



**CORONERS COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the death of Mr Darren Wallace Inquest into the death of Mr TBD
<b>Hearing dates:</b>	22-23 March 2022
<b>Date of findings:</b>	5 July 2022
<b>Place of findings:</b>	Coroners Court of NSW, Lidcombe
<b>Findings of:</b>	Magistrate Harriet Grahame, Deputy State Coroner
<b>Catchwords:</b>	CORONIAL LAW — homicide - self-inflicted death- PTSD after military service – Rebels Outlaw Motorcycle Gang (OMCG)
<b>File Numbers:</b>	2015/362702 & 2015/362634
<b>Representation:</b>	(1) Counsel assisting  Mr M. Dalla Pozza of counsel, instructed by Mr P. Armstrong and Ms S. Abi-Hanna of the Crown Solicitor's Office  NSW Commissioner of Police  Ms C. Melis of counsel, instructed by Mr S. Robinson of the Office of the General Counsel  Commonwealth  Dr P. Dwyer of counsel, instructed by Ms E. Forbes of Clayton Utz Lawyers

<p><b>Findings:</b></p>	<p><b>Inquest into the death of Darren Wallace</b></p> <p>The person who died was Darren Wallace.</p> <p><b><i>Date of death</i></b></p> <p>He died on 9 December 2015.</p> <p><b><i>Place of death</i></b></p> <p>He died at the Shell Service Station at Picton (99 Argyle Street), NSW.</p> <p><b><i>Cause of death</i></b></p> <p>He died of a single gunshot wound to the right side of his neck.</p> <p><b><i>Manner of death</i></b></p> <p>His death was the result of homicide. The gunshot wound was inflicted by TBD.</p> <p><b>Inquest into the death of TBD</b></p> <p><b><i>Identity</i></b></p> <p>The person who died was TBD.</p> <p><b><i>Date of death</i></b></p> <p>He died on 9 December 2015.</p> <p><b><i>Place of death</i></b></p> <p>He died at Stone Quarry Creek, near St Mark's Church at Picton NSW.</p> <p><b><i>Cause of death</i></b></p> <p>He died of two gun shot wounds.</p> <p><b><i>Manner of death</i></b></p> <p>His death was intentionally self-inflicted.</p>
<p><b>Non Publication Orders:</b></p>	<p>Pursuant to s. 74 of the <i>Coroners Act 2009</i> (NSW), that there be no publication of:</p> <ol style="list-style-type: none"> <li>1. Page 5 in its entirety and paragraphs [66], [67] and [70] of the statement of Detective Senior Constable Kieran Deas dated 27 February 2017.</li> <li>2. The transcript of the interview at Tab 75 of the Brief of Evidence and the name of the interviewee or anything that could lead to that person's identity being established.</li> <li>3. The name of the individual mentioned at the end of the first line of para. 11 of the statement of Detective Senior Constable Deas at Tab 9 of the Brief of evidence or anything that could lead to that</li> </ol>

person's identity being established.

4. NSW Police intelligence reports at Tab 93 of the Brief of Evidence:

- a. I 59458914
- b. I 59905846
- c. I 59612104
- d. I 62344683
- e. I 59514906
- f. I 60371967
- g. I 60513839
- h. I 57533230
- i. I 207292798
- j. I 258517694
- k. I 60038929
- l. I 56388010

5. Paragraph 20 of the statement of Detective Sergeant Bruce Groenewegen dated 16 June 2021 (Tab 127).

6. Any oral evidence relating to any of the above.

Pursuant to s. 75 of the *Coroners Act 2009* (NSW), that there be no publication of the name of the deceased that is not Darren Wallace and:

- 1. any matter (including the publication of any photograph or other pictorial representation) that identifies any particular person –
  - a. as being a person whose death or suspected death may have been self inflicted,
  - or
  - b. as being a relative of a person whose death or suspected death may have been self-inflicted.

**N.B.** The exact wording of these non-publication orders, including the names of the individuals whose names are not to be published, are held on the Court file and should be checked before any publication of the evidence tendered at this inquest.

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## **Introduction**

1. These inquests concern the tragic deaths of Darren Wallace and TBD. The factual circumstances are such that it was appropriate to hold these inquests simultaneously.<sup>1</sup>
2. The inquest in relation to Mr Wallace's death is mandatory pursuant to section 27 of the *Coroners Act 2009* (NSW) (the Act).
3. Mr Wallace was described by his family as a good son, brother, uncle, grandson, nephew, friend, and most importantly father. He was described as a cheeky larrikin who lived life to the fullest. His parents remembered him as a gentle giant who was always willing to help someone in need. His death has clearly caused unspeakable grief and pain. His parents attended the inquest, showing enormous fortitude and grace, but I understand their lives have been shattered by their son's death. I offer them my sincere condolences for their profound loss.
4. TBD was described by his family as a loving grandson, who had been involved in music, basketball, and a church community before joining the Australian Defence Force. His grandparents attended the inquest extending "their heartfelt contrition and sorrow" to the Wallace family. Their courage and grace were also evident. I offer them my sincere condolences for the loss they too have suffered, knowing the effects these events have had on members of their extended family.
5. Mr Wallace and TBD knew each other through the Rebels Outlaw Motorcycle Gang (OMCG). Mr Wallace's family had met TBD and told the court that their son had taken TBD under his wing and offered him support because he knew TBD was a veteran who was experiencing distress after his war service. The court tried to understand how such an honourable impulse could have ended in such tragedy. In doing this it was necessary to grapple with several difficult issues. The court heard evidence about the effect of TBD's war service and experience in Afghanistan on his mental health, and evidence outlining the treatment he received for his conditions. The court also examined whether his association with the Rebels OMCG may have impacted his pre-existing mental health condition. The court was keen to understand if the culture of that organisation had a role to play in the horror that unfolded.

## **The role of the coroner and the scope of the inquest**

6. The role of the coroner is to make findings as to the identity of the nominated persons and in relation to the place and date of their death. The coroner is also to address issues

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<sup>1</sup> For ease of reference I intend to refer to "the inquest" noting that two separate inquests took place.

concerning the manner and cause of the person's death.<sup>2</sup> A coroner may also make recommendations, arising from the evidence, in relation to matters that have the capacity to improve public health and safety in the future.<sup>3</sup>

7. In this case there was no dispute in relation to the identity of the deceased or the date, place, or medical cause of either death. However, the *manner* or *circumstances* of the deaths required further investigation.
8. Unfortunately this inquest, delayed twice by COVID took place some years after the deaths had occurred. The court apologizes for the delay and any additional stress it has caused family members.

