]> Sat, Dec 10, 2022 at 6:12 PM
To: Madelyn Train <[REDACTED]>, G&S Train <[REDACTED]>, Nathaniel Train

Hi Gary and Stacey,

Just letting you know that earlier this week [REDACTED] has reported Nathaniel missing.

NSW police have put out a press release but I am not aware of them doing anything else as of yet.

She came to this decision despite me pointing it out as a pointless exercise, seeing as if Nathaniel is located, he can simply advise officers to keep his location confidential and they are obliged to respect his wishes. [REDACTED] has pursued this alone.

I sincerely hope that this does not cause any trouble/ inconvenience for you, but I thought it best to let you know.

Extended family was also found sending thoughts and prayers in the Facebook post comments, so they are aware also.

Aidan

236. Another email was a reply sent from Gareth to Aidan to the above email at 6:17am on 11 December 2022. That email provided:

Some Information

G&S Train [REDACTED] Sun, Dec 11, 2022 at 6:17 AM
To: Aidan Train [REDACTED]
Cc: Madelyn Train <[REDACTED]>, Nathaniel [REDACTED]

Thank you Aidan,
Yes, I have received a message from the actor inspector gadget Simon Thorpe NSW police who will not be getting a call back along with all the other messages from the QPS officers over the last 12 months. [REDACTED] is a trouble making succubus and would see Nathaniel dead if she is not able to fully control him under her spell. [REDACTED] and Nathaniel separated sometime ago now due to her abusive behaviour and she needs to move on. Anyone reading the news knows how "welfare checks" in Australia are conducted by police. I am sure when the bully men find Nathaniel he will greet them as they deserve. As I have explained over many years after working with uniformed police, CPIU detectives and my own personal experiences with senior police they have not attempted to change their criminal behaviour since being exposed during the Fitzgerald enquiry 1988-89. Nathaniel is more than aware that the criminal police haven't changed since the boats arrived in 1788. Given enough time you may also arrive at the same conclusion. When you were 5 years old a former Son Of God Sgt QPS on duty with his drunk brother came to my door attempting to enter the house and scold you and Maddy, they were dealt with as they deserved. Teach others the way you will be treated. If trouble arrives on my door step it will be dealt with forthwith, as it always has.
Gareth

Sent from my iPhone

> On 10 Dec 2022, at 5:12 pm, Aidan Train [REDACTED] wrote:
>
>
[Quoted text hidden]

237. The third email was another sent by Gareth on 11 December 2022. It was sent to Nathaniel (and copied to Aidan and Madelyn) at 3:15pm. It provided:

A festive time of year

G&S Train [REDACTED] Sun, Dec 11, 2022 at 3:15 PM
To: Nathaniel [REDACTED]
Cc: Aidan Train [REDACTED] Madelyn Train [REDACTED]

Nathaniel,
[REDACTED] appears to be collaborating with the NSW police to follow through with her threat to see you dead rather than separated. In our conversation on the phone in December of 2021 you advised me you had separated from [REDACTED] due to her continual abusive & controlling behaviour. As it is now almost 12 months ago, [REDACTED] must be making up some fucking fancy fairytales and appears to be receiving support from long lost fucking family fools. My guess is that they will attempt to see you dead by saturnalia satan's festive holyday of the year. Where they have failed with Stacey and I, they now come for you. Stay sharp.
Gareth

Sent from my iPhone: Eat shit and de Mike & Co.

238. The fourth email was more dated. It had been sent from Gareth to Ms Brown at 1:46pm on 26 October 2022 in relation to Ms Brown's attempts to have mail passed on to Nathaniel. It provided:

Reeeetard

G&S Train <[REDACTED]> 26 October 2022 at 13:46
To: [REDACTED]
Cc: Aidan Train <[REDACTED]>, Madelyn Train <[REDACTED]>, Nathaniel

Fuckn hell you retard. I don't know honestly who is more retarded you or Aidan.
I have no way of contacting Nathaniel or passing his mail on.

I have no way of contacting Nathaniel or passing his mail on.

I have no way of contacting Nathaniel or passing his mail on.

I have no way of contacting Nathaniel or passing his mail on.

I have no way of contacting Nathaniel or passing his mail on.

What is it you don't understand? It's definitely not about me or Stacey this is correct, correct, correct, it's about you [REDACTED] and Nathaniel, you and Nathaniel, you and Nathaniel, so stop involving Stacey and me.

Go and eat Mathew's dick until he has completely skull fucked the rest of your vaxxed brain out.

Fuckn get it.
Fuck off!

Reread my reply to your email several times slowly if necessary or have someone intelligent read it for you and explain. Here it is again.

[REDACTED]

I do not know why you insist on involving Stacey and me in your domestic conflict with Nathaniel. We have had little contact with Nathaniel for the last 15 years since your on again off again relation especially after you separated the first time at Bloomfield and then reconnected in Cairns several years later. Nathaniel was not permitted to even visit once a year, controlling much? We have no way of ensuring Nathaniel receives anything you send via post or leave here at the gate. Nathaniel and you have both been advised: you are not permitted to leave items at the front gate for him to collect at his convenience. Anything you have posted will be binned as we are not a postal service and the postal contractor rarely delivers correctly anyway. The last time I saw Nathaniel in his Black GXL Landcruiser was leaving in January 2021 after dropping in to catch up on his way to see Maddy, which you are aware of as this was when Nathaniel and I had discussed heart issues. To my knowledge Nathaniel is out bush somewhere. I DO NOT KNOW Nathaniel's friends or where he goes camping and hunting. I suggest you ask Aidan, Mack or Tisse as they have been out bush camping and hunting with Nathaniel. I have not been out bush camping or walkabout or hunting with Nathaniel since we were teenagers. I have advised Nathaniel that you and Aidan are attempting to make trouble with the police "authorities" but the last text from Nathaniel stated he had not received any email, text messages or missed calls.

Nathaniel's text on Oct 9 2022.

"Passing through. Everything is quiet and not going to disturb you. Nothing coming in on mobile phone (emails, texts or missed calls). Someone is obviously up in this phone again and they are taking it to a new level. Now I am supposed to put in my email password (no idea what that is or what mobile number is attached so it's a lost cause - last emails in are from July). Gates locked as usual and it's raining so I won't come in and scare you or the dogs. I've checked the banking out and it looks like maybe [REDACTED] has decided to build down in Moruya. Heading back out bush to keep working and camping. I'm all good. The phone is going back off again and I'll try to get in contact with you in a few months. Fucking doctors and cardiologists are all full of shit - still no health concerns at all. Hope this gets through to you."

Nathaniel also left a note in the mail box, contact your new son Aidan for a copy.

Stacey advised you politely to "not contact her again". I am not polite. DO NOT CONTACT STACEY & ME AGAIN

YOU CRAZY SUCCUBUS WITCH.



Fuck off! FUCK OFF means go away you loopy cunt and find someone else to email your problems to.

Gareth
Sent from my iPhone

On 26 Oct 2022, at 9:59 am, [REDACTED] wrote:

Mail contains info, for Nate to access his email and google account etc.
Also contains correspondence that needs attention - will cause problems for him should he not respond.

Passing on Nate's mail is not about me, you or Stacey.

239. At 8:41am, Constable Condon replied to Ms Brown's email to the effect that police would review it "*and get back to you soon*".
240. Ms Brown's email was sent to both Constable Condon and Sergeant Thorpe. Constable Condon forwarded the email to Detective Senior Constable Montgomery at 8:42am.
241. Sergeant Thorpe was, at that time, performing duties at the Byron Bay Police Station as part of a three week secondment. At 9:06am, he forwarded the email to Detective Acting Sergeant Hammerton. He said, "*Good morning mate, Looks like there will be no co-operation from Gareth by reading the email from Gareth to Aidan. He received my message but isn't going to ring back. I'll upload them into View today*".
242. At about 10:43am, Sergeant Thorpe updated the COPS event and uploaded Ms Brown's email and the four attachments. In the COPS event, he included a summary of the four attached emails with some commentary. The entry made by Sergeant Thorpe included the comment that the "*general theme of the emails was Gareth TRAIN's negative opinion of police and the NOK [next of kin]*" and concluded with the observation that, "*[f]he emails contain information that are consistent with symptoms of delusional paranoia from the MP and Gareth Train*".
243. Sergeant Thorpe did not know that Detective Acting Sergeant Hammerton had tasked Constable Condon and Detective Senior Constable Montgomery to request Queensland officers to attend at Gareth's address. Sergeant Thorpe was not copied into the email Detective Acting Sergeant Hammerton sent to those officers, and he was relieving at the Byron Bay station that day.

244. Detective Acting Sergeant Hammerton was on a day off and did not see these emails until after the siege. Sergeant Thorpe was not aware that Detective Acting Sergeant Hammerton was not working on that day.
245. When Constable Condon received Ms Brown's email, she forwarded it to Detective Senior Constable Montgomery, whose primary interest in it was that it contained the telephone numbers he needed to contact Madelyn and Aidan. He did not read the emails attached to Ms Brown's email until after the siege.
246. Detective Senior Constable Montgomery, who was attending to unrelated work during the earlier part of the day, telephoned Madelyn and Aidan in the early afternoon. Madelyn did not answer and he left a message. Aidan did answer and spoke with Detective Senior Constable Montgomery. During that call, Aidan told Detective Senior Constable Montgomery that he had not had contact with Nathaniel for some time and believed he was not taking his medication. Aidan asked if Gareth had been contacted and told Detective Senior Constable Montgomery that he thought Gareth knew more about Nathaniel's whereabouts than he was letting on.
247. After making those calls, Detective Senior Constable Montgomery looked up 251 Wains Road, Wieambilla on Google maps and determined that it fell within the Chinchilla police district.

The information communicated by the NSW Police Force to the QPS on 12 December 2022

248. Sometime after 1:00pm (NSW time), Detective Senior Constable Montgomery telephoned the Chinchilla Police Station and spoke with Constable Abbott. He identified himself as a NSW Police officer and indicated that NSW Police were making inquiries in relation to a missing person. He confirmed with Constable Abbott that the Wains Road address was covered by the Chinchilla Police Station.
249. He asked if the Chinchilla Police Station could arrange for officers to attend the address to enquire as to whether the occupants had been in contact with Nathaniel or may know where he might be.

250. Constable Abbott had received similar requests for assistance from police officers in other states previously. Her usual practice, when asked to assist an interstate police officer in this way, was to obtain as much information about the job as possible, both over the phone and by email.
251. In the telephone call, Detective Senior Constable Montgomery told Constable Abbott that the missing person was Nathaniel, who was a principal at Walgett Community College. His brother, Gareth, and Gareth's wife, Stacey, lived in Wieambilla. He said that Nathaniel had gone out bush about a year before and that his wife had been in contact with him by phone and email until around the time she had made a missing person report when his lack of contact then concerned her.
252. Constable Abbott considered, on the basis of the information relayed to her, that the matter was a missing persons case. She considered it was a matter that police at the Chinchilla Police Station could properly assist with if time permitted. She told Detective Senior Constable Montgomery that, because she was nearing the end of her shift and in view of the distance from the station to Wieambilla and her existing workload, it would probably be another crew that attended to the job. She asked Detective Senior Constable Montgomery to send her an email with all the information he had in relation to Nathaniel, Gareth and Stacey.
253. Detective Senior Constable Montgomery confirmed he would send her an email with the narrative for the job and information about the background to the investigation.
254. While they were still on the telephone, Constable Abbott checked the address, and checked the details for each of Nathaniel, Gareth and Stacey on QPRIME. In relation to Nathaniel, she learned that he was wanted on an arrest warrant for a border breach and incorrect storage of weapons but that he had no finalised criminal history. She considered those to be common offences, and learned that he was a weapons licence holder. She considered that made him more credible than someone in possession of firearms who was not. She spoke to Constable Rigg who told her he had attended at the address previously to look for Nathaniel.
255. In relation to Gareth, Constable Abbott learned that he had an offence or a ticket on his history, but that it was from a very long time ago. Stacey had no criminal history.

256. At 1:31pm (NSW time), Detective Senior Constable Montgomery sent an email to Constable Abbott. The first part of the email read as follows:

From: Timothy Montgomery <[REDACTED]>
Sent: Monday, 12 December 2022 13:31
To: [REDACTED]
Cc: [REDACTED]
Subject: MP Nathaniel TRAIN [SEC=OFFICIAL]

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

As per our conversation,
Could you have a car attended [REDACTED] and speak with the occupants Gareth and Stacey TRAIN and see if they know the whereabouts of the MP.

I have attached the below narrative from our system to give some background.

257. Detective Senior Constable Montgomery cut and pasted the first narrative from the COPS event, completed by Sergeant Thorpe on 1 December 2022, into the email to Constable Abbott. That narrative was lengthy and detailed, spanning nearly three pages. It included information in relation to Nathaniel's firearms and observed that Gareth was "*paranoid*" and had a "*dislike of police*". It also noted that Gareth did not want there to be a report to police of Nathaniel being missing and that Gareth had threatened Aidan that, if he went to police, Gareth would go after him. After listing relevant personal details, the first part of the narrative section of the email read as follows:

Background :

The MP has been in a relationship with [REDACTED] for approximately 16 years and were married on 18/07/2019. They did not have children together but [REDACTED] has children from another relationship. The missing person has two children, Aiden and Madelyn TRAIN, with his ex-wife Stacey TRAIN. Stacey TRAIN is now in a relationship with the MP brother, Gareth TRAIN. The son Aiden was raised by his mother and Garth TRAIN, his step father/uncle.

The missing person has a number of siblings but is estranged from all except for his brother, Gareth TRAIN. Information receiving indicates as children the MP and siblings were abused including sexual, physically and psychologically abuse by their father who was a church minister. The MP came from a very religious upbringing but was not religious after leaving the family home. Gareth and the MP do not share the same father.

The MP children and NOK children got on and were on good terms with the MP and NOK.

The relationship between the NOK and brother Gareth TRAIN is strained.

The NOK indicated that Gareth TRAIN is paranoid and has a dislike of police and indicated that he did not want any report to police of MP being missing. She further stated that he threatened Aidan if he went to the police he would go after him. This information was received third hand.

258. Detective Senior Constable Montgomery did not attach the four emails Ms Brown had sent that morning, and which had been uploaded onto the system.
259. The telephone call between Detective Senior Constable Montgomery and Constable Abbott after 1:00pm (NSW time) and the 1:31pm (NSW time) email was the full extent of the information communicated by the NSW Police Force to the QPS on 12 December 2022.

The effect that that information had on the decision to send the four officers to the Wains Road property on 12 December 2022

260. In my view, the information communicated by the NSW Police Force to the QPS on 2 December 2022 (and the actioning of the request to have Nathaniel flagged as a missing person and to have a warning put on his vehicle to that effect) did not have any appreciable effect on the decision to send Constables Arnold, McCrow, Kirk and Brough to the Wains Road property on 12 December 2022.
261. However, the 12 December 2022 request from Detective Senior Constable Montgomery to Constable Abbott clearly had a direct impact on the decision to send the four officers to the property that day.
262. Constable Abbott had determined in her telephone call with Detective Senior Constable Montgomery that the request for assistance was something that police from Chinchilla Police Station could assist with when time permitted. She understood the request was to have police officers attend at the Wains Road property to speak to Gareth and Stacey to see if they knew of Nathaniel's whereabouts. She performed a QPRIME search of each of Nathaniel, Gareth and Stacey and learned nothing concerning.
263. Constable Abbott's evidence was that when she received the 1:31pm email from DSC Montgomery (received at 2.31pm Queensland time), she read approximately half of the email and then "*just glanced over the rest of it*".
264. The information Constable Abbott received and reviewed caused her to consider that the request for assistance was one which the station could accommodate when time permitted.
265. At the end of her telephone call with Detective Senior Constable Montgomery, Constable Abbott had a discussion with Acting Sergeant Drier in which she explained the job to him. Acting Sergeant Drier also did not read Detective Senior Constable Montgomery's email. Both officers considered the job request to be routine.
266. Acting Sergeant Drier suggested that Constable Abbott attempt to resolve the matter by telephone call. Constable Abbott tried to call Nathaniel and Stacey, but was not able to get through to them. In the circumstances, Acting Sergeant Drier agreed it was a matter the

Chinchilla Police Station could assist with and suggested that the Tara crew should be asked to assist if they could.

267. Both Constable Abbott and Acting Sergeant Drier agreed that it would be helpful to have extra officers attend because many of the blocks near Wieambilla were large and did not have radio signal. Some of the occupants of the blocks had sovereign citizen ideologies and might not initially want to talk to police, although in Constable Abbott's experience, such persons were fine to deal with once police spoke with them.
268. Following her discussion with Acting Sergeant Drier, Constable Abbott put the job on the local computer aided dispatch system (**LCAD**) at 2:42pm. At 3:20pm, she then sent an email to Constables Arnold, McCrow, Kirk and Brough who had, by then, been tasked to do the job. She copied the email to Detective Senior Constable Montgomery. The email included the following:

I have put a job on LCAD regarding the below request. Unfortunately we are unable to attend due to the amount of jobs we've had this morning and dealing with an offender re stolen cars/arson etc from the weekend.

*The boss has requested the Tara crew assist as the MP [missing person] is currently wanted on an arrest warrant and due to the address being in the middle of nowhere. **The MP is also a weapons licence holder with 3 x registered firearms associated with him – two rifles and one shotgun.***

We've previously had a task to do inquiries when the MP was wanted. During these times, no one was able to be raised at the address. I think it's a large property with the dwelling a fair distance from the road and the gate locked or chained. I have tried the phone numbers for the residents but neither of them connect.

269. When Constable Kirk commenced his shift at about 4:00pm, Constable Abbott gave him a brief rundown of the job and explained that it was not urgent. She explained that it would be good if the job could be attended to that day, but told him not to go if it got too dark. She also explained that Acting Sergeant Drier had suggested the Tara crew assist them. Constables Kirk and Brough then left the station to attend the job.

270. Constable Kirk discussed the email he received from Constable Abbott with Acting Sergeant Drier before he left the police station. He also discussed it with Constable Brough, who accessed it on her QLITE device on the way to the Wains Road property.
271. Not all of the NSW Police Force holdings were sent to Constable Abbott. Holdings that were not sent included various COPS narratives, and the numerous emails provided by Ms Brown. Questions were raised during the inquest about whether the inclusion of the four emails, sent by Ms Brown to the Walgett Police Station earlier that day, in the email sent by Detective Senior Constable Montgomery to Constable Abbott, would have affected the decision to send the four officers to Wains Road that afternoon.
272. I accept the evidence given by a number of witnesses, from both Queensland and New South Wales police, to the effect that:
- a. In policing, more information is always better;
 - b. If the emails had been provided, the Queensland police officers would have had an opportunity to do a more complete risk assessment and make further inquiries; and
 - c. The corollary is that the officers who did attend were denied that opportunity.
273. Many witnesses have described the fact that the emails were not sent as “regrettable”. I agree with that assessment, and accept that the missed opportunities for further enquiries to have been made must be extremely distressing for the families of Constable Arnold, Constable McCrow, and Mr Dare.
274. I accept the evidence of Deputy Commissioner Scanlon that, *“in the absence of that information, there’s not an opportunity ... for us to make further risk assessment and make further inquiries, contact other individuals, and form more of a view about who we’re dealing with”*.
275. I also accept the submission on behalf of the QPS Commissioner that, *“without the information contained in the four emails the QPS officers were deprived of knowledge which may have prompted them to undertake a more detailed risk assessment and make further inquiries, particularly given that the QPS had no intelligence information about Nathaniel, Gareth or Stacey”*.

276. However, I consider that Detective Senior Constable Montgomery did not engage in any wrongdoing by not reading the four attachments when he had regard to Ms Brown's email. That is because his purpose in reading her email was primarily to obtain the telephone numbers for Madelyn and Aidan, who he had been tasked with calling.
277. I note that Detective Senior Constable Montgomery's evidence was that, had he read the emails, there would have been no reason not to provide them to Constable Abbott given they were relevant to the task he had requested assistance from her for. I accept that he would have sent them, had he read them.
278. I also accept that it is not possible to say, with any degree of certainty, what, if anything, would have been done differently if the four emails provided by Ms Brown to the Walgett Police Station were sent to Constable Abbott. In particular, it is not possible to know whether provision of the four emails to the QPS would have delayed attendance by QPS officers at the Wieambilla property or whether, if attendance had been delayed, which officers would have attended and what would have occurred. At least in part, that is because Constable Abbott did not read the entirety of the email sent to her by Detective Senior Constable Montgomery, so it is not possible to say whether, if the additional information had been sent, it would have been read, let alone that it would have resulted in the job being delayed.
279. Similarly, it is not possible to know whether, even if the additional information had been read, it would have resulted in a different approach being taken to the request for assistance than that which was taken. It cannot now be known whether the additional information would have caused Constable Abbott or Acting Sergeant Drier to assign the job a higher risk rating, such that the task would not have been assigned to the four officers to whom it was in fact assigned.
280. Detective Chief Inspector Watts gave evidence that the further inquiries that might have been conducted included further checks by intelligence officers and possible escalation to Criminal Investigation Branch (**CIB**) for advice. However, his evidence was to the effect that the QPS would not have engaged either the Special Emergency Response Team or the Public Safety Response Team for the matter. There was some evidence that the Queensland Fixated Threat Assessment Centre may have been able to offer some assistance had its advice been sought, but there was no suggestion from any of the officers involved that they would have sought that assistance.

281. Some witnesses said the emails would have warranted contacting the Dalby CIB for advice, although it seems unlikely that Dalby CIB would have actually attended with the officers. The Dalby CIB might have conducted intelligence checks, but it seems they are unlikely to have returned any information which would have dissuaded Queensland police from attending the property. There was little in the Trains' backgrounds, known to police or any other authorities, which would have provided cause for significant concern about attending at the address.
282. Deputy Commissioner Scanlon's evidence was that, as of 12 December 2022, there was no intelligence information available to the QPS or on the National Criminal Intelligence System which would have identified Nathaniel, Gareth or Stacey as a significant danger to the police or the community more broadly.
283. Deputy Commissioner Scanlon also said that the authors of the emails might have been contacted and questioned specifically about the emails. It cannot be known what Ms Brown or Aidan might have said to the police if they were contacted, although it is noted that both had in fact spoken to NSW Police in the days leading up to 12 December 2022 (and on that day, in Aidan's case) and police did in fact make efforts to call Gareth in the lead up to, and on the day of, 12 December 2022.
284. Additionally, I accept the submission of the QPS Commissioner that *"[i]t is important to acknowledge that while that information should have been passed on by the NSWPF, it is likely that at some point Queensland officers were likely to have been required to attend the Wains Road property to carry out the job. As Deputy Commissioner Scanlon accepted in her oral evidence, it would then have been other officers on another day who would have been at comparable risk. This is particularly so given that no intelligence was held by the QPS to suggest that the Trains posed a threat to police officers or members of the public"*.
285. The QPS Commissioner submitted that, *"[h]owever, the Commissioner agrees with the submission by Counsel Assisting that the Court should not make findings about the precise effect that the information contained in the emails may have had on the decision to send the four officers to the Wains Road property on 12 December 2022 or the nature of the operational response. Any such finding would be no more than speculative. However, it is open to the Court to make a finding that this information may have led the QPS officers to conduct a more thorough risk assessment and to make further inquiries"*.

286. I accept these submissions. In the circumstances, I am unable to make any definitive findings about the effect the information not provided by the NSW Police would have had on the decision to send the four officers to the Wains Road property on 12 December 2022. A different risk assessment, and different lines of enquiry, might have been undertaken before a decision was made to send officers to the address. Who might have been sent, and when, and with what level of support cannot now be known.
287. It was submitted, on behalf of Mrs Dare, that had all of the emails provided by Ms Brown to the NSW Police Force been provided to the QPS, the officers who attended at the Wains Road property on 12 December 2022 would not have been tasked with that job or attended on that day. In this way, it was submitted, the cause of the deaths of Constables Arnold and McCrow was a failure by the NSW Police Force to provide relevant information to the QPS.
288. I do not accept that the failure of the NSW Police Force to provide all its holdings to the QPS can be said to have caused the deaths of Constables Arnold and McCrow, for the reasons set out above. Further, I accept the submissions made on behalf of the Commissioner of Police, NSW Police and various NSW police officers that such findings would inappropriately ascribe responsibility for the deaths to persons other than the Trains.
289. It was also submitted, on behalf of Mrs Dare, that the QPS did not have a policy that required an officer receiving a request to perform a welfare check for an interstate police agency to seek information from that agency about any risk of injury or harm that officers attending the job might encounter. It was submitted that, as a result, the cause of the deaths of Constables Arnold and McCrow was a failure by the NSW Police Force and the QPS to have appropriate policy, procedure and training in relation to the sharing of information relevant to the risk of injury and harm posed by the Trains to the officers attending the Wains Road address on 12 December 2022.
290. As with the previous submission, I do not accept that the information sharing between New South Wales and Queensland can be said to have caused any of the deaths. Further, there is insufficient information adduced in this inquest to suggest that the policies, procedures or training in relation to the sharing of information in either jurisdiction was inadequate, either in respect of the officers involved in the events which gave rise to this inquest or generally.

291. While it is regrettable that the four email attachments discussed above were not provided to the QPS on 12 December 2022, I do not find that any officer engaged in wrongdoing by not providing them. I do not find that the policies, procedures or training in relation to the sharing of information in either jurisdiction was inadequate.

Issue 1(d) Consideration of the circumstances in Chinchilla and Tara police stations on 12 December 2022 which resulted in the decision for the four officers to attend the Wains Road property on that day and at the time they did.

292. On 12 December 2022, there were two crews working the day shift from 8:00am to 4:00pm at the Chinchilla Police Station, where the request for assistance from NSW was received. The officer in charge was performing administrative duties, and also attending to jobs performed by the day crews.

293. It was a busy shift. Constable Abbott recalled that the station had had a couple of busy shifts over the weekend. There had been a spate of property offences and the officers at the station planned to execute a search warrant on Monday morning with the help of some officers from the Dalby Police Station. There was a truck rollover towards Condamine, which Constable Abbott assisted with while the other officers attended to the warrant. When she returned to the station, she assisted another officer with a domestic violence matter that had come in.

294. Around lunchtime, Constable Abbott was assisting answering the phones because they were “ringing off the hook”. She took the call from Detective Senior Constable Montgomery in which he requested the assistance of the Chinchilla officers in attending to a missing persons enquiry at the Wains Road property.

295. Constable Abbott told Detective Senior Constable Montgomery that Chinchilla could assist if time permitted. She realised that, given she was nearing the end of her shift and she still had to finish attending to the domestic violence matter, and having regard to the distance to Wieambilla, she would be unlikely to be the attending officer.

296. Constable Abbott asked Detective Senior Constable Montgomery if the matter was urgent. He responded that it was not, and it would not be an issue to send a later crew or go tomorrow. She told Detective Senior Constable Montgomery it would probably be another crew that attended, either that afternoon or tomorrow, and requested that he send her the information about the job in an email.
297. Constable Abbott conducted checks on QPRIME of the address, and also checked the QPRIME details for each of Gareth, Stacey and Nathaniel. Acting Sergeant Drier watched her do those checks. Both were satisfied there was nothing of concern in what they learned about the address or the people. Both Constable Abbott and Acting Sergeant Drier considered the job was a routine job.
298. When Constable Abbott discussed the job with Acting Sergeant Drier he agreed that the afternoon crew could attend. However, given the afternoon crew was inexperienced, both in terms of years of service and the limited number of times they would have attended at the blocks near Wieambilla, he wanted the Tara crew to assist. He also wanted to ensure there were a sufficient number of officers to complete the job if they had to search what was likely to be a large area, and to ensure officer safety.
299. Constable Abbott put the job on LCAD at 1:42pm. She sent an email to the four officers at 3:20pm. Constable Abbott recalls that Constable Kirk arrived at the station at about 4:00pm, and she briefly discussed the job with him. Constable Abbott told him the job was not urgent and only needed to be completed that day if they could get to it, because she wanted them to follow up the domestic violence matter as well. She told him there was no rush, that if they got to the job that would be good, but not to go in the dark.
300. Acting Sergeant Drier recalls that he came out of his office and told them the same thing about the lack of urgency to the job.
301. Acting Sergeant Drier also made contact with the Tara crew, separate to the contact Constable Abbott had with them. He tried to call Constable McCrow to request the Tara crew's assistance, and left a message for her. She sent him a text message at 4:13pm, and he called her back. He explained that he did not want the Tara crew to do the job alone but rather requested that the Tara crew help the Chinchilla crew.

302. Constable Kirk explained, in his evidence, that the job was a Code 3 job, which meant that it was a routine job. There was no need for the officers to attend to it on an urgent basis. However, having been told the job had been allocated to his crew, it was his understanding that, unless more urgent jobs intervened, it was expected that the officers would attend to it that afternoon.
303. Constable Kirk's evidence was that he and his partner had been assisted in a job by a crew from Tara Police Station multiple times previously. He said this occurred because the area between Chinchilla and Tara had black spots and a lack of radio service and having an additional crew helped.
304. Thus, a review of the circumstances in the Chinchilla Police Station demonstrates that the four officers were tasked to attend the job that day because the day crew did not have time to do it, and the afternoon crew did, and because the officer in charge of the Chinchilla Police Station considered it would be useful for the Chinchilla crew to have assistance from the Tara crew, having regard to their inexperience and the communication issues in the area.
305. The decision to have more than one crew attend the job was consistent with QPS-wide standard practice and policy, and routinely occurred in both urban and rural policing work. It was also consistent with the practice of the local police stations when officers were attending jobs at 'the blocks' in the Wieambilla area.
306. Having regard to the levels of experience of the attending officers, it was submitted by the Arnold and McCrow families that it would be open for me to recommend that the QPS review its deployment policies and procedures to ensure they account for the level of experience of officers in areas such as the South West District (in which the Chinchilla and Tara police stations are situated), and to provide greater support in those areas by way of deploying an appropriate combination of experienced and inexperienced officers.
307. However, I decline to make such a recommendation in this case. In part, that is because there is insufficient evidence for me to determine the present combination of experienced and inexperienced officers in the South West District, and whether that combination differs from the QPS generally.

308. There was also insufficient evidence about the relevant deployment policies and procedures for me to determine whether they need revision. Further, I note that it does not appear that there was anything about the job that the officers were sent to on 12 December 2022 that suggested that officers above the rank of Constable should have been deployed.
309. I have also had regard to the evidence of Deputy Commissioner Scanlon about the significant increase in resources in the South West District since 12 December 2022, including additional staff at Tara and Chinchilla police stations, and the establishment of a Tactical Crime Squad at Dalby Police Station which will service the South West District. The Chinchilla Police Station now has a Senior Sergeant, two Sergeants and nine Senior Constables or Constables.

INQUEST ISSUE 2

The circumstances surrounding the decision of Constable Arnold, Constable McCrow, Constable Kirk and Constable Brough to enter the Wains Road property.

Decision to enter the Wains Road property

310. The four officers, Constable Arnold and Constable McCrow from Tara Police Station and Constable Kirk and Constable Brough from Chinchilla Police Station, arrived in the vicinity of the Wains Road property at approximately 4:33pm on the afternoon of 12 December 2022.
311. The entry point to the property was situated on Wains Road and consisted of double metal gates which were secured by a chain and padlock. The gates had two signs attached to them. The sign attached to the left gate stated, “No entry authorised personnel only”. The sign on the right gate showed the word, “Fuckaroo”.
312. As can be seen in the photograph below,¹⁹ there was a black mug glued to the top of the right gate post. The white printing on the mug said, “HAVE A NICE DAY”. Inside the mug was a white iPhone that had a smashed front screen. There was handwriting in black pen at the top of the screen that said, “FuKWITS”.



¹⁹ Exhibit V4, page 19.

313. Upon arrival, both crews parked their police vehicles on the driveway outside the front gate of the property. At 4:35pm, Constable McCrow recorded on LCAD *“limited radio reception please call mobile.”*
314. On arrival at the property, Constables Arnold, Kirk and Brough activated their QPS issue body worn cameras. It is clear from the body worn camera footage, that Constable Arnold, Constable McCrow, Constable Kirk and Constable Brough then entered the property by climbing over the front gate.²⁰ None of the officers raised any concerns about entering the property in this manner. All four officers then proceeded to walk up the dirt driveway.



315. The Constables’ actions in jumping the locked gate to enter the property were consistent with the instructions that Constables Kirk and Brough had been given by their Officer-in-Charge, Acting Sergeant Drier, earlier in the afternoon when they were being given a brief rundown of the missing persons job. Acting Sergeant Drier told the Chinchilla crew during the briefing that the job was not urgent but that, as it was a missing persons enquiry or welfare check, it was likely that the gate would be locked, and that they would have to jump the gate to walk up to the house to complete the enquiry.

²⁰ Screen shot taken from Constable Kirk’s Body Worn Camera footage: exhibit V1.250.

Was the decision to enter the Wains Road property appropriate?

316. I agree with the submissions made by Counsel Assisting and the Commissioner of the QPS that the actions of the officers in entering the property by jumping the fence were lawful having regard to the relevant provisions of the *Police Powers and Responsibilities Act 2000* (Qld) (**PPRA**). Section 19(3) of the *PPRA* empowers police officers to enter a place and stay for a reasonable period of time to inquire into or investigate a matter. One of the statutory examples listed in this sub-section provides that, “*The entry may be for finding out if a missing person is in the place.*” Sub-section 19(6) of the *PPRA* provides that the police officer may only use minimal force to enter the place. Section 21(1)(b) of the *PPRA* empowers police officers to enter a place and stay for a reasonable period of time to execute a search warrant.
317. I also accept the evidence given by a number of QPS officers concerning the particular expectations and obligations on police officers when making enquiries about a missing person. For example, Senior Sergeant Tracy Bailey, the Training Operations Coordinator from QPS Operational Training Services who gave an expert opinion to the Court on QPS “use of force” matters, explained in her oral evidence that it was appropriate for the four officers to have entered the property rather than turn away because the gate was locked, because of the obligation to make all necessary inquiries aimed at locating a missing person that is contained in Chapter 12.2.2 of the QPS Operational Procedures Manual (**OPM**).
318. Senior Sergeant Bailey explained that in circumstances where there had been unsuccessful attempts made to speak to the occupants such as through phone calls and the leaving of calling cards with no response, and it was not a suburban house where you could call out to the owners to come to the front door, jumping the fence to move forward to the dwelling was appropriate, notwithstanding that there was also an arrest warrant for Nathaniel Train at that time.
319. Acting Sergeant Drier gave a similar opinion in his oral evidence:
- Being a welfare check, obviously they'd have to go up and [do] thorough checks to make sure that the person's not injured or in need of help. It's obviously a welfare [job] on for a reason.*
320. A similar opinion was expressed by other local QPS officers who gave evidence during the inquest, including Senior Constable Minz and Constable Loveland.

321. I also accept the evidence that was given by a number of QPS officers during the inquest, including Deputy Commissioner Scanlon, that entering a property by jumping a gate and proceeding on foot is not unusual in rural policing given the location and size of properties. Deputy Commissioner Scanlon ultimately concluded in her oral evidence in the inquest that it was *“reasonable, expected and lawful”* for the four officers to go over the fence and into the property.
322. Senior Constable Matthew Minz, who was the Acting Officer-in-Charge of the Tara Police Station in December 2022, said that, in his view, there was *“nothing out of the ordinary with jumping the fence”* for the purpose of attending to a missing persons job at the blocks in the Wieambilla area.
323. I accept the submission made on behalf of the Commissioner of the QPS that there are no procedures or guidelines specifically governing how and when police officers should jump over a fence to enter a property, but, instead, that the fundamental principle is that it is incumbent upon police officers to assess risk on an ongoing basis while undertaking their duties and to be alert to any potential threat. The importance of threat assessments to the decision of how or when officers should enter a rural property where the gate is locked, including a property where the dwelling is not visible from the street, appears to have been understood by local officers.
324. For example, Constable Abbott explained whether or not she would enter a property in the blocks when the gate was locked would depend on *“what sort of job it is and the intelligence that we have on the block.”* Constable Abbott indicated that, for a missing persons job, it would be usual for attending police to go beyond a locked gate to try to locate the missing person if they *“believed that it was safe to do so.”* She explained that the type of risk assessment she would do in such a case would be to find out *“as much as possible about the people who lived there: their criminal history, interstate history, weapons history, how far are the houses from the road.”*
325. I am satisfied that Constable Arnold, Constable McCrow, Constable Kirk and Constable Brough were aware of the need for a threat assessment before entering the Wains Road Property. In addition to their briefing, before entering the Wains Road property, Constable Arnold, Constable McCrow, Constable Kirk and Constable Brough all conducted address and person intelligence enquiry checks on their personal QLite devices which indicated that there were no warnings or flags on QPRIME in respect of the property and its known residents.

326. I am also satisfied that the fact that two crews were responding to the job would have been taken into account by the officers as part of their ongoing threat assessment. I accept the opinion given by Senior Sergeant Bailey that, in responding to the initial missing persons job, Constables Arnold, McCrow, Kirk and Brough conducted threat assessments in accordance with established QPS policy, training and doctrine and that officers with similar or more experience would have responded to this missing person job in the same way.
327. The submissions made on behalf of the families of Constables Arnold and McCrow referred to the evidence given by Constable Rigg, that he had been given advice from an experienced officer in Chinchilla that he should never walk into rural properties where the residence is set back some distance from the front gate. Instead, Constable Rigg explained that it was his practice to drive onto the property even where the gate was locked if the reason for entry deemed it necessary to cause minor damage to the locked gate. I note that Constable Rigg was the only witness during the inquest who gave evidence of this practice. For example, Acting Sergeant Drier, an officer who had worked primarily in the Chinchilla and Tara police districts for over a decade, indicated that he had never received or given such advice to anyone.
328. I accept the submission made by Commissioner of QPS, that the fact that Constable Rigg may have a different practice does not mean that the approach taken by Constables Arnold, McCrow, Kirk and Brough on 12 December 2022 was not appropriate. I also conclude that the decision of Constables Arnold, McCrow, Kirk and Brough to enter the property on foot, given that the gate was padlocked, was in accordance with their obligations under section 19(6) of the *PPRA* to only use minimal force to enter the place. Similarly, I have had regard to Senior Sergeant Bailey's evidence that officers are instructed that, before attending an incident, they should plan an approach that allows for the minimum amount of force necessary to be applied in order to resolve the incident.
329. I have had regard to the relevant legislation; the direction the Chinchilla crew had been given by their officer in charge; the location and size of the Wains Road property; the unsuccessful attempts made by other local police officers to contact Nathaniel, Stacey and Gareth Train both by telephone earlier on 12 December and by leaving a calling card at the property in August 2022; the threat assessments conducted which indicated that there was an absence of warnings or flags on QPRIME in respect of the property and its known residents; and considering that

the officers were attending a missing persons job where it is important, if possible, to locate a missing person.

330. I am satisfied that the decision of Constables Arnold, McCrow, Kirk and Brough to enter the Wains Road property in the manner that they did was, not only appropriate, but was also lawful, expected, and reasonable in all the circumstances.
331. I do not consider that there are any specific deficiencies in the current QPS training or protocols in relation to the need for continuous risk assessments or the entering of properties, including rural properties where dwellings are not visible from the street.
332. However, I have had regard to the submissions made on behalf of the Arnold and McCrow families concerning the potential deployment of drones in order to minimise risks associated with entering properties in rural locations, and I have made recommendations concerning the potential expansion of the QPS Remote Piloted Aircraft Systems (**RPAS**) assets in rural locations in my comments under section 46 of the *Coroners Act* outlined below.
333. I also note that in 2018, the PPRA was amended to give QPS officers enhanced powers to search for “high-risk missing persons” because they are under the age of 13 years, or are “at risk of serious harm if not found as quickly as possible”. In urgent cases, police can establish urgent missing person scenes before a warrant is issued. These provisions are contained in Chapter 7, Part 3A of the PPRA. Relevantly, section 179P provides that police can:
- (a) enter the scene;
 - (b) *if reasonably necessary, enter another place to gain access to the scene*;
 - (c) *perform any necessary investigation, including, for example, a search and inspection of the scene and anything in it for the missing person or to obtain information about the person’s disappearance*;
 - (d) open anything at the scene that is locked;
 - (e) *take electricity for use at the scene*;
 - (f) *remove or cause to be removed an obstruction from the scene*;
 - (g) *photograph the scene and anything in it*;
 - (h) *seize all or part of a thing that may provide information about the missing person’s disappearance*.

INQUEST ISSUE 3

Consideration of the circumstances surrounding the fatal shooting of Constables Arnold and McCrow, including:

- a. Who fired the shots that killed Constables Arnold and McCrow.**
- b. What guns and ammunition were used and whether they were obtained lawfully.**
- c. Whether Constables Arnold, McCrow, Kirk and Brough were adequately equipped and trained to respond to the incident.**

Circumstances surrounding the fatal shooting of Constable Arnold and Constable McCrow

Prior to the shooting

334. The footage recovered from the four responding officers' QPS issued body worn cameras demonstrates, in real time, how the circumstances surrounding the shooting of Constable Arnold and McCrow unfolded. As I have indicated above in the findings in relation to issue 2, Constables Arnold, McCrow, Kirk and Brough arrived at the Wains Road property at approximately 4:35pm on 12 December 2022.
335. After parking, alighting from their respective police vehicles and climbing the fence, the officers began walking down the long dirt driveway towards the back of the property. The residence was not visible from the front gate. The following photograph, taken by investigators in the days following the shootings, depicts the view the officers would have had of the Wains Road property from just inside the front gate.²¹

²¹ Exhibit V4.8, page 16.