### **The evidence**

9. The court took evidence and submissions over two hearing days. The court also received extensive documentary material in an 11 volume brief. This material included witness statements, medical records, and expert reports. The court heard oral evidence from the investigating police officers, a police officer with expertise in the operation of OMCGs, Detective Sergeant Bruce Groenewegen, and a forensic psychiatrist, Dr Olav Nielssen.
10. While I am unable to refer specifically to all the available material in detail in my reasons, it has been comprehensively reviewed and assessed.
11. The following list of issues was prepared before the proceedings commenced and directed the focus of the evidence presented in court:
  - 1) Determination of statutory findings pursuant to s. 81 of the Coroners Act 2009, namely: identities, date, place, manner and cause of death.
  - 2) The adequacy of the police response to incidents involving TBD on:
    - a) 7 November 2015;
    - b) 14 November 2015;
    - c) 22 November 2015; and
    - d) (9 December 2015).
  - 3) TBD's mental health history, assessment and treatment after his return from active service; and
  - 4) The nature of Darren Wallace's and TBD's Outlaw Motorcycle Gang connections (and the relevance, if any, of those connections to their deaths).

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<sup>2</sup> Section 81 *Coroners Act 2009* (NSW).

<sup>3</sup> Section 82 *Coroners Act 2009* (NSW).

## **Background**

12. Counsel assisting provided a detailed review of the evidence before this court in his opening address. I rely on that document to set out the chronology of events and to outline some of the expert evidence received. I accept counsel assisting's summary of the evidence that was tendered as accurate and reproduce much of it below.

### ***Mr Wallace***

13. Mr Wallace was born on 1 November 1983, making him just 32 years of age at the time of his death. He is survived by his parents, John and Lyn Wallace, and by his sister, Renae. Mr Wallace married and then separated from Ms BM. He and Ms BM had two children who are aged 15 and 12<sup>4</sup>.
14. Mr Wallace left school after completing year 10 and worked at a Smash Repair shop for about three years. He then worked as a truck driver for a well-known charity before working as a storeman and forklift driver at Coles Logistics<sup>5</sup>. He worked at Coles for around eleven years, taking a redundancy payment after a motorcycle injury caused him severe and ongoing pain.
15. With the money he received he opened a leather shop, "Such is Leather" located at 181A Argyle Street, Picton<sup>6</sup>. Mr Wallace apparently had a real talent working with leather and enjoyed the creativity involved in his new line of work.
16. Mr Wallace's parents told the court that during his time at Coles, Mr Wallace made some friends who were members of the Rebels Outlaw Motorcycle Gang. He decided to join, ultimately rising to the rank of President of the Oran Park Chapter of that organisation<sup>7</sup>. John Wallace told the court that although he and his wife were against their son joining the Rebels, "he was a grown man and could make his own decisions."<sup>8</sup>

### ***TBD***

17. TBD was born in Suva Naitasirim, Fiji on 27 September 1984, making him 31 years of age at the time of his death. He is the son of PD and KO<sup>9</sup>. His family emigrated to Australia in 1989 and TBD became an Australian citizen on 26 January 2006. Upon arriving in Australia, TBD was cared for by his grandparents

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<sup>4</sup> Statement of John Wallace, tab 39, [6]

<sup>5</sup> Statement of John Wallace, tab 39, [5]

<sup>6</sup> Tab 9, Statement of Detective Senior Constable Deas, [8]

<sup>7</sup> Tab 9, Statement of Detective Senior Constable Deas, [7]

<sup>8</sup> Statement of John Wallace, tab 39[7]

<sup>9</sup> Tab 9, Statement of Detective Senior Constable Deas, [9]

18. His grandparents told the court that they brought their grandson to a stable and loving environment in Australia. He was actively involved in the Fijian Church Sunday School, participating in the choir and other activities. Later he went to Canada with his grandparents when they moved there to establish a Fijian Church in British Columbia.
19. TBD enlisted in the Australian army on 29 September 2003. He served with the 2<sup>nd</sup> Royal Australia Regiment and completed a tour of Afghanistan between 1 May 2011 and 11 February 2012. During this time he assisted his grandparents financially and remained in close contact.
20. Unfortunately, TBD, like many other service men and women, was exposed to traumatic and extremely stressful experiences during the term of his service, including by being exposed to indirect fire and improvised explosive devices and mortars. Perhaps most significantly, TBD's close friend was killed by a land mine during his service.
21. TBD was discharged from the Australian Defence Force on 29 June 2012; having attained the rank of Corporal.
22. TBD generally had a good service record; however, he had three incidents of misconduct. In one instance, which occurred on 15 December 2010, TBD is alleged to have engaged in threatening conduct towards a superior officer. TBD was alleged to have yelled at the officer that he was "*over this*".
23. The evidence reveals that, by around 2013, TBD was suffering from a range of mental and psychological ailments including, most significantly, post-traumatic stress disorder. Its symptoms included sleep disturbance, hyper vigilance, low frustration tolerance, temper outbursts, depressed mood, low motivation, social withdrawal, panic attacks, agoraphobia, poor concentration, muscle tension, nightmares, and flashbacks. The evidence clearly established that this condition developed as a direct result of TBD's experiences in Afghanistan<sup>10</sup>.
24. Following his discharge from the Australian Defence Force, TBD sought treatment for psychological injury. He was admitted on at least ten occasions to the St John of God Hospital at Burwood. He was last discharged on 5 August 2015, some four months before his death<sup>11</sup>.
25. Relevantly for present purposes, in 2012, TBD met Mr **NPO** **NPO** the President of the Campbelltown Chapter of the Rebels Outlaw Motorcycle Gang. He thereafter became a

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<sup>10</sup> Tab 126, Expert Statement of Dr Nielsen, p. 8

<sup>11</sup> See Tab 111, medical records from St John of God Hospital



member of that organisation reaching the position of Sergeant at Arms of the Campbelltown chapter<sup>12</sup>.

### **Outlaw Motorcycle gangs – The Rebels**

26. Both men were members of the Rebels in the period preceding their deaths. For this reason, the court received detailed evidence about the operation of Outlaw Motorcycle Gangs (OMCGs) and specifically about the Rebels. Detective Sergeant Groenewegen who has studied OMCG for many years provided a lengthy statement and gave oral evidence in this regard.
27. Detective Sergeant Groenewegen provided significant background about the operation of Outlaw Motorcycle Gangs both internationally and within Australia. He explained their origins in the United States at the end of World War Two. Clubs originally served to provide an informal network for servicemen returning from active duty who missed the structure and camaraderie of the military. He explained that “in many ways the clubs replicated the hierarchical structure of the military with clear lines of command and accountability”<sup>13</sup> In the aftermath of a riot that took place on 4 July 1947 at a motorcycle rally in Hollister, California the then president of the American Motorcycle Association said that 99% of motorcyclists were law abiding citizens while 1% were troublemakers. It appears that following those comments the “1%” symbol was embraced by those clubs who considered themselves “outlaws” and not bound by the usual rules of society. Detective Sergeant Groenewegen explained that “although the exact etymology of the term is disputed and may never be completely resolved, both law enforcement and members of the motorcycling community generally accept that following the events in Hollister, “outlaw clubs” venerating and advertising the 1% symbol began to emerge.”<sup>14</sup>
28. Detective Sergeant Groenewegen spent some time carefully outlining the kind of identifiers which have come to indicate that an organisation is an OMCG. While I do not intend to repeat his evidence in any detail, these included the wearing of specific patches, colours and tattoos, the territorial and exclusive nature of individual gangs, the hierarchical rules and strict membership and loyalty structures they employ, the use and acceptance of violence and criminal activity.
29. The court also heard specific evidence about the Rebels Outlaw Motorcycle Gang, to which both men belonged. The Rebels OMCG was formed in Australia in 1972 but has now expanded overseas to many other countries. I accept Detective Sergeant Groenewegen’s evidence that the club has all the identifying characteristics of an Outlaw Motorcycle Gang.

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<sup>12</sup> Tab 40, Statement of [REDACTED] NPO, [6],

<sup>13</sup> Statement of Detective Sergeant Bruce Groenewegen Annexure 3 [25]

<sup>14</sup> Statement of Detective Sergeant Bruce Groenewegen Annexure 3 [25]

I was provided with significant evidence outlining member's use of significant violence, firearms, and engagement with illicit drugs.<sup>15</sup>

30. Detective Sergeant Groenewegen estimated that there are approximately 60 Rebels Chapters in NSW. He did not know of any pattern demonstrating a disproportionate number of ex-servicemen joined the OMCG. He stated, "there's no way of predicting it in terms of a pattern. There certainly are ex-military and there certainly have been ex-police who have joined outlaw motorcycle gangs. But in terms of being a structured thing that you can make some sort of assessment that a certain percentage of ex military will, I don't think you could say that. I think you could say that ex-military members of outlaw motorcycle gangs are certainly not in the majority of members, whereas perhaps there are some veteran clubs around who are exclusively veterans or ex-military."
31. In my view this would be an interesting area of future research and given the tragic evidence before me one that should be of interest to the ADF and veteran communities.

### **Events leading up to the deaths**

32. In late September or early October 2015, Police received intelligence that suggests that the President of the Campbelltown Chapter of the Rebels OMCG (who was Mr **NPO**) put a resolution to that chapter regarding the members of that chapter leaving the Rebels OMCG. That resolution was put to a vote and a number of the members of that chapter voted to leave the organisation. Police have received information that the rules of the Rebels OMCG stipulated that a person who had been a member of that organisation for a period of less than 5 years was obliged to make a payment of \$10,000 upon leaving that organisation. Accordingly, after the members of the Campbelltown Chapter left the Rebels OMCG, police have intelligence that members of that organisation sought to collect that \$10,000 from those former members of the Campbelltown Chapter who were of less than 5 years standing with the Rebels OMCG, this included TBD.<sup>16</sup>
33. I note that investigating police have obtained a statement from Mr **NPO**. He confirms that, after the members of the Campbelltown chapter had voted to leave the Rebels OMCG, he collected the club colours of each of the former members and returned them to that organisation. Significantly for present purposes, Mr **NPO** says that a number of the former members of the Campbelltown Chapter of the Rebels OMCG had received "*knocks on the door*" from existing members of the Rebels OMCG, which occasioned the former members

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<sup>15</sup> Statement of Detective Sergeant Bruce Groenewegen Annexure 4

<sup>16</sup> Tab 9, Statement of Detective Senior Constable Deas, [66], [67]

“some stress”.<sup>17</sup> This account is confirmed by another of the former members of the Campbelltown Chapter.<sup>18</sup>

34. The practice of demanding exit payments is well known. Detective Sergeant Groenewegen told the court that it appears to be common to all OMCGs. The court also received copies of relevant Rebel constitutions or rules.<sup>19</sup> While the versions obtained from various chapters differed slightly, each had a clear rule that leaving the club prior to serving a requisite period or being expelled from a club attracted a financial penalty that must be paid. According to Detective Sergeant Groenewegen exit payments are a well-known source of conflict and violence within the OMCG community.<sup>20</sup>
35. The exact circumstances of a group leaving the Campbelltown/Macarthur Chapter of the Rebels OMCG have not been definitively confirmed and there are conflicting accounts as to whether they left voluntarily or were expelled. The court was supplied with certain intelligence reports. In my view these reports must be regarded with extreme caution. One suggested that members were evicted for using ice (methamphetamine) to excess.<sup>21</sup> This report, alleged to have come from a senior member of the Rebels OMCG, stated that after eviction and penalties were applied, Mr Wallace was randomly targeted by TBD who was outraged at his eviction and financial penalty.
36. I note that the constitutions supplied to the court expressed various attitudes to the use of prohibited drugs. While there are numerous reports of OMCG members dealing in amphetamines and heroin,<sup>22</sup> there is frequently an explicit taboo expressed towards heroin and ice in club rules. The Rebels Constitution, seized by police from Eschol Park expressed it in these terms “DRUGS ARE LOOKED DOWN ON BY MOST SENIOR MEMBERS IT IS IN YOUR BEST INTRST TO STAY COMPLETLEY AWAY FROM THEM.ALTHOUGH YOU ARE NOT EXPECTED TO BE A BOYSCOUT DRUGS ARE SOMETHING YOU AND YOUR CLUB CAN GO WITHOUT HEROIN & SMOKING ICE IS TOTALLY TABOO IN THE CLUB DONT LET ANY MEMBER SEE YOU EVAN ASSOCIATE ANYONE INVOLVED WITH HEROIN OR SMOKING ICE YOUR DEFENCE WILL FALL ON DEAF EARS.”<sup>23</sup> (as written)
37. It is difficult to know what role if any, TBD’s drug use had in the tragic events that unfolded. One report suggested that TBD had been “put up to” shooting Mr Wallace by a more senior member<sup>24</sup>. The suggestion here may have been that TBD was a person, who because of