336. The officers were walking four abreast down the driveway and, unsurprisingly given the nature of the job, none of the officers had any of their QPS issued weapons drawn at this point in time. The position of the officers as they walked down the driveway was as follows (from left to right as you face into the property): Constable Brough, Constable Kirk, Constable McCrow, Constable Arnold.
337. As they began to walk down the driveway, the Constables engaged in friendly conversation among themselves which began with Constable Kirk confirming that the Chinchilla officers had begun their shift at 4pm. Constable Brough, who was new to Chinchilla Station, was then introduced to Constables McCrow and Arnold. Constable Brough's position as a First-Year Constable (in her ninth week on the job) was discussed among the group. Constables Kirk, McCrow and Arnold then confirmed that there was an arrest warrant for Nathaniel in relation to 'COVID' offences.²²

Constable Arnold

338. A moment later, at approximately 4:37pm, the first gun shot was fired. Constable Arnold was struck in the chest and died immediately. He had travelled about 120 metres from the front gate when he was shot and killed. The fatal shot occurred less than two minutes after the officers arrived at the Wains Road property. As can be seen from the following screen shot taken from Constable Kirk's body worn camera footage a

²² Captured on Constable Kirk's body worn camera footage.

second before the first gun shot, none of the officers had any warning of the ambush they had walked into.²³



339. I accept the conclusion reached in the autopsy report, that Constable Arnold died at 4:37pm as a result of a single gunshot wound to his torso.

Constable McCrow

340. As this first shot rang out, the other officers scattered.

341. Constable McCrow dropped to her hands and knees and moved off to the left of the driveway and slightly back towards the property gate. Seconds after the shot that killed Constable Arnold, Constable McCrow was shot in the left upper back and shoulder area. She was approximately 118m from the front gate and did not move from this position for the remainder of the incident.

342. Constable McCrow attempted to call for urgent assistance on her police radio, however this call did not get through to police communications. At 4:38pm, Constable McCrow was shot in the lower right leg and then in the upper left leg.

343. At this point in time, a male wearing a khaki shirt and jeans, is recorded on Constable McCrow's body worn camera footage. The male can be seen to be holding a rifle. He shoots the rifle in the direction of Constable McCrow and then turns away and runs further down the driveway, away from where Constable McCrow and Constable Arnold are lying. Below is a still image taken from Constable McCrow's body

²³ Screen shot taken from Constable Kirk's body worn camera footage: exhibit V1.250.

worn camera footage, which depicts the shooter in khaki coloured clothing pointing a rifle at Constable McCrow.²⁴



344. Unable to call out on her radio, Constable McCrow nonetheless relayed the harrowing events she was living through, as a situational report (**SITREP**) recorded on her body worn camera. She also recorded a message of love for her family at this time.
345. At around 4:40pm, Constable McCrow recorded that she had been shot at three times. At around 4:45pm, she recorded that the shooter was coming towards her. She discharged her police-issue Glock, firing off 15 shots and emptying her magazine. Constable McCrow pleaded with the male who approached her. At approximately 4:46pm, after a brief verbal exchange between Constable McCrow and the male, Constable McCrow was shot in the head at close range. I accept the conclusion reached in the autopsy report, that Constable McCrow died at 4:46pm as a result of a gunshot wound to her head.
346. About seven minutes passed between the time of the first gun shot, which killed Constable Arnold, to the shot that killed Constable McCrow. During that time, Constable McCrow was shot four times by unknown shooters. Despite having been ambushed, in pain and no doubt terrified, Constable McCrow showed great courage under fire. She had the presence of mind to record important details on her body worn camera and the strength and the grace to record a message of love for her family.

²⁴ Exhibit V1.8, photo 3.

Constable Kirk

347. After the initial shot that killed Constable Arnold, Constable Kirk immediately yelled “get back” to his fellow officers. He commando crawled along the grass and was able to get behind a tree, which was off to the left and further back than Constable McCrow’s position. The tree was approximately 97 metres from the front gate and was approximately 24.3 metres from where Constable McCrow was killed. The following photograph depicts the tree that Constable Kirk was able to take refuge behind. The front gate of the Wains Road property can also be seen in the background of the photograph.²⁵



348. From this position, Constable Kirk attempted to use his police radio to call for urgent assistance. However, he was also unable to get through. He then telephoned his Officer-in-Charge, Acting Sergeant Justin Drier, using his personal mobile telephone.
349. Constable Kirk reported to Acting Sergeant Drier that a male person had shot at the officers, and that Constable McCrow had been shot. He reported that the man had a rifle and was coming over to them. A short time later, when a shot can be heard in the background, he reported that he thought Constable McCrow had been killed.

²⁵ Exhibit V4.182, page 20.

350. At 4:40pm, he again attempted to use his radio to call for help, saying “urgent, urgent, urgent, shots fired”. Speaking again to Acting Sergeant Drier on his personal mobile phone, he gave a SITREP which included that two officers were down and that he thought Constable Brough was to his left, but that he could not see her. During this time, he kept a lookout and continued to report what he could see happening, while Sergeant Drier relayed the information to Police Communications.
351. At about 4:46pm, shortly after the shot that killed Constable McCrow was fired, Constable Kirk discharged his firearm. Shortly afterwards, male voices are captured on Constable Arnold and McCrow’s body worn cameras saying, “*that was a mistake, boys*” and “*come out, come out and get on the fucking ground or you die*”.
352. At this time, Constable Kirk gave Sergeant Drier a further SITREP in which he advised that Constables Arnold and McCrow had been shot and were not moving; that he had not seen Constable Brough; that there were two shooters with long rifles who had also taken Constable Arnold’s gun; and that the shooters knew where he was and were coming towards him.
353. In the course of that conversation, Sergeant Drier directed Constable Kirk to leave the property. At approximately 4:48pm, Constable Kirk followed this direction and ran to the front gate of the property while under heavy gunfire. As he left, a male voice was captured on Constable Arnold’s body worn camera footage saying, “*there he is, let’s go*” and then a shot was fired.
354. As Constable Kirk ran for his life, nine shots were fired at him. Once in the Chinchilla Police vehicle, some of the shots connected with the front windscreen and the front passenger side panel. During the barrage, Constable Kirk sustained a gunshot wound to his hip and shrapnel was lodged in his torso.
355. As Constable Kirk drove away, he continued to provide a SITREP to Sergeant Drier. Shortly afterwards, he was met by police and relayed all the information he had to them. He was then transported to Chinchilla Hospital and then to Toowoomba Hospital where he received surgery to remove shrapnel from the left side of his torso and to stitch the bullet wound to his left hip.

Constable Brough

356. After the initial shot that killed Constable Arnold, Constable Brough was able to crawl to grassy bushland to the left of the driveway (facing the residence) where she also tried, without success, to use her police radio to call for urgent assistance. Constable Brough's location was approximately 117 metres from the front gate and approximately 16 metres to the left of Constable McCrow.
357. At 4:44pm, Constable Brough used her mobile phone to call triple 0 and she began to communicate with the operator, Catherine Beilby. She remained in this location in the bushland until she was extracted by other police officers, some two hours later.
358. The following picture depicts the area of bush and scrub land where Constable Brough was hidden while she remained on the property, including the fire damage to the area. The front of the property can be seen at the top of the photograph. Constable Brough's QPS issued handheld radio can be seen in situ next to the yellow marker 1.²⁶



359. During the time Constable Brough was on the property, she remained on the phone and provided information updates to Ms Beilby.
360. At about 4:49pm, after Constable Kirk had escaped, a male voice can be heard, on Constable Arnold's body worn camera saying, "there's one more somewhere". At about the same time, Constable Brough reported Ms Beilby operator, "I think they know I'm here, I'm scared".

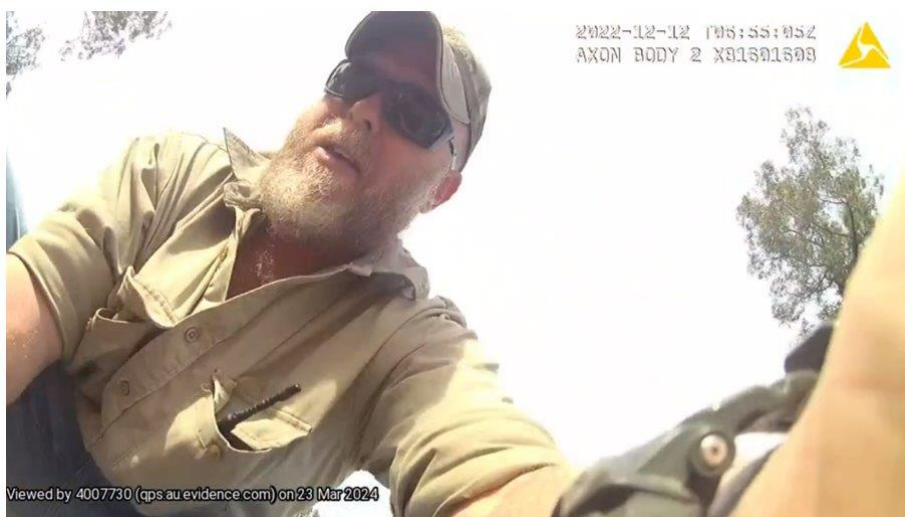
²⁶ Screen shot taken from IFIS presentation: exhibit V4.198, IMG_0646.

361. Over the next two hours, Constable Brough knew that the shooters were looking for her. She was able to report that there were two of them. She described what she could see of their appearance, including that they were wearing camouflage and both of the men had rifles. She reported that her weapon was armed, and she was ready to go, but she did not think she could take them. At times, she had to whisper because they were so close, and she believed they were about to find her.
362. Constable Brough constantly sought updates on back up arrival times. She reported that she was not well hidden, as she was only lying in about eight inches of grass and that she thought she was going to die. Constable Brough was able to report when one of the shooters went to the police car. On another occasion, she reported that one of them was searching while the other kept watch.
363. Later, Constable Brough reported she could hear and smell fire. Constable Brough reported the flames being 15 metres away, then eight metres, then five metres, three, two and one. She could feel the fire on her feet; it was two metres tall. Then the wind picked up, and the fire was just all around her. She could not move because she knew they were watching her.
364. Throughout the call, Ms Beilby relayed Constable Brough's information to police, and gave updates to Constable Brough about the arrival of police back up. When the extraction team were ready, Constable Brough ran to the gate where she was picked up by the police officers who had arrived to provide assistance to her. Constable Brough's extraction from the Wains Road property occurred at around 6:34pm.

Identity and actions of the shooters after Constable Kirk left the property

365. Critical information concerning the identity of each of the shooters and their actions immediately after the officers were shot is contained in Constable Arnold and Constable McCrow's body worn camera footage. Two different men can be seen and heard on this footage. In the course of the ESC investigation, the audio of various portions of the body worn camera recordings was played to Aidan Train. Aidan identified the two different voices on the body worn camera recordings as his uncle and step-father, Gareth Train, and his father, Nathaniel Train. I accept the voice identification evidence of Aidan in this regard. No female is heard or seen on any of the officers' body worn camera footage or by Constables Kirk or Brough while they were on the property.

366. Shortly before 5pm, and around 5 minutes after Constable Kirk was able to drive away from the property, the man dressed in a khaki shirt, blue jeans, brown boots, sunglasses and a cap is depicted on the body worn camera footage removing Constable Arnold's Load Bearing Vest, utility belt and QPS handheld radio. As is apparent from the below still shot taken from Constable Arnold's body worn camera footage, the man's face is clearly depicted in the footage.²⁷



367. Having regard to the clothes that Gareth Train was wearing at the time of his death a few hours later (the same khaki shirt, blue jeans and brown boots); photographs and videos that I have viewed of Gareth Train before and after his death (including the video he recorded with Stacey within hours of the shootings); and the voice identification evidence given by Gareth's nephew and step-son, Aidan, I am satisfied that the man wearing a khaki shirt and jeans in the body worn camera footage can be positively identified as Gareth Train.
368. Gareth can be seen on footage holding what appears to be a bolt action rifle in his left hand. The rifle has a brown leather sling attached to it. At this time, a box of Federal 308 calibre ammunition falls from the top pocket of his shirt.
369. The footage demonstrates that Gareth also removes Constable McCrow's Load Bearing Vest, utility belt and police radio. Gareth later discards both Constable Arnold and Constable McCrow's utility belts and Load Bearing Vests, with the body worn cameras and other accoutrements still attached, into bushland on the property. As is outlined in more detail below, some of Constable Arnold and McCrow's

²⁷ Exhibit V1.8, photo 7.

police accoutrements, such as their Glocks, tasers, handcuffs and police radios were later taken back to the residence and its surrounds.

370. While Gareth is removing Constable Arnold and McCrow's accoutrements, a second man can be seen in the footage kneeling nearby with a rifle, effectively keeping guard over Gareth. This second man is wearing camouflage pants and a camouflage shirt. The below photo is a still shot taken from Constable McCrow's body worn footage of this second man.²⁸



371. Having regard to the clothes that Nathaniel Train was wearing at the time of his death a few hours later (the same camouflage pants and top); photographs that I have viewed of Nathaniel Train before and after his death; and the voice identification evidence given by Nathaniel's son, Aidan, I am satisfied that the second man in the footage, the man wearing camouflage shirt and pants, can be positively identified as Nathaniel Train.
372. It is apparent from the conversations recorded on the body worn cameras and the evidence of Constable Brough that these two men also deliberately lit fires on the property in the vicinity they thought Constable Brough was hiding. Shortly after the Load Bearing Vests and accoutrements were removed from Constable Arnold and McCrow's bodies, Gareth and Nathaniel can be heard on the body worn cameras to have a conversation about the whereabouts of the fourth officer who they (correctly) thought was still on the property.

²⁸ Exhibit V1.8, photo 8.

373. Just before 5pm, Gareth can be heard to say, *“he could be anywhere now... he’s fucken run...the other cars gone”*. Nathaniel then asked, *“do you want to move forward or stay here”* and Gareth confirms that they should *“stay here.”*
374. Around a minute later, at approximately 4:57pm Gareth asks whether, *“the other one went right?”* Nathaniel confirms, *“yeah pretty sure, I don’t know, I was in the scope. There were three to the left of him... to the right as of him as I was looking at them. He could have broken that way, but I’m pretty sure he went to the right.”*
375. About five minutes later, at approximately 5:03pm, Gareth and Nathaniel can be heard saying, that *“they called it in.... I set the fucker on fire, you gonna be right.”* Directly after this comment is made, Constable Brough heard the sound of liquid being thrown over the bush area near to where she was lying and she has observed fires start behind her.
376. By 5:05pm, the remaining police vehicle that was parked just outside the front gate had been set on fire. The vehicle was a marked Toyota Landcruiser dual cab utility with registration number 667 FA6 from Tara Police Station. A red QPS first aid kit was removed from the vehicle before it was set alight. About five minutes later the horn from the Tara Police vehicle can be heard on the body worn camera footage as the vehicle burns. The photograph below shows the position of the burnt-out Tara Police vehicle at the front of the Wains Road property.²⁹



²⁹ Exhibit V4.8, page 6.

Issue 3(a) - Who fired the shots that killed Constables Arnold and McCrow?

Issue 3(b) - What guns and ammunition were used and whether they were obtained lawfully?

377. While my conclusions in relation to the circumstances surrounding the fatal shooting of Constables Arnold and McCrow thus far have relied primarily on the evidence contained in the body worn camera footage, in considering issue 3(a) - who fired the shots that killed Constables Arnold and McCrow, and issue 3(b) – what guns and ammunition were used and whether they were obtained lawfully, I have also had significant regard to a number of the forensic investigations undertaken in the course of the coronial investigation.

Nature of the forensic investigations

378. In the days following the deaths, the property at 251 Wains Road was carefully and thoroughly searched by a forensic team of over 50 QPS officers, led by forensic co-ordinator Senior Sergeant Kirsty Gleeson and overseen by investigating officers Detective Inspector Jason Hindmarsh, Detective Inspector Sue Newton and Detective Senior Sergeant Nathan McCormack. The QPS forensic personnel involved in the operation included Scenes of Crime officers, Ballistic Officers, Scientific Officers, Fingerprint Officers, Forensic Imaging Officers, Electronic Evidence Officers and Electronic Officers. The external forensic personnel involved in the operation included biologists from Forensic Science Queensland and pathologists from the University of Queensland.³⁰

379. Senior Sergeant Gleeson was the first forensic responder on the scene. She arrived at the Police Forward Command Post at the intersection of Mary Road and Tara-Chinchilla Road, Wieambilla at approximately 10:35pm on Monday 12 December 2022 and first arrived at the Wains Road property at about 7:00am the next morning, Tuesday, 13 December 2022. Other forensic officers had arrived at the Wains Road property on the previous evening and a continued forensic attendance was maintained at the property until the scene was handed back to ESC investigators at about 5:30pm on Friday, 16 December 2022.

380. Numerous items of forensic interest were seized by investigators and analysed. Laboratory examinations on the various items taken from the property continued until March 2024.

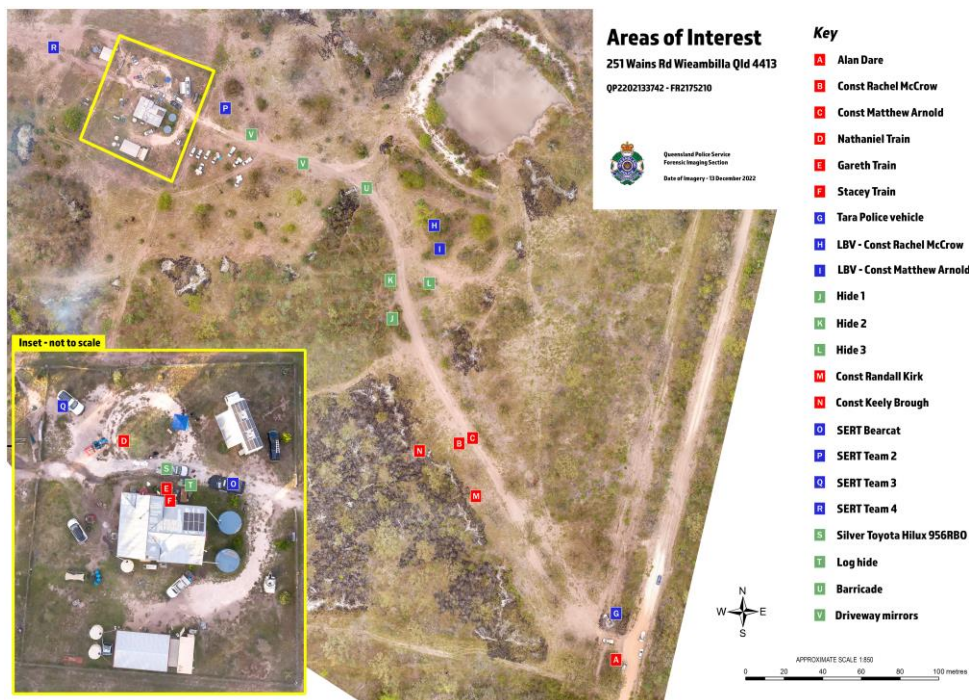
³⁰ Exhibit V4

381. The search of the property identified eight firearms: the two Glock pistols that had been issued to Constables Arnold and McCrow and six non-QPS firearms. All firearms were forensically inspected, tested for DNA and fingerprints, and test fired.
382. The search of the property also identified 84 QPS discharged cartridge cases and 116 discharged cartridge cases that were fired from non-QPS firearms. These items were also forensically analysed.
383. In addition, microscopic analysis of the projectiles recovered from the bodies of Constable Arnold, Constable McCrow, Mr Dare and Gareth, Stacey and Nathaniel Train was also undertaken.
384. I have also had particular regard to the evidence given by Senior Sergeant Gleeson concerning the areas of interest that were identified by her team in the comprehensive forensic search. I have also had particular regard to the evidence of Detective Senior Sergeant Terrence Fergusson, from the QPS Firearms and Cannabis Team, concerning the various non-QPS firearms and ammunition found at the scene and relevant weapons licencing status.

Areas of Interest

385. The map below depicts the location of various persons, vehicles and items of forensic interest that were identified in the course of the forensic investigation.³¹

³¹ Exhibit V4.199.



386. A number of the areas of interest identified in this map are relevant to my consideration of issue 3, as well as my findings in relation to other inquest issues. As is apparent from the description below, there are also a number of items of forensic significance that are not specifically identified on the Areas of Interest map.
387. Starting at the front of the property, area of interest A is the location where Mr Dare was shot and killed. He was located approximately six metres to the left of the police vehicle that can be seen on the Map and approximately two metres off the dirt roadway towards the Wains Road property. A radio aerial, a QPS belt keeper and a QPS first aid kit was found on the ground just to the south of Mr Dare's body. The circumstances surrounding the shooting of Mr Dare are outlined below in relation to inquest issue 4.
388. A few metres to the north of where Mr Dare was killed, is area of interest G, which is the location of the Tara police vehicle set alight by Gareth and Nathaniel Train shortly after Constable Kirk left the property.
389. The double metal gates at the entry to the Wains Road property have been described above in relation to inquest issue 2: a consideration of the circumstances surrounding the decision of Constables Arnold, McCrow, Kirk and Brough to enter the Wains Road property.

390. A Nitecore brand torch was located just in front of the right-hand side of the front gate. While investigators were able to confirm that a torch of that kind is similar to torches a lot of QPS officers carry, investigators were not able to determine who the torch may have belonged to or when it was left in that position.
391. A free-standing metal letter box was located on the right-hand side of the front gate, just to the south of the burnt-out police vehicle at area of interest G.
392. A static camera, positioned to face the centre of the entrance driveway, was attached to the letterbox. There were cords running from this camera to a battery on the ground. There was no cabling or electronic connection between this static camera and the dwelling. The camera and letterbox are shown in the photograph below.³²



393. A further static camera and a modem were attached to the trunk of the first tree inside the gate on the left-side of the driveway. Gareth Train's fingerprint was located on the modem. The tree containing the camera and modem was located approximately 25 metres inside the property. There was a cord connecting the camera and modem. This camera faced the gate at the entrance to the property. At the base of the tree was a century battery on top of a metal box. There was no cabling or electronic connection between this static camera and the dwelling. The

³² Exhibit V4.8, page 7.

tree containing the second static camera and modem can be seen in the below photograph.³³



394. The issue of whether the two static cameras located near the entrance to the property at 251 Wains Road were operational on the afternoon of 12 December 2022, and whether the camera(s) were potentially the means by which Gareth, Stacey and/or Nathaniel Train *“kept eyes on Wains Road and knew shortly before their hostile confrontation that the four attending officers had entered Wains Road”* was raised in the submissions made on behalf of Ms Brown.
395. A senior Technical Officer from the QPS Electronic Recording Section, David McEvoy, examined the static cameras and the modem (also referred to by Mr McEvoy as a router) in the aftermath of the critical incident. Mr McEvoy’s examinations confirmed the cameras produced an analogue video signal and there were no storage capabilities in any of the examined devices. I accept that Mr McEvoy was unable to determine, from his examinations of the three devices alone, whether there was video signal being sent from the cameras back to the house.
396. However, Mr McEvoy went on to explain that while it was technically possible for the cameras to transmit a video signal back to the house on the property, the transmission of a video signal from the analogue cameras would require a very long cable from the cameras to the dwelling. In this regard, I accept the unchallenged evidence outlined above that there was no cabling or electronic connection between either static camera and the dwelling. Accordingly, I am satisfied that

³³ Exhibit V4.8, page 16.

neither of the two cameras had the capacity to transmit a video signal to the dwelling (or elsewhere) on the afternoon of 12 December 2022.

397. The submission made on behalf of Ms Brown, that the possibility that the cameras transmitted a digital signal back to the dwelling through the wireless modem cannot be ruled out, appears to rely heavily on Mr McEvoy's observation that:

Without being able to determine HOW these devices may have been connected, it is not possible to determine IF they were connected.

398. However, this observation must be understood in its proper context. In this regard, Mr McEvoy also indicated that:

As the cameras supplied produce an analogue video signal, there is no way for the cameras to be connected to the router unless there is a conversion of the video signal, such as an analogue to digital or internet Protocol (IP) converter, between the devices.

399. Mr McEvoy went onto conclude that from his examination of the three devices:

...it is highly unlikely that the analogue cameras were connected to the wireless router. There is no converter to convert the analogue to a digital or IP based signal. If there were, I would suspect there would be an obvious cable between the conversion device and the router.

400. As no conversion device or associated cabling or electronic connection was located in the detailed forensic search of the Wains Road property, I can also rule out the possibility that either of the two cameras had the capacity to utilise the wireless modem/router to transmit a digital signal to the dwelling (or elsewhere) on the afternoon of 12 December 2022.

401. My findings in this regard have also taken into account the evidence of Senior Sergeant Gleeson who explained in the Forensic report that her team's investigations were able to establish that the capabilities of each of the static cameras was strictly for the capturing of an analogue video image to be viewed or recorded by an analogue viewing or recording device such as a television or analogue CCTV recorder.

402. Senior Sergeant Gleeson also indicated that there was no indication of remote access to CCTV cameras, CCTV recordings or CCTV software application on any of the digital devices located at the dwelling. Senior Sergeant Gleeson ultimately concluded that the two static cameras at the entrance to the Wains Road property were, in effect, dummy cameras. I agree with the submission made on behalf of the QPS Sworn Officers, that Senior Sergeant Gleeson was an impressive witness with necessary expertise to be able to determine such technical matters and that her evidence proceeded in a manner that was entirely unchallenged.
403. For the reasons I have outlined, I am satisfied the static cameras located at the entrance to the Wains Road property did not relay any information to any digital source in the possession of Gareth, Stacey or Nathaniel Train on the afternoon of 12 December 2022. Therefore, they were not used by the residents to remotely observe the entrance of the Wains Road property before the shootings of Constables Arnold and McCrow.
404. Moving down the driveway, area of interest M is the location of the tree that Constable Kirk was positioned behind throughout the incident. As indicated above, this tree was approximately 97 metres away from the front gate. A discharged cartridge case was located next to this tree. The discharged cartridge case was microscopically examined. Unsurprisingly, it was determined to have been fired from the Glock pistol assigned to Constable Kirk.
405. Area of interest B is the location Constable McCrow remained after she was shot for the first time up until her body was recovered by her colleagues in the extraction team later in the evening. As indicated above, it is approximately 118 metres inside the property. The 15 discharged cartridge cases that Constable McCrow fired shortly before she was fatally wounded were located by investigators in this vicinity, approximately five to six metres from the left-hand side of the driveway and about 115 metres from the front gate. The 15 discharged cartridge cases were microscopically examined. Unsurprisingly, it was determined they were fired from the Glock pistol issued to Constable McCrow.
406. A single QPS belt keeper was also located in the broad vicinity of area of interest B, it was located on the left-hand edge of the driveway approximately 125 metres from the right gate.

407. Area of interest C is the location Constable Arnold was shot and remained until his body was recovered by his colleagues from the extraction team later in the evening. As indicated above, it is approximately 120 metres inside the property on the right side of the driveway. A container containing an empty cartridge case and earplugs was also located in this general vicinity.
408. Area of interest N is the area of bushland in which Constable Brough was positioned until she was able to be extracted around two hours after the shooting commenced. As indicated above, it is approximately 117 meters from the front gate of the property.
409. Constable McCrow's QPS issued QLite device was located on the right-hand edge of the driveway, approximately 139 metres from the front gate.
410. The forensic search of the property also identified that three hidden shooting positions (hides) had been built in the vicinity of the driveway. Hides 1, 2 and 3 are located in areas of interest J, K and L, respectively.
411. Hide 1, at area of interest J, was the most established of the shooting positions that had been built on the Wains Road property. As is apparent from the Area of Interest Map above, Hide 1 was located on the left side of the driveway, just as it began to bend towards the right towards the residence. It was located approximately 185 metres from the front gate. It was approximately 67.5 metres from where Constable Arnold was shot and approximately 70 metres from where Constable McCrow was shot.
412. This hide consisted of thick bush, sticks and cut leafy branches fashioned to form a wall at the front, which covered the set-up from view from the front of the property. The photograph below is taken from just in front of where Constable Arnold was standing when he was shot. Hide 1 is located just behind the small yellow police marker off to the left side of the driveway.³⁴

³⁴ Exhibit V4.56, page 4.



413. The following two photographs show a much closer view of Hide 1.³⁵



³⁵ Exhibit V4.56, page 5 and 6.



414. I am satisfied that Constables Arnold, McCrow, Kirk and Brough would not have been able to see Hide 1, or any shooter or gun within Hide 1, from where they were positioned on the driveway at the time the shooting commenced.
415. From the inside of Hide 1 looking out was a small, cleared opening at the front of the hide that allowed full view of the front gates of the property. At the base of this opening were several timber logs that appear to have been fashioned to act as a support to fire long-arm firearms from within the hide. The following photograph shows this opening or shooting hole, as it appeared from the outside of Hide 1 looking in.³⁶

³⁶ Exhibit V4.56, page 8.



416. The next photograph depicts the shooting hole from the inside of Hide 1 facing outwards.³⁷



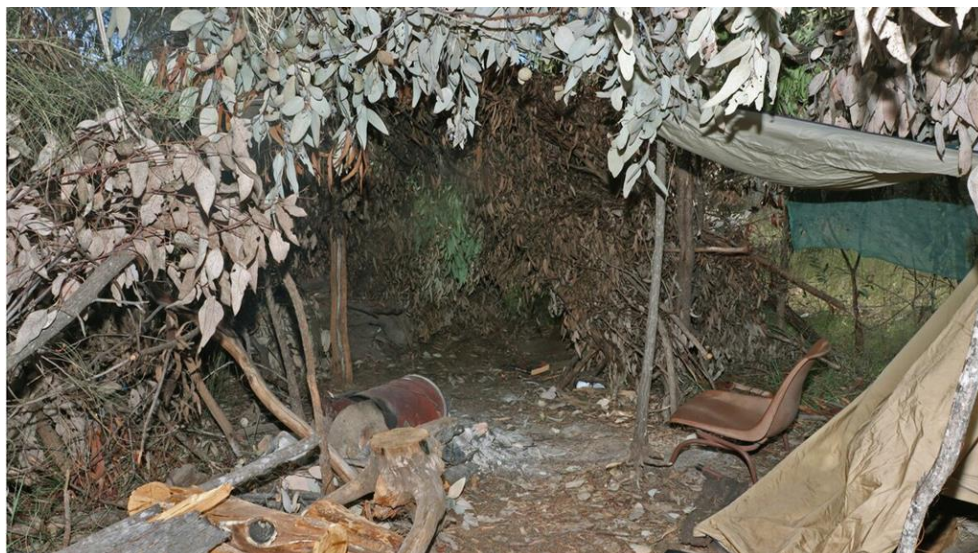
417. Inside Hide 1, a chair with shortened legs was positioned to allow a person within the hide to see through the shooting hole towards the front gates. The following photograph depicts the view that a person sitting in Hide 1 would have when looking through the opening towards the gate at the front of the property.³⁸

³⁷ Exhibit V4.56, page 14.

³⁸ Exhibit V4.56, page 16.



418. Significantly, four 30-06 Springfield calibre Remington brand discharged cartridge cases were located on the ground inside Hide 1, just to the right of this opening.
419. Within Hide 1 there was also a small fireplace that had been fashioned from a 20-litre drum, a hand saw, a jar with crystals, a jar with kindling, a hand weight, a hand strengthening device and two books. Nathaniel Train's fingerprint was located on the jar of kindling. The following two photographs depict inside Hide 1 and various items that were located within it.³⁹



³⁹ Exhibit 4.8, page 68 and 78.



420. Behind the shortened chair was a tent with a double mattress. A large two litre water bottle was located on the mattress. Trace DNA located on the mouthpiece of the water bottle contained a single source profile with a likelihood ratio of greater than 100 billion supportive of coming from Nathaniel Train. The photographs below depict the shortened chair and tent.⁴⁰



⁴⁰ Exhibit V4.8, page 70 and 75.



421. Hide 2, which is marked as area of interest K on the map above, was located on the left side of the driveway, approximately 5.5 metres behind Hide 1. It was positioned approximately 190.5 metres from the front gate of the Wains Road property.
422. Hide 2 consisted of dirt pushed up to form a mound approximately 900 millimetres high. Leafy tree branches and sticks had been placed on top of the dirt to form a wall which concealed the hide from view.
423. As depicted in the photograph below, there was a well-worn path between Hide 1 and Hide 2.⁴¹ The well-worn tracks also lead back to the dwelling on the property.

⁴¹ Exhibit V4.8, page 77.



424. No discharged cartridge cases or other items of forensic significance were found in the vicinity of Hide 2.
425. Hide 3, area of interest L on the map above, was located on the right side of the driveway opposite Hide 2. It consisted of two areas of pushed up dirt to form a mound. No discharged cartridge cases or other items of forensic significance were found in the vicinity of Hide 3.
426. Two items of interest were found near a tree stump, on the right side of the driveway opposite Hide 2. As can be seen in the photograph below, Constable McCrow's QPS issued handheld radio was located on top of the tree stump and an Apple iPhone belonging to Constable Arnold or McCrow was located on the ground near the stump, approximately 191 metres inside the property.⁴²

⁴² Exhibit V4.8, page 56.



427. Areas of interest H and I are the locations in the bushland to the right of the driveway where Constable McCrow and Arnold's utility belts and Load Bearing Vests, including body worn cameras, were eventually discarded by Gareth Train. These items were located in bushland on the right of the driveway approximately 220 metres from the front gate.
428. Area of interest U is a log and metal barricade, depicted in the below photograph, which was located on the apex of the left-hand turn of the driveway leading to the dwelling.⁴³ The barricade was approximately 245 metres from the gate at the front of the property and approximately 114 metres from the Log Hide next to the residence. Unlike in the photograph below, on the night of 12 December 2022, the metal and log barricade blocked the driveway. The way in which this barricade was used on the evening of 12 December 2022, is discussed further in my findings in relation the circumstances leading up to the shooting of Gareth, Stacey and Nathaniel Train (inquest issue 6).

⁴³ Exhibit V4.8, page 85.



429. In between the barricade and the house-yard two large **mirrors** had been placed against trees on the left and right side of the driveway. These two mirrors were located at the two **areas of interest marked V**. The photograph below depicts the mirror on the left side of the driveway.⁴⁴



430. The mirror on the right side of the driveway was positioned under the light green shrub that can be seen in the photograph below.⁴⁵

⁴⁴ Exhibit V4.8, page 92.

⁴⁵ Exhibit V4.8, page 93.



431. The forensic significance of these mirrors is discussed further in my findings in relation to the circumstances surrounding the SERT engagement, including the fatal shooting of Gareth, Stacey and Nathaniel Train (inquest issue 6.)
432. Area of interest T is the location of a Log Hide consisting of two large hardwood tree trunks that had been cut and shaped to provide a “L” shaped shooting position. As can be seen in the photograph below,⁴⁶ the Log Hide had been constructed on the northern side of the dwelling, next to an outdoor table in the area between the house and the driveway on which a silver Toyota Hilux was parked. It is adjacent to the main entry on this side of the house.



⁴⁶ Exhibit V4.17, page 2.

433. As shown in the photograph below, behind the Log Hide was bedding; a belt with pouches containing ammunition; a backpack with a large hunting machete in a black sheath attached; a QPS issued Glock magazine containing 15 rounds of 40 Smith and Wesson calibre ammunition; loose ammunition; and a 30-06 Springfield calibre Tikka brand T3 rifle.⁴⁷ A shortened 22 LR calibre Norinco brand rifle and a quantity of loose ammunition was located inside the backpack in the Log Hide.



434. As discussed in more detail in relation to issue 6, this is where Nathaniel Train was for much of his confrontation with the SERT operatives, including when he was ultimately shot and killed. Seventy-eight discharged cartridge cases of various calibres were located on the ground in the vicinity of the Log Hide. There were approximately 23 firearm related penetrations to the front of the Log Hide and a projectile was located on the ground just behind this hide.
435. A further large hardwood log had been placed against the front (eastern) fence of the residence. It was held in place by dirt that had been pushed up against it to allow a forward shooting position at the front of the house yard area. There was also a further large mirror attached to the fence on the left of the log, when facing the residence. This further log hide was not used by Gareth, Stacey or Nathaniel Train during the interaction with SERT.

⁴⁷ Exhibit V4.5, page 5.

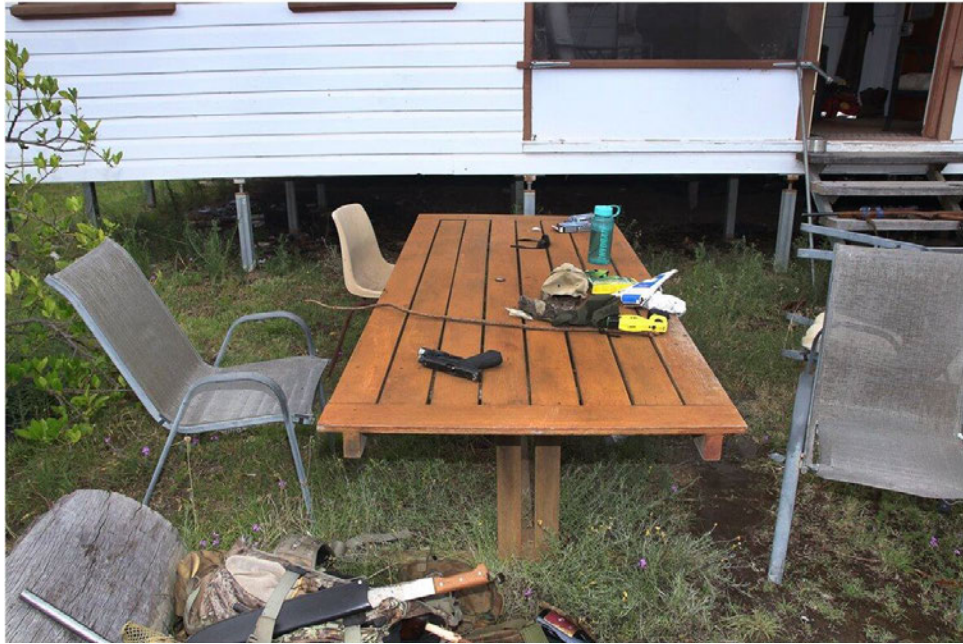
436. As indicated above, a number of the QPS issued items belonging to Constable Arnold and Constable McCrow taken by Gareth Train in the immediate aftermath of their deaths, were located during the forensic search at or in the vicinity of the Train's residence.
437. As shown in the photograph below, Constable Arnold's handcuffs were located on the top rail of the gate to the house yard.⁴⁸ A number of CDs were also hanging on the front gate and front fence line of the house yard.



438. As depicted in the photograph below, Constable Arnold's QPS issued 40 Smith & Weston calibre Glock brand 22 pistol (Glock) and the yellow taser from the Tara police station with air cartridges still attached were located on a table beside the Log Hide and just to the left (facing the residence) of the main entrance stairs on the northern side of the house.⁴⁹

⁴⁸ Exhibit V4.8, page 141.

⁴⁹ Exhibit V4.17, page 5.



439. Constable Arnold's Glock was a self-loading pistol. When located during the forensic search, the action was partially open and a round had been partially fed through the chamber causing the pistol to jam. There were six rounds of ammunition left in the magazine which can hold a maximum of 15 rounds.
440. A QPS issued Glock fires 0.40 calibre projectiles. Winchester ammunition is the brand used by QPS general duties officers. Forensic investigators located six discharged Winchester cartridge cases in the vicinity of the Log Hide where Nathaniel Train was positioned. All six of the discharged cartridge cases were microscopically examined and determined to have been fired from Constable Arnold's Glock.
441. It is apparent from the body worn footage that Constable Arnold did not fire the Glock while on the Wains Road Property, nor did Constables McCrow, Kirk or Brough.
442. Accordingly, I agree with Senior Sergeant Gleeson's conclusion that Nathaniel Train was the only person who fired Constable Arnold's Glock on the evening of 12 December 2022, and that he discharged it at least six times throughout his engagement with SERT.

443. Other items of forensic significance located on the table, included an empty box of 30-06 ammunition, an empty box of 308 ammunition, a box of 308 ammunition containing around 16 rounds, a baseball cap, sunglasses and a water bottle.⁵⁰



444. Constable McCrow's QPS issued Glock pistol was located on the driver's seat of a silver Toyota Hilux dual cab utility (registration 956 RBO), pictured below, that was parked in front of the main entrance stairs on the northern side of the dwelling.⁵¹ This Hilux was located at Area of Interest S on the map above.



⁵⁰ Exhibit V4.5, page 6.

⁵¹ Exhibit V4.17, page 11.

445. When located by investigators, Constable McCrow's Glock Pistol had 14 rounds of ammunition inside its detachable magazine and one round in the chamber. As referred to above, Constable McCrow fired 15 rounds from her Glock shortly before she was killed. I am satisfied that the evidence establishes that after Constable McCrow discharged the full 15 rounds in her magazine, Gareth or Nathaniel Train have taken and reloaded the pistol, but that no further shots were fired from Constable McCrow's Glock.
446. The remaining QPS items were located in a small alcove just inside the main entrance stairs on the northern side of the house. As shown in the photograph below, Constable McCrow's capsicum spray was located on a window shelf in the alcove just to the left of the entrance.⁵²



447. As shown in the photograph below, the red first aid kit from the Tara police vehicle was located in the corner of the alcove.⁵³ A yellow taser from Tara police station, a QPS issued torch and multi-tool were located on top of the kit.

⁵² Exhibit V4.5, page 10.

⁵³ Exhibit V4.5, page 11.