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<sup>17</sup> Tab 40, Statement of [REDACTED] NPO, [6], [10]-[11]

<sup>18</sup> See tab 75- record of interview

<sup>19</sup> Exhibits 3, 4, 5 and 6- Constitutions of Rebels OMCG

<sup>20</sup> 23/3/22 39.22 onwards

<sup>21</sup> Information report I 59458914

<sup>22</sup> Statement of Detective Sergeant Bruce Groenewegen Annexure 4

<sup>23</sup> Item 20, constitution document, exhibit 3

<sup>24</sup> Information Report I 207292798

his drug use, mental health issues and military service was someone who could be easily manipulated. At the same time some reports suggest that given the escalation in TBD's substance use disorder and his agitated and delusional conduct, some club members came to consider him a liability and just wanted him gone.

38. Other reports suggest slightly different versions of events surrounding the payment of exit fees, possible conflicts between neighbouring clubs and threats to others. Having reviewed the intelligence reports and the oral evidence of Detective Sergeant Groenewegen I have little doubt that these deaths occurred at a time of some turmoil in the Campbelltown/MacArthur chapter of the Rebels OMCG. However, I can put little weight on the specific explanations outlined in the various untested intelligence reports. It is impossible to know the complex reasons behind why OMCG members would supply that information to police and in my view it is wholly unreliable.
39. At the end of the day, while I am of the view that exit procedures played a role in Mr Wallace's death, no reliable account explaining the exact trigger for Mr Wallace's death was properly established. There is no evidence that Mr Wallace was personally involved in demanding payment from TBD nor any reliable evidence to establish why he may have been specifically targeted, aside from the fact that he held a senior position in the club. There can be no doubt that simply holding the position he did, within an OMCG carries some considerable risk, particularly at times of increased internal tension.
40. I note that Detective Sergeant Groenewegen admitted the limitations of the intelligence reports he had seen and agreed that the existing culture of silence means that it is unlikely police could ever obtain a completely reliable version of events. As Detective Sergeant Groenewegen noted "the culture of silence reinforces exclusivity and dictates that the business of the OMCG is not to be discussed with anybody outside of a full member...particularly not law enforcement."<sup>25</sup>

### ***Events of 8 November 2015***

41. The court heard evidence about several events which may shed some light on the final tragedy.
42. The first such event occurred on 8 November 2015. On that date, at about 12:30am, around six shots were fired from an unidentified vehicle into the Picton Tattoo Parlour. That tattoo parlour is located next door to Mr Wallace's business, 'Such is Leather'. The court heard that the Picton Tattoo Parlour is associated with a Mr Aleksander Mielczarek, also

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<sup>25</sup> 23/2/22 26.18 onwards

a member of the Rebels OMCG. The investigation into that shooting has not identified the persons responsible; with no vehicle or persons of interest being identified. Police told the court that no ammunition casings were located suggesting that the rounds were fired from a revolver style firearm<sup>26</sup>.

43. Mr Wallace was interviewed about this incident and claimed that he was not in dispute with any person at this time<sup>27</sup>. He suggested that the Picton Tattoo Parlour was the intended victim of the attack. Conversely, when he was questioned, Mr Mielczarek said he was not in dispute with any other person and believed that Such is Leather was the intended target of the attack<sup>28</sup>.
44. Having considered all the available evidence, while suspicions exist, it remains impossible to know exactly what if any connection this event had to the death of Mr Wallace.

### **Events of 14 November 2015**

45. The next incident occurred on 14 November 2015. On that date, police were called to the Camden Valley Inn after receiving reports that a patron (now known to be TBD) had been verbally abusing staff and making inappropriate comments to females. The evidence available suggests that, when the Inn manager asked TBD to leave, TBD punched him to the face and threatened him, saying: *"I'll kill you and your family. Do you know who I am?"*<sup>29</sup>
46. Police arrived and arrested TBD. He is said to have made threats to kill the arresting police and their family. He is alleged to have said: *"Have you seen death? Look into my eyes"*. He is also alleged to have said to police; *"I will find out where you live; I will cut out your eyes and eat them"*<sup>30</sup>.
47. Police suspected that TBD was suffering from mental health issues and took him to hospital for a mental health assessment under section 22 of the *Mental Health Act 2007*. The assessment noted that TBD had previously threatened suicide by shooting himself, from which he was restrained by flatmates. His treatment at that time was noted to be Sertraline, and Lithium, "currently tapering due to stable mental state". TBD was described as *"aggressive, not rational"*. His pulse was 110. TBD was sedated with Droperidol at around 14:00. He was assessed by a trainee psychiatrist, Dr Samira Bhuiyan, who observed that TBD was *"no longer intoxicated, denies thoughts of self-harm or harm to others, denied perceptual disturbances and not thought disordered"*<sup>31</sup>.

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<sup>26</sup> Tab 9, Statement of Detective Senior Constable Deas, [21]

<sup>27</sup> Tab 80

<sup>28</sup> Tab 9, Statement of Detective Senior Constable Deas, [66], [67], [22]

<sup>29</sup> Tab 90, Statement of Facts

<sup>30</sup> Tab 90, Statement of Facts

<sup>31</sup> Tab 111, medical records from St John of God Hospital

48. TBD was then discharged to police custody and interviewed by police<sup>32</sup>. In the ERISP, TBD reported drinking from 8:00am that day and being “*well drunk*” by the time of the events in the hotel. He said that he had little memory of the events at the hotel. TBD told police that he no longer took drugs and had instead become an alcoholic, although he told police that he had not been drinking in the lead up to that day. TBD also said to police: “*I think about death all the time*”.
49. Dr Nielssen, an independent expert retained by the court reviewed medical records including the answers given by TBD during his mental health assessment at this time. In Dr Nielssen’s opinion, the answers TBD gave were coherent, and, significantly, did not include any responses or patterns of speech suggesting psychotic illness<sup>33</sup>.
50. TBD was subsequently issued a Court Attendance Notice listing nine offences and was granted police bail on the condition that he not consume alcohol or enter licenced premises.
51. This incident demonstrates how unstable TBD was in November 2015.

#### ***Events of 22 November 2015***

52. The third preceding event occurred on 22 November 2015. On that date, a pizza delivery driver attended 190 Cummins Road, Menangle (which was the address where TBD was living) in order to deliver a pizza. When he arrived at the address, he saw a male, he described as being of “Polynesian appearance” pointing a firearm at him. The male yelled at the pizza delivery driver to put his hands up. A second male, of Caucasian appearance, approached and said “*It’s just the pizza guy*”. The Caucasian male said, “*we have been having problems with someone and we thought you were them*”. The Polynesian male said to the pizza delivery driver: “*if I wanted to shoot you, I would’ve shot you*”.<sup>34</sup>
53. On 23 November 2015, NSW Police conducted a search of 190 Cummins Road looking for prohibited firearms<sup>35</sup>. No firearm was located.
54. The Pizza delivery driver declined to give a statement and police took no further action in relation to this matter.
55. It is extremely likely that TBD was the aggressor in this incident, however once the driver declined to make a statement, his identity could not be confirmed.

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<sup>32</sup> Tab 89, interview with TBD, 15 November 2015

<sup>33</sup> Tab 126

<sup>34</sup> Tab 91, COPS event E 59492345

<sup>35</sup> Tab 13, Statement of Detective Senior Constable Holmes, [4]

## Events of 9 December 2015

56. At about 10:20am on 9 December 2015, TBD telephoned Mr **NPO** in an emotional state. He told Mr **NPO** that he had run over and killed a puppy that he owned<sup>36</sup>.
57. At about 12.11pm, TBD went to Such is Leather. He is recorded by CCTV<sup>37</sup> installed on Perfect Goldman Consulting parking in a car park next door to that business. TBD is recorded placing something, which investigating police believe to be a firearm, down the front of his pants before entering the shop.
58. What occurred next is captured by CCTV installed on the inside of 'Such is Leather'<sup>38</sup>. Mr Wallace was inside the shop at the time TBD entered it. The two men shook hands and appear to engage in conversation before walking out the front doors of the shop. They then re-enter the shop. Mr Wallace can be seen to be placing his fingers over his mouth and then pointing towards the roof. The two men then leave the shop.
59. What happened next is captured by footage installed on the outside of the George IV Inn covering the area of Argyle Street in front of those premises<sup>39</sup>. After leaving Such is Leather, Mr Wallace walked hurriedly across Argyle Street, followed closely by TBD. Mr Wallace walked to the car park area in front of the George IV Inn before walking north along Argyle Street.
60. A number of persons who were on Argyle Street at this time witnessed what occurred next. A number of those witnesses recall Mr Wallace saying to TBD words to the effect that he (or we) '*couldn't do it*' until he/we '*received a call*'<sup>40</sup>.
61. I accept the view of the investigating officer, Senior Constable Deas that it is possible that reference to these calls is suggestive of Mr Wallace and TBD discussing some aspect of OMCG business. It may be that Mr Wallace was trying to reason with or stall TBD by referring him to a high ranking member. It may be that they were discussing some aspect of the obligation to make an exit payment. We have no way of knowing.
62. There is intelligence to suggest that there was a phone call between Mr Wallace and a high ranking member of the Rebels OMCG at around this time, but the contents of the call cannot be established.
63. At 12:23pm TBD and Mr Wallace attended the Shell service station in Picton. Again, there were witnesses to these events. These witnesses heard Mr Wallace say words to the effect

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<sup>36</sup> Tab 40, Statement of **NPO**, [16]

<sup>37</sup> Tab 76 (CCTV summary log); Tab 77 CCTV footage

<sup>38</sup> Tab 76 (CCTV summary log); Tab 77 CCTV footage

<sup>39</sup> Tab 76 (CCTV summary log); Tab 77 CCTV footage

<sup>40</sup> Statement of Holly Slim, tab 41; Statement of Jack Ayoub, tab 61

of “it’s not worth it mate, just walk away” and “don’t make a scene, I’m getting a drink”<sup>41</sup>. It is likely that by this point Mr Wallace knew his life was in severe danger and he was doing all he could to buy time.

64. There was CCTV installed at the Shell service station which records what occurred next<sup>42</sup>. It depicts TBD pointing something (which must have been a firearm) at Mr Wallace who then raises his hands above his head in a surrender pose. Very shortly after this Mr Wallace falls to the ground.
65. These events were witnessed by numerous persons, who called police. Amongst these witnesses were two NSW Ambulance Officers, Ms Cox and Ms Easterbrook<sup>43</sup>. Ms Cox delivered Mr Wallace aid after he had been shot. She observed a wound to the right side of Mr Wallace’s neck and Mr Wallace to be in agonal respiration. She and Ms Easterbrook then started securing the scene until Police arrived.
66. After this had occurred, TBD went to Stone Quarry Creek, near St Mark’s Anglican Church, Picton.
67. In his statement, Mr **NPO** says that, at around 12:30pm, TBD telephoned him. During their conversation, TBD confessed to shooting and killing Darren Wallace in the main street of Picton. TBD is reported to have said the following: “I left myself back in Afghanistan. I can’t do it anymore”<sup>44</sup>.
68. The report of this conversation suggests that TBD’s decision to shoot Mr Wallace was not planned, although it is difficult to rely on Mr **NPO**’s version of events given his own involvement in the tensions in the local OMCG. Nevertheless, there appears to have been limited or no real planning, given TBD shot Mr Wallace in a very public place where there were witnesses and CCTV cameras.
69. A number of police were deployed to respond. This included Detectives at Narellan Police station, the Tactical Operations Unit (“TOU”) and POLAIR. Members of the TOU created a perimeter around the creek near St Mark’s Anglican Church.
70. At around 12:53pm police heard gunshots coming from the vicinity of the St Mark’s Anglican Church. POLAIR was able to locate a body (later confirmed to be that of TBD) lying in the creek. At about 2:40pm police from the TOU cleared the creek area and confirmed that TBD was dead. Injuries were observed to TBD’s face and to the side of his mouth<sup>45</sup>.