448. As indicated above, the residence itself was set up for off-the-grid living. There was no mains power connected to the house. Instead there were a number of solar panels on the roof that were connected to inverters in the laundry. The various water tanks were also connected to the dwelling. The eight rooms in the residence had basic furnishings and minimal personal effects were located within the house. A makeshift Faraday box with six mobile phones inside was located on the kitchen bench.
449. A significant amount of non-perishable food was also located. There were a large number of books, some notes, letters and a diary belonging to Stacey Train and a number of electronic devices (mobile phones, computers, external hard drives, USB sticks, SD cards) located within the house. The electronic devices and writings were seized, analysed and provided to experts who have given evidence during the inquest. The forensic significance of this material is discussed in more detail in my findings in relation to the profiles and motivations of Gareth, Stacey and Nathaniel Train (inquest issue 7.)
450. As depicted in the photograph below, a variety of ammunition was found by investigators during the search of the residence (including in the bedroom cupboards) and its surrounds.⁵⁴

⁵⁴ Exhibit V4.73, page 2.



451. A variety of equipment, including camouflage gear, ghillie suits, army-style water bottles, binoculars, radios and knives (depicted in the below photographs)⁵⁵ was also located. Much of this material was found by investigators in the shipping container on the property.



⁵⁵ Exhibit V4.73, pages 6, 11 and 12.



452. A variety of cardboard pieces containing hand drawn targets and bullet holes were found in the residence.⁵⁶

⁵⁶ Exhibits V4.197, pages 6 and 24.

my findings in relation to the circumstances surrounding the SERT engagement, including the fatal shooting of Gareth, Stacey and Nathaniel Train (inquest issue 6.)

Weapons Licencing

454. In terms of the weapons licence status of each of Gareth, Stacey and Nathaniel Train, investigations demonstrated that, as at 12 December 2022, Gareth Train was not a licenced weapons holder in Queensland or any other State in Australia. Gareth had held a Queensland weapons licence over 20 years before the shootings, but his licence had been cancelled in April of 1998 as a result of the minor weapons possession offence on his criminal history. Despite holding a Queensland weapons licence for a period of time, Gareth never had any firearms registered to him.
455. Stacey Train never held a weapons licence in Queensland or any other state in Australia.
456. Nathaniel Train was a licensed weapons holder in New South Wales and had previously had a Queensland weapons licence. As outlined above, Nathaniel's Queensland weapons licence was suspended in August 2022 as a result of offences arising from his unlawful entry into Queensland. His New South Wales weapons licence for category A and B weapons was current and, at the time of his death, he had the following five firearms lawfully registered to him.

Firearms	Serial Numbers
Rifle - Marlin 336 30-30 Calibre	19038817
Shotgun - Coachgun double short barrel 12 gauge	607945-08
Rifle - Tikka T3 30-06 calibre	A70588
Rifle - CZ-452-ZE ZKM 22 Calibre long rifle	A655827
Rifle - Tikka T3 30-06 calibre	A57424

457. The first three of the registered firearms outlined in the table above were discarded into flood waters by Nathaniel, in December 2021, as he unlawfully entered Queensland at Talwood.⁵⁸ These three firearms were recovered by a property owner and staff from a nearby property and handed into the Goondiwindi Police. As outlined below, the remaining two firearms were located on the Wains Road property in the aftermath of the shootings. Accordingly, all firearms registered to Nathaniel Train have been accounted for in the course of the investigation.

Firearms located at the Wains Road Property & relevant ballistic investigations

458. In the course of the forensic search, six non-QPS firearms were located in the house, the house yard and the Toyota Hilux, parked next to the Log Hide on the northern side of the residence.

30-06 Springfield calibre Tikka T3 Rifle (Serial number A57424)

459. As depicted in the photograph below,⁵⁹ a 30-06 Springfield calibre Tikka T3 Rifle (serial no. A57424) (30-06 Tikka Rifle) was located by investigators in the Log Hide next to the residence (Area of Interest T).



⁵⁸ That is the Rifle - Marlin 336 30-30 Calibre (serial number -19038817); Coachgun double short barrel shotgun 12 gauge (serial number - 607945-08); and Rifle Tikka T3 30-06 calibre (serial number - A70588).

⁵⁹ Exhibit V4.17, page 3.

460. The photograph below shows the 30-06 Tikka Rifle after it had been cleaned up in the course of the ballistics examination.⁶⁰



461. The 30-06 Tikka Rifle was a high-powered bolt action repeating centre-fire rifle which had a variable scope and torch attached to it. When located by investigators, the bolt was closed and the chamber was empty.
462. The 30-06 Tikka Rifle shot 30-06 calibre ammunition. Both Winchester and Remington brand 30-06 calibre ammunition were located by investigators in and around the Wains Road residence. The 30-06 Rifle had a detachable magazine, containing one round of ammunition, which was located by investigators in the vicinity of the Log Hide.
463. As indicated above, the 30-06 Tikka Rifle was registered to Nathaniel Train. The rifle was located in the Log Hide and it was in Nathaniel's possession immediately before his death.
464. The fingerprint examination of the 30-06 Tikka T3 Rifle located two fingerprints on the barrel of the rifle. Each of these fingerprints were identified as belonging to Nathaniel Train. Gareth and Stacey Train's fingerprints were not located on the 30-06 Tikka Rifle.
465. Forensic examinations located trace DNA on both the front grip and the trigger of the 30-06 Tikka Rifle. The DNA located on the front grip provided a single source profile with a likelihood ratio of greater than 100 billion supportive of having come from Nathaniel Train. The DNA located on the trigger had a two-person mixed profile with a likelihood ratio of greater than 100 billion supportive of having come from Nathaniel Train.

⁶⁰ Exhibit V4.205, page 47.

466. Having regard to this forensic evidence, I am satisfied that Nathaniel Train was in possession of, and used the 30-06 Tikka Rifle, during the interactions with SERT throughout the evening of 12 December 2022.
467. In the course of the forensic investigation, projectiles and projectile fragments recovered from all deceased persons, involved vehicles, the driveway, and the dwelling and its surrounds were compared with test projectiles discharged by the firearms that had been recovered from the Wains Road property and Constable Kirk.
468. This microscopic comparison was able to demonstrate that the 30-06 Tikka Rifle did not fire the projectile that caused the fatal head wound to Constable McCrow.
469. The microscopic comparison was able to demonstrate that it was possible that the projectile that caused the fatal wound to Constable Arnold's torso was fired from the 30-06 Tikka Rifle.
470. The microscopic comparison was also able to demonstrate that it was possible that the projectile that caused the non-fatal wound to Constable McCrow's abdomen was fired from the 30-06 Tikka Rifle.
471. As mentioned above, four 30-06 Springfield calibre Remington brand discharged cartridge cases were located to the right of the shooting platform on the inside of Hide 1. The 30-06 Tikka Rifle was the only non-QPS firearm that was capable of firing 30-06 calibre ammunition. The fatal gunshot to Constable Arnold and the initial non-fatal gunshot to Constable McCrow occurred in quick succession and from the direction of Hide 1.
472. A further four discharged cartridge cases linked to the 30-06 Tikka Rifle were located in the vicinity of the driveway of the Wains Road property, between 97 and 145 metres from the front gate. As mentioned above, a further ten discharged cartridge cases linked to the 30-06 Tikka Rifle were found in the vicinity of the house yard and the dwelling, bringing the total of discharged cartridge cases that were able to be linked to this firearm to 18.
473. Having regard to the forensic evidence, I am satisfied that Nathaniel Train was in possession of, and used, the 30-06 Tikka Rifle to fire at the QPS officers shortly after they entered the property.

22 Calibre long Rifle - CZ-452-ZE ZKM (Serial number - A655827)

474. The 22 Calibre long Rifle - CZ-452-ZE ZKM (Serial number - A655827) (CZ brand Rifle), depicted in the photograph below, was located at the bottom of the main entryway stairs on the northern side of the dwelling near the body of Stacey Train (Area of Interest F).⁶¹



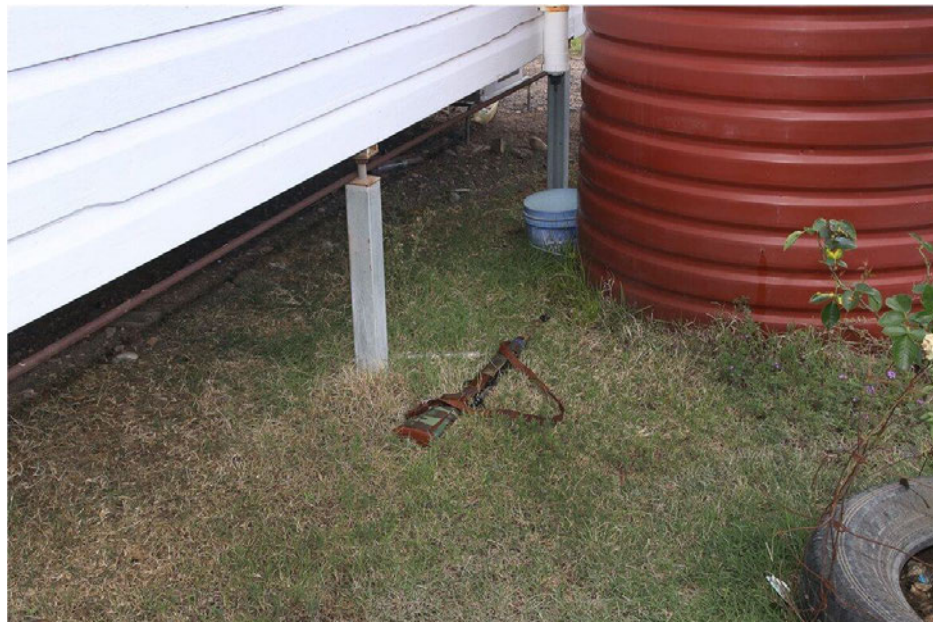
475. As outlined above, the CZ brand Rifle was registered to Nathaniel Train and it was in the possession of Stacey Train during the engagement with SERT.
476. As is outlined below in relation to inquest issue 6, the footage recorded by POLAIR demonstrates that the CZ brand Rifle was fired by Stacey Train immediately before she was shot and killed.
477. The CZ brand Rifle was a bolt-action repeating rim-fire rifle. A torch and a non-variable scope with six-times magnification had been attached to the rifle.
478. When the forensic team located the CZ brand Rifle, the bolt was unlocked and closed and there was a discharged cartridge case present in the chamber, which indicated that the cartridge had not been ejected after the last projectile was fired.

⁶¹ Exhibit 4.10, page 84.

479. The CZ brand Rifle could fire either 22 or 22 LR calibre ammunition and a number of different brands of 22 calibre ammunition, discharged cartridge cases, and projectiles were located in and around the Wains Road residence. The shortened 22 Norinco brand rifle, discussed below, is the only other non-SERT firearm on the Wains Road property that could have also shot rounds of 22 calibre ammunition.
480. Thirteen discharged cartridge cases and two projectiles that could have been shot by the CZ Brand rifle were located by the forensic investigators. All of the discharged cartridge cases and projectiles linked to the CZ brand Rifle were located within or in the vicinity of the residence.
481. No discharged cartridge cases or projectiles linked to the CZ brand Rifle were located at the front of the property. I agree with the conclusion of Senior Sergeant Gleeson that there is no evidence to suggest that the CZ brand Rifle was used during the initial engagement at the front of the property. In particular, I am satisfied that this firearm was not used in the fatal shootings of Constable Arnold, Constable McCrow or Mr Dare.

308 Winchester Calibre Ruger M77 Rifle (Serial number 78-57728)

482. As depicted in the following photograph,⁶² a 308 Winchester Calibre Ruger M77 Rifle (Serial number 78-57728) (308 Ruger) was located by forensic investigators on the ground near the maroon water tank on the northern side of the residence (Area of Interest E).



⁶² Exhibit V4.17, page 9.

483. The following photograph is a closer view of the 308 Ruger rifle after it had been cleaned up in the course of the ballistic examinations.⁶³



484. The 308 Ruger was a bolt-action repeating centre-fire rifle. There was a torch, but no scope, attached to the firearm.
485. When the 308 Ruger was located by investigators, the bolt was open and the chamber was empty. It had an integral magazine with four rounds of ammunition present in the magazine.
486. The 308 Ruger had never been registered in Australia and its origin was unable to be traced. It is likely that this firearm was acquired illegally on the “grey market”. The grey market refers to firearms that were originally legally imported into Australia and in possession of persons prior to the 1996 National Firearms Agreement came into force, that is at a time when there was no requirement to register firearms.
487. As is outlined below in relation to inquest issue 6, it is apparent from the POLAIR footage that the 308 Ruger was used by Gareth Train during the engagement with SERT and was in his possession at the time of his death.
488. DNA located on the front grip was a two-person mixed profile with a likelihood ratio of greater than 100 billion supportive of both Gareth and Nathaniel Train having contributed. DNA found on the trigger of the 308

⁶³ Exhibit V4.205, page 45.

Ruger rifle was single source profile with a likelihood ratio of greater than 100 billion supportive of having come from Gareth Train. Given that the 308 Ruger was in Gareth's possession at the time of his death, the DNA results are not surprising.

489. In terms of ammunition, the Ruger was the only non-SERT firearm on the property that fired 308s. Three different brands of 308 calibre ammunition were located on the property: Remington, Federal and Hornady. The 308 calibre firearms utilised by SERT operatives only used Hornady brand ammunition.
490. Accordingly, I agree with the conclusion reached by the forensic investigators that all non-Hornady brand 308 discharged cartridge cases found on the property (that is Remington or Federal brand) were fired from the 308 Ruger rifle. In total, 30 discharged cartridge cases that can be linked to the 308 Ruger were found on the property. Twenty-one of the discharged cartridge cases were found in the vicinity of the residence and house yard area. The remaining Remington and Federal brand discharged cartridge cases were found at the front of the property, most were located between 97 and 145 metres from the front gate on the left-hand side of the driveway and one was located approximately six metres from the front gate, again on the left hand side of the driveway.
491. Given the placement of the discharged cartridge cases, I also agree with the investigator's conclusion that the 308 Ruger rifle linked to Gareth Train was used both in the initial engagement at the front of the property and in the engagement with SERT in the vicinity of the residence later in the evening.
492. Microscopic comparisons of projectiles and projectile fragments located at the scene and the 308 Ruger rifle demonstrated that the 308 Ruger may have fired a projectile that was located in the vicinity Constable McCrow's body (approximately 7 metres to the left of the driveway 116 metres from the front gate). This projectile had dark blue fibres attached to it and DNA with a likelihood ratio of greater than 100 billion supportive of being contributed to by Constable McCrow, suggesting that this particular projectile (that was fired from the 308 Ruger linked to Gareth Train) passed through Constable McCrow's body.
493. Microscopic comparisons demonstrated that the projectile recovered from a wound in the top of Constable McCrow's abdomen was also consistent with having been fired from the 308 Ruger.

494. Microscopic comparisons also demonstrated that the projectile that was recovered from Constable McCrow's head wound was also consistent with having been fired from the 308 Ruger.
495. Microscopic comparisons also demonstrated that a projectile fragment located on the inside of the passenger front of the SERT Bearcat and a projectile recovered from under the front seat of the Chinchilla Police vehicle may have been fired from the 308 Ruger Rifle. This suggests that Gareth Train fired the 308 Ruger at SERT operatives as well as at Constable Kirk as he was attempting to leave the property.
496. Microscopic comparisons also excluded the possibility that the projectile taken from Constable Arnold's fatal chest wound was fired by the 308 Ruger rifle.

6.5 X 55 mm Calibre Swedish Mauser Carl Gustaf Rifle (Serial number 283312)

497. As depicted in the photograph below,⁶⁴ a 6.5 x 55 millimetre Calibre Swedish Mauser Rifle (Serial number 283312) (6.5 mm Swedish Mauser) was located in the front driver's seat of the Toyota Hilux parked out the front of the northern side of the residence (Area of Interest S). The grip of Constable McCrow's Glock pistol can also be seen, on the driver's seat, underneath the rifle in this photograph.



498. The following photograph depicts the 6.5 mm Swedish Mauser Rifle after it had been stripped back during the course of the ballistics examinations.⁶⁵

⁶⁴ Exhibit V4.17, page 12.

⁶⁵ Exhibit V4.205, page 46.



499. The 6.5 mm Swedish Mauser Rifle was a bolt-action repeating centre fire rifle. It had a variable scope with three and a half to ten times magnification.
500. When the rifle was located by investigators the bolt was partially open, and there was a round present in the chamber. It had an integral box magazine containing five rounds of ammunition.
501. In terms of ammunition, the Swedish Mauser fired 6.5 x 55 millimetre calibre rounds, and was the only firearm found on the property that fired ammunition of that calibre. Fifty-five discharged cartridge cases found on the property could be linked to the 6.5 mm Swedish Mauser Rifle. All of these discharged cartridge cases were located within the confines of the house yard and dwelling.
502. Microscopic ballistic examinations determined that projectiles located in the front tyres of the SERT Bearcat could have been fired from the 6.5 mm Swedish Mauser Rifle. Ballistic examinations excluded the possibility that the projectile recovered from Constable McCrow's head wound was fired from this firearm.
503. The 6.5 mm Swedish Mauser Rifle had never been registered in Australia. Like the 308 Ruger it was likely to have been acquired illegally on the grey market.

504. DNA on the trigger of the 6.5 mm Swedish Mauser Rifle provided a two-person mixed profile result, with a likelihood ratio of greater than 100 billion supportive of coming from Gareth and Stacey Train. DNA located on the front grip of the rifle produced a likelihood ratio of greater than 100 billion supportive of coming from Gareth Train.
505. POLAIR footage captured Gareth Train firing at SERT operatives from the vicinity of the silver Toyota Hilux at various stages throughout the evening of 12 December 2022.
506. I am satisfied that the 6.5mm Swedish Mauser Rifle was used by Gareth Train to fire at SERT operatives from the vicinity of the Toyota Hilux at various stages throughout the engagement in the house yard on the evening of 12 December 2022. I am also satisfied that this firearm was not utilised in the shootings at the front on the property earlier in the afternoon, and in particular, it was not used to fatally wound Constable McCrow, Constable Arnold or Mr Dare.

Shortened 22 Calibre Long Rifle Norinco Brand Rifle (Serial Number 8928436)

507. The follow photograph⁶⁶ depicts the shortened 22 Calibre Long Rifle Norinco Brand Rifle (Serial Number 8928436) (**Shortened 22 Norinco**) that was located in the backpack found in the Log Hide that Nathaniel Train utilised during the confrontation with SERT (Area of Interest T).



⁶⁶ Exhibit V4.205, page 49.

508. The shortened .22 Norinco was a bolt-action repeating rim fire rifle. When located by investigators the bolt was unlocked and closed, and there was a round present in the chamber. There were four rounds of ammunition present in the magazine.
509. Like the CZ brand rifle used by Stacey Train during the engagement with SERT, the shortened Norinco brand rifle also fired .22 calibre ammunition. As mentioned above, investigators located 13 discharged cartridge cases which were .22 calibre in and around the Wains Road residence. I accept the evidence given by Senior Sergeant Gleeson to the effect that it is was not possible to determine whether any of these 13 discharged cartridges were shot from the shortened Norinco rifle as opposed to having been shot from the CZ brand rifle.
510. Investigations revealed that the rifle had entered Australia sometime around 1989 to 1990, and that it had never been registered in Australia.
511. DNA located on the trigger of the shortened 22 Norinco had a three-person mixed profile with a likelihood ratio profile of greater than 100 billion supportive of having come from Nathaniel Train. Similarly, DNA located on the handle of the firearm had a single source DNA profile with a likelihood ratio of greater than 100 billion supportive of having come from Nathaniel Train. The DNA results are unremarkable, given that the Norinco was located inside a backpack in the Log Hide where Nathaniel was lying at the time of his death.
512. It is not possible to determine whether the shortened 22 Norinco rifle was used by Nathaniel Train during the engagement with SERT. However, having regard to the fact that no 22 calibre discharged cartridge cases or projectiles were located at the front of the Wains Road property, I am satisfied that the Norinco was not used during the initial engagement at the front of the property, and in particular, I am satisfied that this firearm was not used in the in the fatal shootings of Constable Arnold, Constable McCrow or Mr Dare.

Shortened 12 Gauge, Double Barrel Boito Shot Gun (Serial number 123939)

513. As depicted in the photograph below, a shortened 12 Gauge, double barrel Boito shotgun (Serial number 123939) (Boito shotgun) was located on the dresser in the main bedroom of the residence.⁶⁷

⁶⁷ Exhibit V2.10, page 26.



514. The following photograph shows the Boito Shot Gun in its cleaned-up state.⁶⁸



515. The Boito was a side-by-side break action shotgun.
516. No fingerprints were located on the shotgun but DNA on the handle of the gun provided a three-person mixed profile with a likelihood ratio of greater than 100 billion supportive of contribution from Gareth and Stacey Train.
517. Given the location the shotgun was found during the forensic search and the fact that there was no evidence in the dwelling (or elsewhere on the property) of any shotgun shells being fired, I am satisfied that the Boito shotgun was not used on the Wains Road property on 12 December 2022.

⁶⁸ Exhibit V4.205, page 50.

Further opinion on the firearms, ammunition and equipment found at the Wains Road Property

518. I have had regard to and accept the unchallenged evidence of Detective Sergeant Fergusson from the Firearms and Cannabis Team, Drug and Serious Crime Group concerning the firearms, ammunition and equipment found at the Wains Road property. As part of the QPS Firearms and Cannabis Team, Detective Sergeant Fergusson was responsible for conducting investigations into the possession, trafficking and manufacture of unlawful firearms, as well as the auditing of licenced weapons holders.
519. In this role, Detective Sergeant Fergusson had contact with persons who could be described as “preppers” or subscribed to sovereign citizen ideologies. In addition to his role within the QPS, Detective Sergeant Fergusson has been a licensed weapons holder for over 40 years and he is also a former member of the Australian Defence Force, serving in an Infantry Battalion where he obtained the rank of Corporal.
520. Detective Sergeant Fergusson was part of the team of investigators involved in searching and managing the primary crime scene in the immediate aftermath of the shootings. He remained on the Wains Road property for five days and nights after the incident in order to perform these duties. Given Detective Sergeant Fergusson’s history and experience with firearms, he was also asked by ESC investigators to produce an opinion as to the number and type of firearms and ammunition that was found in and around the Wains Road property as well as an assessment of some of the equipment found on the property.
521. In relation to the firearms belonging to Gareth, Nathaniel and Stacey Train, I accept Detective Sergeant Fergusson’s evidence that the six non-QPS firearms located on the Wains Road property, at least four of which were used by the Trains on 12 December 2022, are a fairly standard cross section of firearms he would expect to see in the general population of Queensland licensed weapons holders.
522. Each of the six firearms were originally manufactured as either category A or B weapons, which are the base level categories obtainable by persons wishing to own registered firearms. In oral evidence at the inquest, Detective Sergeant Fergusson explained that the firearms owned and used by the Trains on 12 December 2022 are commonly found and used on rural properties throughout Australia.

523. Detective Sergeant Fergusson also indicated that he did not consider six firearms to be an excessive number of firearms for a licenced weapons holder to possess. He explained during his oral evidence that it was normal for residents on a rural property, such as the Wains Road property, to own the number of firearms the Trains did. Detective Sergeant Fergusson also noted that when conducting firearms audits as part of his duties he would see licensed weapons holders in possession of many more firearms.
524. I agree that the *Weapons Regulation 2016* recognises that licence holders are likely to be in possession of a greater number of firearms as section 94 of the regulation provides that upgraded security requirements only come into play when a person is in possession of more than 30 weapons.
525. I accept Detective Sergeant Fergusson's opinion that most of the firearms owned and used by the Trains were not well maintained but instead were in a "*pretty poor condition*" which was consistent with the weapons not being well cleaned for an extended period of time. I also accept his evidence that there was nothing unusual about the various accoutrements (such as netting, camouflage tape, scopes, torches and bipods) that were attached to some of the firearms.
526. In relation to the chambering of the firearms and the ammunition found on the Wains Road property in the aftermath of the shootings, I accept Detective Sergeant Fergusson's evidence that the chamberings are standard chamberings and that the calibre and brands of the ammunition used by the Trains were very common. I accept that such ammunition is readily available at gun shops throughout Queensland. Detective Sergeant Fergusson also noted that persons attending licensed firearm dealers to purchase ammunition are required to produce to the dealer a valid weapons licence prior to purchasing ammunition.
527. Similarly, I accept Detective Sergeant Fergusson's evidence that he did not consider that the amount of ammunition located on the Wains Road property was excessive. He indicated that the amount of ammunition located is typical of what he would expect when conducting audits of licensed weapons holders and that it was not unusual to see licensed weapons holders in possession of three or four times the amount of ammunition.

528. Detective Sergeant Fergusson indicated he did not consider the amount of ammunition or firearms located at the Wains Road property to be typical of persons commonly referred to as “preppers”. He indicated that he had been involved in investigations on people who had been regarded as preppers where over 350 firearms and 4 tons of ammunition were located, including semi-automatic firearms (category C and D) and fully automatic firearms (category R). He also noted that it was more usual for people described as preppers to have multiple extra loaded magazines. In contrast, Gareth, Nathaniel and Stacey Train did not have extra magazines for their firearms and a lot of their ammunition was stored in bedroom cupboards.
529. Detective Sergeant Fergusson explained in his evidence that he saw signs of a homemade shooting range on the property. He indicated that the homemade cardboard targets found during the search (depicted in the photographs above) are fairly typical for people wanting to sight a weapon.
530. Detective Sergeant Fergusson also indicated that in his experience, there was nothing illegal or otherwise unusual about the variety of equipment (pictured in the photographs above), including camouflage items, ghillie suits, army-style water bottles, binoculars and radios that was located by investigators on the property. He indicated that most of the equipment had been located in a shipping container off to the left of the house and that it was the type of hunting and survival equipment commonly available in camping and army disposal stores.
531. Similarly, he indicated that the variety of bladed instruments and accessories, including spears, knives, axes and compound bows (also pictured above) were unremarkable and that they were likely to have been used to chop wood and hunt pigs. Having regard to the terrain of the property, the dogs owned by the Trains and the protective dog vests that were also located on the property, Detective Sergeant Fergusson formed the opinion that before 12 December 2022, person(s) on the property were involved in hunting pigs with dogs.
532. Ultimately, I accept the overall opinion expressed by Detective Sergeant Fergusson on this topic, namely that the amount and type of firearms, ammunition, clothing and other equipment located at the Wains Road property in the aftermath of 12 December 2022 was unremarkable. Other than the snipers hide (Hide 1 pictured and discussed above), Detective Sergeant Fergusson saw nothing that he had not seen on numerous other occasions when attending the addresses of other licenced weapons holders.

Conclusions regarding issue 3(a) and issue 3(b) - Who fired the shots that killed Constables Arnold and McCrow and what guns and ammunition were used and whether they were obtained lawfully?

Constable Arnold

533. As outlined above, Constable Arnold was killed by a single shot to the front of his chest, which occurred without any warning, after he had been on the property for less than two minutes. Constable Arnold was walking down the driveway, facing the direction of the Train residence, and was approximately 120 metres from the front gate when he was shot and killed. I am satisfied that Nathaniel Train fired the shot that killed Constable Arnold, using the 30-06 Tikka Rifle, and that he did so from the hidden shooting position in Hide 1. In reaching this conclusion I have had particular regard to the following evidence which has been outlined above:

- a. Constable's Arnold was facing Hide 1 at the time that he was shot in the front of his chest.
- b. Ballistic examinations of the projectile found in Constable's Arnold's chest was consistent with it having been fired from the 30-06 Tikka rifle.
- c. Ballistic examinations also excluded the possibility that the projectile taken from Constable Arnold's chest was fired by the 308 Ruger rifle, which is the rifle used at the front of the property and linked to Gareth Train.
- d. There is no evidence to suggest that the CZ brand .22 rifle, that was used by Stacey Train during the engagement with SERT, was used at the front of the property. No female was seen or heard by Constables Kirk and Brough while they were on the property nor was any female voice recorded on the body worn camera footage of any of the officers.
- e. The 30-06 Tikka Rifle was registered to Nathaniel Train. It was used by Nathaniel during the engagement with SERT and was found in his possession at the time of his death.
- f. Two of Nathaniel's fingerprints were located on the barrel of the rifle. Trace DNA on the trigger and the front grip was consistent with Nathaniel's DNA.

- g. The forensics team found 18 discharged cartridge cases which could be linked to 30-06 Tikka Rifle. Ten were located in the vicinity of the residence and eight were located towards the front of the Wains Road property. Four of the discharged cartridge cases that were found towards the front of the property were located within 97 and 145 metres of the front gate. Most significantly, a further four of the discharged cartridge cases were linked to the 30-06 Tikka Rifle were located next to the shooting platform within Hide 1.

- h. The four discharged cartridge cases located in Hide 1 are particularly significant because of the conversation between Gareth and Nathaniel, recorded on the officers' body worn cameras. During the conversation, the two men appear to be discussing the positions of the four officers as one of the shooters was looking through a scope at them, seemingly at the time or immediately after the first shot was fired. Nathaniel, whose voice was identified by his son Aidan, said:

I don't know, I was in the scope, there were three to the left of him... to the right as I was looking at him.

The words spoken appear to be a reference to Nathaniel having seen three officers to Constable Arnold's left, through the scope of his Rifle at the time that he shot Constable Arnold from the shooting position in Hide 1.

- 534. I am satisfied that the 30-06 was lawfully obtained by Nathaniel and was registered to him.

- 535. In relation to the issue of whether the ammunition used would have been lawfully obtained. There were boxes of Remington and Winchester brand 30-06 ammunition located in and around the residence at the Wains Road property. This is common ammunition, both in terms of the chambering and the brands, and I consider that it is likely that the ammunition used in the shooting would have been lawfully obtained by him, as a registered weapons owner.

Constable McCrow

536. As outlined above, the body worn camera footage shows that Constable McCrow was shot four times. The forensic evidence demonstrates that the first three shots were through her left shoulder across the middle of her back; through her upper left thigh to her lower abdomen; and to her right calf. Constable McCrow's death was caused by the fourth shot to her head.
537. I am satisfied that Gareth Train was the person who fired the fatal shot to Constable McCrow's head, and that he did so using the 308 Ruger rifle at close range. In coming to this conclusion, I have had particular regard to the following evidence:
- a. Ballistic examinations of fragments of the projectile removed from Constable's McCrow's head wound were consistent with it having been fired from the 308 Ruger rifle.
 - b. The ballistic examination of the projectile fragments removed from Constable McCrow's head wound excluded the possibility that shot was fired by the 30-06, which is the rifle connected to Nathaniel Train.
 - c. There is no evidence to suggest that the CZ brand .22 rifle, that was used by Stacey Train during the engagement with SERT, was used at the front of the property. No female was seen or heard by Constables Kirk and Brough while they were on the property nor was any female voice recorded on the body worn camera footage of any of the officers.
 - d. The 308 Ruger was used by Gareth during the engagement with SERT and it was in his possession at the time of his death. Further Gareth's DNA was located on the trigger of this firearm.
 - e. Constable McCrow's body worn camera footage establishes that there was a verbal exchange with a male person and Constable McCrow at the time she was fatally shot at close range. The male person on the recording has been identified as Gareth, by his nephew and step-son, Aidan Train.
 - f. Shortly after the shooting of Constable McCrow, Gareth Train can be seen on the body worn camera footage carrying a bolt action rifle with a brown leather strap, consistent with the appearance of the 308 Ruger rifle. At around this time a box of

Federal brand 308 calibre ammunition falls from the top pocket of his shirt.

538. I am also satisfied that Gareth Train was likely to have used the 308 Ruger to inflict one or more of the non-fatal wounds received by Constable McCrow. The 308 Ruger may have discharged the projectile recovered from the top of Constable McCrow's abdomen, and it did discharge a projectile which was found near Constable McCrow, having passed through her body. Further, Gareth Train can be seen on Constable McCrow's body worn camera footage holding a rifle and shooting in her direction at around the same time that she is shot for the third time, this time in the upper left leg.
539. As outlined above, it is not possible to rule out the possibility that Nathaniel Train may also have inflicted one of the first three shots to Constable McCrow.
540. The 308 Ruger rifle had never been registered in Australia. It cannot have been lawfully obtained and was likely to have been obtained on the grey market.
541. A quantity of Remington and Federal brand 308 calibre discharged cartridge cases were found at the property. It appears that Gareth was using one or both brands of ammunition on 12 December 2022. Both the chambering and the brands are common. It is commercially available ammunition. There is no evidence to suggest that the ammunition would not have been lawfully obtained.

Issue 3(c) – Whether the Constables Arnold, McCrow, Kirk and Brough were adequately equipped and trained to respond to the incident

542. In considering this issue, I have had particular regard to the evidence of Senior Sergeant Tracy Bailey, the Training Operations Coordinator at QPS Operational Training Services, who provided an expert opinion pertaining to “use of force” matters arising from the incident on 12 December 2022, which covers the actions of Constables Arnold, McCrow, Brough and Kirk as well as the actions of other responding General Duties Officers up until the arrival of specialist units, such as SERT. I have also had regard to Senior Sergeant Bailey's evidence in my considerations of inquest issue 5, which concerns the adequacy and appropriateness of the non-SERT QPS response to the incident.

543. In considering issue 3(c) it is important to recognise that there was a difference between the incident that Constables Arnold, McCrow, Kirk and Brough expected to attend and the incident that unfolded.

Were the Constables adequately equipped and trained to respond to the incident the officers expected to attend?

544. As outlined above in relation to issue 1, Constables Kirk and Brough considered they were attending to a routine missing persons enquiry. Constable Kirk gave evidence that he was briefed on the job by both Acting Sergeant Drier and Constable Abbott; that he read the email Constable Abbott sent the officers; and that Constable Brough read the email on the way to the property.

545. It is apparent from the QLite records that Constables Kirk, Brough, Arnold and McCrow all conducted their own intelligence checks on their personal issued QPS QLite devices in relation to Nathaniel, Gareth and Stacey Train and the property before attending the job.

546. Having regard to the email that had been sent to the four officers by Constable Abbott; the phone conversation between Constable McCrow and Acting Sergeant Drier before attending the Wains Road property; the QLite searches that Constables Arnold and McCrow undertook before their attendance; and the nature of the conversation between the officers after they arrived at the property, I am satisfied that Constable Arnold and Constable McCrow would have also considered the job to be a routine missing persons enquiry.

547. I am also satisfied that the Constables' assessment of the incident as a routine missing persons job was appropriate in the circumstances. As Senior Sergeant Bailey explained in her evidence, there was nothing about the job that would have caused it to be classified as high-risk.. From the information provided and the minimal flags it appeared to be a routine missing persons job.

548. I do not accept the submission made on behalf of the families of Constables Arnold and McCrow, that the fact that the property was located in the blocks and that the missing person had an arrest warrant "*relating to firearms and wilful damage*" meant that the officers were not adequately equipped or trained. As has been discussed in relation to inquest issue 1, the isolated nature of the property was considered as part of the overall risk assessment and was one of the reasons why two crews, including the Tara crew that had more experience policing the blocks, attended the job.

549. The arrest warrant, which was to be executed on a former school principal who was a licenced weapons holder with no criminal history, related to wilful damage which occurred in the context of a breach of COVID border directions and weapons storage offences which involved abandoning registered firearms in a flooded car.
550. There was nothing about the nature of the outstanding offences or Nathaniel's personal antecedents which would have suggested that there was a risk that he would act aggressively, including by using firearms in an unlawful manner. As Constable Abbott explained, in her experience the fact that Nathaniel had a weapons licence made him more credible as she was aware that many people in the local area had firearms without licences.
551. Similarly, there was nothing about the property itself or the personal antecedents of Stacey (a former school principal) and Gareth Train (a former school groundsman) with no relevant criminal history which would have elevated the matter beyond a routine missing persons enquiry for which each officer was adequately trained and equipped. Accordingly, I make no criticism of the threat assessment conducted by Constables Arnold, McCrow, Kirk and Brough, including their assessment of the incident as a routine missing persons job.
552. Having regard to the nature of the job, each of the four officers was equipped with their standard accoutrements, which included their Glock pistols.
553. In terms of firearms training, QPS recruits are provided with approximately 80 hours of firearms training over a two-week period. Sworn officers are then required to undertake a yearly pistol requalification which includes an assessment of an officer's firearms skills, knowledge and competence. The minimum QPS firearms training requirement, requires officers to fire a minimum of 105 rounds per year.
554. Officers receive ongoing training across a number of areas throughout their career, including "Operational Skills and Tactics" training, an annual training requirement for all QPS officers.
555. QPS training records revealed that as at 12 December 2022, Constables Arnold, McCrow, Kirk and Brough were qualified with service issued sidearms and up to date operational skills and tactics training.

556. None of the Constables carried a rifle onto the property with them. Constable Arnold was the only one of the four Constables who was rifle trained. I accept Senior Sergeant Bailey's evidence, and the submissions made by Counsel Assisting and the Commissioner of the QPS that given the seemingly routine nature of the job, it would not have been appropriate for Constable Arnold to take a rifle onto the Wains Road property. As Senior Sergeant Bailey explained in her oral evidence:

...the use of a rifle needs to meet certain criteria – your risk assessment, whether your risk assessment deems it an appropriate use, whether it is a tactically dangerous situation, whether it's to contain a situation until the arrival of specialist operations – so SERT. None of those factors were appropriate, given that job that they were going to – the missing persons job.

557. I also accept Senior Sergeant Bailey's evidence that carrying a rifle onto the Wains Road Property in response to what appeared to have been a routine missing persons job may have escalated the situation.

558. Constables Arnold, McCrow, Kirk and Brough were wearing load-bearing vests which were standard issue at the time of the incident. The load-bearing vests worn by the Constables allowed officers to mount pouches and accoutrements to the vests but had no armour capability. As at 12 December 2022, ballistic protection was available to QPS General Duties officers via issued body armour which was a separate vest that was stored in Police Vehicles. This separate body armour was not routinely worn for general duties.

559. At the time of this incident, the QPS was in the process of rolling out new integrated load-bearing vests (**ILBVs**). The new ILBVs have mounting points for pouches and accoutrements but also integrate body armour via soft armour panels or hard armoured plates. The Queensland Government made an election commitment in relation to the funding of a QPS designed ILBV in October 2020 and, the QPS project officially commenced in January 2021. The first ILBVs were received by the QPS in January 2022. Each officer is measured before they are issued with an individual ILBV. The district order for priority rollout was based on the rate of firearm and bladed weapons offences and calls for service, with the initial priority being to issue ILBVs to first response officers. As at 12 December 2022, the ILBVs had not been rolled out in the Southwest District.

560. Accordingly, chapter 14.20 of the QPS OPM governed the use of the protective body armour that was available at the time of the incident. It provided that officers should wear protective body armour when responding to incidents which may involve the use of firearms or dangerous weapons or at their discretion.
561. Having regard to the terms of the OPM and the nature of the incident that the officers thought they were attending, I agree with Senior Sergeant Bailey's unchallenged opinion that it was appropriate for Constables Arnold, McCrow, Kirk and Brough to not wear protective body armour to what they thought was a routine missing persons job.
562. For the reasons that I have identified, I am satisfied that Constables Arnold, McCrow, Kirk and Brough were adequately equipped and trained to respond to the incident that they reasonably expected to attend.

Were the Constables adequately equipped and trained to respond to the incident that unfolded?

563. Tragically, the evidence demonstrates that once the shooting commenced, the officers' Glockes were woefully inadequate for the purpose of defending themselves or each other from the attack they faced. As Senior Sergeant Bailey explained in her oral evidence, the Glock pistols that the General Duties Constables were in possession of are not tested for accuracy beyond a distance of 10m. Accordingly they were no match for an ambush involving two shooters using high powered long arm rifles from a purpose built hidden shooting platform on their own property.
564. I accept that had one of the officers had a rifle, it is conceivable that they stood a better chance of some measure of defence. However, I agree with the submission made by Counsel Assisting that given that Constable Arnold was shot and killed without any warning at long range, the presence of a rifle or rifles would not have prevented his tragic death. Given the nature of the ambush, including the fact that Constable McCrow was shot and effectively disabled moments after Constable Arnold was killed and the hidden shooting positions and long range firearms used by Nathaniel and Gareth Train, I agree with Counsel Assisting that it cannot be said with any degree of confidence that the presence of a rifle or rifles would have prevented Constable McCrow's tragic death.

565. It was submitted on behalf of the families of Constable McCrow and Constable Arnold that the deaths of Constables McCrow and Arnold may have been prevented if they had access to ILBVs and, more specifically, that it is open for me to find:

- that if Constables Arnold and McCrow had been issued and worn the new ILBVs with hard armoured plates, it may have saved their lives;
- that the use of hard armoured plates are not limited to high risk situations; and
- that it is within the realm of possibilities that the four officers may have worn hard armoured plates with the ILBV given the potential risk of encountering firearms.

566. Chapter 14.20.3 of the OPM provides that:

Uniformed officers issued with and authorised to wear an ILBV, are to always wear the ILBV when performing operational duties involving physical interaction with the public, including counter duties, unless granted an exemption...”

567. Deputy Commissioner Scanlon explained that the soft armour panels in the ILBVs must be worn at all times and can only be removed to meet a risk arising due to environmental circumstances, such as a health risk. Accordingly, I am satisfied that if the ILBVs had been issued to Constables Arnold and McCrow before the incident, then Constables Arnold and McCrow would have been wearing their ILBVs, including the soft armoured panels, during their shift on 12 December 2022, including when attending the missing persons job at the Wains Road property.

568. I also accept the evidence given by Inspector Buxton, Manager of QPS Operational Training Services and the Chief Operational Skills Instructor for the QPS, that the soft armour panels on the ILBVs are not rated to withstand the calibre of ammunition that was used by Nathaniel and Gareth Train to shoot Constables Arnold and McCrow, namely 30-06 or 308 calibre ammunition. Accordingly, I am not satisfied that the wearing of an ILBV, with soft armoured panels, would have made any material difference to Constable Arnold and Constable McCrow's safety. Having regard to the calibre of the ammunition used by Nathaniel and Gareth Train.

569. In relation to the issue of whether the officers would have been likely to have inserted the hard-armoured plates into their ILBVs when attending the missing persons enquiry on 12 December 2022, I note that Chapter 14.20.3 provides that:

Officers are to wear the HAP (hard armoured plates) when information suggest the existence or threat of any weapon threat. Officers can choose to always wear the HAP or in other circumstances where their risk assessment identifies a need (e.g. demonstrations or riots, executing a search warrant etc).

570. Having regard to this provision in the OPM, I agree that the use of ILBVs with hard armoured plates is not limited to high risk situations. It is certainly “*within the realm of possibilities*” that the four officers may have chosen to wear the hard-armoured plates with their ILBVs, given that the OPM gives officers the discretion to wear the hard-armoured plates at all times.

571. However, given that the officers assessed the job as being a routine missing persons enquiry for a former school principal with no criminal history and the minor nature of the offences that the arrest warrant related to, I am not satisfied that the officers would have considered that there was a heightened risk of encountering firearms or a weapons threat at the property which would, by itself, merit the use of the hard armoured plates. On the evidence before me, it is not possible to make any positive finding that Constables Arnold, McCrow, Kirk and Brough would have worn the hard-armoured plates if they had been issued ILBVs before 12 December 2022.

572. Even if Constables Arnold and McCrow had been wearing an ILBV with hard armoured plates, I am not satisfied that this additional ballistic protection may have prevented their deaths. In reaching this conclusion, I have had regard to Inspector Buxton’s evidence that the hard armoured plates in the ILBVs are not rated to withstand the ammunition used by Nathaniel Train to cause the fatal wound to Constable Arnold’s torso, and which may have caused the initial non-fatal wound to Constable McCrow.

573. In relation to the remaining injuries to Constable McCrow, while the hard armoured plates may have provided some ballistic protection from a single shot to the torso from Gareth Train’s rifle, the ILBV (even with hard armoured plates) would not have provided any protection against the two projectiles that struck Constable McCrow in her legs or the fatal shot from Gareth’s Train’s rifle. Having regard to this evidence, it is not

open for me to find that if Constables Arnold and McCrow had been issued and worn the new ILBVs with hard armoured plates, it may have saved their lives.

574. The policies contained in Chapter 14 of the OPM that I have outlined above provide clear guidance about the circumstances in which QPS officers should be wearing protective body armour. Accordingly, I do not find that there is a need to provide additional guidance and/or training to officers about the use of their protective body armour.
575. The evidence before me does not suggest that there were any organisational failings by either the State Government or the QPS which led to an undue delay in the state-wide roll out of the ILBVs, particularly given that each of the 12,000 vests are designed to be tailor-made and individually fitted. In the aftermath of the shootings at Wieambilla, the Southwest District was prioritised for the measuring and issuing of ILBVs to frontline staff.
576. Inspector Hindmarsh explained in his oral evidence, that by the time of the inquest the state-wide roll out of the 12,000 ILBVs was almost complete. To be more specific, by August 2024, 11,200 officers had been measured for their ILBVs and just short of 10,000 vests had been issued to QPS front line officers. In these circumstances, I do not regard that there is a need for any recommendation that the State Government and the QPS prioritise the advancement of technologies, particularly those which improve the safety of frontline officers.
577. Each of the officers had handheld radios, and Constables McCrow, Kirk and Brough attempted to use them, without success. Subsequent investigations demonstrated the radios were working and there was radio coverage. The issue was that the officers were on the wrong channel. I make no criticism of Constables McCrow, Kirk and Brough in this regard because the Wieambilla channel was not listed on the radio master list at that time. The adequacy of the QPS communication system is discussed further in relation to my findings in regard to inquest issue 5(a).
578. Given the wholly unexpected and unprecedented nature of what was lying in wait for Constables Arnold, McCrow, Kirk and Brough at the Wains Road property on 12 December 2022, it is difficult to see how any responding officers could have been adequately equipped to respond to the events as they unfolded. As Senior Sergeant Bailey articulated:

From the initial job details there was nothing that indicated what the responding officers were about to face. On any given day, this would be the type of job that officers would regularly attend. There were no adverse flags or cautions that would indicate what was awaiting them.

From the information that I have been provided with, it would appear that the offenders were prepared for a lethal confrontation with any person that entered the property and there was nothing the officers could have done to prevent this. The offenders were waiting for them and gave no warning of what was about to take place. Constables Arnold, McCrow, Kirk and Brough had no idea of the danger that they were about to face.

Were Constables Arnold, McCrow, Kirk and Brough's actions appropriate and in accordance with QPS training and policy?

579. I agree with the submission of Counsel Assisting that, notwithstanding the dire situation and its tragic consequences, each of the officers responded appropriately and in accordance with QPS training and policies.
580. In relation to the officers' threat assessments, I accept the evidence of Senior Sergeant Bailey and the submissions made by Counsel Assisting and various parties including the Commissioner of the QPS, that in responding to the initial missing persons job, Constables Arnold, McCrow, Kirk and Brough's threat assessments were conducted in accordance with established QPS policy, training and doctrine. I agree with Senior Sergeant Bailey's conclusion, that officers with similar or more experience would have also responded to this missing persons job in a similar way.
581. As I have indicated, I am satisfied that Constable Arnold acted in accordance with QPS training and policy in not bringing a rifle onto the property. Similarly, I am satisfied that it was appropriate for Constables Arnold, McCrow, Kirk and Brough to not wear protective body armour to what they thought was a routine missing persons job.
582. I agree with the evidence of Senior Sergeant Bailey, that given the nature of the job it was appropriate for Constables Arnold, McCrow, Kirk and Brough to have not drawn their Glocks once they entered the Wains Road property.

583. Despite her injuries, Constable McCrow used her body worn camera to record important information about the events unfolding around her. I agree with Sergeant Bailey's evidence and the submissions made by Counsel Assisting and the Commissioner of the QPS that it was entirely reasonable and appropriate for Constable McCrow to have discharged her Glock at the time, and in the manner, that she did.
584. To use the language of the QPS Operational Procedure Manual, I am satisfied that Constable McCrow's actions in discharging her Glock 15 times was authorised, justified, reasonable and legally defensive in all the circumstances. I am also satisfied that any other less-lethal use of force option available to Constable McCrow would not have been tactically sound or effective.
585. I am also satisfied that Constable Kirk's actions in discharging his Glock was authorised, justified, reasonable and legally defensive in all the circumstances and that any other less-lethal use of force options would not have been tactically sound or effective.
586. I am satisfied that Constable Kirk and Constable Brough acted in accordance with QPS training and policies throughout the incident. I agree with Sergeant Bailey's evidence and the submissions made by Counsel Assisting and adopted in the submission on behalf of the QPS Sworn Police officers and the Commissioner of the QPS that, after the shooting commenced, Constables Kirk and Brough were unable to achieve situational containment, given they could not see the shooters or their locations.
587. They did not have the capability for long-range accurate fire with their Glock pistols; and there was no immediate cover. Accordingly, I am satisfied that it was appropriate that the officers tactically repositioned and, in Constable Kirk's case, tactically withdrew when guided to do so by Acting Sergeant Drier.
588. Constable Kirk and Constable Brough's ability to seek concealment meant that they were able to use their mobile telephones to call for assistance and then relay vital information which allowed for a planned and coordinated QPS response with appropriate resources. Senior Sergeant Bailey opined, in her statement dated 12 April 2024:

Constables Kirk and Brough had no option but to seek cover/concealment in an attempt to save their lives. In doing so, they were able to alert other officers and commence a response to the situation.

I have formed the opinion that all officers have acted appropriately and in accordance with QPS use of force training, policy and procedures.

589. In my view, Constables Kirk and Brough could not have prevented the deaths of Constables Arnold and McCrow. Their weapons were no match for Nathaniel and Gareth Train's high calibre rifles over the long distances involved. There was no cover between their positions and that of Constable McCrow. Any attempts by them to approach their colleagues or the shooters would have been likely to result in more deaths and a riskier rescue operation.
590. For the reasons that I have outlined, I agree with final conclusion reached by Senior Sergeant Bailey and the ultimate submission made by Counsel Assisting and adopted by the Commissioner for the QPS and the legal representatives of the QPS Sworn Police officers that Constables Arnold, McCrow, Kirk and Brough all acted appropriately and in accordance with QPS use of force training and policies.
591. I am also satisfied that the officers' response to the incident does not demonstrate that there is a need for further or different training for similar situations.
592. However, it is noted with approval that in response to this incident the QPS is in the process of developing counter-ambush training, which will build on active armed offending training and contain a rural / remote component. As well as developing counter ambush training packages for serving officers, initially in an online learning format, the QPS is in the process of integrating counter-ambush training into the Recruit Firearms Training Course.

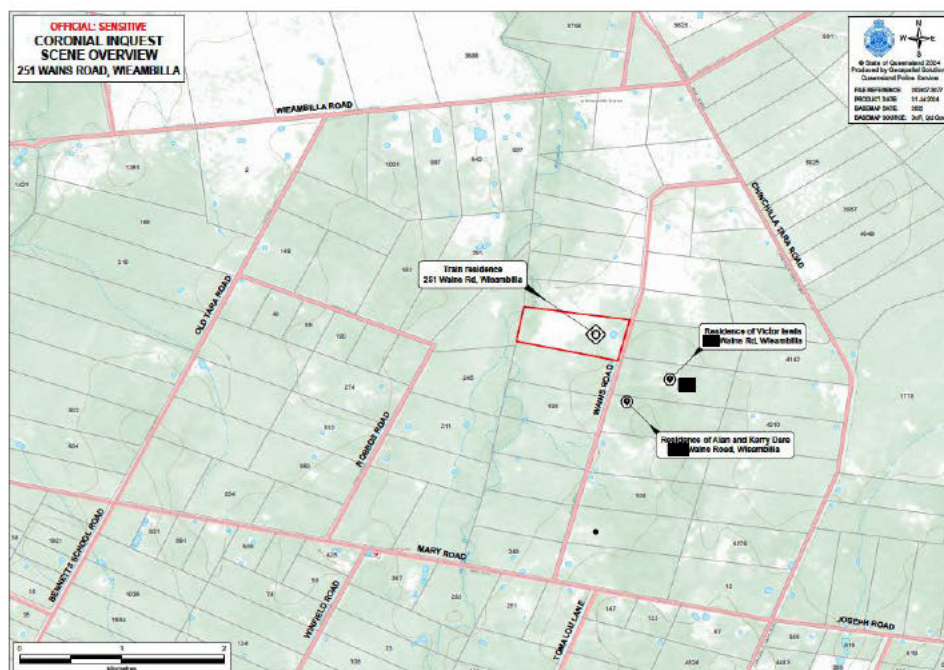
INQUEST ISSUE 4

CIRCUMSTANCES SURROUNDING THE FATAL SHOOTING OF MR DARE

Issue 4(a) - why Mr Dare attended at the Wains Road property and what information he had at the time of his attendance

Background

593. Mr Dare lived on Wains Road, Wieambilla (**the Dare property**) with his wife, Mrs Kerry Dare. As shown in the map below, the Dare property was located across the road from the Train's property. It was around 600m to the south of the Train's property, which meant that it was around 600m closer to the intersection of Wains Road and Mary Road.⁶⁹ The property belonging to Mr and Mrs Dare's neighbours, Victor and Gail Lewis, is also marked on the map below.



594. On 12 December 2022, Mr Dare and Mrs Dare were at home on their property. Up until around 4:30pm they had had a normal day. Shortly after 4:30pm, they were sitting at their outside coffee table, which was around 100 metres from the entrance of their property and Wains Road, when they heard gunshots. Mrs Dare recalls hearing up to six single gunshots. Then she heard what sounded like semi-automatic gunfire. Mr Dare remarked, *“that’s not allowed”* and Mrs Dare asked, *“Are you going to go and see them?”* As it was not unusual for people to be

⁶⁹ Exhibit V11.3.3, page 1.

shooting in the area, especially around Christmas time, the couple did not investigate further at that point in time.

595. Mrs Dare explained in her oral evidence at the inquest that while it was not unusual to hear gunshots, because people regularly went shooting in the area, this was the first time she had heard what sounded like semi-automatic fire. It was also the first time she had heard shooting coming from any of the places to the right of their property, that is towards the intersection of Wains Road and Chinchilla-Tara Road. She also confirmed that all the properties in the area were 100-acre blocks.
596. At about 4:40pm, Mr Dare telephoned his neighbour, Victor Lewis. Mr Lewis gave evidence that the men spoke for around ten minutes. In the course of the phone call, Mr Dare and Mr Lewis discussed the gun shots that they had heard. Mr Lewis replied that he thought maybe someone had turned up at one of the neighbouring properties for Christmas. They also had a general conversation, which included a discussion about Mr Dare going to the Lewis' property to assist Mr Lewis wire a plug on his trailer.
597. Mr Lewis explained in his evidence that he did not think that there was anything unusual about the shots he had heard which warranted further investigation. Mr Lewis explained that he regularly shoots at targets on his property and that he also has friends come to the property to do target shooting.
598. Mrs Dare recalled that, after hearing the shots, Mr Dare went to make silverside for dinner and they carried on with their normal afternoon activities.
599. After some time, Mrs Dare heard an explosion and then observed lots of black smoke. She recalled that the black smoke smelled different to the usual grass fires which were common in the area. At that point in time, Mrs Dare could not tell what direction the smoke was coming from.

Mrs Dare's 000 call

600. Mrs Dare made a telephone call to triple 0 at 5:13pm. When she was asked why she required police, Mrs Dare replied:

I'm not sure, we're hearing what we're thinking is gunshots but now we've got like an electrical burning, we're on, we're on acreage out in Wieambilla. And now there's smoke filling the air and there's like an electrical burning smell.

601. She told the operator that there had been gunshots from across the road for the last hour or so but that there had been two big bangs in the last 10 minutes, and now there was a burning smell and smoke in the air.
602. Mrs Dare told the triple 0 call operator that Mr Dare had just gone out on his quad bike to check out the road. As the telephone call continued, she reported that the smoke was getting worse.
603. Mr Dare returned to the house while Mrs Dare was on the telephone and reported that the situation was *“not good”*.
604. There was a discussion during the phone call about what address the smoke might be coming from. The triple 0 call operator asked, *“Do you think it might be 251?”* Mrs Dare replied, *“251 yeah, we need a fire, police now”*. The triple 0 call operator replied, *“I have police at 251.”*
605. The triple 0 call operator told Mrs Dare to stay on the telephone with her and Mrs Dare followed this direction. The recording of the call is split into two parts because, at that time, there was a pause in communication.
606. At 5:17pm, the recording of the phone call resumed. At that time, Mrs Dare reported that she could hear explosion sounds. The triple 0 call operator said:
- “Look, I’m going to pop, look I’ve got a job on in the area okay but I’m just going to put this on so I know ... if it’s a completely different job. Okay Kerry so two big bangs, an electrical burning smell, smoke and now it’s getting...”*
607. Mrs Dare replied that there were *“more, more big bangs, there’s been three or four big bangs”*.
608. This information was entered into the QCAD system by the triple 0 call operator at 5:18pm. QCAD is the computer system utilised by the QPS to record and administer triple 0 calls.
609. In her evidence at the inquest, the triple 0 call operator explained that she knew, at that time, there was a *“police in trouble”* job on in the area. She knew this because, when she inputted details into the system, a *“repeat”* box flashed on her screen. When she clicked on the box, she could see a notification of a *“701 - Police in Trouble”* job at the address

across from Mrs Dare's address. She did not click on it at that time because she was not sure if the job was related.

610. The triple 0 call operator typed into the system, "*Unsure if this is related to the inc [incident]*".

611. Having entered the details reported by Mrs Dare into the QCAD system, the triple 0 call operator asked Mrs Dare to continue to remain on the telephone call. Mrs Dare provided further information which was inputted into QCAD by the call operator. Mrs Dare was asked whether she could hear any voices yelling and she replied that she could not. She said she could hear her husband talking to their neighbour, Mr Lewis. Mrs Dare then had a brief conversation with Mr Dare. She asked Mr Dare where he was going.

612. On the recorded call, Mrs Dare can then be heard to tell the triple 0 call operator that:

[M]y husband's going to pick the neighbour up and they're going to investigate closer.

613. In response, the triple 0 call operator said to Mrs Dare:

I probably wouldn't, I'd probably just stay at home. I know this might sound bad, I'm trying to get more information as to, you know, what's going on.

614. Mrs Dare replied that the neighbours had already lost their house in a fire and she did not think they would stay at home. She reported that her husband was getting into a blue Ford Territory with the neighbour to investigate.

615. Mrs Dare called to Mr Dare, "*Where are you going?*" but his reply was not audible on the recording. The triple 0 call operator again said to Mrs Dare:

I'm going, I'm going to absolutely advise against that, I know you've lost houses... but I'm going to...

616. At this time, Mrs Dare said,

Yeah he's gone... sorry, yeah just going to the top of the road, we can see from the top of the hill, they're going to the top, next door neighbours you've got to go up the hill to their driveway so

we should be able to see more by then, he said he's not going far.

617. The triple 0 call operator asked whether Mrs Dare was referring to the Chinchilla Tara Road, to which Mrs Dare replied, "yes yeah".

618. At 5:20pm and 5:21pm, the triple 0 call operator typed into QCAD:

Inf states her husband is getting into a Blue Territory veh with the neighbour to investigate... to the top of the road... twds the Chinchilla Tara Road.

619. The triple 0 call operator then asked whether Mrs Dare had heard any more bangs, and Mrs Dare replied that she had not heard any since the last one she had reported to the call operator about five minutes before, which they agreed had been at about 5:15pm. The triple 0 call operator entered this information into QCAD at 5:21pm.

620. At 5:22pm, the triple 0 call operator sought to confirm that Mrs Dare had said "that the bangs were coming from 251 Wains Road?" Mrs Dare replied, "yes". The triple 0 call operator recorded this information in QCAD at 5:22pm, by noting "Inf states that the bangs were coming from the IL".

621. The triple 0 call operator told Mrs Dare she had let police know about her report. She asked how long Mrs Dare thought the two men would be. Mrs Dare replied:

I don't know, I've just heard his quad go down to the gate and Al was picking him up, could be another 10 minutes probably, I don't know.

622. The triple 0 call operator said:

Okay, alright, no worries, alright yeah if you can like call back and just advise of what's happened or if you've got more info just call us back okay.

623. The call ended at 5:23pm.

Mr Dare's movements

624. At 5:17pm, while Mrs Dare was on the phone to triple 0, Mr Dare called Mr Lewis back. Mr Lewis gave evidence that Mr Dare reported that he could see smoke coming from the direction of 251 Wains Road; that he thought that a house was on fire; and that maybe the explosions that they had heard were as a result of the fire. The two men agreed to meet at the front gate of 251 Wains Road to investigate and did, in fact, meet out the front of the Trains' property around five minutes after the phone conversation. As demonstrated on the map above, the Dare and Lewis properties were neighbouring properties and the Lewis' property was diagonally across the road from 251 Wains Road.
625. Mr Lewis explained in his evidence that bushfires were a particular concern for people in the Wieambilla area, and that his own house had burnt down in a bushfire on a previous occasion. Mr Lewis explained that because of this, whenever he saw a fire he wanted to go and put it out or see what was going on.
626. As Mr Lewis drove up his driveway on his quad bike towards Wains Road, he could see smoke coming from the direction of the property at 251 Wains Road. Initially he could not tell where the fire was and could only see smoke. When Mr Lewis rode onto Wains Road and was about three quarters of the way up the road towards the front gate of 251 Wains Road, he could see that there was a vehicle on fire on the northern side of the gate to 251 Wains Road. At that stage, Mr Lewis could tell that the vehicle was a large 4WD wagon, but he did not know that it was a police vehicle. Mr Lewis observed that the vehicle was heavily engulfed by fire and thick black smoke billowed from the fire.
627. Mr Dare recorded his approach to 251 Wains Road on his mobile telephone. The recording started at 5:23pm while Mr Dare was driving along Wains Road towards the fire.
628. It is apparent from the video recording that Mr Dare had parked and was getting out of his vehicle when Mr Lewis arrived on his quad bike. The two men moved towards the fire and stopped on the southern side of the property at 251 Wains Road, around 30 metres away from the burning vehicle. Mr Lewis could feel the heat from the fire at that distance.
629. Mr Dare warned Mr Lewis to not get too close as things were still exploding. He told Mr Lewis that Mrs Dare had rung triple 0.

630. Mr Dare can be heard on the recording pointing out to Mr Lewis that he could see a car; that the car was coming; and that someone was at the door of the car.
631. Mr Lewis recalled that he could also see fire and smoke coming from the bush area inside the property at 251 Wains Road and he can be heard on the recording telling Mr Dare that there was another fire.
632. Mr Dare told Mr Lewis that “*someone just got out of that other car... and they walked off.*” At this point in time, Mr Dare is standing only metres away from the front gate of the property, on the southern side. Mr Lewis noticed blue and white police tape that appeared to have been tied to the front gate of the property and pointed that out to Mr Dare.
633. Seconds later, while still recording and speaking to Mr Lewis, Mr Dare was shot in the chest without warning by a shooter who was not visible to either man or in the footage. The recording shows that Mr Dare was shot at 5:26pm.
634. Mr Lewis recalled that he was standing next to Mr Dare when, all of a sudden, Mr Dare fell backwards. Mr Lewis heard a noise at the same time that Mr Dare fell backwards, but he did not associate the noise with a gunshot at that point in time. Mr Lewis immediately knelt down beside Mr Dare. Mr Dare asked Mr Lewis, “*what happened to me*” but only remained conscious for a few seconds. Mr Lewis recalled that as he attempted to check if Mr Dare had hit his head, the colour drained from Mr Dare and he looked grey. Mr Lewis rolled Mr Dare over to put him into the recovery position and saw the bullet hole through Mr Dare’s shirt with blood coming from it. By this stage, Mr Dare had stopped communicating and Mr Lewis believed that his friend had died.
635. Mr Lewis explained in his evidence at the inquest that, at this point in time, he had no idea what was going on but he knew there was something wrong. Mr Lewis picked up Mr Dare’s mobile phone and attempted to crawl backwards towards the cover of the trees. He reached his quad bike and drove south down Wains Road towards his front gate. Mr Lewis stopped once he was out of sight of 251 Wains Road and at 5:28pm he rang his wife, Gail, asking her to call triple 0.
636. As is discussed in my findings in relation to inquest issue 5, immediately after making this phone call Mr Lewis saw two police vehicles driving up Wains Road from the Mary Road intersection. Mr Lewis spoke to these police officers and then continued onto the Dare

property. Mr Lewis gave Mrs Dare Mr Dare's phone and told her that Mr Dare had been hurt and they had to get out of there. A short time later, Mrs Dare, Mr Lewis and Mrs Lewis left their respective properties and drove together through back tracks on the Lewis' and another neighbour's property until they reached Chinchilla Tara Road and found the Police Forward Command Post (**PFCP**).

The triple 0 call operator's actions after the first triple 0 call with Mrs Dare

637. The QCAD log shows that the triple 0 call operator queried, at 5:24pm:

"Comco, would you like CT⁷⁰ to add QFES into this inc – or is it not safe?"

638. At 5:28pm, the communications co-ordinator (**Comco**) replied into QCAD:

Do not leave property – active offenders shooting at police – do not attach QFES at this stage.

639. Seconds later, still at 5:28pm, he typed:

Please ask inf to get husband and neighbour back at IL immediately.

640. I accept the unchallenged evidence of the triple 0 call operator that this was the first information that she had received that there were active armed offenders at 251 Wains Road. Sadly, it is apparent from the evidence before me that Mr Dare had already been shot and killed by the time that the triple 0 call operator became aware of the active armed offenders in the area.

641. A little over a minute later, at 5:30pm, the Comco typed into QCAD, *"Please confirm above"*.

642. Less than a minute after that, still at 5:30pm, the triple 0 call operator replied, *"Calling inf back – apologies Comco"* and he replied, *"thank you"*.

643. In her oral evidence at the inquest, the triple 0 call operator could not recall what she was doing in the two minutes between the message from the Comco, at 5:28pm, and her response at 5:30pm. I accept the

⁷⁰ It was explained in the inquest that CT stood for call taker.

evidence of Deputy Commissioner Scanlon that it was likely that the triple 0 call operator was engaged in a “wrap up” process, which involved finalising the call on her computer system. Deputy Commissioner Scanlon explained that the wrap up process involves the call operator completing a number of screens and that this process can “take a number of minutes to actually do.”

644. Still at 5:30pm, the triple 0 call operator called Mrs Dare back. Mrs Dare immediately told her that someone had shot her husband, and the triple 0 call operator typed this information into QCAD, at 5:31pm. She then remained on the telephone to Mrs Dare for around half an hour until Mrs Dare had reached the police forward command post.

Conclusion on issue 4(a) - why Mr Dare attended at the Wains Road property and what information he had at the time of his attendance.

645. Mr Dare attended the Wains Road property as a concerned citizen seeking to investigate a potential fire hazard in the area. At around 4:30pm he heard what he thought were gun shots coming from the direction of 251 Wains Road. About 40 minutes later he saw and smelt smoke coming from the same direction. Given the risks posed by bushfires in the local area, Mr Dare and his neighbour Mr Lewis, made the decision to investigate further. There would have been no obvious connection between the gunshots and the fire.
646. It is apparent from the evidence of Mrs Dare, Mr Lewis, the QCAD record, triple 0 calls and Mr Dare’s mobile phone recording that Mr Dare had limited information at the time of his attendance at 251 Wains Road. It is clear that at the time that he left his property to investigate the fire at 251 Wains Road, he had not been advised that there were active armed shooters in the area.
647. I do not accept the submission that has been made on behalf of the Dare family that a failure of the QPS to provide relevant information to Mrs Dare about the risks posed to Mr Dare if he went to the Wains Road caused Mr Dare’s death. I accept the submission made by the Commissioner of the QPS, that this is not a finding that can be properly made under s45(2)(e) of the *Coroners Act*, as that sub-section is concerned with the medical cause of a person’s death.
648. I agree that there is no proper factual basis for such a finding. I make no adverse findings against the triple 0 call operator or the QPS in this regard.

649. When Mr Dare left his property, the QPS commanders who were attempting to co-ordinate the QPS response to the “shots fired, officers down” reports were still gathering situational awareness. As discussed below, Inspector Rasmussen had sufficient situational awareness to make the Public Safety Preservation Act declaration at 5:27pm. Tragically, Mr Dare was shot and killed at 5:26pm, before the making of the Public Safety Preservation Act declaration.
650. The triple 0 call operator could see, in the initial stages of her call with Mrs Dare, that there was a “police in trouble” job at 251 Wains Road before Mr Dare left his property. She did not know what the job entailed at that time. Even though she was not aware that there had been a shooting involving active armed offenders, she told Mrs Dare that she “absolutely advise[d] against” Mr Dare leaving the property to investigate the fire.
651. After the triple 0 call operator became aware that there were active armed offenders shooting at police in the area, she received the message from the Comco “Do not leave property – active offenders shooting at police” between 5:28 and 5:30pm. She immediately took steps, as requested, to inform Mrs Dare of the situation. She called Mrs Dare back at 5:30pm, but sadly, by that time Mr Dare had been shot and killed. The triple 0 call operator remained on the phone with Mrs Dare until she had reached a position of safety at the police forward command post.
652. I make no criticism of the triple 0 call operator for not clicking into the “police in trouble” alert during her telephone call with Mrs Dare. I accept the triple 0 call operator’s unchallenged evidence that she understood she was not at liberty to do so without knowing that the police in trouble alert was related to the matter that she was taking a report about.
653. I also make no criticism of the triple 0 call operator in regard to the two-minute gap between the Comco’s message at 5:28pm, regarding active armed offenders shooting at police, and her response at 5:30pm. I accept the evidence of Deputy Commissioner Scanlon that it was likely that the call operator was engaged in the call wrap up process at this time and that taking two minutes to complete the wrap up process “would not be anything out of the ordinary.”
654. In my view, the triple 0 call operator demonstrated professionalism in her role, and in particular displayed composure and empathy during the second call with Mrs Dare, which continued throughout Mrs Dare’s

evacuation from her property and up until she had reached the safety of the police forward command post.

655. There is insufficient evidence before me to make a finding that the QPS did not have adequate policies, procedures or training in respect of an employee's duties and responsibilities to provide information about any known risk of harm or injury to people conducting triple 0 calls.
656. However, I agree with Counsel Assisting that it would be prudent for QPS to review its policy about whether, and in what circumstances, triple 0 call operators can and should access jobs located nearby to a matter about which they are taking a report, and whether, following that review, it would be appropriate for there to be further training provided to triple 0 call operators about that policy. I also agree that any review should also include consideration of the frequency of the training provided to triple 0 call operators, as proposed in the submissions on behalf of the Dare family. My recommendation in this regard is outlined at the conclusion of these findings.

Issue 4(b) and issue 4(c) – who fired the shot that killed Mr Dare and what gun(s) and ammunition were used and whether they were obtained lawfully

657. The autopsy report demonstrates that Mr Dare died from a single gunshot wound to his torso. The wound had an entry point at his front lower chest, and an exit wound at the back of his chest.
658. Mr Dare was killed without any warning, while he was standing on Wains Road, outside and just to the left of the entrance to the Train's property. Mr Dare and his neighbour Mr Lewis, were only in the vicinity of 251 Wains Road out of concern for the fire that had been caused by Nathaniel or Gareth Train setting alight the Tara police vehicle which had been parked out the front of the property by Constables Arnold and McCrow.
659. While Mr Dare saw a person getting out of a car on the Train's property shortly before he was shot, he did not describe the person that he saw before he was killed. Mr Lewis did not see anyone on the Train's property and the shooter was not captured on Mr Dare's mobile recording or on any of the police officer's body worn camera footage.
660. Five small metal fragments were able to be recovered from Mr Dare's chest wound by the forensics team. However, none of the fragments

recovered from Mr Dare's body were suitable for microscopic comparison. Accordingly, I am unable to determine which firearm was used to kill Mr Dare.

661. It is also not possible to determine which ammunition was used to kill Mr Dare.
662. Given the known actions and location of Gareth and Nathaniel Train both immediately before and immediately after the shooting of Mr Dare, I am satisfied that Mr Dare was killed by either Gareth or Nathaniel Train. However, there is insufficient evidence before me to determine which of the two men fired the fatal shot.
663. As there were both registered and unregistered firearms at the property, it is not possible to say whether the firearm which was used to shoot Mr Dare was obtained lawfully or unlawfully.
664. Having regard to the evidence of Detective Sergeant Fergusson about the common chambering of the ammunition and the ready availability of it at most gun shops, there is no evidence which suggests the ammunition was obtained unlawfully.

INQUEST ISSUE 5

Consideration of the adequacy and appropriateness of the QPS response to the incident, other than the response by the Special Emergency Response Team, including:

- (a) Whether the QPS communication system was adequate.**
- (b) Whether appropriate advice was given to Constables Kirk and Brough while at 251 Wains Road, Wieambilla, up until such time as they were each able to exit the address.**
- (c) Whether the QPS Command and Control of the response to the incident, including communications about the incident to the Wieambilla community, including Mr Dare's family, was adequate and appropriate.**
- (d) Whether the actions of the QPS recovery and extraction team, including the decision to leave Alan Dare's body at the scene, were appropriate.**

Overview of the circumstances of the QPS response to the fatal shootings

665. Shortly after the initial shootings of Constables Arnold and McCrow, reports that shots had been fired, and the officers were down, were transmitted over the police communications system. Many police units started to travel to the incident location.
666. Acting Superintendent Timothy Mowle, the District Officer for the South-West District, was notified of the incident at about 4:47pm. He informed Inspector Rasmussen that he was to be the Police Forward Commander for the incident and that a Police Forward Command Post (**PFCP**) was to be established at the incident location.
667. Constables Sharman and Owen, from the Dalby Police Station, had just finished another job when they heard the reports that officers were down and drove urgently to the property. There, they met Constable Loveland from Tara Police Station who had finished his shift at 4:00pm when he heard the shots fired report and also went to Wains Road.
668. Together, they were the first three officers on the scene. Information was limited at that time, but it seems they were aware that two crews were involved, officers were missing and there were two shooters with rifles in the area.

669. They met at the place designated as the police muster area, some distance away from the property. As no-one else was there, they moved forward to the property gate.
670. There, they met Mr Lewis who told them Mr Dare had been shot in the back.
671. Recognising the high-risk nature of the situation, and as none of them had rifles which would permit them to engage an active shooter at long distance, the three Constables moved back along Wains Road towards the intersection with Mary Road.
672. En route, they advised members of the public that they were to leave the area immediately as there were active shooters in the area.
673. At approximately 5:30pm, Constable Owen provided a situational report (**SITREP**) to Police Communications to the effect that they had been informed that a male person had been shot, but they were unable to get to him at that point. They also reported there was a vehicle on fire out the front of the property.
674. At about the same time, Inspector Rasmussen made a Public Safety Preservation Act (**PSPA**) declaration for an area which encompassed about four kilometres around the property and which was bordered by Tara-Chinchilla Road, Wieambilla Road, Bennetts School Road and Mary Road.
675. Shortly after 6:00pm, Sergeant Werner Crous arrived at the PFCP, and took command and control. At this time, he knew that officers had been shot and that a civilian had been at least gravely injured. He knew that Constable Brough was still on the property and that fires were burning near her so that, as he described it in his interview, "*she could either burn to death or stand up and get shot to death*".
676. He determined that the operation was to be a retrieval and recovery process, and that there needed to be an extraction team to undertake that process.
677. Information continued to be provided via Police Communications about Constable Brough's extremely precarious situation. The priority was to retrieve her.

678. Acting Sergeant Matthew Minz, who was also at the PFCP, spoke with other officers there about moving forward to get Constable Brough out. They were continuing to receive information that the fire was getting very close to Constable Brough.
679. At approximately 6:12pm, a decision was made that officers who were armed with rifles would go into the property to retrieve Constable Brough.
680. At approximately 6:14pm, three police vehicles moved towards the incident location with several general duties officers who will be referred to as the 'extraction team'. Officers Minz, Gates, Abbott, Boparai, Rix, Hopp, Parsons, Miller, Larkin, Brown, Lyell and Norman were part of that extraction team.
681. At approximately 6:18pm, the three police vehicles stopped on the side of Wains Road and Senior Constable Gates provided them with a briefing as to the most up-to-date information they had at that point. The officers got back into the vehicles and continued along Wains Road for a short period.
682. At approximately 6:22pm, the police vehicles pulled over again. The officers continued to the property on foot, behind the vehicles which were being used to provide them with some concealment.
683. At approximately 6:28pm, the officers identified that the body of an unidentified person (who was later identified as Mr Dare) was located near the driveway. As they approached, it became clear that there were minimal points of cover for the officers to use during the retrieval and recovery operation.
684. At approximately 6:29pm, the extraction team arrived at the incident location and began the coordination and extraction of Constable Brough.
685. At approximately 6:37pm, Constable Brough was informed, via the 000 operator, to run towards the gate. She was met by the extraction team and removed from the incident location. The officers used Mr Dare's Ford Territory, which was near the incident scene with the keys in the ignition, to extract her from the scene.

686. The extraction team then turned their attention to Constables Arnold and McCrow who could be seen on and near the driveway approximately 100m into the property. A number of officers moved forward, using the bushland and trees on either side of the driveway as cover.
687. At approximately 6:42pm, other officers used a police vehicle to break through the front gate and drive along the driveway.
688. The rescuing officers placed the bodies of Constables Arnold and McCrow in the police vehicle and removed them from the property.
689. At approximately 6:46pm, the extraction team confirmed that the three police officers had been removed from the property. It was decided that it was too dangerous and logistically difficult to move Mr Dare's body at that time.
690. The police response to the incident transitioned to a focus on containment by the establishment of a cordon.
691. At approximately 6:50pm, Senior Sergeant Christina Esselink, a Darling Downs District Duty Officer, positioned her vehicle across the driveway of the property to prevent the shooters from leaving the property in a vehicle.
692. Acting Sergeant Minz, Senior Constable Gates and Senior Constable Duncan Miller took possession of an unmarked Toyota Prado and drove approximately 300m along Wains Road to set up a cordon on the northern side of the job location.
693. The remaining officers staged a cordon on the southern side of the incident location.
694. At approximately 7:00pm, while officers Minz, Gates and Miller were holding the cordon, several gun shots were heard coming from the property.
695. At approximately 7:03pm, officers Minz, Gates and Miller activated their vehicle's emergency lights to allow for POLAIR to see their location. At approximately 7:04pm, what sounded like a large calibre round was heard to be very close to officers Minz, Gates and Miller. They attempted to start the vehicle without success. They had to extract themselves on foot while they believed that they were under fire.

696. They then moved back to the intersection of Wains Road and Tara-Chinchilla Road.
697. After hearing the gun shots, officers closest to the job location on the southern side made the decision that it was too dangerous to remain at that location and they tactically withdrew to approximately 300m away from the entrance to the incident location towards Mary Road.
698. Officers remained at this location until the arrival of specialist units shortly afterwards.

Issue 5(a) Whether the QPS communication system was adequate.

699. Numerous responding officers indicated in their evidence that there were communications issues which hampered the QPS response to the incident.
700. In south-east Queensland, the QPS uses the Government Wireless Network for its communications. In areas not covered by the Government Wireless Network, the QPS utilises its own analogue radio network. This requires officers to manually select the most suitable and effective radio channel for their location.
701. As previously identified, one notable issue was that none of Constables McCrow, Kirk or Brough could use their police radio to call for assistance. Investigations revealed that this is likely to be because they were using the wrong radio channel for the Wieambilla area. It appears the most appropriate radio channel for the area was channel XX2.⁷¹ However, it is likely that Constable McCrow was using the Tara channel XX6. Constables Kirk and Brough were using the Chinchilla channel XX6. Had they been using channel XX2, it is likely they would have been able to use their radios effectively.
702. It is unsurprising, and no fault of the officers, that they were not using channel XX2 in circumstances where the QPS radio master list was not easily accessible and did not, in any event, list Wieambilla channel XX2.
703. Detective Inspector Hindmarsh gave evidence that this issue has been rectified by updating the master list of radio channels, and having it placed on officers' QLITE devices so it can be regularly updated. It is now accessible even when the QLITE does not have internet coverage.

⁷¹ Deidentified

QR code stickers have also been placed in all QPS vehicles which link to the updated master radio list.

704. Further, newly introduced standardised induction checklists ensure that all officers at a new station, whether positioned there temporarily or permanently, must be informed about the radio channel for that area.
705. Many police officers travelling to the incident location, including first responding officers, indicated that they experienced problems with police communications, including with police radios and mobile telephone blackspots.
706. The Arnold and McCrow families submitted that the QPS and Queensland Government should pursue technologies, such as Starlink or other satellite based communications, which may eliminate the requirement for QPS officers to manually change radio channels or operate in areas with blackspots. In circumstances where the developments outlined below are already underway, which includes the adoption of Starlink, I do not consider it necessary to make this recommendation.
707. The QPS Commissioner's submissions acknowledge that communication challenges in rural and remote parts of Queensland cannot be solely addressed by one organisation. However, at a state level, and as a member of the Queensland Critical Communications Modernisation Project, it was working to develop a statewide public safety communications network. A business case was prepared for submission in the 2025/2026 State budget.
708. It was also taking steps to address communications challenges for its officers by its 'Radio Communications Maintenance and Enhancement Plan'. That plan sets out a framework for how the QPS will replace radio technology and leverage new capabilities. The program of work was expected to take five years and cost over \$54M.
709. The work includes replacing and digitising the SES radio network, addressing security and maintainability; deploying new radio stations to address blackspots in coverage; deploying vehicle hubs to address regional blackspot coverage; providing roaming capabilities to improve usability; providing training on technologies; ongoing refresh of radio handsets, including break fix items; and radio dispatch system upgrade.

710. With respect to black spots, new radio stations were planned to be installed to address blackspots within existing coverage areas. For remote regional areas without existing coverage, extra coverage was to be provided using a vehicle hub, which is a vehicle fitted with radio and satellite equipment, such as Starlink.

Issue 5(b) Whether appropriate advice was given to Constables Kirk and Brough while at 251 Wains Road, Wieambilla, up until such time as they were each able to exit the address.

Constable Kirk

711. Constable Kirk telephoned Acting Sergeant Drier after seeking cover at approximately 4:38pm, about a minute after the shot that killed Constable Arnold. He was in communication with him for approximately 10 minutes before he tactically withdrew from the property.

712. Upon being informed of the unfolding incident by Constable Kirk, Acting Sergeant Drier asked whether Constable Kirk had called for back-up. Constable Kirk replied that he had tried but that the communications were not working. Acting Sergeant Drier sought back up by police radio.

713. Acting Sergeant Drier then requested a SITREP from Constable Kirk. He continued to relay the information Constable Kirk was able to provide to him over his radio and requested all units proceed Code 1 to the property.

714. After getting Constable Kirk's detailed SITREP over the phone and relaying it over the police radio, Acting Sergeant Drier terminated the call to ensure back up was coming and to brief up the chain of command. Prior to ending the call, Acting Sergeant Drier directed Constable Kirk to *"look after yourself, try to get eyes on everyone and I'll ring you back shortly"*.