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<sup>41</sup> Statement of Christopher Bonning, tab 57

<sup>42</sup> Tab 76 (CCTV summary log); Tab 77 CCTV footage

<sup>43</sup> See Tab 66

<sup>44</sup> Tab 40, Statement of **NPO**, [17]

<sup>45</sup> Tab 9, Statement of Detective Senior Constable Deas, [50]



71. A crime scene warrant was granted. A firearm (a .357 Magnum Calibre Ruger Rifle) was located in between TBD's legs<sup>46</sup>. It is clear that this was the firearm used by TBD.

### **Cause of death**

72. An autopsy revealed that Mr Wallace died of a single gunshot wound to the right side of his neck<sup>47</sup>.

73. An autopsy revealed that TBD died of two gunshot wounds<sup>48</sup>. A toxicology report<sup>49</sup> revealed the presence of alcohol (in the amounts of 0.007 grams to 100 millilitres of blood) and the presence of methamphetamine, Sertraline and Zopiclone (a drug used for the treatment of insomnia).

### **Manner of death**

74. Mr Wallace died after he was shot by TBD. The exact circumstances surrounding the shooting remain somewhat unclear. However there is little doubt that TBD's decision to shoot Mr Wallace was somehow tied up with a dispute surrounding his exit from the Rebels OMCG. However, TBD's PTSD and associated substance abuse disorder cannot be overlooked. At the time of shooting Mr Wallace, TBD was affected by methylamphetamine. He had recently been taken into mental health care in an agitated and delusional state.

75. TBD shot himself soon after shooting Mr Wallace.

### **Could the deaths have been prevented?**

76. There is compelling evidence that TBD was deeply injured by his exposure to war. His grandmother describes seeing him the first time he was hospitalised for PTSD and while happy to see him, she also immediately sensed that he was "not the same grandson she had raised", she told the court that there was a "deep sadness in him."<sup>50</sup> It is in my view also highly significant that after confessing to Mr **NPO** to having just shot Mr Wallace, TBD is reported to have said "*I left myself back in Afghanistan. I can't do it anymore.*"<sup>51</sup>

77. These accounts identifying the significance of his exposure to war from those close to TBD are supported by the medical evidence. Dr Niessen had the opportunity to review extensive

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<sup>46</sup> Tab 9, Statement of Detective Senior Constable Deas, [58]

<sup>47</sup> Tab 3

<sup>48</sup> Tab 7

<sup>49</sup> Tab 8

<sup>50</sup> Statement of TBD's family

<sup>51</sup> Tab 40 Statement of **NPO** [17]

medical records and he confirmed that in the lead up to his death, TBD met all the accepted criteria for diagnoses of alcohol use disorder, stimulant use disorder, post traumatic stress disorder, an anxiety disorder and a depressive illness. Professor Large agreed with this diagnosis.

78. Dr Nielssen noted that although TBD had undergone routine assessments after each of his deployments, he did not disclose symptoms amounting to any condition or appear at that stage to require psychological treatment. It was beyond the scope of this inquest to examine the adequacy of the screening at this earlier time or if the culture of the ADF discourages timely disclosure of symptoms.
79. While TBD's symptoms were not reported until *after* he left the ADF, I accept that his significant PTSD was directly attributable to his military service, in particular his last deployment in Afghanistan. I accept Dr Nielssen's view that "the emergence of disabling anxiety and severe depression are likely to have been due to the effects of PTSD as well as the abuse of alcohol and particularly stimulant drugs, which are a potent trigger to mood disorder."<sup>52</sup>
80. Dr Neilssen noted that leaving the routine and structure of military life and the onset of heavy drinking is likely to have contributed to the emergence of disabling and chronic symptoms of PTSD. Nevertheless, he was not particularly critical of the treatment TBD received once his PTSD had been identified. He told the court that TBD received "very intensive treatment from a well-regarded psychiatrist and PTSD and substance use programs at a private psychiatric service, as well as...expert psychological treatment for PTSD."<sup>53</sup> TBD had numerous hospital admissions and was afforded detoxification treatment. He was treated with the full gamut of psychotropic medications, which appear to have been partly effective when taken consistently and without the use of illicit drugs. Given the chronic nature of his condition, Dr Nielssen suggests a second opinion from a psychiatrist with extensive experience in military psychiatry may have been called for and even the consideration of alternative therapies such as training in the care of horses could have been considered. However, Dr Neilssen recognised the difficulties presented by TBD's ongoing substance use – particularly as it may have been under disclosed to his doctors. I accept Dr Nielssen's opinion on these issues.
81. Given the existence of the Royal Commission into Defence and Veteran Suicides and the report of Dr Neilssen about the specific treatment of TBD in this case, there was no attempt to delve into the complex and varied systemic responses to veteran mental health during this inquest. How the ADF and Veteran Affairs develop appropriate recruitment strategies,

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<sup>52</sup> Report of Dr Olav Nielssen page 7

<sup>53</sup> Report of Dr Olav Nielssen page 10

manage members' exposure to trauma and grapple with the likely problem of under-reporting of mental health concerns by serving and former personnel are matters of great interest to this court, but fell largely beyond the scope of these proceedings. This court will monitor the findings of the Royal Commission with great interest.