715. The two spoke again a few minutes later. Acting Sergeant Drier requested a further SITREP from Constable Kirk. Constable Kirk said that he thought that Constable McCrow was dead, and that the shooters had taken Constable Arnold's firearm. In the few minutes between the two phone calls, Constable McCrow was shot and killed by Gareth, after emptying her Glock's magazine. Constable Kirk had stood up from behind his cover and also discharged his pistol.

716. During the call with Acting Sergeant Drier, Constable Kirk indicated that there were two shooters and that one of them was then walking over towards him. Constable Kirk asked Acting Sergeant Drier, “*what do you want me to do?*” Acting Sergeant Drier told Constable Kirk to stay behind the tree and to stay on the phone with him.
717. Then, when Constable Kirk again informed Acting Sergeant Drier that the shooter was coming over towards him, Acting Sergeant Drier asked Constable Kirk about the tree cover available behind him. Constable Kirk said there were not a lot, but, in answer to Acting Sergeant Drier’s query, said that he might be able to scramble from tree to tree to retreat. When Constable Kirk confirmed that the shooter knew where he was, Acting Sergeant Drier advised him to try to do that, that is scramble between the trees to retreat. Constable Kirk did so. Remarkably, he survived, despite tactically withdrawing under gunfire.
718. Senior Sergeant Tracy Bailey, Training Operations Coordinator, QPS Operational Training Services, gave evidence that the advice given to Constable Kirk by Acting Sergeant Drier was appropriate in the circumstances.
719. I accept that evidence. I consider that the advice given by Acting Sergeant Drier to Constable Kirk was appropriate. It is highly likely that, had Constable Kirk remained where he was, he would have been shot and killed.

Constable Brough

720. Constable Brough initially attempted to call for back up over her radio, but was unable to do so. She used her mobile telephone to make a 000 call.
721. The call was taken by Catherine Bielby, a civilian 000 call operator based at Toowoomba police communications, at approximately 4:42pm. Ms Bielby immediately put out a “*shots fired*” report.
722. Ms Bielby ascertained that Constable Brough had sought cover in grass on the property. She heard a number of shots, including the shot that killed Constable McCrow and the shots fired at Constable Kirk.
723. Ms Bielby encouraged Constable Brough to stay on the phone with her, which she did for some two hours. During this time, Ms Bielby repeatedly reassured Constable Brough and played a significant role in helping to keep Constable Brough calm.

724. She told Constable Brough that police crews were on the way and would formulate a plan to rescue her. While they waited for the rescue crews to arrive, Ms Bielby continued to ask relevant questions which elicited responses that were useful for responding police officers to gain some situational awareness of what was occurring.
725. Ms Bielby told Constable Brough to stay where she was while they waited for police to attend, even when the fire was getting closer, and was within five metres of Constable Brough. Later, she told her to keep her head down.
726. Ms Bielby relayed the information from the extraction team that, when she said the words "*pink and blue*", it was safe for Constable Brough to come out. When told to do so, Ms Bielby did in fact say those words to Constable Brough, which, in turn, triggered her tactical withdrawal to the front of the property, and to safety.
727. Senior Sergeant Bailey gave evidence that the advice given to Constable Brough by Ms Bielby was appropriate in the circumstances.
728. I accept that evidence. I consider that the advice given by Ms Bielby to Constable Brough was appropriate. It is likely that, if Constable Brough had stood up and tried to run earlier, she would have been shot and killed by the shooters who were looking for her.
729. Ms Bielby should be commended for her calm demeanour over a very lengthy call and for her level-headedness despite the terror she felt for Constable Brough's predicament. The Deputy Commissioner said that what Ms Bielby did was "*quite unbelievable*" and that, in her view, Ms Bielby kept Constable Brough alive. I agree.
730. It is a matter of concern that Ms Bielby recounted that she was not assisted or guided by a police officer while on the call, nor did she receive an offer for someone to take over the call at any point while Constable Brough was still on the property – a period of some two hours.
731. Submissions for the QPS Commissioner noted that, at the time of the phone call, there were three dispatchers in the room next to Ms Bielby in addition to the Comco operator, and that a Sergeant was sent from Toowoomba station to assist Ms Bielby. However, by the time he arrived, Constable Brough was exiting the property.

732. I recommend that the QPS review its procedures to ensure that there is provision for appropriate supervision and guidance from sworn officers for civilian call takers, particularly during critical incidents or lengthy calls. My recommendation in this regard is outlined at the conclusion of these findings.

Issue 5(c) Whether the QPS Command and Control of the response to the incident, including communications about the incident to the Wieambilla community, including Mr Dare's family, was adequate and appropriate.

Background

733. At 4:41pm, the first "*shots fired*" report was relayed over the radio by Acting Sergeant Drier. Police officers responded within a short period of time and started making their way towards the incident location.

734. Initially, QPS officers listening to police communications were informed that they were to proceed to the Chinchilla Police Station as a staging post. Acting Sergeant Drier later advised QPS officers to attend at the intersection of Tara-Chinchilla Road and Mary Road.

735. The first officers at that intersection were Constables Owen and Sharman from Dalby Police Station. They had travelled to the scene from an address at Dalby when the first notification was made at 4:41pm. They drove with lights and sirens and arrived at the intersection at about 5:20pm. There, they met Constable Loveland who had travelled to the scene by himself. At the time of the initial notification, he was still at the Tara Police Station, where he was completing paperwork from his shift. He also travelled to the scene with lights and sirens. He initially had some difficulty locating the police muster location, but arrived at about 5:20pm.

736. The three officers put on their vests. As they did so, they thought they heard a broken radio communication to the effect that a crew from Miles had gone ahead to the property. The officers were unsure if that crew was taking fire at the address, so they decided to go and assist.

737. They arrived at about 5:30pm. There, they met Mr Lewis at a spot slightly south of the Trains' property boundary, who informed them that Mr Dare had just been shot.

738. They formed the opinion that it was not safe for Mr Lewis or for them to remain in the area. The information that Mr Dare had been shot suggested that the shooters were still active in the area.

739. While Mr Lewis was somewhat critical of the brevity of his interactions with police, a review of the officers' body worn cameras shows that they told Mr Lewis to leave the area and saw him leave on his quad bike. Mr Lewis went first to the Dare property to tell Mrs Dare what had happened, and that they had to leave, before returning to his address to evacuate with his wife.
740. The officers reversed their vehicles some way back up Wains Road in the direction that they had come from, then turned their vehicles around. Constables Owen and Sharman stopped at a driveway and evacuated a mother and a number of children.
741. All three officers then returned to the intersection. While there, Constable Sharman had a further conversation with Mr Lewis who told him that Mrs Dare was still on her property and he was going to get her out. Constable Sharman asked Mr Lewis to wait so that a crew could go with him, but Mr Lewis left while Constable Sharman was making arrangements for that to occur.
742. Upon realising this, Constable Sharman and a number of CIB officers left in a police vehicle in an attempt to locate and assist Mr Lewis and Mrs Dare, but were not able to find them. By the time the officers returned to the intersection, Mr Lewis and Mrs Dare had arrived there safely.
743. Mr Dabinett, a former QPS Chief Superintendent who reviewed the QPS response to the incident, gave evidence that the first responding officers' decisions, both to move forward to the property and then to withdraw back to the intersection after the discussion with Mr Lewis, were sound.
744. I accept Mr Dabinett's evidence in this respect. Constables Loveland, Sharman and Owen demonstrated bravery in approaching the property in circumstances where they thought another crew might be under fire or need urgent assistance. They were sensible to return when they did. I consider that the officers' communications with Mr Lewis and other residents along Wains Road, to advise them to evacuate the area, were adequate and appropriate.

The QPS command and control of the response to the incident

745. While the first police responders were making their way to Wieambilla, immediate steps were also taken at command level to co-ordinate a response to the incident.
746. At command level, the following persons had key responsibilities. Acting Superintendent (District Officer) Timothy Mowle had strategic level responsibilities. Inspector Wayne Rasmussen was Police Forward Commander and responsible for overall management of the police response. Sergeant Werner Crous was Police Forward Commander until Inspector Rasmussen arrived at the PFCP.
747. On 12 December 2022, Inspector Timothy Mowle was acting as the District Officer for the South-West District. As such, he was responsible for the strategic management of the police response to the incident. Inspector Wayne Rasmussen was the District Patrol Inspector for the Western Downs patrol.
748. At about 4:45pm, Acting Sergeant Drier informed Inspector Rasmussen that there was an unfolding incident at Wieambilla: two police officers had been shot and another two were unaccounted for. Inspector Rasmussen immediately informed Acting Superintendent Mowle, by telephone call at 4:47pm.
749. Inspector Rasmussen then telephoned the communications sergeant at Toowoomba, Sergeant Dawes, to learn as much as he could about the incident. At that time, he was informed of the address of the property; that police had attended a missing persons enquiry there and that they had come under fire when they were about 100 metres into the property. Constables Arnold and McCrow had been struck, and two officers were unaccounted for. One of the officers, Constable Brough, was hiding in bushland and was on the phone to 000. This information came directly from the SITREPs that had been given by Constables Kirk and Brough.
750. Sergeant Dawes also told Inspector Rasmussen which police units were on the way to the incident location. Sergeant Dawes told him that SERT and POLAIR had already been notified and were on the way.
751. Inspector Rasmussen then left home at about 5:07pm. He travelled to the Dalby Police Station, arriving there at about 5:15pm. At that time, he received a further briefing about the incident from the duty sergeant, Sergeant Wockner, and from Sergeant Angela Gates. He then used

their screens to do some Google Earth searches in an attempt to look at the property, the location of the house and the surrounding terrain.

752. He directed senior officers at the station to set up an incident command room as he determined that it was the only police station in his patrol group that would have been suitable for that purpose.
753. He then turned his mind to the making of a PSPA declaration, which he did at 5:27pm. In his evidence, Inspector Rasmussen explained that the purpose of making such a declaration is to define the area around the incident where police would have power to do certain things, including restricting the movement of the shooters, and either evacuate people or direct them to remain in their homes, and for safety messages to be sent to the community.
754. He communicated the declaration to Sergeant Dawes, knowing that the Comco would then do a number of things, namely communicating the declaration over the QPS radio, which occurred at 5:31pm, and notifying the QPS Media and Public Affairs Branch, who would then publicise the declaration on the police page and email it to more than 700 media recipients.
755. Inspector Rasmussen then briefed the Regional Crime Coordinator and Acting Superintendent Mowle about his actions, confirmed the location of the PFCP and confirmed that QAS were on their way.
756. Throughout the evening, Acting Superintendent Mowle supported Inspector Rasmussen in his role, including by providing practical assistance by briefing him, and liaising with the SERT Commander so Inspector Rasmussen did not have to attend to that while he was attending to other tasks.
757. Inspector Rasmussen left for the incident scene at 5:45pm. At or shortly after 5:55pm, while driving to the scene, Inspector Rasmussen announced his Commander's Intent over the radio so that officers attending the job would understand the objective to be achieved.
758. He announced that he was taking distal control of the incident and that all units were to resolve the incident as safely as possible, to retrieve injured persons without compromising their own safety and to exercise extreme caution in doing so.

759. At 6:00pm, Sergeant Crous arrived at the location that Acting Sergeant Drier had identified as an appropriate location for the PFCP. He established that he was the most senior officer present, and took on the role of Police Forward Commander.
760. At 6:06pm, Inspector Rasmussen called Sergeant Crous, having learned that he had assumed the role of Police Forward Commander. He wanted to know where the crews were. He also wanted to convey to Sergeant Crous that the priority was to retrieve Constable Brough, because she was known to be alive and on the line to a call taker. Unfortunately, Inspector Rasmussen lost phone reception before he could convey that priority to Sergeant Crous. He then tried to call Acting Sergeant Drier, but had no reception to do that, either.
761. Fortunately, Sergeant Crous, who had the same information as Inspector Rasmussen, reached the same conclusion that the priority was to retrieve Constable Brough, who was the officer known to be alive. He sought volunteers from the available crews to form an extraction team to go forward and attempt to rescue Constable Brough. He told the assembled volunteers that they were facing an active armed offender situation, that the objective was to rescue Constable Brough and the extraction team should be prepared to engage. After only a brief discussion, the extraction team left the PFCP.
762. Inspector Rasmussen arrived at the PFCP at 6:47pm and immediately approached Sergeant Crous for an update. He gave evidence that a number of things happened immediately upon his arrival. He could see that some members of the extraction team had returned to the PFCP. He could see that Constable Brough had been rescued, and the bodies of Constables Arnold and McCrow had been retrieved and were at the PFCP. He confirmed that Constables Arnold and McCrow were deceased.
763. Inspector Rasmussen then sought verification from Sergeant Crous that all officers were accounted for. Sergeant Crous had kept a record of all crews in the extraction team, and deployed to the cordons, and was able to confirm that all officers were accounted for.
764. From this time, Inspector Rasmussen was the Police Forward Commander and Sergeant Crous was his deputy.

765. Inspector Rasmussen recalled that the SERT Tactical Commander arrived at the PFCP at about 7:45pm. They had a conversation about positioning of personnel and cordons in anticipation of SERT control of the inner cordon. The inner cordon had initially been established at the gate to the property, but there was gunfire, so the cordon was widened to 300 metres either side of the gate. At this time, the inner cordon was being held by members of the extraction team.
766. Inspector Rasmussen recalled that all SERT vehicles were at the PFCP by about 8:10pm. When the SERT Tactical Commander suggested the vehicles should move forward, he authorised it.
767. At 9:05pm, he handed over control of the inner cordon to SERT. Thereafter, tactical decisions made within the inner cordon were SERT's responsibilities. Inspector Rasmussen turned to other operational matters, such as a consideration of how long the incident would be likely to continue; what resources would be needed to see it through to completion; where his officers would be best positioned throughout the incident, as well as other matters such as how to resource police stations while the incident continued, and roadblocks, food and welfare matters.
768. As noted above, Mr Stephen Dabinett was tasked to review the QPS command and control of the response to the incident. Mr Dabinett retired from the QPS in August 2023 after 42 years' service which culminated in the role of Chief Superintendent, District Officer for the North Brisbane District. His opinion, overall, was that the incident command was well executed. In his report, he said:

The event at Wieambilla on 12 December 2022 was complex and unique. Unique with police officers being the direct victims of highly motivated and capable offenders. Complex due to the remote bush location away from specialist support, an environment that provided little infrastructure for police to utilise and limited technical and communications to support the operational response. These circumstances would challenge even the most experienced QPS commanders providing leadership to an emotive workforce while managing intelligence gaps and developing appropriate tactical strategies.

769. In his evidence, Mr Dabinett made it clear that any suggestions for improvement in his report were directed to learning opportunities for the QPS and were not intended as criticisms of the commanders. Indeed, his evidence was to the effect that tactical level commanders followed foundation principles and procedures identified in policy and training doctrine. The tenor of his evidence was that Acting Superintendent Mowle, Inspector Rasmussen and Sergeant Crous each discharged their responsibilities well.
770. I consider that the command and control of the QPS response to the incident was appropriate. Acting Superintendent Mowle, Inspector Rasmussen and Sergeant Crous each performed their roles admirably in the most difficult circumstances imaginable.
771. The Queensland Police Union of Employees and the QPS sworn officers represented in the inquest submitted that the QPS should increase the availability of incident command training, particularly for those below the rank of Sergeant. This training which was previously offered following coronial recommendations made on 20 October 2017.⁷²
772. The QPS Commissioner submitted that changes in operational priorities have led to an approach where such training is not mandated. While it is concerning that officers below the rank of Sergeant may be required to assume incident command without specific training, I have had regard to the evidence of Deputy Commissioner Scanlon and Assistant Commissioner Guteridge about the training that is available, and is being developed for officers before completion of the First Year Constable Training Program. In the absence of specific and detailed evidence about the ways that training should be strengthened, I have determined not to make a recommendation about that issue in this inquest.
773. In his report, Mr Dabinett opined that a remote piloted aircraft system (**RPAS**) with vision may have provided a level of support for the recovery team that entered the property to recover and retrieve the bodies of Constables Arnold and McCrow. He recommended that the QPS review its policies to determine if an expansion of RPAS assets into relevant remote rural locations is feasible.

⁷² Inquest into the death of Young, Kumeroa, Logan, Zimmer and Foster.

774. The Dare family supported this recommendation. The Dare family submitted that visibility over the top of the property could have revealed important information about the Trains on that day, by revealing the hide, mirrors and barricade on the property. I infer the Dare family submission is to the effect that RPAS capability would have been useful if available to Constables Arnold, McCrow, Kirk and Brough, and not just the recovery team who deployed later. The Dare family submitted that, where advancements in technology are making RPAS more accessible and affordable, consideration should be given to a more extended expansion of the use of RPAS assets for general duties officers.
775. I have recommended that the Commissioner of Police prioritise a review of its current RPAS capability and policies to determine if expansion of RPAS assets into remote rural locations is feasible. My recommendation in this regard is outlined at the conclusion of these findings.

QPS communications about the incident to the Wieambilla community

776. As previously noted, Inspector Rasmussen made the PSPA declaration at 5:27pm, having been informed of the unfolding incident at about 4:45pm. After being informed of the incident, Inspector Rasmussen was required to find out what he could of the nature of the incident, and make decisions about the appropriate boundaries for the declaration.
777. Once the declaration was made, Inspector Rasmussen informed Sergeant Dawes so that the QPS Media and Public Affairs Branch could be informed, and the declaration be published to the community. Inspector Rasmussen explained that the process was that the media unit would publish the declaration to more than 700 media contacts for public dissemination of it.
778. Inspector Rasmussen asked that the public message omit reference to shots having been fired and be limited to the fact that there was an incident occurring within the boundary area, that residents should remain in place and, if outside the area, they should not enter. He gave evidence that he did not consider the additional information should be included because it was too early in terms of his appreciation and situational awareness of what was occurring.
779. I consider that the timing of the declaration, and therefore the timing and content of the communications to the community, was adequate and appropriate.

780. Inspector Rasmussen gave evidence that he knew of a Community Alert System which, at the time of this incident, was a program owned by the Queensland Fire Department for sending text messages to residents in the area. On 12 December 2022, he did not consider communicating with the public in that way. He gave evidence that even if he had, it takes time for the messages to be sent. If he had thought of doing it at 5:30pm, the messages might have been sent at 7:00pm.
781. I consider that it was not necessary that efforts were made to attempt to use that community alert system. Given the timing, such an alert would not have saved Mr Dare's life. He had been shot and killed at 5:26pm; the earliest the alert would have been actioned would have been 5:27pm, and would not have been sent until a later time.
782. The QPS Commissioner's submission noted that the Emergency Alert System capability is now owned by the QPS and it is training officers on its capability and application to any emergency situation.

QPS communications with Mr Dare's family

783. Mrs Dare was present at the PCFC from about 6:00pm. Her evidence was that she was not allowed at the command itself, and was across the road. She recalled asking police officers where her husband was and what was happening to him. She said that, at first, she was not provided with any information.
784. She said that, after it got dark, Inspector Rasmussen told her that Mr Dare had died. She said she recalled she was only allowed to go home at 6am. She said it was "*disgusting*" and "*immoral*" that she was not provided with any information while she was at the PFCP.
785. Sergeant Crous' evidence was that he was aware that Mrs Dare was at the PFCP. She was with a group of civilians who were located off to the side of the PFCP. He gave evidence that he spoke to her there. He did not know how much information he could share with her, so he told her that he could not tell her where Mr Dare was, even though he knew Mr Dare was deceased.
786. Inspector Rasmussen's evidence was that he spoke to Mrs Dare about an hour after he arrived at the PFCP. He was aware that Mrs Dare was there, and asked whether anyone had told her that her husband had died. They had not, so he took it upon himself to do so. He considered that it was appropriate that the most senior officer should deliver the message, out of respect for Mr and Mrs Dare. He also told Mrs Dare

that he had decided to leave Mr Dare's body in place rather than have police push forward to retrieve him at that time.

787. Afterwards, he instructed others to care for her. Those persons included two detectives and a police chaplain. He told them to provide for her every need, and those of her family and friends. That included making offers of accommodation and transportation.
788. He did not ask her to leave the PFCP. He said he somehow knew that she felt she needed to be there, and he understood that.
789. Mrs Dare was an honest witness. I accept that she honestly holds the opinions she expressed as to how she was treated. She plainly and understandably wishes she had been told about Mr Dare's death earlier.
790. However, I also accept the evidence of Sergeant Crous and Inspector Rasmussen about their interactions with Mrs Dare as a reliable account of those interactions.
791. It is understandable that Sergeant Crous was uncertain as to how much information he should have provided to Mrs Dare. In Mrs Dare's opinion, it would have been preferable if he had told her promptly. However, at that time, events were in flux and Sergeant Crous was having to attend to, and consider, many matters of an operational nature. It is unsurprising he was unable to make a considered decision about what to tell Mrs Dare.
792. It was appropriate that, once Inspector Rasmussen arrived and was aware of Mrs Dare's presence, he made enquiries as to what she had been told and then, as the most senior officer present, was the one to inform her of her husband's death.
793. I consider that, in the circumstances, and notwithstanding Mrs Dare's understandable distress, the timing and delivery of the message that Mr Dare had died was adequate.

QPS communications with the families of Constables Arnold and McCrow

794. The families of Constables Arnold and McCrow were not formally notified by the QPS of the incident involving their children until 9:20pm. Distressingly, they had heard about the incident through third parties and the news before then. It was nearly five hours between the fatal shootings and the formal notification to the families.

795. In her evidence, Detective Inspector Newton explained that the QPS policy for family notification of an officer's death requires time to allow for the verification of the officer's identification. Nonetheless, it is regrettable that the notifications took such a long time in this case.
796. The families of Constables Arnold and McCrow submitted that the delayed notification process caused them "*considerable stress and torment, as they were effectively left in the dark in relation to their loved ones who were two of the four officers attending the property*".
797. The Arnold and McCrow families submitted that there should be a recommendation that the QPS review its policies and procedures in relation to family notification and pastoral care in situations such as 12 December 2022. This should include possible deployment of an officer close to the family's residence who may have direct communication with the Police Forward Command Post to relay information as it becomes available.
798. In his evidence, Detective Inspector Hindmarsh gave an undertaking to meet with Mr Terry Arnold in relation to the issues of delay in the death notifications. In the submissions on behalf of Detective Inspector Hindmarsh, it was said that meeting took place on 23 September 2024.
799. In those submissions, it was also said that, later that day, Detective Inspector Hindmarsh submitted a report recommending the amendment to OPM 8.5.2 'Death of a Member of the Service'.⁷³ It appears that report recommended the inclusion of a notification to a relevant officer's family of an 'evolving incident', not only a death.
800. I understand the report also recommended that OPM 8.5.2 be updated to "*ensure that an officer delivering the death notification, does not [subsequently] fulfil the Family Liaison Officer role*". This occurred for the Arnold notification and caused the family distress each time the Family Liaison Officer returned.
801. The QPS Commissioner submitted that Detective Inspector Hindmarsh's report has been tabled at a meeting of the Professional Practice Committee which recommended that the report be forwarded to the Operational Policy and Improvement Unit. The QPS Commissioner submitted that the QPS is committed to finalising the proposed change to the OPM during 2025.

⁷³ Now 8.6

802. While Chapter 8 of the OPM has been amended to ensure the Family Liaison Officer is not the person who delivers the death message to the family, the process for informing QPS officers' families of an evolving critical incident is still under consideration.
803. In the circumstances, no recommendation in this regard is required.

Issue 5(d) Whether the actions of the QPS recovery and extraction team, including the decision to leave Alan Dare's body at the scene, were appropriate.

The actions of the QPS recovery and extraction team

804. At 6:00pm, Sergeant Crous arrived at the location identified by Acting Sergeant Drier as the appropriate location for the PFCP, and he established it there. He took command of it.
805. When Sergeant Crous established the PFCP, he knew that Mr Dare was deceased, that Constables Arnold and McCrow had been shot, that Constable Brough was hiding in the scrub and that a fire had been lit around her. He identified that the priority was to attend the incident address to rescue whoever could be rescued, not knowing, at that time, whether Constables Arnold or McCrow were dead or alive.
806. When he arrived, a number of other officers were at the scene. He called for volunteers to attend the property in a rescue mission. He gave evidence that he thought he would be lucky to get four volunteers to undertake that deadly mission but he "*got four carloads full of people*".
807. He determined which of the volunteers would form part of the extraction team. Some of them had rifles; some did not. He deployed some of the officers to other jobs, such as establishing the cordon.
808. The extraction team assembled at the PFCP. The leader (described by Mr Dabinett in his report as the Field response Commander) was Senior Constable Andrew Gates. Sergeant Crous had a brief conversation with him in which he said the priority was to rescue Constable Brough, and that the team should be prepared to engage, given they were entering an active armed offender situation.
809. The extraction team then moved to the property in four vehicles. They stopped en route for a briefing. At that time, Sergeant Gates provided the team with all the information that was available at that time. He told the officers to be prepared to engage. Despite the evident danger,

Senior Constable Gates said that not one officer expressed any hesitation about going in to attempt to rescue their colleagues. He said, “*everyone was there voluntarily and everyone was prepared to do what had to be done*” – even the ones who did not have rifles.

810. The vehicles stopped again as they approached a crest in the hill as they approached the property. The officers continued on foot from that point. The team saw Mr Dare’s body near the front of the property and observed that he was deceased. They continued past his body at that time.
811. A number of officers entered the property and, upon seeing the uniforms, approached both Constables Arnold and McCrow, putting their bodies in a police vehicle for extraction from the property.
812. Others co-ordinated Constable Brough’s rescue. After the extraction of Constable Brough and recovery of the bodies of Constables Arnold and McCrow, senior members of the extraction team, Senior Constables Gates and Miller and Acting Sergeant Minz remained in the vicinity of the property in an attempt to establish an inner cordon, but ultimately were forced to withdraw some distance from that position on foot after hearing gunfire which appeared to be close by.
813. As the officers left the property, the gate was then open and unsecured. Sergeant Gates requested a vehicle be driven urgently to the property and wedged into the entrance to stop the armed offenders leaving. The District Duty Officer, Senior Sergeant Christina Esselink, arrived at the PFCP at the time of those urgent radio communications and drove her vehicle towards the property, with two junior officers. She dropped the junior officers off short of the driveway, then drove into the gateway.
814. As she got out of the car, she heard large calibre shots that sounded close by, and immediately took cover. She then led the remaining officers away from the property and provided a SITREP to SERT commanders.
815. In her statement, Senior Sergeant Bailey opined that “*all officers in the extraction team used the AAO [active armed offender] training that had been provided to them and adapted it to the situation that they were faced with*” and that “*these officers were faced with a very difficult and confronting situation. It was unknown if their fellow officers were injured or killed, they were unaware of how many offenders there were or where they were located. The response from these officers was exceptional. They were able to carry out the mission of accounting for*

all missing officers while being exposed to the threat of an active shooter.”

816. I accept Senior Sergeant Bailey’s evidence in this regard. Not only were the actions of the extraction team appropriate, but each officer was also incredibly brave. They each volunteered to enter a highly dangerous situation to save or attempt to save their fellow officers, fully appreciating the risk to their lives.
817. The bravery of the officers who gave evidence has rightly been acknowledged. All the officers involved in the recovery and extraction team should be recognised. They were: Senior Constable Andrew Gates, Senior Constable David Brown, Senior Constable Connor Larkin, Senior Constable Dan Norman, Acting Sergeant Matthew Minz, Senior Constable Duncan Miller, Senior Constable Ben Lyell, Senior Constable Trent Parsons, Constable Stephanie Abbott, Senior Constable Jacob Hopp, Senior Constable Kit Rix and Constable Guri Papari.
818. Senior Sergeant Esselink’s bravery in driving her vehicle into the gateway, particularly with the understanding there were then shots being fired in the area, should also be acknowledged. Indeed, all officers who entered the area outside the property to assist in the extraction or recovery of police officers, before and after the presence of the extraction team, put their lives at risk and displayed bravery and should be commended.

The decision to leave Mr Dare’s body at the property

819. The extraction team determined that Mr Dare was deceased before they entered the property. They left his body in place at that time. Senior Sergeant Bailey gave evidence that was appropriate because, in an active armed offender situation, such as the situation they were in, officers are trained to move past deceased persons to check if there are people who are still alive who may be rescued from the situation.
820. When the extraction team came out, there were insufficient vehicles to take Mr Dare’s body away from the property. Any remaining police left under gunfire and were not in a position to extract Mr Dare’s body. A number of witnesses also indicated they considered it was appropriate to leave Mr Dare’s body in place in order to preserve the crime scene.

821. A distinction between the decision to extract Constables Arnold and McCrow and the decision to leave Mr Dare's body in situ is that Mr Dare was clearly identified to be deceased, whereas the extraction team did not know that Constables Arnold and McCrow were deceased until they were placing them in the vehicles.
822. Another difference was that it was important for the extraction team to ensure the shooters did not have access to the officers' accoutrements, such as radios or firearms. As it turned out, some of those items were in fact taken earlier but the extraction team did not know that at that time, nor could they know that the shooters would not return.
823. When Inspector Rasmussen arrived at the PFCP at 6:47pm, he asked Senior Sergeant Esselink whether there was "*any doubt whatsoever*" that Mr Dare was deceased. She assured him there was not. On that basis, he decided to leave Mr Dare's body in situ. He made that decision because he considered it was tactically dangerous to deploy officers forward to retrieve his body at that time. Police still did not have control of the inner cordon and he considered that the consideration of risk versus reward did not justify exposing more officers to risk.
824. At 9:05pm, SERT assumed control of the inner cordon. Inspector Rasmussen was not able to make any decisions about Mr Dare's body until control was handed back to him at 1:07am. At 1:07am, Inspector Rasmussen allocated a detective to stand with Mr Dare's body, after covering it with a towel, "*as a matter of respect to the fallen*".
825. Prior to 1:07am, Inspector Rasmussen had been informed that the homicide team wanted all bodies (the two Constables and Mr Dare's) to remain where they were until they could be examined. Inspector Rasmussen gave evidence that it occurred to him that the way in which Mr Dare was lying would provide evidence as to the direction he had been shot from and would otherwise be evidence. On that basis, he decided not to move Mr Dare's body until it had been examined.
826. The QPS Commissioner's submissions with respect to the decision to leave Mr Dare's body at the scene referred to section 169 of the PPRA, which imposes an obligation on the responsible officer at a crime scene to preserve evidence by ensuring that nothing is unnecessarily touched or moved until all necessary forensic and technical examinations are finished or unless there is a possibility that the thing could be damaged, interfered with or destroyed if it is not moved.

827. Later that morning, three undertakers' vehicles were brought to the site. Mr Dare's body was collected from the front of the property and taken to the PFCP where a marquee was erected so that Mrs Dare could say her final goodbyes. Mr Dare's body was taken from the PFCP, along with the bodies of Constables Arnold and McCrow, under a guard of honour. All police officers then in attendance lined up and saluted all three of the fallen.
828. In the circumstances, it was reasonable for Mr Dare's body to be left at the crime scene until it could be safely removed.

INQUEST ISSUE 6

Consideration of the circumstances leading up to the shooting of Gareth Train, Stacey Train and Nathaniel Train by QPS Special Emergency Response Team operatives, including whether the actions of the responding operatives were appropriate in the circumstances.

829. My consideration of this issue will focus on the actions of Gareth, Stacey and Nathaniel Train in the aftermath of the shootings of Constable Arnold, Constable McCrow and Mr Dare, as well as the actions of specialist QPS units, including QPS Helicopters (**POLAIR**); QPS Negotiators and SERT operatives who were deployed in order to contain the incident, negotiate and arrest the persons of interest.
830. As outlined above, the deaths of Gareth, Stacey and Nathaniel Train were “*deaths in custody*” as defined in the *Coroners Act*. The lead investigator in relation to the deaths in custody aspect of the coronial investigation was Detective Senior Sergeant Nathan McCormack. Detective Senior Sergeant McCormack documented his investigations in the comprehensive Volume two of the Investigation Report, which was tendered at the inquest along with numerous exhibits that were referred to in volume two.⁷⁴
831. Throughout Volume two of the investigation report, there are consistent references to tactical colour coding of the property which reflects the terminology that was used by the responding specialist police officers on the night of 12 December 2022. As depicted in the photograph below, the “**white side**” of the residence is the front side of the dwelling, closest to the main driveway and Wains Road. The “**red side**” is northern side of the dwelling, that is the right-hand side if facing the residence from the white side. The “**green side**” is the southern side of the residence, that is the left-hand side if looking at the house from the white side. The “**black side**” is the rear of the residence, which is opposite to the white side.

⁷⁴ Exhibit V2.



832. In his oral evidence at the inquest, Detective Senior Sergeant McCormack, indicated that the footage obtained from POLAIR and a number of the SERT vehicles was crucial to his investigation. Detective Senior Sergeant McCormack explained that the POLAIR footage captured the incident from before the time SERT operatives entered the property until after the deaths of Gareth, Stacey and Nathaniel Train. He also obtained footage from the light armoured vehicles that SERT teams 2 and 3 utilised throughout the incident and the RPAS drone that was deployed towards the end of the incident.
833. The QPS electronic recording section was able to compile the footage together to create a product that combined all footage onto a single screen which showed, in real time, what was occurring at the property from a number of different angles.⁷⁵ Through viewing this footage compilation, I obtained an accurate chronology of the relevant events that unfolded on the Wains Road property from around 7:00pm on the night of 12 December 2022 onwards.
834. In the course of his investigation, Detective Senior Sergeant McCormack conducted interviews and/or obtained statements from the involved SERT operatives and decision-makers, QPS Negotiators and POLAIR officers. Relevant documentation such as diary notes, the iSurv log and relevant Teams chats were also obtained. In the

⁷⁵ Exhibit V2.152.

course of his investigation, Detective Senior Sergeant McCormack also liaised closely with the Forensic Co-ordinator Senior Sergeant Gleeson and obtained toxicology results and autopsy reports in relation to Gareth, Nathaniel and Stacey Train.

835. In reaching my conclusions in relation to this topic, I have had particular regard to the footage compilation and well as the written and oral evidence given by the following witnesses:

- a. Detective Senior Sergeant McCormack, lead investigator for the deaths in custody;
- b. Senior Sergeant Gleeson, Forensic Co-ordinator;
- c. Acting Senior Sergeant Cameron Bourke, the officer-in-charge of POLAIR Queensland;
- d. Superintendent Tim Partridge, SERT Commander;
- e. SERT operative 35, the SERT Tactical Commander;
- f. SERT operative 238, one of the SERT intelligence officers involved in the incident;
- g. Senior Constable Will Goodwin, the primary QPS negotiator throughout the incident;
- h. SERT operative 114, Team 1 – Bearcat, Team Leader; and
- i. SERT operative 201, Team 3.

836. I have also had particular regard to the expert opinion given by Mr David Proctor APM. Mr Proctor is a former Commander of the Northern Territory Police. As outlined in more detail below, Mr Proctor reviewed the actions of the SERT teams and decision-makers and formed the opinion that the decision to use lethal force options was authorised, justified, reasonable, proportionate, appropriate and tactically sound and in accordance with QPS OPM policy and relevant legislation.

Circumstances surrounding the shooting of Gareth, Stacey and Nathaniel by SERT

Preparation of the property by Gareth, Stacey and Nathaniel Train

837. In the course of the investigation, it became apparent that steps and preparations had been made to several areas of the Wains Road property, before 12 December 2022, in an attempt to give the residents a tactical advantage in an anticipated confrontation, such as the event that unfolded on 12 December 2022. The following preparations undertaken by the Trains have already been identified

as Areas of Interests and discussed above, in the findings in relation to issue 3:

- a. the three shooting hides at the front of the property, particularly hide 1 (Areas of Interest J, K and L);
- b. the log and metal barricade across the driveway (Area of Interest U);
- c. mirrors adjacent to the driveway on approach to the residence (Areas of Interest V);
- d. hardwood log shooting position on the white side of the property;
- e. the hardwood log shooting hide on the red side of the residence (Area of Interest T);
- f. the positioning of vehicles around the residence (including the Hilux at Area of Interest S).
- g. the location of Gareth, Stacey and Nathaniel Train at the conclusion of the critical incident (Areas of Interests E, F and D⁷⁶ respectively).

838. The way in which Hide 1 was utilised by, at least, Nathaniel Train on the afternoon of 12 December 2024, has been discussed above in relation to issue three.

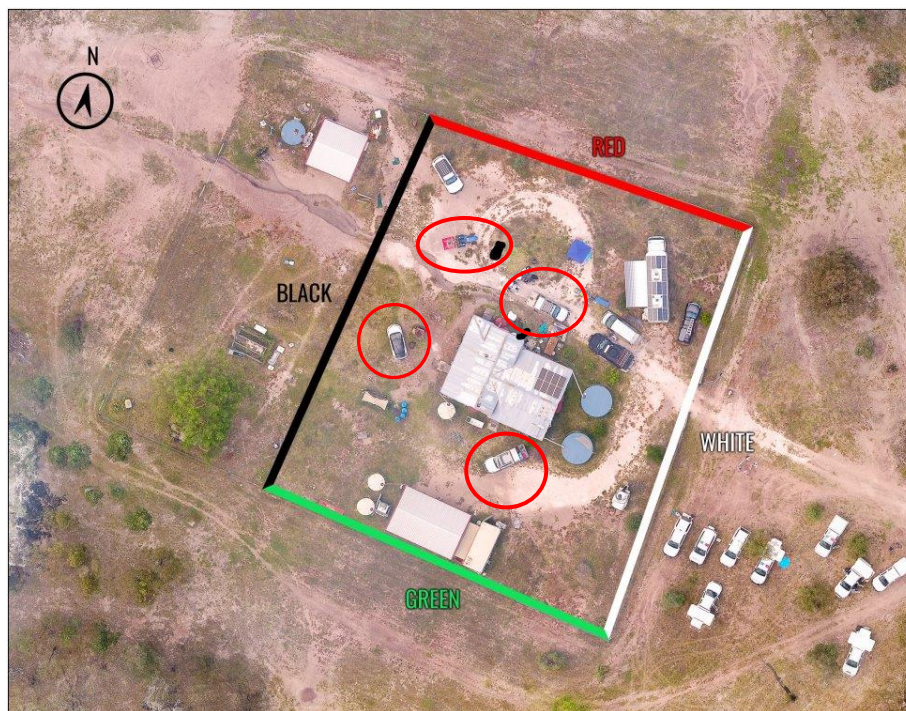
839. It is apparent from the POLAIR footage that after they killed Constable Arnold, Constable McCrow and Mr Dare, Gareth and Nathaniel Train lit a number of fires towards the rear of the Wains Road property which created a horse-shoe shaped ring of fire in the tree line surrounding the residence. The positioning of these fires is depicted in the photograph below, which is a screen shot from the POLAIR footage taken at around 7:00pm on the evening of 12 December 2022:

⁷⁶ Noting that Nathaniel was moved from the Log Hide Area after he was shot.



840. I am satisfied that the ring of fires surrounding the residence were deliberately lit in order to provide a tactical advantage to Gareth, Nathaniel and Stacey Train. The ring of fires around the dwelling commenced in the vicinity of the metal and log barricade and had the effect of funnelling the responding SERT operatives into approaching the residence using the main driveway. The fires limited the ability of the responding police to approach the residence by foot. The smoke and heat from the fires also hampered the SERT approach to some extent.
841. As outlined above, the metal and log barricade blocked the driveway on the apex of a blind left-hand corner leading to the residence. When SERT operatives approached on the night of 12 December 2022, the tree line to the left of the barricade was on fire and there was a dam wall to the right of the barricade which prevented the lead vehicle, Team 1 - Bearcat, driving around the barricade.
842. As discussed below, the barricade was effective in stopping the Bearcat's movement forward on its first approach. This allowed Gareth and Nathaniel Train to fire on a stationary target and, in turn, forced the Bearcat to retreat. It was when the Bearcat was stalled at the barricade on its initial approach that the first rounds were fired by Gareth and Nathaniel Train at the responding operatives. The barricade was ultimately driven over by Team 1 in the Bearcat on their final approach to the residence at around 10:32pm.

843. I accept Detective Senior Sergeant McCormack's opinion that the mirrors on either side of the driveway, between the barricade and the residence, had been deliberately placed in a position by the Trains to reflect light in order to cause a visual interference with anyone approaching the residence. One of the SERT operatives in Team 1 – Bearcat indicated that the mirror(s) had the effect of reflecting the light from the Bearcat back into his face and hampering his vision as he approached the house yard.
844. As discussed above, two shooting positions had been created within the boundary of the house yard by the Trains. The footage compilation demonstrates that the hardwood log that had been placed against the white side fence of the property, as a potential forward shooting position, was not utilised by any of the Trains during their interaction with SERT.
845. It is apparent from the footage that the L shaped Log Hide was used extensively by Nathaniel Train throughout the engagement with SERT operatives. It was initially thought by POLAIR officers and SERT operatives that the Log hide was a couch or sofa. The shape and positioning of the Log Hide meant that when Nathaniel was using this shooting position, he was protected from any operatives on the white and red sides of the building.
846. The silver Hilux was positioned almost in line with the front log, which provided extra protection to Nathaniel from the red side. The house itself provided Nathaniel with protection from any operatives on the green side. This position was effective for Nathaniel's protection from bullets throughout the engagement with SERT. Subsequent investigations revealed that the timber was bullet resistant, as there were approximately 23 firearm related partial penetrations to the front of the Log Hide.
847. Three vehicles and a tractor with a slasher attached surrounded the dwelling on the evening of 12 December 2022 in the positions shown on the photograph below.



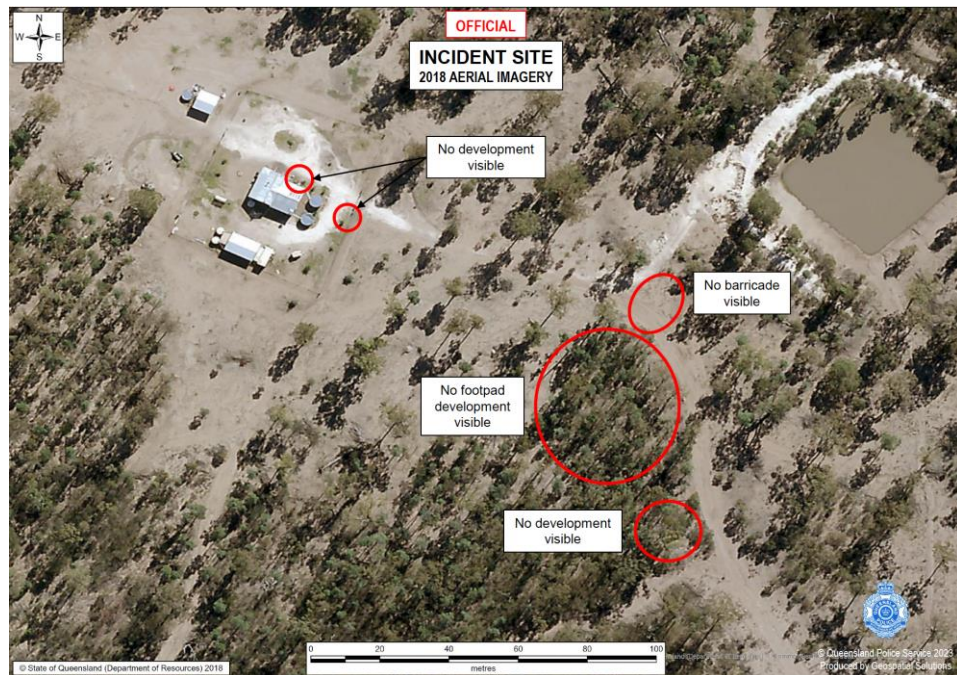
848. As depicted in the photograph above,⁷⁷ a silver Toyota Hilux (956 RBO) was positioned outside the main entry way on the red side of the residence. The New Holland tractor was positioned on the red/back corner of the residence. A white Toyota C-HR (462 BZ3) was positioned just outside a doorway on the black side of the dwelling and white Toyota Hilux (794 ZKL) was positioned just outside a doorway on the green side of the building. The three Toyota vehicles were all registered to Stacey Train. Aidan Train, who was last at the property in late 2018, indicated that he had never seen the vehicles parked in these positions before. The vehicles were not parked in this position in any of the satellite imagery obtained by investigators.

849. I am satisfied that the vehicles were positioned around the residence by Gareth, Stacey or Nathaniel Train in order to provide cover from fire and a potential avenue to escape. The positioning of the silver Hilux on the red side of the building specifically aided Gareth Train in his confrontation with SERT. Gareth used the Hilux as a shooting position throughout the incident. As outlined above, the Swedish Mauser rifle was ultimately located by investigators in the front driver's seat of the vehicle facing the location of Team 3 on the red side. Gareth also utilised the powerful roof mounted hunting light on the Hilux throughout the course of the confrontation, particular when firing at the Bearcat. He also used the rear tray of the utility to store ammunition. The positioning of the Hilux provided cover to both

⁷⁷ The circling of the relevant vehicles in red has been added to exhibit V2.1.

Gareth and Nathaniel's shooting positions throughout the incident by providing an obstruction for Team 3 on the red side.

850. Investigators were able to obtain satellite images of the Wains Road property which showed the preparations had been made on the property at certain points in time. Gareth and Stacey Train bought the Wains Road property in 2015. The first satellite imagery of the Wains Road property after this point in time was taken in 2018. As depicted in the image below, no areas of interest are identified on the property in 2018.⁷⁸

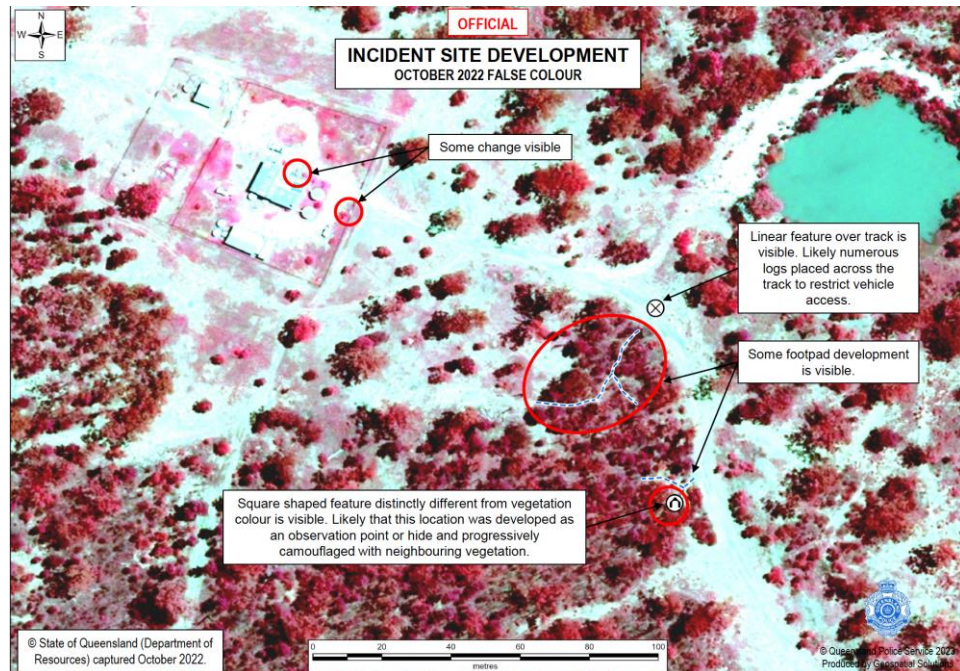


851. The next available satellite imagery of the property is from October 2022, approximately two months before the incident.⁷⁹ By using different hued lenses and looking at a close up of the images, investigators were able to establish that, as at October 2022, the tent that formed part of Hide 1; the log shooting position against the fence on the white side of the residence; and the L shaped Log Hide on the red side of the house were already in place. Well-worn foot tracks leading from the house to Hide 1 were also visible in October 2022, suggesting that even two months out from the incident there was frequent foot traffic between the house and Hide 1. The barricade over the driveway was also in place at this point in time and a dirt track through the bushland close to barricade, which would have allowed the occupants to bypass the barricade when driving on and off the

⁷⁸ Exhibit V2.2, page 6.

⁷⁹ Exhibit V2.2, page 9.

property, can also be seen on the satellite images taken from October 2022.



852. Ultimately, I am satisfied that prior to the incident on 12 December 2022, Gareth, Stacey and Nathaniel Train had spent months completing works and making preparations on their property, including building of a number of hidden shooting positions and a barricade, in order obtain a tactical advantage in an anticipated armed confrontation on the Wains Road property.

Deployment of SERT

853. The SERT Commander was notified that there had been an incident at the Wains Road property at about 4:50pm on 12 December 2022. He immediately obtained approval for SERT deployment to the incident location from the Superintendent of the Specialist Response Group. From there, steps were quickly taken to mobilise SERT resources. Some SERT operatives travelled to the incident location by car. Others, including the Tactical Commander, travelled by air.

854. At around 5:15pm, the SERT Commander deployed three light armoured vehicles and a Bearcat, the SERT heavy armoured vehicle, to the scene. The following personnel were deployed: a Tactical Commander; two intelligence officers; two technical support officers; 19 SERT operatives; and one further SERT operative who was on light duties who drove one of the light armoured vehicles.

855. At around 5:25pm, the SERT Commander received a briefing from Acting Superintendent Mowle. Acting Superintendent Mowle informed the SERT Commander that four officers had been responding to a missing persons enquiry, and walking up a driveway at the property, when two of the officers were shot. A third officer had managed to get to the police car, and a fourth was unaccounted for. The SERT Commander was made aware that there were limited communications in the area of the operation and at the location of the PFCP.
856. The SERT Commander was the last to leave, as he remained behind to facilitate travel for the other operatives. The SERT Commander explained in his oral evidence at the inquest that he spent a lot of time on the phone receiving briefings as he travelled. He had a number of further discussions with Acting Superintendent Mowle who relayed information about the initial police response. While travelling to Wieambilla, the SERT Commander used the communications application iSurv as a central point of communication to share information between the SERT operatives.
857. Two intelligence officers accompanied the SERT Commander in his vehicle. One of the intelligence officers, Operative 238, gave oral evidence during the inquest. Operative 238 explained that during the drive to Wieambilla she was seated in the rear of the vehicle conducting lines of enquiry, gaining situational awareness, and taking notes of importance. Through these enquiries, Operative 238 was able to establish that there were two armed males in camouflaged clothing at the property, who had access to motorbikes, police firearms, police communications and police vehicles and were still active on the property. She was informed that two police officers were unaccounted for, believed to have been shot and not moving; that a member of the public had been shot in the driveway of the property; and that a second member of the public had been shot at when moving towards the property.
858. This information was provided by way of an intelligence update via radio to all other SERT operatives who were enroute to Wieambilla at approximately 6:04pm. The radio communication outlined that SERT operatives were to move forward to the PFCP with a mission to recover the injured officers and other persons.

Initial SERT mission priorities

859. Around 40 minutes later at 6:41pm, the SERT Commander conveyed the mission priorities to SERT officers responding to the job via radio transmission. The priorities were: recover the downed officers;⁸⁰ contain the incident; if the persons of interest are in the area of operation, they are not to breach the cordon; the persons of interest have access to a quad bike and potentially a motor vehicle; the threat posed by the persons of interest is an imminent threat to life and they are to be engaged before they breach the cordon; should the persons of interest choose to surrender, this will be accommodated; officers are to bear in mind their recent conduct and treat them with caution.
860. The SERT Commander explained that he timed the mission priorities statement so that it would reflect the most up to date intelligence picture he held at the time the operatives were getting closer to the incident location. At that point in time, POLAIR were not at the scene so the movements of the persons of interest on the property were largely unknown. The SERT Commander only knew that two officers had been shot, but he did not know whether they were dead or alive. He knew one officer had left the Wains Road property in a car, and another officer was missing.

POLAIR

861. While SERT operatives were making their way to Wieambilla, POLAIR 1 and 2 were also deployed to the scene. Acting Senior Sergeant Cameron Bourke, the POLAIR tactical flight officer on 12 December 2022 and the current officer in charge of POLAIR, gave evidence at the inquest. Acting Senior Sergeant Bourke explained that from just before 7:00pm until just after 11:00pm, POLAIR 1 and/or POLAIR 2 provided surveillance of the property and, specifically, the actions of Gareth, Stacey and Nathaniel Train.
862. POLAIR 1 recorded events from 6:54pm to 9:14pm. Both the civilian pilots and the QPS officers on board POLAIR 1 were met with gunfire as they approached the Wains Road Property. POLAIR 2 recorded events from 9:09pm to 11:03pm. Throughout the engagement with SERT, Gareth and Nathaniel were positioned on the red side of the residence and Stacey was either inside the house or on the red side along with Gareth and Nathaniel.

⁸⁰ This included Constable Brough who was understood to be hiding in the bush and being hunted by the shooters.

863. Throughout the incident, POLAIR communicated what they were seeing to the SERT operatives, despite the risks involved in flying within range of the ammunition being fired. Despite encountering technological difficulties throughout the incident, POLAIR officers were able to find ways to continue to convey critical insights and information to the SERT operatives on the ground. The actions of the civilian POLAIR pilots and QPS officers on board was critical to giving the responding operatives situational awareness and an additional layer of safety throughout the confrontation. They should be commended for their bravery in these conditions.

Actions of the Trains after POLAIR arrival

864. As has been mentioned above, at about 6:54pm POLAIR 1 was in position above the property. POLAIR communicated, via radio, that vehicles were positioned at the doors of the dwelling on the red, black and green side of the house. At around 7:00pm, Gareth was observed to be shooting at POLAIR 1 from a position at the silver Hilux on the red side of the house. He continued shooting at POLAIR 1 intermittently for the next 15 minutes. During this time, Stacey can be seen to come out of the house, bringing two cups from inside and placing them on the outdoor table on the red side of the house. SERT operatives noted, throughout the incident, that Stacey appeared to be at the property of her own free will. She can be seen on the footage to be walking around the property freely throughout the evening, and at times hugging one of the males.

865. At 7:31pm, Gareth and Stacey can be seen sitting at the outdoor table together. At this time they recorded a 41 second video on a mobile phone and uploaded it to YouTube, with the title *“Don’t be Afraid”*, in which they made reference to having killed the *“devils and demons”* that had entered their property.

Update in SERT mission priorities and arrival at PCFC

866. At around the same time POLAIR arrived at the incident location, the SERT Commander received an update from senior police at the PFCP. At around 7:00pm, Acting Superintendent Mowle and Senior Sergeant Esselink informed the SERT Commander that Constable Brough had been rescued; that the bodies of Constables Arnold and McCrow had been retrieved; and that a member of the public was also deceased.

867. At 7:14pm, the SERT Commander updated the SERT mission priorities in line with the standard siege management strategy: the SERT operatives were to isolate, contain and arrest the persons of interest. The SERT Commander explained during his evidence at the inquest that containment is the process of isolating the threat posed by offenders from the community. In this case, it meant preventing the Trains from leaving the immediate area around the house.
868. At around 7:40pm, intelligence officers were able to identify that the persons of interest were likely to be Gareth, Stacey and Nathaniel Train.
869. About 12 minutes later, at 7:52pm, all four of the SERT vehicles, that is the three light armoured vehicles and the Bearcat, were in place at the PFCP. At around 8:06pm, all four of the SERT vehicles moved forward from the PFCP towards the Wains Road property in order to attempt to contain the incident. As the vehicles were moving towards the property, POLAIR continued to provide their observations via radio. POLAIR reported that Gareth and Stacey were seated at the outdoor table and Nathaniel was laying in the L shaped Log Hide.

SERT entry of the Wains Road Property

870. At around 8:25pm, the SERT vehicles arrived at the front gate of the property. Between then and 8:55pm, they started to make their way onto the property. Team 3 breached the fence. Team 4 went to the north of the property and attempted to enter the property by the northern fence but, hampered by a drilling rig, they returned to the front of the property and entered the same way as Team 3.
871. The SERT Commander arrived at the PFCP at about 8:50pm. He took control of the inner cordon from Inspector Rasmussen at 9:05pm, when the SERT tactical commander was also at the PFCP. Containment had not been achieved, but the vehicles were moving into positions around the house. The SERT Commander explained that he was very concerned about the capacity of the Trains to leave the property, and the risk they would pose to the community if they did. He requested tight containment and continued to express his command requirements to the Tactical Commander and the SERT team leaders to impress upon them the need to keep moving forward to be in positions which he felt would guarantee containment. He requested that the teams were in positions for containment before any attempts to communicate were made by the police negotiators.

872. At 9:09pm, POLAIR 2 arrived above the Wains Road property and was briefed by POLAIR 1. As can be seen in the screenshot below, POLAIR observed that Gareth and Stacey remained seated at the outdoor table and Nathaniel remained lying on his back within the L shaped Log Hide at this time.



873. By 9:12pm, all SERT vehicles were in the requested positions for containment purposes. Team 1 – Bearcat and Team 2 took up a position on the driveway on the white side of the house. Team 3 took up position on red side and Team 4 took up position on black side of the house.

Negotiation attempts and first shots fired at SERT

874. At 9:12pm, the SERT Commander gave approval for the negotiators at the PFCP to try to make contact with the Trains and attempt negotiations. Attempts to negotiate with the Trains commenced immediately. Negotiators at the PFCP tried calling the six phone numbers registered to the Trains. Initial attempts were unsuccessful. Throughout the evening, the relevant phones were called every five minutes, but none of the calls were answered and it appeared that the phones were switched off. As has been outlined above, in the forensic search in the days following the incident, investigators located several phones in a makeshift faraday box inside the residence.
875. At 9:13pm, the Bearcat reached the bend in the driveway and would have been visible to Gareth and Stacey sitting at the outdoor table. At this time, all of the Trains began moving. Gareth got up from the table, turned on the powerful hunting light on top of the Hilux, and shined it at the Bearcat. Stacey moved inside the house and Nathaniel moved

from his position on the ground in the Log Hide to the outdoor table. The Bearcat was stopped by the metal and log barricade on the bend of the driveway, about 100 metres from the dwelling. As negotiators began to call out over the loudhailer in the Bearcat, the Bearcat was simultaneously fired upon by Gareth and Nathaniel from their positions at the silver Hilux and the outdoor table. Several rounds struck the Bearcat, particularly its windscreen, which forced the Bearcat and Team 2 to tactically reposition by withdrawing back along the driveway.

876. One of the negotiators in the Bearcat, Senior Constable William Goodwin, gave evidence at the inquest. Recordings of the negotiators' attempts to directly communicate with the Trains from inside the Bearcat were tendered at inquest, and portions of these recordings were played during Senior Constable Goodwin's evidence. During these initial attempts to negotiate, Gareth, Stacey and Nathaniel were repeatedly called upon to stop firing and place their weapons down. Even as the Bearcat retreated, it continued to take rounds, and the negotiators continued to call on the Trains to stop firing. Gareth continued to intermittently fire rounds at the Bearcat, some of which connected, over the next 40 minutes until around 10pm. Senior Constable Goodwin explained that at no time throughout the night did any of the Trains respond to the negotiation attempts, by words or gestures. All attempts were either ignored or met with hostilities.
877. From the initial damage to the Bearcat, it was apparent to SERT operatives that the shots on the Bearcat were from high-powered rifle(s), and from the grouping of these shots, they understood that the shooter(s) had some capability with the rifle(s).
878. At 9:30pm, the SERT Commander and the Tactical Commander telephoned into the Bearcat and spoke with the team leaders to make it clear that he wanted them to move forward and guarantee containment. The SERT Commander told the operatives that he understood he was pushing them forward into a likely confrontation, given the Trains' response to the earlier negotiation attempts, but he needed them to be in a position to cut off any attempt by the Trains to flee by vehicle down the driveway.

879. He made it clear that he had significant concerns about them going mobile; if necessary, the operatives were to confront the Trains if they were firing at police; if they chose to surrender, the operatives were to take them into custody and if not, they were to deal with the threat presented.
880. As mentioned above, until about 10pm, Gareth continued to fire intermittently towards the direction of the Bearcat and Team 2. During this time, Nathaniel was seated at the outdoor table, and Stacey was indoors.

First shots fired by SERT and the confrontation that followed

881. At 10:03pm, Gareth moved to a position near the maroon water tank on the red side of the house. He had a rifle in his hands and was scanning the black side of the residence. SERT believed Gareth discharged rounds on the black side at that time.
882. At 10:04pm, the first shot by SERT was taken towards the position of Gareth Train. This shot was fired some 52 minutes after the Trains had first fired at SERT, and after considerable attempts to enter into negotiations with the Trains had been made. The shot was fired by a SERT operative in the Team 3 vehicle. The shot appears to have struck the maroon water tank.
883. After the shot by SERT, Nathaniel moved to the L-shaped Log Hide next to the Hilux and Gareth moved into a prone position between the main entry stairs and the maroon water tank on the red side of the house. In this position, Gareth used the water tank and a small, raised garden bed made from a car tyre as cover. Neither Gareth nor Nathaniel moved from these positions for the remainder of the incident.⁸¹

⁸¹ The circling of Gareth and Nathaniel in red has been added to the screen shot taken from the POLAIR footage.



884. From this position, Gareth fired several rounds towards red side, where Team 3 was positioned. Team 3 sustained a number of rounds to its vehicle from Gareth's fire.
885. At 10:05pm, the Bearcat moved forward, towards the house. The negotiators continued to use the loudhailer to call on Gareth and Nathaniel to stop firing and lay their weapons down. In response, Nathaniel fired at the Bearcat which caused the Bearcat to retreat for a second time. At 10:06pm, the Bearcat continued to sustain rounds from Nathaniel as it retreated.
886. At the same time Nathaniel was firing at the Bearcat, Team 3 fired at Gareth, who continued to fire towards Team 3's position. Team 3's light armoured vehicle took rounds at this time and the operatives in Team 3 determined that Gareth was now aware of their position. Team 3 did not immediately return fire.
887. Over the next nearly 30 minutes, shots were fired by Gareth and Nathaniel and returned by SERT. At 10:19pm, Stacey was observed moving around on the balcony, close to Gareth and Nathaniel. At 10:22pm, a muzzle flash was seen inside the house. Stacey was the only person inside the house at that time.
888. At 10:27pm, Team 3 began to slowly move forward on the red side and continued to attempt to negotiate. At no time did Gareth, Stacey or Nathaniel Train respond to the continuing negotiation attempts. They did not surrender or otherwise communicate with the responding police, other than by firing their weapons.

889. At around this point in time, the QPS RPAS was in position above the residence, obtaining additional footage of the incident.
890. At 10:29pm, Team 3 went “white light” from their position on the red side of the house. That is, the headlights of Team 3’s light armoured vehicle were shone towards the house in an attempt to gain a better visual of each of the persons of interest. Gareth responded by firing towards Team 3 while Nathaniel responded by firing towards the Bearcat, which was making its way over the barricade again, in a further approach towards the house.
891. Nathaniel changed his focus from white side to red side and joined Gareth in firing multiple rounds towards Team 3 before returning to fire towards the Bearcat.
892. Over the next few minutes, Gareth continued to fire at the Team 3 vehicle, and at least four shots struck it. At 10:31pm, Gareth fired at, and struck, the Team 3 vehicle. The muzzle flash from this shot by Gareth which struck the Team 3 vehicle is captured in the screen shot from the POLAIR footage below:



893. At 10:32pm, about 14 seconds after this shot, Gareth was struck in the left hip area and head by SERT operatives from Team 3, as he was attempting to re-load his rifle. Gareth did not move after this.
894. At 10:33pm, the Bearcat moved forward to about 50 metres from Nathaniel’s firing position inside the L-shaped logs. Team 2 moved from a position on the white/green side of the house to a position on

the red/white side. Nathaniel continued to fire at the Bearcat, and it returned fire.

895. At this point in time, Stacey re-emerged from the house and fired her firearm white side, towards the Bearcat. The negotiators repeatedly called on her to place her weapon down and surrender. She did not; she returned inside the house.
896. At 10:35pm, Team 3 moved forward on the red side and Team 2 moved to the left rear of the Bearcat.
897. At 10:36pm, Stacey again re-emerged from the house. As can be seen in the screen shot below, Stacey lifted her rifle, and fired a round. Stacey was then immediately fired at from the red side by Team 3. She received a single gunshot wound to the head, fell to the ground and did not move after this time.



898. The negotiators continued to attempt to negotiate with Nathaniel, calling on him to put his weapon down. However, Nathaniel continued firing towards the Bearcat, which by this time had moved to about 10 metres from the front gate with Team 2 on its right.
899. At 10:38pm, Nathaniel switched from using his rifle, and commenced using Constable Arnold's Glock to fire at the Bearcat.
900. At 10:39pm, when the negotiator was still calling on Nathaniel to surrender his weapon, he rose from the prone position and fired at the Bearcat again. Nathaniel's position at this point in time is depicted in the below screen shot from the POLAIR footage.



901. Nathaniel was struck by return fire. He sustained three gunshots: to his head, left knee and right lower chest.
902. At 10:41pm, the SERT teams moved forward and cleared the house. They checked for signs of life from Gareth, Stacey and Nathaniel Train. First aid was applied to Gareth and Nathaniel by SERT medics, QAS and a Care Flight doctor. Nathaniel was moved to a dry ground, at area of interest D, away from the area where he was shot due to there being a large amount of water from ruptured water tanks in the vicinity of the Log Hide.
903. The firearms and ammunition used by Gareth, Stacey and Nathaniel Train during the engagement with SERT have been identified above in my findings in relation to inquest issue 3. The evidence of Forensic Co-ordinator, Senior Sergeant Gleeson, established that a total of 84 discharged cartridge cases from QPS firearms were recovered from the scene. Twenty-two of the 84 discharged cartridge cases were fired from the Glock pistols assigned to Constable Arnold, Constable McCrow and Constable Kirk. It follows that the remaining 64 QPS discharged cartridge cases were fired by SERT operatives.
904. In relation to the discharged cartridge cases from the Glock pistols, it is apparent from the evidence outlined in relation to issue 3 that 15 of the 22 discharged cartridge cases were fired by Constable McCrow and a further shot was fired by Constable Kirk at the front of the property. I am satisfied that the remaining six discharged cartridge cases, which were found to be fired from Constable Arnold's Glock and located in the vicinity of the Log Hide, were fired by Nathaniel Train.

905. It is also apparent from the evidence of Senior Sergeant Gleeson that 116 discharged cartridge cases fired from non-QPS firearms were recovered from the scene. It is not possible to definitively establish that all of the 116 non-QPS discharged cartridge cases were shot during the incident on the evening of 12 December 2022. However, having regard to the real time footage of the incident and the location of the discharged cartridge cases, I am satisfied that the vast majority of the 116 non-QPS discharged cases recovered at the scene were fired by Gareth, Nathaniel or Stacey on 12 December 2022.
906. The ballistic examination of the Bearcat revealed that there were at least 16 points of damage, from at least 18 bullets or bullet fragments, on the vehicle that had been caused by the initial impact of a bullet or bullet fragment. All the bullet damage was to the forward-facing sections of the vehicle. I am satisfied that this damage to the Bearcat was caused by Gareth and Nathaniel Train. The significant cluster of bullet damage to the front driver's side windscreen of Bearcat is depicted in the photographs below.⁸²



⁸² Exhibit V9.4.1, photos 1 and 2.



907. Similarly, the ballistic examination revealed that there were at least eight points of damage on the light armoured vehicle driven by SERT Team 3 that had been caused by the initial impact of a bullet or bullet fragment. It is noted that one of the points of bullet damage (rear driver's side door) was caused by SERT and I am satisfied that the remaining bullet damage to this vehicle was caused by one or more of Gareth, Nathaniel or Stacey Train.
908. Toxicology of post-mortem samples taken from Gareth, Stacey and Nathaniel Train demonstrate that Gareth had no drugs or alcohol in his system at the time of his death. Stacey and Nathaniel had low levels of alcohol in their system at the time of their deaths, which may have been the result of changes in the body after death. Stacey and Nathaniel did not have any drugs in their system. I am satisfied that Gareth, Stacey and Nathaniel Train were not under the influence of drugs or alcohol during the confrontation with SERT operatives.
909. Having regard to the evidence before me, including the autopsy reports and footage compilation, I am satisfied that:
- a. Gareth died at 10:31pm from a gunshot wound to the head. He also sustained a gunshot wound to his left thigh. Both shots were fired by Team 3.
 - b. Stacey died at 10:36pm from a gunshot wound to the head inflicted by Team 3. She did not sustain any other gunshot wounds.

- c. Nathaniel died shortly after 10:39pm from a gunshot wound to his head and torso. The gunshot wound to the torso was inflicted by a member of Team 2; the gunshot wound to the head would have been inflicted by a member of Bearcat or Team 2. Nathaniel also sustained another gunshot wound to his left knee. At the time of his death, Nathaniel suffered from coronary disease which caused a degenerative narrowing of the major vessels of his heart. This condition may have hastened his death but did not cause his death.

Conclusion on whether the actions of the SERT operatives were appropriate in the circumstances

- 910. I agree with the submission made by Counsel Assisting, that the SERT Commander's mission priorities, once he learned that Constable Brough had been rescued and the bodies of Constables Arnold and McCrow had been retrieved, were in line with a standard siege management strategy. Accordingly, I am also satisfied that the mission priorities of isolating, containing and arresting the shooters were appropriate.
- 911. The SERT Commander sought a tight cordon around the house for containment purposes. The tight cordon was intended to limit the possibility of the Trains leaving the property by vehicle. This was appropriate as he feared that, should the persons of interest go mobile, they posed a significant danger to the community.
- 912. The chronology outlined above demonstrates that each of the SERT teams made genuine attempts to achieve the SERT Commander's priorities. Initially, each team took care in positioning themselves appropriately around the house to achieve containment. The responding police then commenced regular and repeated negotiation attempts over a lengthy period of time.
- 913. SERT operatives did not fire a shot for 52 minutes after the Trains first engaged. In that time, numerous negotiation attempts had been made, both by using the loudhailer at the scene and by calling various mobile telephones linked to Gareth, Stacey and Nathaniel. None of the negotiation attempts were successful. There was no response by the Trains at any time that suggested they wished to enter into negotiations. Indeed, the only response to each attempt at negotiations was further gunfire at the responding police.

914. I consider that the attempts by SERT to negotiate a peaceful surrender were clearly genuine, and were carried out calmly and professionally. There were four persons deployed to the task of negotiation. Two negotiators at the PFCP made regular calls to the mobile numbers registered to the Trains throughout the evening. Two negotiators were in the Bearcat. They made regular attempts to persuade the Trains to surrender, some of which were played during the inquest hearings.
915. I also accept the submission made by Counsel Assisting that it was apparent from the evidence given by SERT operative 114, the Bearcat team leader, and SERT operative 201, a sniper in Team 3 that both were highly trained and skilled SERT operatives. They were also experienced and professional.
916. The evidence these operatives gave about the circumstances they, and their colleagues faced that night was compelling and chilling. There can be no doubt that they and their colleagues found themselves in terrifying circumstances. The descriptions of the shots to the vehicles, and the reverberations within the vehicles, made it clear the responding SERT operatives faced a real risk of death.
917. Given his experience, the SERT Commander was well-placed to offer a view as to the risk posed to the SERT operatives that night. I accept his evidence that:
- In terms of the danger... to SERT operators, due to the number of offenders, the heavy calibre weapons that they had and the amount of ammunition they had access to, the preparation that had been undertaken for police arrival, none of which we were aware of at the time, and their intense motivation to kill police, it is my view that the SERT response to the Wieambilla incident was the most dangerous operation SERT has ever been involved in, certainly in my experience. And the risk to SERT operators was extreme. I felt... there was a high... likelihood that we would lose a SERT operator during that response.*
918. In these circumstances, I agree with the submission made by Counsel Assisting, that the responding SERT operatives were restrained in their use of force.

919. I also accept the evidence given by the SERT Commander as to his opinion on how well the SERT operatives executed the mission priorities. In that regard, he said:

The SERT operators delivered exactly what I asked them to deliver. There was not a moment's hesitation. There was not any querying. They did exactly what I asked them to do, exactly when I asked them to do it. So as their superintendent now, I'm incredibly proud of what they did that night. There was a very good chance... someone would be shot and killed and yet nobody – not one of them – hesitated.

920. In reaching my conclusions in relation to this issue, I have also had regard to the evidence given by Mr David Proctor APM, a retired Northern Territory Police Commander. Mr Proctor conducted an independent review of SERT's response on 12 December 2022. He concluded that the decision by SERT operatives to use lethal force was authorised, justified, reasonable, proportionate, appropriate, tactically sound and in accordance with QPS OPM policy and relevant legislation.

921. I note that the lead investigator in relation to the deaths in custody, Detective Senior Sergeant McCormack, also formed the opinion that SERT's "use of force" to resolve the incident was authorised, justified, reasonable, proportionate, appropriate, tactically sound and effective.

922. I agree with the opinions expressed by SERT Commander, Mr Proctor and Detective Senior Sergeant McCormack about these matters. Shots were only fired by SERT operatives after a considerable period of time, and in circumstances where both Bearcat and the Team 3 vehicle had sustained significant damage to the point it was dangerous for either vehicle to sustain more gunfire, and in circumstances where each of Gareth, Stacey and Nathaniel Train were actively shooting at the time SERT operatives engaged them.

923. In each case, it was appropriate that lethal shots were taken, including head shots which were most apt to immediately stop the threat to the lives and safety of the SERT operatives being fired on when the shots were taken.

924. I accept that less than lethal force options were not appropriate in the circumstances as the various options available to SERT operatives were either incapable of being effective or would have exposed the operatives to unreasonable risk of death, or both.

925. In all the circumstances I am satisfied that the actions of the SERT operatives involved in the confrontation with Gareth, Stacey and Nathaniel Train on 12 December 2022, including in the use of lethal force, were authorised, justified, reasonable, proportionate, appropriate, tactically sound and in accordance with QPS policy and relevant legislation.

Operational challenges faced by SERT

926. During the inquest, I heard evidence from a number of witnesses who outlined operational challenges faced during the SERT response on 12 December 2022. Challenges included delays in air travel to the incident location; poor radio coverage; technical difficulties which rendered POLAIR's downlink capability ineffective; lack of certain thermal imaging capabilities; and damage to the Bearcat and LAV's.

927. The SERT Commander explained in his evidence at the inquest that an operational debrief was conducted in the weeks after the incident, and that a separate communications specific debrief was also conducted at a later date. Each of these debriefs were conducted with my permission. The SERT Commander explained in his evidence that, as a result of the timely debriefs, various operational challenges faced by SERT operatives during the incident on 12 December 2022 had already been brought to the attention of SERT and Special Response Group leadership. The Commander also explained that significant resources had been invested prior to the inquest in order to provide solutions to many of identified challenges. Relevant actions taken include:

- a. The purchase of specialist equipment including thermal imaging scopes and helmet mounted ear protection;
- b. Additional training for operatives around effective manoeuvring of vehicles in similar situations has been developed and delivered to all SERT operatives;
- c. The process of procuring an additional heavy armoured vehicle as well as a new fleet of light armoured vehicles had commenced.

928. An additional challenge raised in the operational debriefs and was referred to by the SERT Commander and the SERT Tactical Commander in their evidence at the inquest, related to the aerial support available to SERT operatives. The SERT Commanders outlined the delays in air transport on 12 December 2022, which meant that the difference between the arrival time of the operatives who travelled by air and the operatives who travelled by road was only 10 minutes.
929. The SERT Commander also gave evidence about the fact that aerial fire support was not a tactical option that was available throughout the incident, despite SERT operatives maintaining the skills necessary to utilize such a capability. He explained the way in which aerial fire support would have been of assistance to the SERT operatives responding to the incident at the Wains Road property on 12 December 2022 and also how it may have been utilised in other critical incidents that he has been involved in. He also indicated that all other Australian states either currently possess this capability or are currently in negotiations with service providers to establish it.
930. Having regard to this evidence, I agree with the submissions made by Counsel Assisting, which were supported by a number of the interested parties, that it is appropriate to make the recommendation that was raised by the SERT Commander during his evidence, namely that the Commissioner of Police conduct a review of the existing limitations of aerial fire support and available solutions with a view to developing a necessary budget submission. My recommendation in this regard is outlined at the conclusion of these findings.

INQUEST ISSUE 7

Consideration of the profiles and motivations of Gareth Train, Stacey Train and Nathaniel Train

Gareth, Nathaniel and Stacey's backgrounds

931. Gareth Train was born prematurely in New South Wales on 18 February 1975. Nathaniel was born in New South Wales the following year, on 21 May 1976. Their parents were Ronald and Gwenyth Train. They had one brother and a sister. Gareth and Nathaniel were the second and third born children, respectively. Their mother had been a primary school teacher and their father was a postal worker.
932. Gareth was developmentally delayed and had problems with emotional and behavioural regulation as a child. Family members described that he could be argumentative, angry and volatile. At school, he struggled academically and socially. In high school, he was both a bully and the victim of bullying. On one occasion, he took a knife to school for self-protection.
933. From a relatively young age, Gareth had an interest in firearms, shooting and hunting. He was also interested in modern history and the military. From at least late adolescence, he demonstrated anti-authoritarian views which extended to a dislike of police. In 1998, he was convicted of possession of an unregistered firearm and was fined \$600. A conviction was not recorded. He had no other criminal history.
934. By contrast with Gareth, there is no suggestion Nathaniel struggled socially or academically as a young person or at school. He was a high achiever academically and displayed sporting prowess, playing junior tennis at a high level. He is described by many of those who knew him as intelligent, diligent and kind. He had no criminal history.
935. When Gareth and Nathaniel were young boys, their father resigned from his employment at Australia Post to undertake studies at the Baptist Theological College in Brookfield, Queensland. The family moved on a number of occasions while Ronald studied and then took up positions as a pastor at various locations in Queensland. In 1991, when the boys were in their teens, the family moved to Toowoomba where Ronald became a pastor at a local Baptist church.

936. In this way, religion was a feature of their childhood. Reports of those who knew both Gareth and Nathaniel suggest that Gareth had an interest in, and deep knowledge of, scripture to which he took a fairly literal approach. Nathaniel, it seems, had less interest in religion.
937. The boys completed their schooling at Toowoomba State High School. Upon completion of high school, Gareth enrolled in the Dalby Agricultural College and lived on campus. However, he was asked to leave because of violence involving another student and returned to the family home for a brief time before moving to live independently.
938. After high school, Nathaniel studied Education at Griffith University.
939. Stacey was born in Queensland on 21 July 1977. Her parents were Philip and Gayle Christoffel. She was the eldest of three children and had two sisters.
940. As a child, Stacey lived in the South Burnett region, then near, and later in, Toowoomba. Like Nathaniel, she appeared to have been considered to be intelligent, hardworking and kind by those who knew her as a child. She excelled at school, obtained an OP 1 upon completion of Grade 12 and received a university scholarship. She had no criminal history.
941. In 1991, when she was about 14 years of age, Stacey met the Train family when the Trains moved to Toowoomba and Mr Train took up the position of pastor at the local Baptist church where her family were members of the congregation. Stacey and Nathaniel started a relationship when Stacey was still at school. It appears this relationship caused some tension between Stacey and her family.
942. After finishing high school, and despite receiving a university scholarship, Stacey commenced employment with a local solicitor. Within a few months of leaving school, and because of her difficult relationship with her family, Stacey left her family home and moved into a nearby flat.

Stacey and Nathaniel's marriage

943. On 9 September 1995, Stacey and Nathaniel were married. Stacey was 18 and Nathaniel was 19 and in his second year of his teaching degree. He then started working as a teacher in the late 1990s. Stacey and Nathaniel had two children during their marriage: Madelyn was born in June 1996 and Aidan was born in March 1998. During these years, Stacey and Nathaniel lived in Toowoomba and the Gold Coast.
944. Gareth also lived with Stacey and Nathaniel and their children. It would appear that by about 1998 all three had become estranged from their families.
945. In about 1999, Stacey and Nathaniel separated and divorced. At that time, Stacey, Nathaniel, Gareth and the children were all living at Bushland Beach in Far North Queensland.

Stacey and Gareth's marriage

946. In about 2000, Stacey and Gareth married. Gareth became the children's father figure. Nathaniel continued to live with Stacey and Gareth and the children. In about 2002, they all moved to Cairns. Nathaniel obtained work there as a teacher and Stacey commenced studying Education at James Cook University. They continued to live together until the end of 2003, when Stacey and Gareth moved to Charters Towers and Nathaniel remained in Cairns.
947. In January 2004, Stacey commenced employment with the Queensland Department of Education as a teacher at Charters Towers State High School. In the following years, she worked as a teacher at a number of schools throughout the State, including in head of department and principal roles.
948. During that time, Gareth had various jobs, including working for Child Safety and later as a school groundsman and teacher aide. As a parent, Gareth could be domineering and controlling. It seems that he and Stacey had a relatively insular existence and did not particularly socialise with others. Gareth was very protective of his wife and became increasingly hostile towards, and suspicious of, others. It seems that his attitude caused problems for his employment and he had difficulties relating to others.

949. In 2016, Gareth and Stacey moved to Wieambilla. Gareth was not in employment from the time of their move to Wieambilla. In January 2017, Stacey commenced employment at the Tara Shire State College. She worked there for the next five years, in the Deputy Principal (Primary) role and, later, as Head of Department (Curriculum). It appears that she was collegiate and had good working relationships at the school. However, socially, she was somewhat isolated and there is little evidence of friendships outside of her work.
950. She resigned from her position effective 16 December 2021 because of her refusal to comply with the vaccine mandate.

Nathaniel's life after his divorce from Stacey

951. Nathaniel worked at various schools in Queensland and New South Wales after he commenced teaching in the late 1990s. He was the principal or deputy principal at many of the schools. It appears that he was mostly highly regarded and credited with improving the academic performance at many of his schools, although some colleagues appeared to find his manner and approach difficult.
952. In 2006, Nathaniel met Ms Brown when they worked together at Trinity Beach State School. They commenced a relationship soon afterwards. It became a long-term relationship with some brief periods of separation. They were married in Cairns in July 2019.
953. In July 2020, Nathaniel and Ms Brown moved to Walgett, New South Wales. Six months later, they bought a block of land in Southern NSW and planned to build on it and move there in the future. In Walgett, Nathaniel took up the role of executive principal at Walgett Community College Public School.

Gareth's anti-government views and interest in conspiracy theories

954. Over the years, Gareth developed an interest in conspiracy theories, in addition to his long-standing interests in modern history and the military. Gareth's attraction to, and interest in, conspiracy theories appeared to intensify after the 1996 Port Arthur massacre. In 2012, he complained that his phone had been tapped and he was suspicious of police. By 2014, he spent significant periods of time researching conspiracy theories.