82. Dr Neilssen advised the court that there is extensive research on the relationship between service in Afghanistan and Iraq and post discharge criminal charges and violence.<sup>54</sup> Some of that effect was linked in the research to the diagnosis of PTSD, assumed to be related to the effect of the hyperarousal from that disorder on the propensity to react in a violent way. However, the increased probability of criminal conviction "is mainly related to substance use after discharge."<sup>55</sup> Dr Neilssen was unable to find published research in peer reviewed journals describing a specific link between participation in groups such as OMCG and mental health conditions arising from military service. However, he noted that OMCGs are known to recruit people capable of physical violence and would understandably target people with military training as well as those looking for a group identity.
83. Dr Neilssen specifically addressed the way in which leaving the Rebels may have impacted TBD's mental health and his pre-existing PTSD. He stated "I have interviewed quite a lot of people who've been in these various clubs. Some are much more organised in terms of their formal arrangements and less obviously just criminal hierarchies, but I'd say it's a bit like leaving the army. The army is very structured, you're very supported, you know what you're going to be doing one day to the next and you've mostly got guys around you who have a similar kind of ethos and purpose and leaving an organisation that offered similar sorts of supports, such as a motorcycle club, might have a similar effect because it seems that leaving the army was the start of TBD's emotional problems or *obvious* emotional problems and perhaps leaving the Rebels had an effect of exacerbating that."<sup>56</sup>
84. In my view any treatment of TBD was greatly complicated by his membership of the Rebels. I have little doubt that he was initially attracted to the strict hierarchical structure and feeling of group safety and brotherhood. Having left the ADF he is likely to have felt the need for loyalty and certainty. Unfortunately, with that undoubtedly came access to alcohol and stimulants, and immersion in a culture which accepted and at times celebrated violence. This dangerous mix of factors is likely to have become more complicated when TBD separated from the Rebels. Although it is impossible to know exactly what happened, I think it likely that he was expelled. In my view this would have had a destabilising and dangerous effect on his mental health.

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<sup>54</sup> Report of Dr Olav Nielssen page 9

<sup>55</sup> Report of Dr Olav Nielssen page 9

<sup>56</sup> 23/3/22 9.20 onwards

85. Counsel assisting submitted that once TBD was no longer a member of the Rebels OMCG, either voluntarily or more likely after having been expelled he “lost access to the emotional benefits that organisation provided to him.” Once the sense of exclusivity, camaraderie, structure, and brotherhood were gone it appears likely that TBD was significantly destabilised. Dr Neilssen expressed the opinion that although leaving the military commenced TBD’s active mental health problems, leaving the Rebels “exacerbated the process”. He was also in the grip of substance use disorder with his alcohol and amphetamine use likely to be causing significant behavioural disturbance and bouts of paranoid behaviour as it had in the past.
86. Dr Neilssen told the court that TBD’s later decision to kill himself is readily understood given his condition at that time. He had a severe mood disorder. I accept his opinion on this matter. Dr Neilssen stated TBD “told police after the Camden Inn incident that he thought about death all the time. He had just shot Mr Wallace in a public place with numerous witnesses and faced the prospect of a lengthy term of imprisonment.”<sup>57</sup> He had the ready means to kill himself. He had recently been drinking to excess and had consumed methylamphetamine.

### **Adequacy of the police response**

87. Mr Wallace’s parents were of the firm view that their son’s death was preventable. In particular they expressed the view that, given NSW Police contact with TBD in the preceding period, TBD should not have been in the community at the time he killed their son.
88. There is still no firm evidence to connect TBD with the gun shots fired into Mr Wallace’s business on 8 November 2015 and while with hindsight it appears likely that this event related to the tumultuous events in the local Rebels chapter around that time, there is no way of connecting this event specifically to TBD. OMCG protocols mean that cooperation with NSW Police in investigating this event was limited and there was certainly no basis for taking any action against TBD at that time, without a formal complaint or any suggestion that he was involved. There is little doubt that what Detective Sergeant Groenewegen described as the “code of silence” adhered to by members of OMCGs hampered the ability of police to investigate this crime.
89. The events of 14 November 2015 are of a different nature. In oral evidence Senior Constable Mondello stated that the threats made by TBD were of a nature and intensity that he had never heard before. Senior Constable Mondello gave evidence that he had often dealt with people who were drunk, but this was something different. He stated, “I know people say things when they are drunk, but this wasn’t normal...”<sup>58</sup> He was an experienced

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<sup>57</sup> Report of Dr Olav Nielssen page 9

<sup>58</sup> 22/3/22 54.32

police officer and he said, “he had never heard anyone else make any sort of threats like that or say things like that.”

90. The seriousness of the incident is demonstrated by the fact that the Operational Services Group were deployed, and TBD was quite properly taken directly to Campbelltown Hospital for assessment pursuant to section 22 of the *Mental Health Act 2007*.
91. As I have already noted, Dr Nielszen was not critical of the assessment which occurred at Campbelltown Hospital and it is clear that once TBD was no longer obviously intoxicated, he appeared to calm down. He was no longer presenting as thought disturbed or psychotic. Given that he may have been experiencing some kind of drug induced psychotic episode, the court was interested to know whether he should have been drug tested at that time. When questioned about the efficacy of drug and alcohol testing in an Emergency Department setting, Dr Neilssen deferred to Professor Large who had expressed the view that there was no expert consensus of its utility. Both experts agreed that there was no reason to hold TBD in mental health care after his symptoms had obviously reduced. Once TBD was cleared by medical staff at the Emergency Department, he was again under the authority of the NSW Police.
92. The subsequent decision to grant bail at Narellan Police Station on 15 November 2015 took place in very different circumstances to the circumstances police had been called to at the Camden Valley Inn. By this stage, TBD appeared calm and had been cleared by medical staff. Notwithstanding the fact that police had located a set of knuckle dusters on TBD on 14 November 2015, the decision to grant bail must be understood in the context that there had been *threats* but no truly significant acts of violence. In fact, the allegation involved pushing and a scuffle in the context of what appeared to be a mental health episode. TBD had almost no record and appeared to have calmed down in the period since his initial arrest. He had been released by Campbelltown Hospital and was no longer highly agitated or intoxicated. In my view the decision to grant bail can be readily understood in this context.<sup>59</sup>
93. The incident on 22 November 2015 was extremely serious. With the benefit of hindsight it shows a likely escalation in TBD’s propensity to violence and paranoia. After the initial report Police conducted a search of the premises but did not find a firearm. Unfortunately, once the victim found out that the threat concerned OMCG business, he apparently wanted no part in making a statement. In those circumstances, and without any cooperation from OMCG members, I accept that there was very little NSW Police could do. Detective Senior Constable Anthony Holmes told the court that he was involved in executing a Firearms

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<sup>59</sup> Exhibit 2, Bail Determination 15/3/15

Prohibition Order after the incident was reported<sup>60</sup>. TBD was present when officers searched the premises but as no firearm was located the matter went no further.