955. When Stacey and Gareth moved to Wieambilla in 2016, where Gareth was not in employment, he became more socially isolated and increasingly withdrawn from society. By March 2020, a couple of months after the start of the COVID pandemic, Gareth commenced to express anti-government views which were often linked to COVID conspiracies, including that the COVID pandemic was a government conspiracy to control the population.
956. In 2020, he communicated online with the leader of an organisation known as the Australia One Party, which also held anti-government and anti-COVID vaccine views, for a number of months. In one of his communications, on 3 September 2020, he described himself as “a Christian with no denominational allegiance” and “a homesteader building my wife and I an ark on our rural property in Western Downs Qld”. In relation to his attitude to police, he wrote:
- If I were living in Melbourne in this time of totalitarian control and my wife was to be arrested or assaulted by cowboy cops I would die to protect her and not stand by and film it. I have sacrificed for the truth and my life has been threatened more times than I can recall. I have never chosen to be a leader, but been chosen by others to speak for them and lead at times. I am not a politician, I do what I say and say what I mean. I would only ever lead those who asked me to lead and expect them to stand beside me – not behind.*
957. Later, he communicated online with other fringe organisations and news forums in a similar vein, often expressing anti-government views and paranoid thinking. For example, in one communication, on 6 September 2020, he wrote about his belief that unknown chemical agents had been deploying chemicals over populated areas such as the Greater Melbourne area, the Greater Sydney area, Gold Coast and Brisbane.
958. The first, veiled reference to violent ideation by Gareth is evident in an online post from 14 September 2020 in which Gareth said, “*Be warned QPS you all have a choice to make be on the right side, or face execution after*”.
959. After September 2020, Gareth was active on other conspiracy-based websites and it appears he was becoming increasingly paranoid. He also started to incorporate religious content in his communications. For example, on 6 January 2021, he posted the following message:

Hello friends, The name given to me is Gareth. I am a son of Yahweh the creator God. Yeshua is my king and brother. I live in this world, but I am not of this world. I am not perfect and have made many mistakes in life. I am a sinner but have been forgiven. As a young child in the suburbs of Sydney in the company of wolves I learn valuable lessons that have remained throughout my life – truth and love give you strength and are also a cause of division. In my life I have been a cowboy working as a stockman and farmhand. I have been a protector of our most vulnerable, working in the failed and corrupt QLD child protection system and the failed and corrupt Qld state education system. I am a father of aduflings and a husband. I missed out in my formal education due to my critical evaluations of teaching practices and resulting conflicts. I returned to university as a mature age student and studied social welfare. In doing so I discovered the religions of education and psychology. I soon learned their high priests were the same indoctrinating snakes as the Church high priests. I still feel 21 while on a morning run, but I have more often felt 101 when frustrated at mankind's choices. I have witnessed humanities corruption and turned my back on judges and the dealings of bicephalus snakes in criminal and family courts. The COVID1984 dystopia has had little effect on my day-to-day life. I currently live on my rural property in western QLD where I have been building an “ark” homesteading for the last 5 years to survive tomorrow. I am not interested in indoctrinating or convincing anyone of anything. I am here to share in the conversation only. I am aware that everything you do on the world wide spider web is stored in an intelligence file and I ask ASIO to file this one correctly.

Gareth's developing conspiracy thinking and the gradual involvement of Stacey and Nathaniel

960. It does not appear that Stacey or Nathaniel shared in Gareth's conspiracy theories initially. Stacey, it seems, was gradually exposed to Gareth's material by text messages and emails from him.
961. The first suggestion of Nathaniel engaging in conspiracy thinking with Gareth is evident in an email exchange between Gareth and Nathaniel in November 2020 in which Nathaniel responded to one of Gareth's messages about the Port Arthur massacre by saying he “*never believed it when [the Port Arthur massacre] happened*”. However, these communications with Nathaniel do not suggest he was actively

interested in conspiracy theories to the same extent as Gareth at that time.

962. That email exchange occurred about four months after Nathaniel and Ms Brown had moved to Walgett. Ms Brown reports that, once Nathaniel started working as the executive principal at Walgett Community College Public School, he was working excessive hours because of longstanding issues at the school. He had an excessive workload and considered he had little support from the Department of Education. Ms Brown observed that, over time, Nathaniel became increasingly stressed. He was unable to stop thinking about work when he was at home, which caused him to be tense, suffer reduced motivation, sleep disruption and other physical ailments.
963. It is not known how much contact Nathaniel had with Gareth and Stacey during 2020 and the first half of 2021. There is only evidence of one physical visit. On 6 January 2021, Nathaniel travelled to Wieambilla and spent the night with Gareth and Stacey. The next day, Nathaniel sent Gareth a message in which he said, "*Church is always good where you are*". During this time, Ms Brown observed that Nathaniel had telephone contact with Gareth, but was not privy to those discussions.

Increasing religious themes and contact with Donald Day

964. As Gareth's conspiracy thinking and paranoia developed, so did the religious themes in his communications. From early 2021, Gareth's online communications became more religious in content and focus.
965. From May 2021, Gareth began communicating with Donald Day Jnr, a US citizen, on YouTube, although he had been watching his videos for about a year by that time. Donald Day's account was called "Geronimo Bones". The two of them posted videos and commented on each other's videos and, on occasions, sent video messages directly to the other person. Gareth's account was initially called "Texas BBQ" and later "DanielYugiGirawil". In their communications with Donald Day, Gareth and Stacey referred to themselves as Daniel and Jane.
966. The conversations between Gareth and Donald Day involved conspiracy theories, as well as religious and end of days themes. For example, on 3 May 2021, Donald Day spoke about the Federal Bureau of Investigation and other US agencies engaging in genocide through vaccination, describing those involved as "*demons in the flesh of men*". Gareth responded that he and Donald Day would stand "*side by side at the final battle*".

967. In 2021, Stacey was not so active online. However, she kept a handwritten diary. The first entry was dated 21 September 2020 and early entries were unremarkable. From April 2021, however, the diary entries commenced to reference religious themes, including biblical quotes and scripture references.

Nathaniel's cardiac arrest in August 2021 and increasing contact with Gareth

968. Nathaniel suffered a cardiac arrest on 10 August 2021. He was taken by ambulance to the Walgett Hospital before being transferred to the John Hunter Hospital in Newcastle. Ms Brown recalls a conversation with Gareth, before Nathaniel was flown to Newcastle, in which Gareth told her that, when he last spoke to Nathaniel, Nathaniel said he did not want any medical intervention. Later that night, Gareth sent Nathaniel a text message that said, "*See you in the next life little brother, obviously you didn't get your wish about no medical intervention*". Ms Brown saw this message. It was the first time she had heard about Nathaniel having such a wish.

969. During his stay in hospital, Nathaniel was unable to have in-person visits because of the COVID rules in place at that time. However, he had telephone contact with at least Ms Brown, Gareth and Stacey. In a recorded telephone conversation between Nathaniel, Stacey and Gareth, there appeared to be some paranoia shared by the three. Stacey referred to "*normal people who are not like us*". There appeared to be a veiled conversation about the end of days.

970. In the days after Nathaniel's cardiac arrest, while he was in hospital, Nathaniel and Ms Brown spoke about Nathaniel having an implantable cardioverter-defibrillator inserted, which his doctors had recommended. However, Gareth, it seems, urged Nathaniel against medical intervention, including the implantable defibrillator. Ultimately, Nathaniel decided not to proceed with it. About this time, Nathaniel also told Ms Brown that he had a Do Not Resuscitate request in place, which upset her.

971. It seems that Nathaniel had regular telephone contact with Gareth in the period after his cardiac arrest. Gareth held strong anti-vaccination views and believed that COVID was a government conspiracy. He told Aidan that he believed it was a conspiracy for a new world order to reduce the population, and it seems he was having similar conversations with Nathaniel.

972. Nathaniel did not return to work after his cardiac arrest. He refused to receive COVID vaccinations which were mandatory for teachers. He resigned from his employment effective from 28 March 2022.
973. Nathaniel's contact with Gareth apparently increased as time went on after his cardiac arrest. Ms Brown reported that Gareth called Nathaniel constantly, and sent him videos and articles on the apocalypse, Satan, conspiracy theories and bible passages.
974. In December 2021, Ms Brown found some text messages from Gareth in which Gareth encouraged Nathaniel to leave her because she could not believe the same things they did. Ms Brown reports that she got angry and told Nathaniel to leave but that, two hours after he did, she called him to come home. He did, and she considered they worked things out and continued as normal.
975. As the school holidays were approaching, Nathaniel and Ms Brown had plans to spend time camping at their property in Southern NSW. However, on 14 December 2021, Nathaniel told Ms Brown that he had ceased taking his heart medication and needed to urgently leave to see his children in Queensland. He told her he did not want her to talk him out of his decision. He said that he had talked to God and he needed to leave to see his children. Nathaniel was upset and crying.
976. Two days later, on 16 December 2021, he drove Ms Brown to Dubbo and they organised a rental car for her as he was taking their car with him. Ms Brown continued, as they had originally planned, to go to Melbourne to see family and then to Southern NSW. To her knowledge, Nathaniel returned home to pack for his camping trip, then set off north.
977. After Nathaniel left, Ms Brown did not hear from him for about three weeks despite her attempts to contact him by text message and phone calls. She became worried, including because she knew he was not taking his heart medication. She was in contact with Madelyn and Aidan and knew that he was not with them.

Nathaniel's crossing of the Queensland border in December 2021 and afterwards

978. The chronology regarding Nathaniel's movements after he parted ways with Ms Brown at Dubbo is addressed earlier in these findings. It is not possible to know when Nathaniel first contacted Gareth and Stacey following his entry to Queensland in December 2021. It is also not

possible to know what form that contact took and how much time he physically spent with them.

979. However, from the time he crossed the Queensland border in December 2021, Nathaniel's emails and messages to family members were highly religious in their themes and increasingly referenced the approaching end of days.

Stacey Train

980. In the second half of 2021, Stacey also began reading and producing material which was religious in its themes. In September 2021, she researched biblical quotes about living in end times and made entries in her diary about having witnessed a war in the heavens.

981. These themes intensified after she ceased teaching in December 2021. By this time, she and Gareth were regularly expressing end of times beliefs. For example, on 14 December 2021, Gareth commented on a video posted by Donald Day as follows: *"I will see you at the feast of the Lamb. I stand beside you in spirit. I and my wife stand ready for the evil that comes. It will be dealt with as it deserves. In this world, death comes to us all. Know this, I don't fear the fray, I welcome it as I have always done. In Christ we are victorious"*.

982. From January 2022, Stacey's diary entries, which had included religious themes since about April 2021, became more religious in their focus with greater emphasis on the end of days. In an entry on 10 January 2022, Stacey explored the timeline for the end times, apparently determining that they may come in May 2023.

983. There is evidence that Stacey was becoming increasingly paranoid about being surveilled and threatened by organisations including ASIO. In February 2022, Stacey sent a letter to her daughter Madelyn which included reference to being under surveillance by ASIO, being followed and being sprayed with chemicals from planes flying above their property. One passage read:

Gary and I are both well. There has been a lot happening, though. I was forced to resign from my job because I refused the vaccine mandate. We have also been subject to surveillance and intimidation by ASIO and Raytheon because we are on the list of "anomalous citizens". As examples, bad people have attempted to abduct us, we have been sent threatening messages, we have been sprayed with chemicals from small planes that fly straight

over the top of the roof and they even sent a Learjet to fly low multiple times over the house. Gareth has lodged complaints with CASA about the planes. One of the main reasons we are being targeted is because Gareth has been warning people online about bad people working for ASIO who are leading anti-vaxx protestors astray.

Conflict with family members

984. Stacey and Gareth's views regarding COVID conspiracy theories caused significant conflict between them and their children. On 9 March 2022, Stacey sent text messages to her children advising they were no longer welcome to attend her home uninvited. A subsequent message to Aidan read:

Hello Aidan,

I don't expect you to reply to this for a while as I understand that you are probably at work. It is important that I make something very clear to you though. It is very clear that communicating with me and Gareth via phone, text or email is uncomfortable for you. You have said it causes you anxiety. This tells me you are definitely not ready for a face to face visit. To make it very clear, as things stand, you are not welcome to visit at our home.

You have chosen different values and a different path. If you were to force a visit of any kind, it would result in destructive conflict. I accept that you are happy with your decisions and your life. I ask that you accept the same about me and Gareth. If you think about it, there is no way you would choose friendship with us if you were not related. You may wish it was different, but you don't really like us.

In essence, we have been having the same conversation for about ten years. The only thing that has changed is that you have moved further and further away, thus becoming even more entrenched in your views.

You are welcome to continue texting, emailing or phoning if you want to. I will know from your communication if anything has changed with you. Talking on the phone is an opportunity for you to build trust again, if you wish to.

Once again, I will withdraw and let you communicate when you are ready.

With love, Stacey

985. By March 2022, Aidan had stopped communication with Nathaniel who, by that time, had also been expressing COVID conspiracy theories to him. Aidan ceased communication with Gareth and Stacey in April 2022.
986. Between March and the end of May 2022, Ms Brown and Nathaniel had regular telephone calls, usually speaking twice a week. On 2 March 2022, Nathaniel sent Ms Brown an email in which he expressed both religious and end of times themes. He said that he was *“fearful for everyone I love that does not know God. Read the book of Revelations and you’ll understand why”*. In apparently seeking to encourage her to find God, he wrote, *“The [COVID vaccine] is starting to look a lot like the Mark of the Beast that is referred to in Revelations”*. He concluded, *“If I’m right about what is happening around us, and what is coming very soon, [the planned future home in Southern NSW] is not something we will get to enjoy and we won’t be growing old”*.
987. Ms Brown considered that Nathaniel’s views about vaccinations, as expressed to her in phone calls and emails, were becoming progressively more extreme during this period. Ms Brown considered he was developing new beliefs about the world, and was becoming increasingly paranoid, during this time.

Increasing evidence of persecutory beliefs and religious themes throughout 2022

988. In the first half of 2022, Gareth and Stacey made 15 videos, most with paranoid and religious content. One, from March 2022, starts with the statement, *“Your enemy lives among you”* imposed over footage of state and federal police officers and later includes images of the Australian military. It refers to collaborating with the enemy and building death camps.
989. From March 2022, there was an increase in apocalyptic religious discussion and content accessed by each of Gareth, Stacey and Nathaniel. Gareth’s posts became increasingly hostile about government and police agencies and it appears that he and Stacey continued to believe they were under surveillance by ASIO.
990. In a post on 25 March 2022, Gareth said he would *“stand alone with my wife and dogs. I will fight and I will die in the company of those I love. The Holy Spirit stands beside me in this time at this place and chooses the hour”*.

991. In May 2022, Gareth's YouTube account was deactivated by YouTube for violations of its use policies. Stacey created an account called "Mrs YuriGirawil" from which she commenced communicating directly with Donald Day. Her first message to Donald Day included a reference to her belief that she and Gareth would see him "*at the final battle*".
992. Gareth created a new account, using the same name, on the video sharing website, Rumble. On 20 June 2022, Gareth posted the following written commentary: "*The voice of the Creator, God/Yahweh, the Spirit cannot be found in a church...the teaching of Jesus Christ/Yeshua/the Son as can be found in the "Christian" bible...I reject the teaching of: the Celtic Druids...along with the preachers, priests and the theologians of false Christian churches and those of organised religion who all worship mystery Babylon. I believe the teaching of Jesus in the bible have been corrupted by those who are in control, along with everything else in this fallen world. I believe in living in peace with others as far as possible. I believe in defending myself and killing my enemies, my enemies being those who wish me harm or those who wish to enslave me with their laws. I have lived this way my whole life and grow old and tired of it all. My King and Brother Yeshua will return and you will find me standing beside Him on the battlefield*".
993. In May 2022, Ms Brown considered she needed a break from Nathaniel as their conversations were becoming more exhausting for her. Emails from Nathaniel to Ms Brown from January 2022 were consistently and increasingly focused on anti-vaccination themes, good and evil, God and Satan, biblical teachings and the coming end of days. Their telephone conversations were similar. During a telephone call on 30 May 2022, she told him she wanted a break and considered she was freeing him to do what he needed to do at that time. The next day, she drove a care package of clothing, bedding and other personal items and left them at Stacey and Gareth's property for him to collect.
994. On 3 June 2022, Nathaniel sent an email to Ms Brown's daughter which continued with the paranoid, conspiracy and religious themes he had been expressing for months. In a lengthy email, he wrote that, if the world was ending, it would be at God's hands and in His time. He said, "[t]he vaccination agenda is pure evil and just the start of more to come." He considered himself to be in a minority group and that "*prophecy says I will be targeted and rounded up*".

995. It appears that Nathaniel had some contact with Gareth and Stacey, at least in about August 2022, because Stacey emailed Ms Brown informing her that Nathaniel had said “*that you had advised him that you ‘no longer wanted to hear from him ever again’*”. I infer, given the similar content of their communications about religious themes and the coming end of days, that Nathaniel, Gareth and Stacey were likely to have been in frequent contact throughout this period.
996. The content of the communications by each of Stacey, Gareth and Nathaniel remained consistent throughout the second half of 2022. Gareth, in particular, continued to produce videos which had conspiratorial and religious themes. In December 2022, Stacey began creating her own videos with similar themes.
997. On 9 October 2022, Nathaniel sent the following text message to Gareth:

Passing through. Everything is quiet and not going to disturb you. Nothing coming in on mobile phone (emails, texts or missed calls). Someone is obviously up in this phone again and they are taking it to a new level. Now I am supposed to put in my email password (no idea what that is or what mobile number is attached so it's a lost cause - last emails in are from July). Gates locked as usual and it's raining so I won't come in and scare you or the dogs. I've checked the banking out and it looks like maybe [REDACTED] has decided to build down in [Southern NSW]. Heading back out bush to keep working and camping. I'm all good. The phone is going back off again and I'll try to get in contact with you in a few months. Fucking doctors and cardiologists are all full of shit - still no health concerns at all. Hope this gets through to you.

998. He left a handwritten note, also dated 9 October 2022, in the letterbox. It appears to have been written in case the text message was not received. Gareth replied to that text message as follows:

Ah you dickhead, ya woke me up. I told you to stop driving around at night years ago. I thought someone was sitting in the driveway and I was waiting patiently for the party to start. If ya not getting emails, text or calls - you may not know that [Ms Brown] & Aidan are making trouble for you with the piggy piggies - saying you are dead and missing out bush somewheres laying on the ground rotting, hahaha. Stay sharp - Mike/Raytheon and his eunuch Jesuits are most likely up in ya shit still (well they would like to go deep anal on you, the fuckn sickos).

999. On 1 November 2022, Gareth sent the following email to Nathaniel which referenced Gareth's belief about ASIO and police attendances at the property in the preceding months signifying the start of "*the war against the saints*":

Nathaniel,

It is no surprise to Stacey and me that they, ASIO/Raytheon (Mike Biggerass, Ric Bosi and company), are messing with your phone as they have been playing games in our phones now for the last 2 1/2 yrs (email, texts & spoofing numbers). Remember I told you in Jan 2021, when you were here, about their attempts to abduct us using SERCO private military contractors (Keep an eye out for them). Apart from the ASIO/Raytheon Learjets (no tail number, identifying marks or flight plan) coming out here four times now (see video - two jets are now in the workshop for repairs): - The dickheads have sent multiple helicopters and in May they attempted to approach the house several times but chose to turn away at the last minute .- The dickheads sent an ambulance in July with a team in the back but failed.- The dickheads sent the police twice in August and failed again. "Welfare check" aka state sponsored murder.-I got a visit from what I believe was a C-295 twin prop (full on frequency pack) on your death anniversary August 10 that flew over the roof at about 50 metres just after dark, very dangerous; they got a surprise package in the arse. - ASIO fukwits have been out here and taken videos and photos of the front of the block three times, most recently 31st of August, I was metres from them and they were none the wiser. They are fools. They seem to think I pay no attention at all. Here is a crop of the video I have up for laughs. The war against the saints has begun. The Creator is on our side, He that is with us is greater than those that are with them, they will continue to fail. Be well, stay sharp and listen to the Spirit. Gareth

1000. In November and December 2022, online contact between Stacey and Gareth and Donald Day increased in frequency. Their conversations increasingly referenced the end of times. For example, on 11 November 2022, Donald Day wrote, "*You're in my thoughts every day, brother-man. You once told me that we would greet one another on a field of war in the future; a great war, that our Father will hasten us toward – I think on that as well, every day. I highly respect and admire the true spirit of Justice that resides in you, and I look forward to taking the scalps of our enemies alongside of you, in the name of Yeshua and in the service of our Great Father.*"

1001. Subsequent communications between them continued the discussion about the upcoming battle. Gareth and Stacey made about 14 videos in the month prior to, and on the day of, 12 December 2022. They were paranoid and aggressive in tone and many related to organisations such as ASIO and police forces.

The lead up to 12 December 2022

1002. In the five days before 12 December 2022, the conversations demonstrate that Gareth and Stacey considered, by then, that the end of times was imminent. It is useful to set some of those conversations out in full.

1003. On 7 December 2022, the Mrs YugiGirawil account posted:

They've got nothing we want, they've got nothing we need. Our Heavenly Father chose us for this time – what a privilege. Daniel [Gareth] and I are looking forward to going Home. We'll see you when we get there, our dear brother and sister.

1004. On 9 December 2022, Donald Day wrote:

Mrs Yugi girawil As you well know, my brother, our adversaries are volunteers and agents, of all this is malignant, malformed and malevolent- Their very presence is more than a violation of conduct, form and function; their very existence is an insult. Although there have been instances when I chose to engage them and educate them to their faults, as it applies to the tenets of common law which they often affront, I have not ever given them quarter, comfort or compliance. You and I, could never be accused of being slack, and our presumptuous enemies know this. That is why they will shadow our gates and draw straws, while trying to manage a pair of agates betwixt them. !!!lo!!! Indeed... They are just too blood-damned retarded to know whom they should leave be. They think who they are, Dan I. Conversely, we know whom the fuck we are. Ah, the grand adventure builds steam. Be well also, chief... and a fair evening to you, Jane [Stacey].

1005. On about 8 December 2022, Gareth made and uploaded a video titled “Bad Boys” to YouTube. The video commences with a QPS badge in the foreground followed by the following commentary in a digitally altered voice:

Let's get straight to the question that all you boys want answered. I don't know why you were all born retarded enough to join the police force.

I guess it had to do with your mother eating Baphomet's dick possibly.

But you all made a choice. And I'd like to thank Sgt [indecipherable] for convincing me just how retarded you boys are.

After working alongside you boys in uniform and with your CPIU fuckwits, and that's the child protection investigation unit detectives, for my American friends listening, yeah that's right, old Daniel here has been around the block a few times, I suggest that you boys that drive all the way out here and stand around at my front gate, having a circle jerk, trying to find your testicles, just put an end to that shit.

Go and talk to Sgt Baker. The ex-Queensland Police Service retard that went on the run for two years and you boys couldn't find him.

Ask him what happens when you come up on old Daniel here and threaten to pull your pistols.

Anyhow, I've answered the only question you need to know.

So I'll leave you with this message from the mouse...

Once upon a time there were three little bears...

1006. On 9 December 2022, Donald Day wrote, replying to that video:

1007. *We teach those fuckers how we are to be treated. Thank you, brother man. The world is a far better place, with you in it.*

The same day, the MrsYugiGirawil account replied:

My phone number & front gate seem to have become popular. "Welfare checks" aka state sponsored murder has started up again. These fools are stepping into a world of hurt they know nothing of. Be well brother.

1008. On 10 December 2022, a video titled "Cowardice" was posted by the MrsYugiGirawil account showing New Zealand police officers removing a young child from its parents for treatment in hospital during COVID lockdowns. Donald Day replied:

Words fail me, family. Suffice it to say, they know that they are monsters... they know.

1009. The MrsYugiGirawil account replied:

Daniel [Gareth] believes that should they choose to cross the Rubicon with public state actors our Father is giving us a clear sign. Monsters and their heads are soon parted.

1010. Donald Day replied:

*@MRS Yugi girawil
Indeed.
We too, are settled on this matter.
Absolutely, no quarter.
It is time.*

1011. In a written comment in relation to a video posted by Donald Day titled “they are the spiders”, Stacey wrote:

Many years ago, a “man” – “a man of god”, a preacher, a teacher – came to Daniel [Gareth] as he was loading our belongings on our truck to leave the community; shaking the dust of our feet. This “man of god” said he had heard we were leaving and wanted to say farewell. Daniel [Gareth] took him by the shoulder, keeping his blade sheathed, and said to him, “All that is required for evil to flourish is that you continue to remain silent. You have turned a blind eye to the sexual abuse of children – in the community, in your church and in your own family. Go home and explain to your son why you have done this, then start this day preparing your excuses for my Father”. He had nothing to say then, and he will have nothing to say in that Day. The war against the children is the war against our Father. All of us, as true brothers and sisters of Yeshua, have been fighting this war our whole lives. Our blades are now unsheathed.

1012. Donald Day replied:

We know who we are, and yes, we have fought this battle from the very moment that our crowns first pierced through our mothers’ womb. I have known you my entire life, Daniel... all I need do, is to consider my reflection in the mirror. I am most grateful to know you, my brother - Your words do not fall to the ground, nor does your love fail, because it is true love. I have burned the sheath of my blade, awaiting the hour in which an enemy scalp will provide it the sheath it calls out for.

1013. The MrsYugiGirawil account replied:

Brother I tell you this just as The Spirit once told a great warrior, I have heard the message and understood, "the hot lead my enter our body but we shall not fall before our purpose here is completed".

1014. On 12 December 2022, Gareth posted the following comment on another YouTube user's video:

Hello Deanna, my wife Jane [Stacey] just showed me your video. My name is Daniel and my Father in heaven is my judge. You ask where are your soldiers? I know of only one other man that has been fighting the war against ba'al and his legion of meat suits since birth to protect the defenceless children. Although this man and I have never met in person I have known his spirit my entire life. I have walked with the Holy Spirit beside me into each battle and bled onto the ground returning to the fight over and over. My brother and I have been out-numbered by the wicked and ask our Father to set fire to the cities and towns and call out to our Brother Yeshua to return. My brother's name is Don and his wife is Annie – they live in Arizona.

1015. Shortly after 4:42pm, a time after which the QPS officers had attended the property, Constable Arnold had been killed and Constable McCrow had been injured but not yet killed, Stacey wrote:

THEY HAVE CROSSED THE RUBICON.

1016. Donald Day replied:

Damn it.

1017. At 7:27pm, Gareth and Stacey created and uploaded a video titled "Don't be afraid". In it, they say:

They came to kill us. We killed them. If you don't defend yourself against these devils and demons, you are a coward. We will see you when we get home. We will see you at home, Don. Love you.

Evidence of Associate Professor Roose

1018. Associate Professor Roose is an Associate Professor of Politics at Deakin University. He was engaged to identify the political, religious and ideological influences shaping the actions of Gareth, Nathaniel and Stacey on 12 December 2022. He reviewed more than 2500 primary source documents, including more than 700 emails, more than 700 text messages, 75 pages of handwritten notes, 60 personal photographs and witness statements from people who had known them.
1019. He concluded that the core driving influence in the lead up to, and the events of, 12 December 2022 was a religious conviction that the end times were imminent, and the events of 12 December 2022 were part of those end times. It was his opinion that the events of 12 December 2022 constituted a terrorist act done with the intention of advancing a religious ideological cause and with the aim of coercing and intimidating the Queensland Government (and specifically the QPS, who the Trains viewed as evil and demonic).
1020. Dr Roose identified five phases that he considered to be useful to understand their developing ideology. The first phase was the period before the onset of the COVID pandemic from December 2019. In this phase, he identified that Gareth was interested in, and subscribed to, various conspiracy theories, but that neither Stacey or Nathaniel appeared to, to any great extent.
1021. The second phase was the period between January and December 2020. In this period, Gareth started searching for non-mainstream political movements that aligned with his views. He contributed to a variety of online political forums, which demonstrated strong anti-government views but little religious content. His conception of Christianity appeared to be relatively mainstream.
1022. The third phase was the period between January and July 2021. In this period, there was a shift towards an end of times ideology. He considers that the evidence shows that Gareth's preoccupation with the end times emerged in early to mid-2021 and was linked to his communications with Donald Day, records of which commenced in about May 2021. From this time, he considers that the Trains began to radicalise towards violent extremism and terrorism.

1023. The fourth phase was the period between August 2021 and October 2022. He considers that, during this time, there was an escalation in the Trains' trajectory to radicalisation. Associate Professor Roose notes that the Trains' developing focus on Christian beliefs became problematic in this phase when they fused with anti-government and institutional hatred in which state actors, including police, were viewed as corrupt and evil.
1024. By June 2022, Associate Professor Roose considers that it was clear that Gareth had adopted a primarily religious frame. The conspiracy theories remained, but were understood as being behind the corruption of the teachings of Jesus. Thus, Associate Professor Roose considers they were subsumed within a larger moral framework.
1025. Associate Professor Roose sees, in this period to the end of October 2022, a clear trajectory from predominantly political conspiracy beliefs, by Gareth primarily, towards the embracing of dispensational premillennialism. As the Trains became more isolated in this period, there was a hardening in their religious views, as well as expressions of extreme animosity towards the government, including the army and police, as well as other entities.
1026. The fifth phase was the period between November and December 2022, during which there was a further, rapid escalation in their radicalisation. Associate Professor Roose considers that increased police attention led to an escalation in preparation for an end times event. There were 15 videos located on devices and social media channels before November 2022. There were 14 from 5 November to 12 December 2022.
1027. Associate Professor Roose opined that these videos were produced by Gareth and Stacey with the intention of spreading and advancing their religious ideas, and threatening and intimidating their 'opponents', including police. Their social media interactions increased, with encouragement from Donald Day.
1028. In this period, Associate Professor Roose sees that the Trains placed themselves as central to the end times narrative in which good and God would triumph over evil and the devil, and they would be rewarded for their sacrifice.

Dr Aboud's evidence about the significance of the mental health of the Trains

1029. Dr Andrew Aboud, consultant forensic psychiatrist, was asked to provide an opinion regarding the mental states of each of the Trains before and during the incident, based on the available evidence. He was provided with the same material made available to Associate Professor Roose for the purpose of providing his opinion.
1030. Dr Aboud provided his opinions in reports dated 17 June 2024 and 24 June 2024 respectively, and in oral evidence in the inquest hearing.
1031. Dr Aboud considers that, prior to and on 12 December 2022, each of the Trains were experiencing symptoms of a shared psychotic disorder whereby they had identical persecutory and religious beliefs that met the psychiatric definition for delusions. Gareth met the diagnostic criteria for Delusional Disorder, persecutory subtype, and Stacey and Nathaniel met the diagnostic criteria for Shared Psychotic Disorder.
1032. Dr Aboud considers that the core of their belief system was religious and, specifically, was consistent with premillennialism, or the belief that Christ would return in a Second Coming which would mark the beginning of a new age and through which they would obtain salvation. They believed that the negative things happening in the world, including, significantly, the COVID pandemic, was evidence of a war between heaven and hell which was a precursor to the Second Coming.
1033. Dr Aboud considers that, in addition to their religious beliefs, the Trains held a number of persecutory beliefs quite unconnected from their religious convictions. These included paranoid beliefs that were specific to themselves, such as that they were being monitored and surveilled. They also included broader paranoid beliefs, such as that the COVID pandemic was a method of government control, that the government was evil and that police officers, as agents of the government, were demons associated with Satan.
1034. He explained the interplay of the delusional beliefs in this way:

Many of these beliefs were clearly bizarre, persecutory, highly referential and delusional and had little or no direct association with premillennialism or Christian religion as others would understand it. There was therefore more to the Trains' internal world than just religious ideology, although the central nexus of their beliefs had certainly become premillennialism-type thinking. Their beliefs were connected in an interwoven system, and their

behaviour reflected this system of beliefs (i.e. they were acting on their beliefs).

1035. Dr Aboud said Gareth developed the delusional disorder first, and Nathaniel and Stacey subsequently developed the same delusional disorder. The condition is known as a Shared Delusional Disorder and they were all in a state of shared psychosis by early 2022. Their conduct on 12 December 2022 was psychotically driven and underpinned by their delusional disorder.

1036. In terms of the onset of the illnesses, Dr Aboud considers that the beginnings of Gareth's delusions were apparent from 2016, when he and Stacey had moved to Wieambilla. Dr Aboud said:

I think I've used the term chicken and egg before and – and I'll probably use it again because it is actually very difficult to tell if he was delusional, such that he wanted to be isolated because he was paranoid and persecuted and wanted to protect himself, or if it was the isolation that allowed him to go down the rabbit hole and support what were overvalued ideas to the point where they started to become unchallenged and delusional.

1037. Dr Aboud considers that Gareth's delusional system was fully formed by early January 2021. He considers that Stacey was becoming delusional by about 2020 and by early 2022 was fully immersed in Gareth's beliefs. Dr Aboud opines that Nathaniel started to take on board Gareth's conspiracy theories from late 2020. He considers that they were all in a state of shared psychosis by the beginning of 2022, although it could have commenced even earlier.

1038. Dr Aboud considers that, in the lead up to 12 December 2022, Gareth, Nathaniel and Stacey were each perceiving and understanding events around them through the prism of their shared delusional psychosis. They were motivated to reach salvation by evading police and reaching the date of Christ's Second Coming. They were very concerned about being captured and turned into something less than human before their salvation.

1039. When, in August 2022, QPS officers left a calling card in their letterbox, they "*were unable to conceive that the welfare check on Nathaniel was a benign process, and instead interpreted it as wholly malign and highly dangerous to them and their plan.*" He observed that the evidence demonstrated that, after that time, they set about fortifying the property in preparation of having to defend it from police attendance. By October

2022, when the fortification of their property was complete, they were increasingly vigilant, paranoid and alert to potential police attendance at their property.

1040. When the four police officers entered their property on 12 December 2022, Gareth, Stacey and Nathaniel interpreted their actions as a sign from God. They believed the police officers were agents of evil, and that, because those agents had “*crossed the Rubicon*”, they were then at war. They believed that matters had then progressed the point of no return and what happened from that point would be determined by God’s will.
1041. Dr Aboud considers that each of Gareth, Stacey and Nathaniel were intent on killing the police officers who had entered their property and that, by doing so, they would be fulfilling God’s will. They were motivated to reach religious salvation by dying rather than being taken alive. Their intentions and conduct were a consequence of their paranoid understanding and interpretation of the day’s events, as a result of their shared delusional psychosis.
1042. In this way, Dr Aboud considered that the primary driver for the events of 12 December 2022 was the psychotic illness they shared at that time. He considered that, had they lived and been charged with criminal offences in relation to their actions, it is likely they would have been referred to the Mental Health Court, and may have been found to be of unsound mind. He explained what he meant by this in the following way:

One has to have a disease of the mind... all three were suffering delusional disorder. The second part of that is it has to be the driver of a deprivation of capacity. And the deprivation of capacity is threefold, and it can be any one of the three capacities... on balance, I would have thought that you could argue that they did understand the nature of their act. The second part is did they have the capacity to control their behaviour? Absolutely. They could control their behaviour every step of the way. So the third limb is did they have the moral capacity to know that they ought not do the act? And that is from a legal and from a moral perspective. And, quite frankly, they were morally insane. They did not know what they were doing was wrong. They felt justified in their actions, and I believe that they lacked the capacity to know that they ought – ought not do the act.

1043. This is consistent with the High Court's statement in *Stapleton v The Queen*:⁸³

"... in certain cases, where the insane motives of the accused arise from complete incapacity to reason as to what is right or wrong (his insane judgment even treating the act as one of inexorable obligation or inescapable necessity) he may yet have at the back of his mind an awareness that the act he proposes to do is punishable by law."

Professor Pathé's evidence

1044. Following the evidence given by Associate Professor Roose and Dr Aboud, Professor Michele Pathé, forensic psychiatrist and Adjunct Professor at the Centre for Forensic Behavioural Sciences, Swinburne University, was asked to provide an opinion about a number of matters, including the connection between religious extremism and psychotic disorders.

1045. Professor Pathé explained that contemporary studies have identified that, historically, there tended to be a false dichotomy in which violent attacks were viewed as either the act of an irrational, mentally ill person or a rational, sane terrorist. Contemporary understanding of such violent attacks cautions against viewing them through the lens of this dichotomy, which tends to obscure the true extent of the contribution of mental illness in lone actor violent extremism.

1046. Professor Pathé explained that it is now widely accepted that mental illness often plays a role in violent acts by lone actors, but the level of its contribution varies between individual cases. Some people with a mental illness may be drawn to ideological influences because of social connection and are vulnerable to radicalisation processes. Religious themes are commonly associated with major mental disorders. In particular, some delusional disorders have predominantly religious content.

1047. In respect of Gareth, Stacey and Nathaniel Train specifically, Professor Pathé concurred with Dr Aboud's diagnosis of Delusional Disorder, persecutory subtype in the case of Gareth, subsequently shared by Stacey and Nathaniel, and agreed that their condition satisfied the DSM-5 diagnostic criteria for Shared Delusional Disorder.

⁸³ (1952) 86 CLR 358 at 375

1048. In Professor Pathé’s opinion, support for the diagnosis of Shared Delusional Disorder can be found in the evolution and nature of the Trains’ beliefs and behaviours, particularly their shared beliefs of being personally persecuted and under threat. She considers that their delusions would not have resolved without mental health intervention. She also noted that these beliefs can be presented in a plausible manner and, outside of the areas impacted by the delusions, the individual may appear rational and reasonable. Persecutory mindsets are of particular concern because they engender justification for acts of violence.

1049. Professor Pathé considers that support for the Delusional Disorder diagnoses, as distinct from a finding that the Trains held non-psychotic religious beliefs shared with others in the community, could be found in the nature and evolution of their claims and behaviours, particularly their intractable beliefs of being personally persecuted and under threat and attack. She said:

On balance, I believe that while the Trains did hold conspiracy beliefs shared by others in the community, and Gareth Train in particular was vulnerable to this mind-set by virtue of his paranoid personality structure, these ideas had progressed to a more pathological state (persecutory delusions), and the Trains’ continued involvement in a conspiratorial subculture provided ongoing reinforcement of their erroneous and false views of authority and the world in general.

Conclusions as to motivations of the Trains

1050. With the benefit of the expert psychiatric evidence, I conclude that Gareth, Stacey and Nathaniel were suffering from a Shared Delusional Disorder in the lead up, and on the day of, 12 December 2022. They were psychotically unwell, and driven by their persecutory beliefs. They were operating within a delusional framework in which they believed they were defending themselves from demonic, evil state actors who, by entering their property, were intent on attacking them, such that they had to violently resist in order to reach salvation.

1051. I consider that they were each suffering from the Shared Delusional Disorder by August 2022 and remained so until, and on the day of, 12 December 2022. I do not otherwise make any findings as to exactly when each of them succumbed to their disorders.

1052. I consider that Gareth, Stacey and Nathaniel were, from the time the QPS officers entered their property, intent on killing the officers and, if necessary, intent on dying rather than being taken into custody by the QPS. However, I am unable to conclude that they suicided. Their shared psychosis also meant they lacked the capacity to form the intent to end their own lives - a threshold requirement for a finding of suicide.
1053. I accept that, while end of times religious themes became central to their belief system, their psychotic disorder was underpinned by broader persecutory beliefs, including that the government was evil and that police officers, including the police officers who attended at their property on 12 December 2022, were demons intent on killing them. Gareth, Stacey and Nathaniel responded to those actions with fatal violence, as they, wrongly, believed they must.
1054. I also accept Associate Professor Roose's evidence to the extent that he identifies the religious content of the Trains' beliefs. They held a religious conviction that end times were imminent and their actions on 12 December 2022 were driven by that belief. However, this was not the extent of their delusional belief system. I consider that, rather than being motivated by religious beliefs shared by others in the community (however overvalued they were by the Trains), the actions of each of Gareth, Stacey and Nathaniel were explicable by their shared and idiosyncratic psychotic disorders.
1055. Having regard to the evidence of the expert psychiatrists, I am unable to accept Associate Professor Roose's opinion that Gareth, Stacey and Nathaniel caused the deaths of Constables Arnold and McCrow and Mr Dare with the intention of coercing or influencing by intimidation the Queensland Government through members of the QPS into action in advance of a cause. That is so because they did not act proactively, by engaging with QPS officers externally to their property.
1056. Rather, I consider they were acting defensively within their delusional framework to defend themselves and their property from what they regarded was an evil advance on them. In the months before 12 December 2022, they had been seeking to dissuade police engagement with them on their property, just as they took detailed steps to fortify their property against such engagement and waited to ambush any police who crossed their boundary.

1057. Associate Professor Roose is not a psychiatrist and his evidence did not take account of the expert psychiatric evidence of the Shared Delusional Disorder suffered by the Trains at the time of the events of 12 December 2022.
1058. For these reasons, I accept the submission that it is not possible to conclude that Gareth, Stacey and Nathaniel committed a terrorist act within the meaning of the definition in section 100.1 of the *Criminal Code Act 1995* (Cth).
1059. Gareth, Stacey and Nathaniel truly (but wrongly) believed that they were being attacked and were required to defend themselves against that attack. They believed war had reached their gates and they had to defend themselves against the evil attackers in accordance with God's will and, in that way, reach their own salvation. They wrongly believed they needed to die, rather than be apprehended, and so not only engaged in fatal violence against Constables Arnold and McCrow, and Mr Dare (who they also wrongly believed was part of the attack on them) but engaged in victim-precipitated homicide conduct which made their deaths inevitable.
1060. The Trains' beliefs, though wrong, meant that they posed an extreme risk of danger to any police officer or other authority figure who might have attended their property.
1061. I accept the Commissioner of the QPS' submission that the definition of "terrorist act" in the Commonwealth Criminal Code, which was inserted in 2002, was designed to respond to large, well planned and well financed activities. I agree that the definition is unhelpfully narrow and may not reflect the current security landscape. As the definition is currently being reviewed by the Independent National Security Legislation Monitor it is not necessary for me to comment any further.⁸⁴
1062. It is important to note that the conclusion, in this instance, that the perpetrators of the violence against Constable Arnold, Constable McCrow and Mr Dare were psychotic should not detract from the value of disciplines other than psychiatry in understanding and assessing the risk of violence by those who hold conspiracy theory beliefs.

⁸⁴ <https://www.inslm.gov.au/reviews/defining-terrorism-review-definition-terrorist-act-section-1001-criminal-code-act-1995>

1063. Associate Professor Roose's detailed analysis of Gareth Train's spiralling obsession with conspiracy theories and dispensational premillennialism complements the expert psychiatric evidence about the onset of Gareth's pathological delusional disorder, which was ultimately shared by Stacey and Nathaniel.
1064. As Professor Pathé noted, the Trains ongoing engagement in a conspiratorial subculture served to reinforce their erroneous and false views. The early identification of that type of engagement provides an opportunity to prevent the escalation of risk and to assess risk in similar circumstances. Professor Pathé also noted that Fixated Threat Assessment Centres need ready access to subject matter experts such as Associate Professor Roose in more complex cases.

Fixated Threat Assessment Centres

1065. Professor Pathé gave evidence about the Queensland Fixated Threat Assessment Centre (**QFTAC**) and its role in identifying people who might pose a threat of fatal violence. QFTAC is staffed by QPS intelligence officers and senior mental health clinicians from the Queensland Forensic Mental Health Service who are co-located in the QPS Headquarters in Brisbane. She explained:

FTACs identify communications and other behaviours that are empirically associated with a risk of progressing to violence and draw upon collective information to assess and mitigate risk. Rather than attempting the impossible task of predicting which individual will proceed to attack, the focus of FTACs is on prevention of harmful outcomes, often through the facilitation of mental health care and social interventions, given the substantial levels of undiagnosed mental disorder and associated vulnerabilities in this population.

1066. QFTAC has referral criteria which includes the known or suspected presence of a mental disorder, including Shared Delusional Disorders. Referred cases are triaged by a police officer and a clinician using a threat assessment tool and an individually tailored risk management plan is developed. Such a plan may involve liaising with mental health services, facilitating treatment, mobilising social supports, multi-agency case conferencing and police interventions.

1067. Professor Pathé was “moderately confident” that, if the Trains been referred to QFTAC, they would have met the referral threshold. Mental health intervention would have been warranted and necessary to risk management planning in relation to them, which would have included linking to relevant mental health services. While there is no guarantee that the tragic events of 12 December 2022 could have been avoided, involvement of an entity such as QFTAC would have provided a better prospect of risk mitigation.
1068. Professor Pathé considers that treatment and management would likely have involved separating the Trains and, in Gareth’s case, might have resulted in an extended, involuntary period of hospitalisation. In the case of Stacey and Nathaniel, treatment might have involved anti-psychotic medication or psychological approaches with appropriate social supports.
1069. The events of 12 December 2022 were not a consequence of a systems failure, because the Trains were not known to, or under the care of, a mental health facility or health professional in the lead up to that day. Neither had the extent of their bizarre and conspiratorial thinking been identified by any public agency, although awareness of a body such as QFTAC among frontline officials and colleagues of the Trains may have prompted a referral. Having regard to its current operating model, I accept that there was no scope for the involvement of QFTAC in their case.
1070. Nonetheless, Professor Pathé’s review of the matter has highlighted the importance of the availability of appropriate treatment and management of people with a mental illness and, specifically, those with Delusional Disorders. Left untreated, Professor Pathé explained, people with Delusional Disorders will destroy their lives and, frequently, the lives of those around them.
1071. Professor Pathé observed that, while Delusional Disorder is considered to be a relatively uncommon psychiatric condition, that may be, in part, because the mental health profession in general has less experience with Delusional Disorders relative to other psychotic illnesses because sufferers are less likely to present to mental health services. Unlike sufferers of other conditions, such persons may tend to present rationally and thereby be difficult to diagnose. Nonetheless, Professor Pathé explained that 16% of referrals to the QFTAC received this diagnosis, and predominantly the persecutory type.

1072. In Dr Pathé's opinion, by building on and better resourcing QFTAC's existing behavioural threat assessment and management arrangements, the capacity to prevent similar scenarios to what occurred on 12 December 2022 would be greatly enhanced. Such improved resourcing is important in light of the rise of profoundly alienated and grievance-fuelled individuals in Australia's current economic and political climate. She explained the utility of enhanced funding for QFTAC in this way:

Experience and data from FTACs have demonstrated the substantial numbers of mentally ill people in the community who have fallen through the mental healthcare net; individuals unknown to the mental health system who present to other agencies including police, occasionally through tragic incidents like Wieambilla. Consideration should be given to utilising less conventional frontline mental health services (police) as 'trip wires'. That is, flagging cases who have previously come to the attention of FTACs or have engaged in serious violence and required involuntary hospitalisation, in the police intelligence database. While there is an obvious need to balance privacy concerns and the public interest, the flagging protocol already employed in a limited form by some FTACs has proved effective in alerting frontline workers for their own protection, and re-engaging unwell individuals in treatment at an earlier stage before they cross any criminal threshold.

1073. I have recommended that the Queensland Government give consideration to increased funding for QFTAC to support its capacity to identify, and intervene in, appropriate cases, to assist individuals referred to it and consequently improve public safety.

1074. I have also recommended that the Queensland Government give consideration to the provision of funding to increase awareness of QFTAC among frontline workers in law enforcement, health, justice and other agencies that encounter fixated and grievance-fuelled individuals. My recommendations in this regard are outlined at the conclusion of these findings.

INQUEST ISSUE 8

Consideration of whether anything was known to the authorities that would have indicated a risk that Gareth, Stacey and Nathaniel would act in the way they did on 12 December 2022, including the QPS response to firearm related calls for service and investigations in the vicinity of the Wains Road property prior to 12 December 2022.

1075. For the reasons that follow, I have concluded that no government or other authority had information which would have indicated a risk that the Trains would act in the way they did on 12 December 2022.
1076. As at 12 December 2022, Gareth had a minor criminal history from some 20 years earlier. It related to an unrecorded conviction for an offence of unlawful possession of a weapon when he was 19 years of age. There had not been any further convictions in the intervening years. Stacey and Nathaniel had no criminal history at all.
1077. The offences for which Nathaniel's arrest warrant was issued in August 2022 were relatively minor offences. They did not involve threatened or actual violence against any person.
1078. In her evidence, Deputy Commissioner Scanlon explained that the QPS has a robust intelligence capability. It receives information from many channels, including Crime Stoppers, the National Security Hotline, intelligence submissions, members of the public, other agencies and a range of overt and covert mechanisms. As at 12 December 2022, the QPS held no intelligence holdings which indicated the Trains posed a risk to the public. At paragraphs [41] and [42] of her statement, Deputy Commissioner Scanlon explained:

I am aware of all of the intelligence or information available on QPRIME and the National Criminal Intelligence System (NCIS) at the time of the incident. In respect of Nathaniel Train, other than the arrest warrant, he had no recorded criminal history and, no flags or other intelligence reports against his name in any jurisdiction. In respect of Gareth Train, other than an unrecorded conviction for unlawful possession of a weapon when he was 19 years of age, he had no recorded criminal history, no flags or other intelligence reports against his name, or any other recorded dealings with police, in any jurisdiction. In respect of Stacey Train, she had no recorded criminal history, no flags or other intelligence reports against her name, or any other recorded dealings with police, in any jurisdiction.

There were no intelligence holdings at that time in the possession of the QPS which would have identified Nathaniel, Gareth or Stacey Train as a significant danger to police or the community.

1079. Similarly, the NSW Police Force holdings did not reveal any significant concerns about them.
1080. They had not been identified by any medical facility or other authority as suffering from any relevant medical, psychiatric or psychological issues. There was no other authority that had information that the Trains would act in the way they did on 12 December 2022. Indeed, before 12 December 2022, at least Nathaniel and Stacey were known to have been school teachers with good reputations in the community.

The four emails provided to the NSW Police Force on 12 December 2022

1081. Having considered the four emails provided by Ms Brown to the NSW Police Force on 12 December 2022, I am unable to find that those emails can be said to have provided the NSW Police Force with information that would have indicated a risk that the Trains would act in the way they did on that day.
1082. The emails from Gareth can properly be characterised as being aggressive and paranoid in tone. They conveyed a dislike of police and an aversion to Nathaniel being reported to police as a missing person. However, I do not consider the content of the emails can be said to contain information sufficient to have put the NSW Police Force on notice that the Trains would act in the way they did on 12 December 2022.
1083. I accept that, had the emails been provided to the QPS, the response to the request for assistance from New South Wales might have been different. With the benefit of hindsight, it would have been better if the content of those emails was made known to Queensland police before their attendance at 251 Wains Road.
1084. However, I accept that it is only with knowledge of the events which did in fact occur on 12 December 2022 that one can read into any of those emails a risk that the Trains would act in the way they did. In advance of what actually occurred, the emails were not sufficient to indicate such a risk.

1085. The emails included the following statements by Gareth:
- a. *“I am sure when the bully men find Nathaniel he will greet them as they deserve.”* and
 - b. *“If trouble arrives on my door step it will be dealt with forthwith, as it always has.”*
1086. While these statements are aggressive in tone, the first statement that, if Nathaniel were located, he would greet police *“as they deserve”* is vague. It does not amount to information which indicated a risk that the Trains would act in the way they did.
1087. The second statement is similarly vague. What Gareth meant by *“trouble”* arriving on his doorstep is unclear. If the reference to *“trouble”* was read as a reference to police attendance at his house, the remainder of the statement is similarly vague, particularly as Gareth did not have a history of violent or aggressive interactions with police.
1088. The sentence preceding the second statement reads, *“When you were 5 years old a former Son of God Sgt QPS on duty with his drunk brother came to my door attempting to enter the house and scold you [Aidan] and Maddy, they were dealt with as they deserved.”* Whatever that interaction was, if it occurred at all, it must have been relatively minor because Gareth did not have a criminal history which reflected any unlawful interactions with police officers.
1089. One possible interpretation of the emails is that Gareth or Nathaniel would show hostilities towards any police officers who approached them or attended the property. However, police officers routinely engage with members of the public who are distrustful of police, dislike police or are hostile to police. I do not consider the emails contained information that indicated a risk that the Trains would act in the unprecedented and extremely violent way they did when police attended the Wains Road property on 12 December 2022.

Shots fired reports in the Wieambilla area prior to 12 December 2022

1090. Wieambilla is a rural area where many residents live on large blocks and carry out lawful shooting activities on their properties. It is common for those shooting activities to be heard by neighbours. From time to time, reports are made to police when shots can be heard which cause concern to persons who then report those shots to police for investigation.

1091. After the events of 12 December 2022, the QPS investigated the shots fired reports that had been made in the five-kilometre area around 251 Wains Road in the 12 months before 12 December 2022.
1092. That investigation was conducted by Detective Acting Inspector Baxter. There had been eight shots fired reports made in that period. They were made by three people, between 7 April and 2 December 2022.
1093. Detective Acting Inspector Baxter gave evidence of the police response to each of the shots fired reports. At the time of the reports, there was no information that pointed, strongly or at all, to the shots having been fired by the Trains.
1094. There were eight shots fired reports, on six different dates, in the 12 months prior to 12 December 2022. The first seven reports were made by Shaun or Julia Linaker on 7 April, 30 April, 2 July, 7 July and 4 September 2022. The Linakers lived on a property to the west of the 251 Wains Road property. There was a vacant property between the two properties. The final report was made by Keven Gill on 2 December 2022. Mr Gill lived about three kilometres from the property.
1095. The first shots fired report was made on 7 April 2022. On that day, Mr Linaker reported hearing 10 shots in the previous 10 minutes and seeing a male person carrying a rifle on his shoulder walking around his back dam. The call for service was recorded on LCAD at about 4:45pm. It was assigned a priority three and recorded as job codes 303 (shots fired) and 142 (trespasser).
1096. Police contacted Mr Linaker that evening at which time Mr Linaker reported that he thought one of his cows was missing but he had not heard any shots since 7:00pm and did not believe police were required to attend at his property that night.
1097. The next day, 8 April 2022, Mr Linaker called police and reported that two of his cattle were missing. He then attended the Chinchilla Police Station where he made a report in relation to the missing cattle and provided a description of the man he had seen on his property the previous day. On 26 April 2022, police made neighbourhood enquiries. One neighbour had not heard any shots, another was not home and the third property attended by the police was a vacant property.

1098. On 15 August 2022, police again spoke with Mr Linaker about his missing cattle. Mr Linaker informed police that he suspected he knew who had shot his missing cattle (and named a person unrelated to the Trains). On 14 September 2022, police again took up with the Linakers and spoke with a potential witness (again, not the Trains). On 1 December 2022, with no witnesses or suspects having been identified, the matter was filed pending further investigation.
1099. After the events of 12 December 2022, Mr Linaker was interviewed by police. At that time, he told police that he had previously seen a man with a rifle on his property walking towards the Trains' property. He also told police that, sometime after 7 April 2022, he found one of his cattle's ear tags on the fence line adjoining the Trains' property. On the afternoon of 11 December 2022, he had heard continuous shooting over a period of about three hours from the direction of the Trains' property. He said that it was common to hear gunshots from his property, but in the six months prior to December 2022, he was hearing them more frequently and he had heard them every couple of days in the lead up to December 2022. This information was not available to police until after 12 December 2022.
1100. The second shots fired report was made on 30 April 2022. On that day, Mrs Linaker made a call for service which was recorded in LCAD at 8:05am. The job was assigned a priority three and recorded as job code 303 (shots fired). Mrs Linaker reported hearing six gunshots that morning, and another while she was on the phone to police. She reported that the sound had come from an easterly direction, but she had not seen anyone at the time she heard the shots. She reported that cattle had recently been stolen from her property, and they had recently had a trespasser. She wanted police to take up with her to discuss the issue.
1101. A police officer attended and took up with Mrs Linaker early that afternoon. He conducted patrols of the area but did not hear any shots or locate any relevant persons or vehicles. Mrs Linaker was not able to provide any further information as to the potential identity of the shooter and there was no suggestion the shooter had been firing towards the house. The police officer finalised the job. He did not record it as a street check because, having worked in the area for nearly three decades, he considered the sort of incident Mrs Linaker had described was not unusual – that is, it was common to hear five to seven shots on rural properties in the area.

1102. The third shots fired report was made on 2 July 2022. On that day, Mr Linaker made a call for service which was assigned a priority three and recorded as job code 303 (shots fired) at about 3.43pm. He reported that he had heard four or five shots from what sounded like a large firearm since 3.30pm but was unsure which address the shots were coming from. He also reported that his bull had been shot a week ago and he had located it that morning.
1103. Police attended the Linaker property about 4:30pm. They conducted patrols in the area but did not hear or see anything untoward.
1104. The fourth shots fired report was made on 4 July 2022. On that day, Mr Linaker attended a police station and reported his bull having been shot by a small calibre bullet. He told police he suspected he knew who the shooter was and identified that person to police (it was not one of the Trains). Mr Linaker did not want to make a complaint. The attendance was recorded as a street check. There was a follow up call from Mr Linaker on 3 August 2022 in which he advised there was another suspect for the bull shooting and identified a second person to police (also not one of the Trains). He still did not wish to make a complaint at that time.
1105. The fifth, sixth and seventh shots fired reports were made on 4 September 2022. On that day, the Linakers made three shots fired reports by telephone. The first was assigned a priority three and recorded as job code 303 (shots fired) and entered on the LCAD system at 7:52pm. In that call, Mrs Linaker reported that someone was shooting in her front paddock. She had heard three shots over a five minute period, but had not seen any vehicles or lights. Police attended at about 9pm and patrolled the area but did not locate any person or vehicle that might have been involved in the shooting.
1106. Two further calls were made and entered at 9:35pm. In those calls, Mr Linaker reported that eight further shots had been heard since police attended. The shots sounded like they were getting closer. It sounded as though one firearm was more powerful than the other. It sounded like the shots were coming from a neighbour's property to the west (the opposite direction to the Trains' property).
1107. Within a short time, police again attended at the location and conducted patrols with no persons or vehicles being found.

1108. The eighth shots fired report was made on 2 December 2022. This report was made by Mr Gill, who lived at Mary Road, Wieambilla. He made a call for service which was assigned a priority three and recorded as job code 303 (shots fired) in the LCAD system at 6:34pm.
1109. He reported that someone had fired a shot at his dog when he and his dog were near a shed on his property. The shot did not hit either of them. He did not see or hear any vehicles at the time. The incident had occurred earlier in the afternoon, around 4pm or 5pm.
1110. Two police officers from Chinchilla Police Station attended his property in vests at about 7:00pm. Police confirmed that Mr Gill had not seen the shooter or a vehicle, there was no surveillance footage and no other evidence in respect of the matter. He had previously seen a silver Nissan Navara dual cab ute with an aluminium tray and a dog box on the back in the area, but he had not seen it in connection with the shooting that afternoon. Given the incident had occurred much earlier, the police officers did not conduct patrols, but they did intend to record the incident as a street check. However, the job was not entered in the LCAD system, because the police officer who was going to enter it as a street check did not have reception at the location and forgot to do it on her return to the station.
1111. I accept that the shots fired reports described above, and the police responses to them, did not reveal information which indicated that, on any one or more of the occasions, the shots were likely to have been fired by one of the Trains. Despite their attendances following the shots fired reports, the police did not have any reliable information as to the identity of the shooter or shooters (except Mr Linaker's suspicions that the shooter was someone other than the Trains).
1112. I am unable to conclude that the information available to the police amounted to information which suggested the Trains were involved in any of the shots fired incidents. I am unable to find that, had the police officers who responded to the shots fired reports undertaken any different or more comprehensive investigations into those reports, those investigations would have found that the Trains were the shooters on any or more of the occasions which resulted in shots fired reports. There is no basis to conclude, even in hindsight, that the evidence is sufficient to demonstrate any of the Trains were the shooters involved in the eight shots fired reports.

1113. In reaching this conclusion, I have had regard to the fact that sounds of shots fired were common in the general area; that the Linakers suspected persons other than the Trains and, on some occasions, described shots coming from the opposite direction to the Trains' property and the evidence of Mrs Dare and Mr Lewis that they had not heard shots coming from the direction of the Trains' property prior to 12 December 2022. Mr Linaker gave a description of having heard shots from the Trains' property in the months prior to December 2022 to police after the events of 12 December 2022. I note, however, that this version of events differs markedly to the information he provided to police in the many interactions with police in that period.
1114. It follows that I do not consider that the information gathered by police in response to the shots fired reports amounted to information known to the QPS that would indicate the Trains were likely to act in the way they did on 12 December 2022.
1115. In the course of exploring this topic, I reviewed material and heard evidence that suggested some of the police responses to the shots fired reports had not been as comprehensive as they might have been. The adequacy of those reviews has been the subject of a separate, internal QPS review. My interest in the police responses to those shots fired reports is limited to what police actually knew as a result of those investigations about the risk the Trains posed to the community prior to 12 December 2022. I am unable to find the QPS knew anything about the Trains – as a result of the responses to the shots fired reports – that would suggest they posed a safety risk to the community.
1116. However, I note that on 28 February 2024, Deputy Commissioner Scanlon disseminated a shots fired policy, the Region and Command Instruction, 'Response to Firearm Related Calls for Service' to promote consistent and comprehensive police responses to such calls for assistance. That Instruction is contained in chapter 1.6.5 of the QPS Operational Procedures Manual. It provides that shots fired reports must be recorded on service systems, investigated at the first opportunity and escalated through the chain of command. It provides that all firearm related offences and intelligence are to be collated and reviewed at a district level daily. I do not consider there needs to be a recommendation to review this procedure. This inquest did not hear any evidence that the Instruction is not being followed or is inapt to encourage consistent and comprehensive responses to shots fired reports.

FINDINGS REQUIRED BY S 45

1117. I am required to find, as far as possible, the medical cause of the deaths, who the deceased persons were and when, where and how they came by their deaths. As a result of considering all the evidence, including the autopsy reports and identification evidence, I make the following findings:

Matthew Arnold

Identity of the deceased - Matthew Joseph Arnold

How he died - Constable Matthew Arnold died after he was shot in the chest while attending a missing persons enquiry at 251 Wains Road, Wieambilla on the afternoon of 12 December 2022.

Constable Arnold, along with three other Queensland Police Service Constables from Chinchilla and Tara Police Stations, met at the Wains Road property at approximately 4:35pm. All four officers entered the property by climbing the locked front gate and began walking up a long driveway while talking among themselves. At 4:37pm, less than two minutes after arriving at the property and, without any warning, Constable Arnold was shot once in the chest by Nathaniel Train and killed instantly.

Nathaniel Train shot Constable Arnold using a high powered 30-06 Tikka Rifle from a hidden shooting position in a purpose built hide 185 metres from the front of the property and just under 70 metres from where Constable Arnold was standing when he was killed.

Nathaniel Train had an undiagnosed and untreated psychotic illness, a shared delusional disorder, when he killed Constable Arnold.

Place of death - 251 Wains Road, Wieambilla

Date of death - 12 December 2022

Cause of death - Single gunshot wound to the chest.

Rachel McCrow

Identity of the deceased - Rachel Clare McCrow

How she died - Constable Rachel McCrow died after she was shot in the head while attending a missing persons enquiry at 251 Wains Road, Wieambilla on the afternoon of 12 December 2022.

Constable McCrow, along with three other Queensland Police Service Constables from Chinchilla and Tara Police Stations, met at the Wains Road property at approximately 4:35pm. All four officers entered the property by climbing the locked front gate and began walking up a long driveway while talking among themselves. At 4:37pm, less than two minutes after arriving at the property, and without any warning, Constable Arnold was shot. Moments later, Constable McCrow was shot through her left shoulder and across the middle of her back. It is possible that Nathaniel Train fired this initial non-fatal shot, using his 30-06 Tikka Rifle from a hidden shooting position in a purpose built hide.

Around two minutes later, Constable McCrow was shot a further two times: first in the lower right leg and then in the upper left leg. It is likely that Gareth Train fired one or more of these non-fatal shots using his 308 Ruger Rifle.

At around 4:45pm, Gareth Train began to approach Constable McCrow. Constable McCrow fired off the full 15 rounds in the magazine of her police issued Glock as he came towards her. At 4:46pm, after a brief verbal exchange between Constable McCrow and Gareth Train in which Constable McCrow pleaded for her life, Gareth Train killed Constable McCrow by shooting her in the head from close range, using the 308 Ruger rifle.

Gareth Train had an undiagnosed and untreated psychotic illness, a shared delusional disorder, when he killed Constable McCrow.

Place of death - 251 Wains Road, Wieambilla

Date of death - 12 December 2022

Cause of death - Gunshot wound to the head.

Alan Dare

Identity of the deceased - Alan Thomas Brendon Dare

How he died - Alan Dare died after he was shot in the chest while standing out the front of the property at 251 Wains Road, Wieambilla shortly before 5:30pm on the afternoon of 12 December 2022.

Alan Dare, who lived across the road from the property at 251 Wains Road, Wieambilla attended the front of the property along with another neighbour, just before 5:30pm on 12 December 2022, in order to investigate fires that were burning there. While standing out the front of the property, Mr Dare was shot in the chest and killed, without any warning.

Mr Dare was killed by either Nathaniel Train or Gareth Train, both of whom had an undiagnosed and untreated psychotic illness, a shared delusional disorder, at the time of Mr Dare's death. It is not possible to determine which of the two men fired the fatal shot.

Place of death - 251 Wains Road, Wieambilla

Date of death - 12 December 2022

Cause of death - Gunshot wound to the chest.

Gareth Train

Identity of the deceased - Gareth Train

How he died - Following the shootings of Constables Arnold and McCrow and Mr Dare at, or in the vicinity of, 251 Wains Road, Wieambilla, on the afternoon of 12 December 2022, a Queensland Police Service critical incident commenced. As part of the police response, the Special Emergency Response Team arrived at the Wains Road property at around 7:40pm.

Gareth, Stacey and Nathaniel Train were involved in a protracted shoot out with SERT operatives in the vicinity of the dwelling on the Wains Road property. Gareth, Stacey and Nathaniel Train each had an undiagnosed and untreated psychotic illness – a shared delusional disorder.

They continued to shoot at the responding SERT operatives during the course of the engagement. Gareth Train was fatally shot by SERT operatives at around 10:32pm and died shortly afterwards.

Place of death - 251 Wains Road, Wieambilla

Date of death - 12 December 2022

Cause of death - Gunshot wound to the head.

Stacey Train

Identity of the deceased - Stacey Train

How she died - Following the shootings of Constable Arnold, Constable McCrow and Mr Dare at, or in the vicinity of, 251 Wains Road, Wieambilla, on the afternoon of 12 December 2022 a Queensland Police Service critical incident commenced. As part of the police response, the Special Emergency Response Team arrived at the Wains Road property at around 7:40pm.

Gareth, Stacey and Nathaniel Train were involved in a protracted shoot out with SERT operatives in the vicinity of the dwelling on the Wains Road property.

Gareth, Stacey and Nathaniel Train each had an undiagnosed and untreated psychotic illness - a shared delusional disorder.

They continued to shoot at the responding SERT operatives during the course of the engagement. Stacey Train died at around 10:36pm after being fatally shot by SERT operatives.

Place of death - 251 Wains Road, Wieambilla

Date of death - 12 December 2022

Cause of death - Gunshot wound to the head.

Nathaniel Train

Identity of the deceased - Nathaniel Train

How he died - Following the shootings of Constables Arnold and McCrow and Mr Dare at, or in the vicinity of, 251 Wains Road, Wieambilla, on the afternoon of 12 December 2022 a Queensland Police Service critical incident commenced. As part of the police response, the Special Emergency Response Team arrived at the Wains Road property at around 7:40pm.

Gareth, Stacey and Nathaniel Train were involved in a protracted shoot out with SERT operatives in the vicinity of the dwelling on the Wains Road property.

Gareth, Stacey and Nathaniel Train each had an undiagnosed and untreated psychotic illness - a shared delusional disorder.

They continued to shoot at the responding SERT operatives during the course of the engagement. Nathaniel Train was fatally shot by SERT operatives at around 10:39pm and died shortly afterwards.

Place of death - 251 Wains Road, Wieambilla

Date of death - 12 December 2022

Cause of death - Gunshot wound to the head and torso.

INQUEST ISSUE 9

Whether any changes to procedures or policies could reduce the likelihood of deaths occurring in similar circumstances or otherwise contribute to public health and safety.

1118. In appropriate cases, a coroner can comment on anything connected with a death investigated at an inquest that relates to the administration of justice, public health or safety or ways to prevent deaths from happening in similar circumstances in the future. The power to make recommendations should be construed liberally. As Muir J confirmed in *Doomadgee v Clements*:⁸⁵

The expressions “connected with” and “relates to” are of wide import and connote a connection or relationship between one thing and another. The closeness of the connection or relationship is to be “ascertained by reference to the nature and purpose of the provision in question and the context in which it appears”. The expressions are “capable of including matters occurring prior to as well as subsequent to or consequent upon” as long as a relevant relationship exists.

The purpose of s 46(1)(c) is self-explanatory. The purpose of the other two paragraphs of the subsection is to empower the Coroner to address the topics specified in them with a view to exposing some failing, deficiency or wrong and/or suggesting measures which may be implemented for the public benefit.

1119. I have considered the submissions of Counsel Assisting and all interested parties in relation to possible comments under section 46 of the Coroners Act in the context of the evidence provided during the inquest and my conclusions on the inquest issues.

1120. In the course of these findings, I have considered certain recommendations proposed by various parties which I have declined to make. Those submissions and my reasons for not making the recommendations are not duplicated here. What follows are the recommendations I make.

1121. Whether the coronial recommendations will be implemented is entirely a matter for the Queensland Government, which prepares a response to each recommendation directed to the Government within six months. The response outlines whether and how the Government plans to implement the recommendations or the reasons for not doing so.

⁸⁵ [2006] 2 Qd R 352.

1122. I acknowledge that the QPS has appropriately and proactively conducted an assessment of the issues arising from this incident as part of internal review processes and in partnership with other law enforcement agencies across Australia. The QPS Commissioner's submission noted that the QPS has already implemented changes, some of which have addressed several of the proposed recommendations. These include:

- (a) implementation of a new Region and Command Instruction 'Response to Firearm Related Calls for Service' which has subsequently been converted to chapter 1.6.5 of the OPM;
- (b) introduction of additional training for officers in respect of their obligations to enter intelligence information into QPS databases;
- (c) creation of two new full time family liaison officer roles;
- (d) development of front line police counter-ambush training;
- (e) improved access to the radio master list;
- (f) continuation of work towards radio blackspot reduction;
- (g) implementation of a standardised induction template;
- (h) significant increases to staffing in the South-West District, including adding a Tactical Crime Squad;
- (i) issuing of 7,514 ILBVs with 4,686 more vests to follow;
- (j) provision of Body Worn 3 cameras to all operational police (except a small subset of traffic officers) and training on the cameras' capabilities;
- (k) undertaking a comprehensive wellbeing response to the events at Wieambilla, including deploying additional external mental health providers and psycho-education and training sessions;
- (l) implementation of additional wellbeing services during the inquest; and
- (m) establishment of a working party with an external expert and a QPS member with significant critical incident experience to review the Guidelines for Psychological First Aid.

Missing Persons Unit

1123. In the course of evidence in respect of inquest issue 1, Senior Sergeant Gorrie referred to the intelligence limitations within the QPS Missing Persons Unit and the desirability of that unit having a full time intelligence resource.
1124. Counsel Assisting submitted that it would be appropriate to recommend that the Commissioner of Police review the resourcing structure of the QPS Missing Persons Unit to consider whether the addition of a full time intelligence resource would improve the capacity of that unit.
1125. The QPS Commissioner submitted that the QPS planned to undertake a review of the State Intelligence Group in 2025 to consider whether any additional resources were required and, specifically, whether there is a need for a full time intelligence officer in the Missing Persons Unit.
1126. I have been advised that the Missing Persons Unit continues to rely on the intelligence resources allocated to the Homicide Investigation Unit.

Recommendation 1

I recommend that, in the course of its review of the State Intelligence Group, the QPS consider the resourcing required for the Missing Persons Unit, including whether there is a need for a full time intelligence officer in the Missing Persons Unit.

Gun control

1127. In the course of the inquest, issues of gun control were raised. My findings in relation to inquest issues 3 and 4 demonstrate that at least some of the firearms used in the events of 12 December 2022 were lawfully obtained, and the ammunition was unlikely to have been unlawfully obtained. Further, it is clear that Nathaniel, a weapons licence holder, was suffering from a significant mental illness in the lead up to the events of 12 December 2022.
1128. Counsel Assisting submitted that it would be appropriate to recommend that the Queensland Government consider the introduction of mandatory mental health assessments for weapons licence applicants.
1129. The QPS Commissioner submitted that a requirement for mental health assessments for weapons licence holders was not opposed in principle by the QPS. However, the Commissioner raised practical issues about the feasibility of making such a recommendation at this time, particularly without there being extensive consultation with appropriate stakeholders on the issue.

1130. I note that NSW and Western Australia have both introduced amendments directed at assessing a person's suitability to possess and use firearms. The assessment process includes medical history, the severity of any conditions, and whether the applicant has a history of suicidal ideation or violence.

Recommendation 2

I recommend that the Queensland Government undertake a review to consider the feasibility of the introduction of mandatory mental health assessments for weapons licence applicants.

1131. The Arnold and McCrow families, and the Dare family, submitted that the Queensland Government should support the progression and development of a national firearms register including in relation to the purchase of ammunition by individuals with specific categories of firearms registered to their licence.
1132. Having regard to the evidence of Deputy Commissioner Scanlon that the Australian Government has commenced the implementation of a national firearms register which is expected to be operational by mid-2028, a recommendation to that effect is not necessary.

Triple 0 Call Operator Procedures and Training

1133. In my findings in relation to inquest issue 4, reference was made to the triple 0 call operator's observation of the "police in trouble" alert during her telephone call with Mrs Dare. Her reluctance to click into that job raises questions about the QPS policy for triple 0 call operators accessing such alerts, and the training in relation to the implementation of the policy.
1134. Counsel Assisting submitted that it would be appropriate to recommend that the QPS review its policy about whether, and in what circumstances, Triple 0 call operators can and should access jobs located nearby a matter about which they are taking a report, and give consideration to whether, following that review, it would be appropriate for there to be further training provided to Triple 0 call operators about that policy.
1135. The QPS Commissioner, the triple 0 call operator and the Dare family supported this proposed recommendation. The Dare family also submitted that any review should also include consideration of the frequency of the training provided to triple 0 call operators. This proposal was supported by the QPS Commissioner.

Recommendation 3

I recommend that the QPS review its policies about whether, and in what circumstances, triple 0 call operators can and should access jobs located nearby to a matter about which they are taking a report, and give consideration to whether, following that review, it would be appropriate for there to be further and/or more regular training provided to triple 0 call operators about that policy.

Recommendation 4

I recommend that the QPS review the frequency of the training provided to Triple 0 call operators, including training associated with the nature of the role and its responsibilities.

1136. In my findings in relation to inquest issue 5, reference was made to the evidence that the Triple 0 call operator who assisted Constable Brough appeared to have not been adequately supported, having regard to the duration and complexity of that call.
1137. Counsel Assisting submitted that I recommend that the QPS Commissioner should review QPS procedures to ensure that there is provision for appropriate supervision and guidance from sworn officers for civilian call takers, particularly during critical incidents or lengthy calls. The QPS Commissioner supported this recommendation.

Recommendation 5

I recommend that the QPS Commissioner review QPS procedures to ensure that there is provision for appropriate supervision and guidance from sworn officers for civilian call takers, particularly during critical incidents or lengthy calls.

Remote Piloted Aircraft System

1138. In my findings in relation to inquest issue 5, reference was made to Mr Dabinett's recommendation that the QPS review its policies to determine if an expansion of its remote piloted aircraft system assets into relevant remote and rural locations is feasible.
1139. Counsel Assisting supported this recommendation. The Dare family also supported a recommendation for a review of current RPAS capability and policies.
1140. The QPS Commissioner submitted that a recommendation is not necessary because of the extensive work that the QPS is already undertaking in respect of the development and expansion of RPAS assets.

1141. In particular, Deputy Commissioner Scanlon explained that, in 2023, the QPS developed a 'RPAS Strategic Roadmap' to provide a framework for the expansion of RPAS assets over the next 12 years. In 2023, the QPS conducted a successful 12 month trial of two new high-tech RPAS for use in Cairns and Townsville. Expansion of that capability to Mackay and Rockhampton was expected to occur by the second quarter of 2025.
1142. The Arnold and McCrow families supported Counsel Assisting's submission and submitted that the State Government should consider funding for the QPS to purchase RPAS assets which may be available at police stations. It was also submitted that the QPS should consider its policies as to when RPAS may be used, particularly in circumstances where officers are unable to observe or view a dwelling or property prior to entry.
1143. The QPS Commissioner submitted that, while the QPS is committed to continuing to develop its RPAS capabilities, a recommendation to this effect would be premature. The Commissioner also submitted that the QPS is already exploring the remote deployment of drones that might be stored in rural stations or vehicles.
1144. I accept the submission of the Arnold and McCrow families that drones may also be useful in investigating shots fired reports and most importantly, would provide greater situational awareness as to the layout of rural properties or location of any objects, buildings or persons of interest. This would undoubtedly enhance officers' risk assessment in isolated locations.

Recommendation 6

I recommend that the QPS Commissioner prioritise a review of its current remote piloted aircraft system capability and policies to determine if an expansion of assets into remote and rural locations throughout Queensland is feasible.

Aerial support for SERT

1145. In my findings in relation to inquest issue 6, reference was made to the evidence given by SERT leadership about the lack of aerial support that was available to SERT operatives responding to the incident at Wieambilla on 12 December 2022.
1146. I accept the evidence given by the SERT Commander concerning the way in which dedicated aerial support may have assisted the SERT response both in terms of efficient air transport to the remote location and aerial fire support throughout the confrontation, as well as the way such aerial support may be utilised by SERT in other types of critical

incidents. I also accept the Commander's evidence that all other Australian states either currently possess this type of aerial capability or are in negotiations with service providers to establish it.

1147. Counsel Assisting submitted that it would be appropriate to recommend that the Commissioner of the QPS conduct a review of the existing limitations of aerial fire support and available solutions with a view to developing a necessary budget submission. This submission was adopted or supported by a number of the interested parties including the Arnold and McCrow families, the QPS sworn officers, Superintendent Partridge, Detective Inspector Watts, Inspector Rasmussen, and the Queensland Police Union of Employees.
1148. The QPS Commissioner agreed that it was important for the QPS to conduct the proposed review. However, the Commissioner submitted a recommendation was not necessary on the basis that the QPS had already taken steps to progress this matter.
1149. However, Deputy Commissioner Scanlan's evidence on the steps that have been taken to progress the matter did not go as far as indicating that the proposed formal review had been commenced or even committed to.
1150. Instead, Deputy Commissioner Scanlan's evidence in this regard was limited to an indication that the issue of helicopter capability had been raised with the Commissioner and that "those matters will be further examined by the service and discussions with government."

Recommendation 7

I recommend that the QPS Commissioner conduct a review of the existing limitations of aerial fire support and available solutions, including remotely piloted aircraft, with a view to developing a necessary budget submission.

Queensland Fixated Threat Assessment Centre

1151. In my conclusions in relation to inquest issue 7, reference was made to Professor Pathé's opinion that, by building on and better resourcing Queensland Fixated Threat Assessment Centre's existing behavioural threat assessment and management arrangements, the capacity to prevent similar scenarios to 12 December 2022 would be greatly enhanced.
1152. Counsel Assisting submitted that it would be appropriate to recommend that the Queensland Government give consideration to increased funding for QFTAC to support its ability to identify, and intervene in,

appropriate cases, to assist individuals referred to it and, thereby, to assist in protection of the community.

1153. Ms Madelyn Train strongly supported this recommendation. Ms Train also submitted that funding could be provided to increase awareness of QFTAC among frontline workers in law enforcement, health, justice and other agencies who encounter fixated and grievance-fuelled individuals, particularly within the QPS.
1154. The QPS Commissioner supported Counsel Assisting's recommendations and agreed in principle with the submissions made by Ms Train. However, the Commissioner cautioned that the role of QFTAC is not to undertake an ongoing, wide-ranging mission to identify persons who have the potential to pose a threat to members of the community as a result of diagnosed or undiagnosed mental illness.
1155. While QFTAC's current role may be limited, frontline workers should be encouraged to actively identify and report concerning behaviours of fixated and grievance-fuelled individuals who may pose extreme risk to police officers and other government workers. They should also be able to obtain guidance from a body such as QFTAC in how to respond appropriately to such persons.

Recommendation 8

I recommend that the Queensland Government give consideration to increased funding for the Queensland Fixated Threat Assessment Centre, including to ensure it has the necessary resources to respond to appropriate referrals and to ensure that there is adequate awareness of the QFTAC among frontline workers in law enforcement, health, justice and other agencies that encounter fixated and grievance-fuelled individuals.

1156. Counsel Assisting also submitted that it would be appropriate to recommend that the Commissioner of Police ensure there is adequate education and information about the existence of, and use that may be made of, the Queensland Fixated Threat Assessment Centre by Queensland Police Service officers.

Recommendation 9

I recommend that the QPS Commissioner provide further internal education to QPS members about the existence of and the use that may be made of the QFTAC.

Information and intelligence sharing

1157. Deputy Commissioner Scanlon gave evidence about the importance of information and intelligence sharing between the law enforcement agencies of the Australian Government and the States and Territories.
1158. The QPS Commissioner supported the recommendation, proposed by Counsel Assisting, that the issue of information and intelligence sharing between Australian law enforcement agencies be considered at a national level, and submitted that the appropriate body to direct the recommendation to is the Police Commissioners' Forum.
1159. The Dare family and Ms Brown also supported improvements to the policies and procedures related to information sharing between interstate law enforcement agencies, including arrangements for engagement to provide investigative assistance and access to shared intelligence holdings.
1160. The capacity for an agency such as the QPS to interrogate interstate and national law enforcement databases would minimise the need for material held on the respective databases to be manually attached to emails, as occurred in this instance.
1161. While broader issues of security intelligence were not explored at the inquest, it is concerning that the online activities of Gareth Train in the years leading up to December 2022, carried out in plain sight, do not appear to have been monitored or drawn to the attention of law enforcement agencies. Neither were they assessed before the QPS officers were tasked to attend the Wains Road property.
1162. The Director-General of Security recently noted:
- In terms of social cohesion, the internet is the greatest incubator of grievance narratives and conspiracy theories. It's an echo chamber for disaffection, mis-information and reinforcement. While the internet incubates, social media accelerates.*⁸⁶
1163. The work of the eSafety Commissioner demonstrates that law enforcement agencies can engage in data sharing with social media platforms and internet service providers to identify persons engaged in online activity that promotes abhorrent violent conduct.
1164. Artificial intelligence, supported by algorithms such as those deployed by social media companies, has the potential to be harnessed to detect, disrupt, and respond to extremist activities. This technology could be

⁸⁶ <https://www.asio.gov.au/asio.gov.au/resources/speeches-and-statements/2025-lowy-lecture>

deployed to rapidly build intelligence profiles of those engaged in concerning online behaviour.

1165. Such capability may provide police officers with a more complete intelligence picture than was available to the four constables from the Tara and Chinchilla Police Stations who attended Wains Road on 12 December 2022.

Recommendation 10

I recommend that the issue of information and intelligence sharing between Australian law enforcement agencies be considered by the Police Commissioners' Forum.

1166. I close the inquest.

Terry Ryan
State Coroner