94. I accept Detective Senior Constable Groenewegen's view that the threats to the pizza delivery driver were likely to have been related to the departure of Mr **NPO** and TBD from the Campbelltown chapter of the Rebels OMCG. With hindsight they demonstrate TBD's agitation and growing fears for his own personal safety at that time.

95. In my view the fact that the pizza delivery driver was not prepared to make a statement once he knew the incident may concern OMCG members is extremely telling. It indicates the delivery driver had no faith that the police could guarantee his safety. It demonstrates the very real fear of OMCGs held by some in the community.

### **Treatment of the Wallace Family at the time of Mr Wallace's death**

96. Darren Wallace's parents told the court that the pain of losing their son was exacerbated by the treatment they received from the NSW Police. It appears that after hearing an incident had occurred, Darren Wallace's father, Mr John Wallace travelled to the area but was stopped at a police check point which had been established to restrict access to the area. This meant that he could not get to his son's shop and was delayed in finding out what had actually happened. This had the effect that other family members found out the distressing news through television reports and social media. While I have no doubt this was extremely distressing, I accept the decision to stop John Wallace was made on appropriate grounds. Chief Inspector Parry told the court that he was concerned to protect the integrity of the crime scene and that he was also concerned about the potential risk to members of the public, given that someone in possession of a firearm was still at large. In oral evidence he explained the difficulty of the situation police faced at that time. He explained the need to lock down the local school and protect public safety. The risk was very high, "there's a man armed with a firearm at loose in a small area ...the risks to the public were great".<sup>61</sup> He understood how difficult that was for Mr Wallace's family but he stood by the difficult decision he had to make. I understand and accept the need to lock down the surrounding streets at that time. I also note the difficulty police now have in controlling the flow of information in the age of telephone cameras and social media.

97. The Wallace family were also concerned that Senior Constable Deas may have informed a person that Mr Wallace had died, that he mistakenly thought was Mr Wallace's brother, prior to telling the family. Senior Constable Deas was questioned about this issue. While he could not recall passing on that crucial information to an outsider, he had a memory of a male

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<sup>60</sup> 22/3/22 3930 onwards

<sup>61</sup> 22/3/22 46.46

turning up who claimed to be Mr Wallace's brother. Senior Constable Deas assumed that he was a member of the Rebels OMCG. Senior Constable Deas agreed that he could have informed Mr Wallace's family sooner than had occurred.

98. The Wallace family also told the court that aspects of Darren Wallace's funeral were negatively impacted by the police presence. While I am most sympathetic to their concerns, I am also aware of the difficulties that face police in these circumstances. The Wallace family were not themselves Rebels and were undoubtedly focussed only on grieving the loss of their son. Nevertheless NSW Police were aware, even then, that his death was likely to have been related to Rebels business, this necessitated some surveillance of the event to ensure public safety. Balancing sensitivity to family members and conducting surveillance on the basis that there was a legitimate risk that further violence could occur is difficult.

### **Conclusion**

99. Mr Wallace was senior member of the Rebels OMCG, such a position will always attract significant risk. While the exact circumstances remain somewhat unclear, there is no doubt that his death occurred in the context of an ongoing local OMCG dispute. Nevertheless it should be noted that there is no evidence that Mr Wallace's own conduct was criminal or that he ever personally threatened TBD in any way.
100. TBD had severe mental health and substance use issues. His involvement with the Rebels OMCG escalated his decline. The decision he took to shoot Mr Wallace arose out of escalating tensions within the Rebels. TBD had recently spoken of "having had trouble" with people and had likely threatened an innocent pizza delivery driver in his paranoia. Having said that there is nothing to suggest that his decision to kill Mr Wallace was carefully pre-meditated. The decision to shoot Mr Wallace in full view of the public and then to kill himself indicates his level of desperation and ill-health.
101. Violence relating to OMCG disputes continues to trouble the general community. It remains difficult for police to tackle given gang members' vows of secrecy and access to weapons.
102. The circumstances of this case suggest it would be useful for the ADF to review the prevalence of former ADF members joining OMCG. In TBD's case it certainly escalated the PTSD he was suffering after his military service. I intend to send a copy of these findings to the Royal Commission into Defence and Veteran Suicides.

### **Findings in relation to Darren Wallace**

103. The findings I make under section 81(1) of the *Coroners Act 2009* (NSW) are:

***Identity***

The person who died was Darren Wallace.

***Date of death***

He died on 9 December 2015

***Place of death***

He died at Shell Service Station at Picton, NSW.

***Cause of death***

He died of a single gunshot wound to right side of his neck.

***Manner of death***

His death was the result of homicide. The gunshot wound was inflicted by TBD

**Findings in relation to TBD**

104. The findings I make under section 81(1) of the *Coroners Act 2009* (NSW) are:

***Identity***

The person who died was TBD

***Date of death***

He died on 9 December 2015

***Place of death***

He died at Stone Quarry Creek, near St Mark's Church, Picton, NSW

***Cause of death***

He died of two gunshot wounds.

***Manner of death***

His death was intentionally self-inflicted.

**Conclusion**

105. Finally, I offer my sincere condolences to both families. I acknowledge that the sorrow of losing loved ones in these circumstances is profound.
106. I understand that the pain felt by the Wallace Family was exacerbated by the manner in which they were treated by NSW Police. They were not members of an OMCG and they felt stigmatised and judged. They have my deepest sympathies.
107. I greatly respect the families' decisions to participate in these difficult proceedings and acknowledge their ongoing sorrow and grief. The family statements were extremely moving,



and I thank all those in court for sharing their personal memories.

108. I offer my sincere thanks to counsel assisting, Michael Dalla Pozza and his instructing solicitors Paul Armstrong and Stephanie Abi-Hanna for their hard work in the preparation and conduct of this inquest. I also thank Detective Sergeant Deas, the officer in charge of the investigation for his assistance.

109. I close this inquest.

Magistrate Harriet Grahame

Deputy State Coroner

5 July 2022

NSW State Coroner's Court, Lidcombe